

**The First Broadcasting Master Plan
(2012-2016)**

By

**The National Broadcasting and
Telecommunications Commission, Thailand**

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Whereas, it is expedient to formulate the Broadcasting Master Plan as a guideline for the licensing of radio frequencies and the undertaking of services as well as the regulating of the audio broadcasting and television broadcasting services by the National Broadcasting and Telecommunications Commission in accordance with the provisions of laws on the audio broadcasting and television broadcasting operations.

By virtue of Section 27 and Section 49 of the Act on Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services B.E. 2553 (2010), the National Broadcasting and Telecommunications Commission has formulated the Broadcasting Master Plan to be effective for a period of five years from the day of its publication in the Government Gazette.

1. Fundamental principles in the formulation of the Broadcasting Master Plan. The Plan must at least take into consideration the following guidelines:

1.1 Guideline for the development and promotion of free and fair competition among operators

The Broadcasting Master Plan focuses on the regulating of audio broadcasting and television broadcasting services to prevent anti-competitive conduct or any conduct that may diminish or limit competition. It aims to prevent any domination of the broadcasting services that may result in limited access to information and to prevent any cross-media ownership and ownership in related media businesses as well as to improve diversity of information for equal and universal access by the public.

1.2 Guideline for the licensing of radio frequencies and permission to operate broadcasting services

The emphasis is on efficient and interference-free management of limited radio frequencies for free and fair permission to

use radio frequency for the undertaking of all categories of broadcasting services. The public must be able to appropriately obtain the use of radio frequency to provide audio broadcasting and television broadcasting services and able to receive free and fair permission to operate in all types of broadcasting services that use and do not use radio frequency.

1.3 Measures to allow the community to use radio frequencies for community service operations

Promote the community with suitable potential to become qualified for a license application to use radio frequencies for audio broadcasting and television broadcasting in the community service category at a proportion of not less than twenty percent of frequencies allocated in each licensing area. This measure must be in accordance with the Spectrum Management Master Plan and the service must not be provided for business profits. There is also a measure to promote the quality of community service broadcasting operators.

2. Vision

The national communications resources must be allocated on a transparent, fair and efficient basis and must be regulated with special consideration to human rights principles. To promote free and fair competition for the public interests, consumer protection, people's rights and liberty to communicate and access diverse and quality information on a fair and knowledgeable basis. These measures will provide a foundation for a diverse yet unified democratic society.

3. Mission

3.1 Allocate communication resources in transparent and fair manner, covering all dimensions.

3.2 Regulate broadcasting services efficiently on the basis of free and fair competition for public interests with consideration to principles of human rights.

3.3 Provide consumer protection to ensure quality and fair services.

3.4 Promote the public's right and liberty to communicate and access diverse and quality information on equal and knowledgeable basis.

4. Goals

The present Broadcasting Master Plan has the following goals:

4.1 The public benefit from the licensing of radio frequencies and permission to conduct audio broadcasting and television broadcasting services that are truthful, universal, fair and efficient.

4.2 Consumers have access to services and are protected from being exploited by audio broadcasting and television broadcasting operators.

4.3 People in all sectors have the rights and liberty to access diverse information on an equal basis and can use radio frequency in the undertaking of audio broadcasting and television broadcasting operation for public service.

4.4 Audio broadcasting and television broadcasting operators compete freely under fair rules and regulations. The broadcasting programs must be of good quality, diversity, reliability and suitability for specific target groups.

4.5 The quality of licensees, content creators and professionals in any business related to audio broadcasting and television broadcasting services is promoted and the broadcasting professional Codes of Conducts are established.

4.6 The audio broadcasting and television broadcasting services are promoted toward modern operations and efficient use of resources.

5. Strategies

The present Broadcasting Master Plan gives importance to the solving of urgent problems caused by past audio broadcasting and television broadcasting service categories. It particularly focuses on establishing a mechanism that provides relevant persons an opportunity to legally apply for a license in various service categories. In addition, the Master Plan also aims to lay a solid foundation for the regulation of audio broadcasting and television broadcasting services, starting from the development of major rules and regulations, as well as regulatory mechanism. It will also set up foundations for consumer protection, promotion of the rights and liberty to communicate, and technological development toward efficient use of limited frequency resources.

