

NCC evaluation table for the determination of the Pecuniary Adjudication for the illegal conduct of
Radio and Television Enterprises

(Table 1: for Radio enterprise(s) only)

Party to be fined: _____

Date of filling: _____

1. law breached: ____ Subparagraph, ____ Paragraph, ____ Article, of _____ (ACT)

2. penalty applied: ____ Subparagraph, ____ Paragraph, ____ Article, of _____ (ACT)

Items for consideration		Grading	Remarks
1. Situation of illegality or type of operation (single choice) 50 points	1. The enterprise changed its name without permission of the competent authority	<input type="checkbox"/> Mild-----10 points <input type="checkbox"/> Serious-----30 points <input type="checkbox"/> Significant--50 points	Mild: The content was revised without permission. Serious: The content was revised without permission and was not amended after a warning from the competent authority. Significant: The content was revised without permission, was not amended after a warning from the competent authority, and was deemed to significantly influence adversely.
	2. The enterprise changed its capital without permission of the competent authority	<input type="checkbox"/> Mild-----10 points <input type="checkbox"/> Serious-----30 points <input type="checkbox"/> Significant--50 points	Mild: The content was revised without permission. Serious: The content was revised without permission and was not amended after a warning from the competent authority. Significant: The content was revised without permission, was not amended after a warning from the competent authority, and was deemed to significantly influence adversely.
	3. The enterprise changed its legal representative without permission of the competent authority	<input type="checkbox"/> Mild-----10 points <input type="checkbox"/> Serious-----30 points <input type="checkbox"/> Significant--50 points	Mild: The content was revised without permission. Serious: The content was revised without permission and was not amended after a warning from the competent authority. Significant: The content was revised without permission, was not amended after a warning from the competent authority, and was deemed to significantly influence adversely.

	<p>4. The enterprise changed its business address without permission of the competent authority</p>	<p><input type="checkbox"/>Mild-----10 points <input type="checkbox"/>Serious-----30 points <input type="checkbox"/>Significant--50 points</p>	<p>Mild: The content was revised without permission. Serious: The content was revised without permission and was not amended after a warning from the competent authority. Significant: The content was revised without permission, was not amended after a warning from the competent authority, and was deemed to significantly influence adversely.</p>
	<p>5. The enterprise transferred the shares of the enterprise without the permission of the competent authority</p>	<p><input type="checkbox"/>Mild-----10 points <input type="checkbox"/>Serious-----30 points <input type="checkbox"/>Significant--50 points</p>	<p>Mild: The content was revised without permission. Serious: The content was revised without permission and was not amended after a warning from the competent authority. Significant: The content was revised without permission, was not amended after a warning from the competent authority, and was deemed to significantly influence adversely.</p>
	<p>6. The enterprise changed its operation plan without the permission of the competent authority</p>	<p><input type="checkbox"/>Mild-----10 points <input type="checkbox"/>Serious-----30 points <input type="checkbox"/>Significant--50 points</p>	<p>Mild: The content was revised without permission. Serious: The content was revised without permission and was not amended after a warning from the competent authority. Significant: The content was revised without permission, was not amended after a warning from the competent authority, and was deemed to significantly influence adversely.</p>
	<p>7. The enterprise lost its radio license or revised the contents in license without applying for replacement or re-issuance</p>	<p><input type="checkbox"/>Mild-----10 points <input type="checkbox"/>Serious-----30 points <input type="checkbox"/>Significant--50 points</p>	<p>Mild: The content was revised without permission. Serious: The content was revised without permission and was not amended after a warning from the competent authority. Significant: The content was revised without permission, was not amended after a warning from the competent authority, and was deemed to significantly influence adversely.</p>

	<p>8. The organization of enterprise or the legal representative is not qualified.</p>	<p><input type="checkbox"/>Mild-----10 points <input type="checkbox"/>Serious-----30 points <input type="checkbox"/>Significant--50 points</p>	<p>Mild: The content was revised without permission. Serious: The content was revised without permission and was not amended after a warning from the competent authority. Significant: The content was revised without permission, was not amended after a warning from the competent authority, and was deemed to significantly influence adversely.</p>
	<p>9. Stations with special missions or of a professional nature failed to broadcast programs according to regulations.</p>	<p><input type="checkbox"/>Mild-----10 points <input type="checkbox"/>Serious-----30 points <input type="checkbox"/>Significant--50 points</p>	<p>Mild: The special mission or professional programs broadcasting time occupied less than 60 % but not less than 50 % of the total broadcasting time. Serious: The special mission or professional programs broadcasting time occupied less than 50 % but not less than 20 % of the total broadcasting time. Significant: The special mission or professional programs broadcasting time occupied less than 20 % of the total broadcasting time</p>
	<p>10. Advertisements in Programs</p>	<p><input type="checkbox"/>Mild-----10 points <input type="checkbox"/>Serious-----30 points <input type="checkbox"/>Significant--50 points</p>	<p>NCC shall take the following situations into consideration and submit suggested times of any mention of the advertising elements such as name of specific products, components, characteristics, effectiveness, functions, method of use, price, promotion sale, complimentary information, telephone numbers, website, retail store(designated pharmacy) , operation time, call-in order, or the percentage of illegal contents in the program.</p>
	<p>11. The program or advertisements disrupted public order, or adversely affected social behavior, or impaired the physical or</p>	<p><input type="checkbox"/>Mild-----10 points <input type="checkbox"/>Serious-----30 points <input type="checkbox"/>Significant--50 points</p>	<p>The Consultation Meeting for Programs and Advertisements on Radio and Television shall submit suggestions by weight of the circumstances</p>