This Master Plan comprises the following strategies:

5.1 Strategy for the licensing of radio frequencies and audio broadcasting and television broadcasting services

Permission to use radio frequencies and to operate audio broadcasting and television broadcasting services shall cover all categories of service. Frequency resources must be efficiently managed in each licensing area.

Objectives

1) To provide universal and fair licensing of radio frequencies, as well as audio broadcasting and television broadcasting services that lead to efficient use of national resources.

2) To promote the use of radio frequencies for public interest and non-profit service.

Guidelines

1) Prescribe criteria and details of the use of radio frequencies and the necessity for frequency holding by state agencies, state enterprises and other state units or persons who are assigned frequency or using frequency in the undertaking of audio broadcasting or television broadcasting services on the date that the Act on Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services B.E. 2553 (2010) became effective.

2) Specify the exact timeframe for frequency assignees or frequency users in the undertaking of audio broadcasting or television broadcasting service in 1) to return the frequencies for reassignment or improvement of the frequency usage as specified in the Spectrum Management Master Plan.

3) Prescribe criteria and procedures for the submission of details and examination of the legality of the licenses, concessions or contracts granted to state agencies, state enterprises and other state units.

4) Prescribe intermediate measures before the licenses can be granted under the transitory provision of the Broadcasting Business Act B.E. 2551 (2008).

5) Prescribe the characteristics and categories of audio broadcasting and television broadcasting services.

6) Prescribe criteria and procedures for the licensing of radio frequencies and the audio broadcasting and television broadcasting services

7) Prescribe Band Plan, standards and required technical specifications for audio broadcasting and television broadcasting services.

8) Prescribe criteria for the use of radio frequencies for public interest and for community service without any business profit at a proportion not less than twenty percent of frequencies allocated in each licensing area.

9) Prescribe criteria and procedures to support communities with proper potential to become qualified in applying for a broadcasting license in the community service category.

10) Set up plans to support community service broadcasting operators in accordance with the objectives of the Broadcasting, and Telecommunications Research and Development Fund for the Public Interest.

Indicators

1) Establishment of databases on radio frequency uses and the necessity for frequency holding by state agencies, state enterprises and other state units or persons who are currently assigned frequencies within one year.

2) Determination of an exact timeframe for the state agencies, state enterprises and other state units or persons who are currently assigned frequencies to return the assigned frequencies for future operation as specified in the Spectrum Management Master Plan within two years.

3) State agencies, state enterprises and other state units or any persons who are currently assigned frequencies and who have the necessity to use and hold the frequencies are deliberated for licensing within three years.

4) Examination of the legality of previous licenses, concessions or contracts is completed within three years.

5) More than ninety-five percent of audio broadcasting and televisions broadcasting operators who comply with the transitory provision of the transitory provisions of the Broadcasting Business Act B.E. 2551 (2008), operate under the intermediate measures within three years.

6) Establishment of criteria for the classification of audio broadcasting and television broadcasting categories within one year.

7) NBTC is able to grant audio broadcasting and television broadcasting license for services not using radio frequencies within one year and for services that use radio frequency within three years.

8) Establishment of Band Plan, standards and required technical specifications for audio broadcasting and television broadcasting services.

9) Establishment of criteria for the use of radio frequencies and promoting the use of radio frequencies for the undertaking of audio broadcasting for community service operation at a proportion of not less than twenty percent in each licensing area within two years.

10) Establishment of criteria for the use of radio frequencies and promoting the use of radio frequencies for the undertaking of television broadcasting for community service operation at a proportion of not less than twenty percent in each licensing area within three years.

11) Establishment of criteria to support communities with proper potential to obtain a broadcasting license for community service.

12) Establishment of plans to support the Broadcasting and Telecommunications Research and Development Fund for the Public Interest for community service broadcasting operators.

5.2 Strategy for the regulating of audio broadcasting and television broadcasting services

This strategy aims to regulate the audio broadcasting and television broadcasting services for public interest in economic, social, and security dimensions; to use radio frequencies and radiocommunication equipments correctly and free of interference; to provide free competition under fair and transparent rules.