	mental health of children or juveniles		
	12. Advertisement overran the time regulation allows.	<input type="checkbox"/> Degree 1---5 points <input type="checkbox"/> Degree 2---10 points <input type="checkbox"/> Degree 3---15 points <input type="checkbox"/> Degree 4---20 points <input type="checkbox"/> Degree 5---25 points <input type="checkbox"/> Degree 6---30 points <input type="checkbox"/> Degree 7---35 points <input type="checkbox"/> Degree 8---40 points <input type="checkbox"/> Degree 9---45 points <input type="checkbox"/> Degree 10--50 points	The length the advertisement overruns: Degree 1: within two minutes Degree 2: two to three minutes Degree 3: three to four minutes Degree 4; four to five minutes Degree 5:five to six minutes Degree 6:six to seven minutes Degree 7:seven to eight minutes Degree 8: eight to nine minutes Degree 9:nine to ten minutes Degree 10: more than ten minutes
	13. The enterprise violated regulations concerning the time percentage of categories broadcast per week	<input type="checkbox"/> Mild-----10 points <input type="checkbox"/> Serious-----30 points <input type="checkbox"/> Significant--50 points	Mild: The percentage is less than 45% but not less than40%. Serious: The percentage is less than 40% but not less than 35%. Significant: The percentage is less than 35%. Note: "Time percentage" means the total percentage of time broadcasting programs of "News and publicity of government policies and orders", "Education and culture" and "Public service" per week.
	14. The enterprise violated regulations concerning the percentage of locally produced programs	<input type="checkbox"/> Mild-----10 points <input type="checkbox"/> Serious-----30 points <input type="checkbox"/> Significant--50 points	Mild: The percentage is less than 70% but not less than 65%. Serious: The percentage is less than 65% but not less than 60%. Significant: The percentage is less than 60%. Note: "Percentage" means the total percentage of "locally produced programs broadcast per week.
	15. Other illegal situation or type of operation (such as violation of Paragraph 1,	<input type="checkbox"/> Mild-----10 points <input type="checkbox"/> Serious-----30 points <input type="checkbox"/> Significant--50 points	Other violations of laws or regulations concerning radio, television or other aspects.

	Article 23 of the Radio and Television Act or the Sexual Assault Crime Prevention Act, etc).		
2. The number of times the enterprise has been punished within last two years (including the warning)----- 35 points	_____times, _____points	1. Time(s) means the actions contain illegal constitutive elements in the same class of crime which have (has) been punished. 2. 3 points for once (including the warning), if the accumulated exceeds 35 points, treat as 35 points; 35 points shall be the maximum	
3. Other items for consideration -15 points	<input type="checkbox"/> Yes, add _____points (1-15) Fact: _____ <input type="checkbox"/> Yes, minus _____points (1-15) Fact: _____ <input type="checkbox"/> No, 0 point	The fine may be increased or reduced in the following circumstances: 1. appropriate adjustment of the program or advertisement; 2. several obligations breached by a single action; 3. the degree of deserved criticism of action and the impact it causes; 4. the illegal benefit gained from violation of the obligation of administrative laws or regulations; and, 5. wealth of the person to be punished.	
Suggestions on points and amount of fine submitted by the business unit	Accumulated _____ points, fine NT\$ _____ dollars. Increase suggestion: Illegal benefit equals to NT\$ _____dollars. Total: NT\$ _____ dollars.	If the currency of fine in the Radio and Television Act is “silver dollar”, it shall be recalculated in “New Taiwan Dollar” (NT\$)	
NCC may determine an increasing or reducing fine	<input type="checkbox"/> Increase NT\$ _____ dollars. <input type="checkbox"/> Reduce NT\$ _____ dollars.		

	<input type="checkbox"/> Unchanged from the suggested fine	
Final amount of fine determined	Fine NT\$ _____ dollars.	If the currency of fine in Radio and Television Act is “silver dollar”, it shall be recalculated in “New Taiwan Dollar” (NT\$)