Objectives

1) To regulate the quality of broadcasting program contents for public interest, human rights principles and diversity of programs.

2) To regulate advertisement to prevent any of violation of consumers' rights or consumer exploitation.

3) To regulate use of radio frequencies and radiocommunication equipments to be in compliance with laws and to prevent interference of frequencies.

4) To regulate fair competition and efficient market under fair and transparent rules and regulations.

5) To establish efficient measures in dealing with disasters or emergencies.

Guidelines

1) Prescribe criteria and regulations for the regulating of broadcasting program contents.

2) Prescribe licensing criteria and conditions that require licensees to broadcast programs with constructive contents or programs for children and youth with consideration to their responsibilities toward children and to human rights principles.

3) Prescribe criteria, procedures and conditions for licensees' allocation of time slot to other persons.

4) Promote a formation of licensees, content creators, and mass media professionals in the radio and television businesses into diverse forms of organizations to set up the Codes of Conducts and implementing self-regulation under the established Codes of Conducts.

5) Prescribe criteria to deliberate advertisement that pertains to undue profit making, consumer fraud or public nuisance.

6) Establish protective mechanism by providing public education and understanding to persons who are interested in correct use of radio frequencies and radiocommunication equipments for audio broadcasting and television broadcasting services without causing interference.

7) Coordinate matters relating to frequency management to prevent and solve problems of frequency interference.

8) Implement fast and efficient law enforcement mechanism.

9) Prescribe measures to prevent anti-competitive conduct or unfair competition in audio broadcasting and television broadcasting operations.

10) Formulate criteria for price regulation on audio broadcasting and television broadcasting to be fair for both service providers and service users, by taking into consideration public interests.

11) Formulate guidelines for the development and promotion of free and fair competition among broadcasting operators.

12) Prescribe criteria for broadcasting operations in time of disasters or emergencies.

13) Prescribe licensing conditions that require broadcasting operators to set up efficient broadcasting system in time of disasters or emergencies.

Indicators

- 1) Establishment of criteria for regulating broadcasting program contents within one year.
- 2) Establishment of mechanism, equipments or tools for monitoring and evaluating program contents regulation within two years.
- 3) Establishment of licensing criteria and conditions that require licensees to broadcast programs with constructive contents or programs for children and youth with consideration to their responsibilities toward children and to human rights principles.
- 4) Establishment of criteria, procedures and conditions for licensees' allocation of time slot to other persons.
- 5) A formation of diverse forms of organizations for self-regulation under the established professional Codes of Conducts.
- 6) Establishment of guideline and supporting mechanism for self-regulation of mass media.
- 7) Establishment of criteria to deliberate advertisement that pertains to undue profit making or public nuisance.
- 8) Participants of training course are more knowledgeable about the use of radio frequencies and radiocommunication equipments.
- 9) Coordination of matters relating to frequency management to prevent and solve problems of frequency interference is established.
- 10) Establishment of mechanism to solve problems from broadcasting complaints and violations of broadcasting laws.
- 11) Establishment of measures to prevent anti-competitive conduct or unfair competition in audio broadcasting and television broadcasting within two years.
- 12) Establishment of criteria for price regulation on audio broadcasting and television broadcasting for both service providers and service users, taking into consideration public interests, within two years.
- 13) Establishment of guidelines for the development and promotion of free and fair competition within two years.
- 14) Establishment of systematic and clear criteria and procedures for broadcasting operations in time of disasters or emergencies.

15) Establishment of licensing conditions that require broadcasting operators to set up efficient broadcasting system in time of disasters or emergencies

5.3 Strategy for the protection of audio broadcasting and television broadcasting consumers

This strategy aims to provide consumer protection, with consideration to human rights principles, from being violated by audio broadcasting and television broadcasting operators in falsified, distorted, prejudiced and unfair manners, domination or commercial exploitation. It focuses on the establishment of criteria for the protection of human rights through convenient, efficient, timely and impartial complaint mechanism for the remedy of problems. It also promotes the public's potentials to become alert, empowered, capable of self protection and able to access, understand and efficiently use broadcasting media to protect their own interest through media literacy processes and social campaigns.

Objectives

- 1) To protect the rights and liberty of consumers from being exploited by audio broadcasting and television broadcasting operators.
- 2) To provide channels for complaints that are easily accessible for fast, fair and impartial remedy.
- 3) To encourage a formation of empowered consumer networks.

Guidelines

- 1) Establish a sub-committee on audio broadcasting and television broadcasting consumer protection.
- 2) Prescribe criteria, mechanism and guidelines for consumer protection
- 3) Encourage professional association and audio broadcasting and television broadcasting operators to set up complaint channels and mechanism to remedy consumer complaints
- 4) Set up complaint channels and a tri-partite dispute settlement mechanism that is efficient, easily accessible and systematic.
- 5) Set up public relations channels to publicize NBTC's criteria and procedures on consumer protection that are widely acknowledged and easily accessible.

6) Establish channels for participation of consumer protection organizations and agencies and the public in developing social measures.

7) Formulate operational plans and projects to support, promote and protect audio broadcasting and television broadcasting consumers in accordance with the objectives of the Broadcasting and Telecommunications Research and Development Fund for the Public Interest.

8) Encourage a formation of collaborative groups with state organizations, the private sector and consumer protection networks to organize activities to reflect and exchange opinions, conduct social campaigns and other self-protection activities.

Indicators

1) Establishment of a sub-committee on audio broadcasting and television broadcasting consumer protection within three months.

2) Establishment of criteria for the protection of consumers from being exploited by audio broadcasting and television broadcasting operators and professionals within one year.

3) Establishment of efficient complaint mechanism by broadcasting professionals or operators.

4) Establishment of one-stop-service for acceptance and remedy of complaints within one year.

5) No fewer than eighty percent of submitted complaints are remedied under the established process.

6) Formation of groups and consumer protection activities are organized at least twice a year.

7) Establishment of audio broadcasting and television broadcasting consumer protection networks in all regions.

8) Establishment of complaint criteria within six months.

5.4 Strategy for the promotion of the rights and liberty to communicate

This strategy aims to promote the rights and liberty to communicate, focusing on universal and equal access to information. This is to prevent audio broadcasting and television broadcasting operators from acting in any way that may obstruct or interfere with the dissemination of news or opinions or hinder the rights and liberty to access news and information or obstruct the public's rights to access a diversity of information.

Objectives

- 1) To promote the public's rights and liberty to access and receive a diversity of information.
- 2) To promote equal access and utilization of information for the disabled, the elderly or the underprivileged.
- 3) To promote the public's and the media's freedom of expression as permitted by the laws.
- 4) To promote and support development of people's ability in media literacy.

Guidelines

- 1) Formulate plans to support the public to have universal access to audio broadcasting and television broadcasting services in accordance with the objectives of the Broadcasting and Telecommunications Research and Development Fund for the Public Interest.
- 2) Prescribe the characteristics of the merging, cross-media ownership or dominance of the audio broadcasting and television broadcasting services using radio frequencies by mass media businesses or by any other person, which may hinder the public's liberty to receiving information or obstruct the public's rights to access a diversity of information.
- 3) Encourage audio broadcasting and television broadcasting operators to provide suitable services for equal access, reception and utilization of the media by the disabled, the elderly and the underprivileged.
- 4) Formulate plans to promote and support the research and development of broadcasting technologies and facilities which enable the disabled, the elderly and the underprivileged to access information in accordance with the objectives of the Broadcasting and Telecommunications Research and Development Fund for the Public Interest.
- 5) Prescribe licensing conditions that prevent licensees from restricting the rights of broadcasting professionals and program participants to express their opinions as permitted by laws.
- 6) Formulate plans for the development and enhancement of people's ability to understand and see through the media's conducts in accordance with the objectives of the Broadcasting, and

Telecommunications Research and Development Fund for the Public Interest.

Indicators

1) Establishment of plans to support the public's universal access to audio broadcasting and television broadcasting services within one year.

2) An increase of broadcasting media's coverage and access to target groups to ninety-nine percent within five years.

3) Establishment of criteria for the merging, cross-media ownership or dominance of the audio broadcasting and television broadcasting services using radio frequencies by mass media businesses or by any other person, which may hinder the public's liberty to receiving information or obstruct the public's rights to access a diversity of information.

4) The number of licensees who provide suitable services for the benefits of the disabled, the elderly or the underprivileged has increased to at least fifty percent of all licensees currently operating.

5) Establishment of plans to promote and support the research and development of broadcasting technologies and facilities which enable the disabled, the elderly or the underprivileged to access information.

6) Establishment of licensing conditions that prevent licensees from restricting the rights of broadcasting professionals and program participants to express their opinions.

7) Establishment of plans to develop and enhance people's ability in media literacy within one year.

5.5 Strategy for the development of broadcasting service quality

This strategy aim to promote and develop audio broadcasting and television broadcasting service quality through development of personnel, programs and operators to fulfill the intentions of the Broadcasting Business Act B.E. 2551 (2008) and the Act on Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services B.E. 2553 (2010).

Objectives

- 1) To promote the quality of personnel in the audio broadcasting and television broadcasting services so that they can provide their services with responsibility and consideration to the public interests.
- 2) To promote the quality of audio broadcasting and television broadcasting programs.
- 3) To promote the quality of audio broadcasting and television broadcasting services.

Guidelines

- 1) Formulate plans to promote and support development of personnel in the audio broadcasting and television broadcasting services in accordance with the objectives of the Broadcasting and Telecommunications Research and Development Fund for the Public Interest.
- 2) Implement program quality evaluation with consideration to the public interest and the people's morality.
- 3) Deliberation of the support to programs that have social benefits or programs whose production should be supported, by requesting financial support for such programs from the Broadcasting and Telecommunications Research and Development Fund for the Public Interest.
- 4) Implement broadcasting services' efficiency and efficacy evaluation.
- 5) Deliberation of the support for broadcasting services that are in compliance with measures for the promotion and protection of the rights of the disabled, the elderly and the underprivileged by requesting financial support from the Broadcasting and Telecommunications Research and Development Fund for the Public Interest.
- 6) Support the operation of professional organizations responsible for the formulation of the occupational or professional Codes of Conducts in accordance with laws on audio broadcasting and television broadcasting services.

Indicators

- 1) Establishment of plans to promote and support development of personnel in the audio broadcasting and television broadcasting services within one year.

2) Availability of quality evaluation reports of broadcasting programs for the benefits of program improvement and development. A report should be prepared at least once a year.

3) Establishment of measures to support broadcasting programs that have social benefits or whose production should be supported.

4) Availability of evaluation reports on the broadcasting services' efficiency and efficacy. A report should be prepared at least once a year.

5) Establishment of measures to support broadcasting services that are in compliance with measures for the promotion and protection of the rights of the disabled, the elderly and the underprivileged.

6) Establishment of plans to promote the operation of professional organizations responsible for the formulation of the occupational or professional Codes of Conducts on a continuing basis.

5.6 Strategy for the transition to digital broadcasting transmission

This strategy focuses on the transition to digital audio broadcasting and television broadcasting transmission to ensure efficient use of radio frequencies in accordance with the intention of Section 27(5). The community is entitled to use no fewer than twenty percent of radio frequencies for audio broadcasting and television broadcasting operations in accordance with Section 49 and Section 85 of the Act on Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services B.E. 2553 (2010). These measures are implemented through permission to use radio frequencies for digital audio broadcasting and television broadcasting services, promotion of infrastructure and network sharing, support the public to have universal access to digital audio broadcasting and television broadcasting services, and promotion of digital audio broadcasting and television broadcasting research and development.

Objectives

1) To provide efficient use of radio frequencies for audio broadcasting and television broadcasting services and allow the community to use radio frequencies for audio broadcasting and television broadcasting services as stipulated by laws.

2) To provide universal public access to digital audio broadcasting and television broadcasting with consideration to a balanced and fair proportion of frequency assigned to the community.

Guidelines

1) Granting permission to use radio frequencies for digital audio broadcasting and television broadcasting services in accordance with the Spectrum Management Master Plan and with references to the universal regulations and the country's international commitments.

2) Promote infrastructure and network sharing for effective expansion of digital audio broadcasting and television broadcasting networks.

3) Prescribe measures to promote and formulate plans to support research and development of digital audio broadcasting and television broadcasting service in accordance with the objectives of the Broadcasting and Telecommunications Research and Development Fund for the Public Interest.

4) Promote and support universal public access to digital audio broadcasting and television broadcasting in accordance with the objectives of the Broadcasting and Telecommunications Research and Development Fund for the Public Interest.

Indicators

1) Establishment of transition policies and plans for the switch to digital television broadcasting transmission within one year, and for the switch to digital audio broadcasting transmission within two years.

2) Establishment of criteria and procedures for permission to use radio frequencies for digital television broadcasting services within two years, and for permission to use radio frequencies for digital audio broadcasting services within three years.

3) Commencement of digital audio broadcasting and television broadcasting transmission within four years.

4) Establishment of criteria for infrastructure and network sharing for audio broadcasting and television broadcasting within two years.

5) Availability of databases on broadcasting operators, infrastructures and networks within two years to facilitate infrastructure and network sharing.

6) Establishment of measures to promote and support research and development of digital broadcasting receiver production within three years.

7) Establishment of public relations and coordination plans to publicize information and create good understanding with related sectors on a continuing basis.

8) Establishment of measures to promote and support digital broadcasting receiver for people with low income within three years.

9) The number of households in large cities capable of receiving digital audio broadcasting and television broadcasting transmission are not fewer than eighty percent within five years.

5.7 Strategy for the development of a management system to become an efficient regulating organization

This strategy focuses on systematic and efficient management mechanism under the principles of good governance. Personnel will be accepted by relevant sectors as professionals in their fields.

Objectives

1) To develop efficient management system and lay down a foundation for the organization's balanced and sustainable development under the principles of good governance.

2) To develop the organization's personnel as professionals in their fields who are knowledgeable and keep up with new changes and development.

3) To establish data on the progress of the Master Plan's implementation and on any problems or obstacles (if any) to provide guideline for future solutions.

Guidelines

1) Adopt modern management tools, such as strategic management, knowledge management and risk management, to improve the organization's efficiency and efficacy.

2) Apply management approaches that give significance to a balance of relevant dimensions in addition to the emphasis on work efficacy, for example, the use of Balance Scorecard.

3) Manage the organization based on the good governance principles, ethical principles and personnel's capability to generate work unity.

4) Procure tools or equipments essential to the organization's duties related to audio broadcasting and television broadcasting services.

5) Organize personnel's competency evaluation and use the results to develop suitable career path for individual personnel.

6) Formulate personnel development plans and organize personnel development training modules that meet the organization's missions and individual personnel's career paths through participatory process.

7) Monitor and evaluate the progress of the Broadcasting Master Plan's implementation.

Indicators

1) Adoption of modern management tools and concepts that give significance to related dimensions for concrete application within the organization.

2) Implement an evaluation of personnel opinions; the evaluation outcome must not be lower than the projected goals.

3) Availability of sufficient tools or equipments essential for the performing of audio broadcasting and television broadcasting services duties.

4) Availability of database for personnel development plan by positions within one year.

5) Availability of database for individual development plan within two years.

6) Availability of the number of training courses for personnel development plan in which each personnel can participate no fewer than three courses per person per year.

7) Availability of evaluation outcome of personnel's satisfaction of the training courses and/or seminars; the average satisfaction rate must not be less than sixty-five percent for each course.

8) The average annual personnel performance evaluation outcome continues to improve throughout the term of the Plan.

9) Availability of the follow-up report and evaluation outcome of the progress of the Broadcasting Master Plan's implementation.

10) Availability of a report on the changing situations of media and implementation outcome of the Broadcasting Master Plan.

6. Government relations

Implementation of the present Broadcasting Master Plan will be in accordance with the policies that the Cabinet had reported to the National Assembly and will be included in the operational plans of the Office of the NBTC.

7. Performance guidelines and evaluation

For successful implementation and efficient evaluation of the Broadcasting Master Plan, the following performance and evaluation guidelines were prescribed:

7.1 Broadcasting Commission puts the Broadcasting Master Plan to practice and the Office of NBTC's operational plans shall be formulated.

7.2 Broadcasting Commission monitors and evaluates the Broadcasting Master Plan's operational outcome.