



December 12, 2018

Honorable Ching-te Lai
Premier of Executive Yuan
No.1, Sec. 1, Zhongxiao E. Rd., Zhongzheng Dist.
Taipei City 10058, Taiwan (R.O.C.)

Dear Premier Lai,

The Asia Internet Coalition (AIC), led by global internet and technology companies involved in international investment and economic trade, is an industry association that seeks to promote understanding and resolution of Internet and ICT policy issues in the Asia-Pacific region. Our members are Amazon, AirBnb, Google, Facebook, Apple, Twitter, LinkedIn, Expedia, Rakuten, LINE and Yahoo (Oath).

The AIC is concerned about recent public statements made by the Executive Yuan in regard to possible amendments to Taiwan's draft Digital Communications Act (bill). Whereas the original bill, submitted to the Legislative Yuan on November 26, 2017, embraced the standards set under the "Manila Principles on Intermediary Liability", public statements made by the Executive Yuan on December 11, 2018 signal a material and fundamental departure from the spirit of the original bill. Current developments regarding the bill are especially troubling given the absence of any substantive government-industry dialogue about them. They raise significant concerns over the freedom of expression for the people of Taiwan. They will also hinder future investments and development of new services by the industry, and impact the future growth of Taiwan's digital economy.

1. Withdrawal of bill from the Legislative Yuan and return it to the Executive Yuan for further deliberations

Open and collaborative communication between the Taiwan government and industry is vital to the healthy development of the public internet, whether it be the sharing of resources, understanding, or experience.

The Executive Yuan has earlier stated that the bill is currently under review by the Legislative Yuan and that it is unable to propose amendments to the bill while the bill awaits to pass the Second Reading by the Legislative Members. However, the Executive Yuan's current role in collecting information for the Legislative Yuan in preparation for a fundamental shift on the bill is in direct contradiction to the outward actions expressed by the Executive Yuan in approving and submitting the original Digital Communications Act to the Legislative Yuan on November 16, 2017, the original bill that adopts the standards set under the Manila Principles on Intermediary Liability.

Thus, the AIC would like to respectfully ask the Executive Yuan, as the original submitter of the bill, to request the Legislative Yuan to withdraw the bill and return it to the Executive Yuan for further deliberations, as well as for the Executive Yuan to engage in consistent, open and collaborative communications with all stakeholders involved.

2. Avoid arbitrary infringement on freedom of speech by providing sufficient and meaningful opportunities for multi-faceted communications to take place first

The AIC is keen on preserving the open and interconnected nature of the public internet. It supports public policies that encourage individual rights and freedom of communication and access to legitimate Internet content, services and applications. We believe that prescriptive legislation designed to control the exchange of information will not adequately address the issue of misinformation since discerning whether information is "true" or "false" is highly subjective and risks compromising both public access to information and the legitimate exchange of ideas.

The AIC is aware that other countries, such as Germany, has drawn up laws to combat hate speech. However, without first having a substantial period of stakeholder dialogue, modeling Taiwanese laws imprecisely on foreign ones risks far-reaching consequences on the freedom of speech and human rights of the people of Taiwan.

Thus, the AIC requests for a broad interpretation of any existing rules, guidelines and general good faith to provide industry with the most allowable, sufficient, and meaningful opportunities for critical commentary, collaborative efforts and innovative ideas to be shared among government, NGOs, industry, and other relevant



stakeholders in Taiwan before seeking legislative measures that may unintentionally limit freedom of speech and basic human rights.

Taiwan has consistently ranked as one of the freest countries in Asia by organizations such as Reporters Without Borders and the Freedom House. It is considered freer than neighboring Asian countries such as Singapore, Thailand, Malaysia, South Korea and Japan. This accomplishment is a result of Taiwan upholding democratic values that support freedom of speech and freedom of the press. While online misinformation is a highly complex and critical issue, members of the AIC have experience working with governments and are ready to work with Taiwan government on its desire to make the internet safer and better. We look forward to further dialog to ensure a fair and balanced outcome of any collaborative efforts in this area.

Respectfully yours,

A handwritten signature in blue ink that reads "Paine". The signature is fluid and cursive, with a prominent loop at the end.

Jeff Paine
Managing Director
Asia Internet Coalition (AIC)

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[中譯文]

賴院長清德 鈞鑒

本聯盟（亞洲互聯網聯盟、Asia Internet Coalition，簡稱「AIC」）的主要成員為參與國際投資及經濟貿易的全球網際網路與科技公司，旨在代表產業團體，促進亞太地區對網際網路政策相關議題之認知及溝通。本聯盟成員包括 Amazon、AirBnb、Google、Facebook、Apple、Twitter、LinkedIn、Expedia、Rakuten、LINE 以及 Yahoo (Oath) 等公司。

貴院曾於 2018 年 12 月 11 日就「數位通訊傳播法」（草案）作出相關說明，而其內容在實質上及根本上，似已背離了貴院依循「馬尼拉中介者責任原則」所提出，並於 2017 年 11 月 26 日由貴院送至立法院審議的原草案版本所持的初衷，本聯盟對此表示慎重的關切。該草案近日令人不安的發展，顯示了台灣政府與產業間缺乏持續性的實質溝通。這些發展引發我們對台灣人民的言論自由的高度關切。這也將對未來投資及產業開發並推廣新服務造成阻礙，更將影響台灣數位產業的未來發展。

1. 向立法院提出撤回原案，重新進行審議。

不論是透過資源的分享、相互的理解或經驗的交流，台灣政府與產業間保持暢通的且合作的溝通，對於網際網路的健全發展至關重要。

行政院曾表示該法律案已提交立法院審議中，故該案於立法院完成二讀前，行政院不得提出修正案。然而，行政院目前仍擔任為立法院蒐集資訊之角色，準備對該案進行根本性的修改，其研擬方向似乎與行政院通過並於 2017 年 11 月 16 日向立法

院提出遵循「馬尼拉中介者責任原則」精神的「數位通訊傳播法」之原草案有所牴觸。

因此，本聯盟謹請行政院，以該法律案原提案者身分，向立法院撤回原案，以利行政院重新進行進一步審議，並讓行政院與所有關係人進行持續且暢通及合作的溝通討論。

2. 事先透過充分且具實質意義的多方溝通，避免任意侵犯言論自由

本聯盟持續致力於維護網際網路的開放與互通，並支持任何鼓勵貫徹個人權利、通訊自由及使用合法內容、服務及應用程式資源之權利的公共政策。由於判斷資訊的「真」、「假」是一高度主觀議題，且有著犧牲資訊取得及合法思想意見交流的自由之風險，我們認為，以管制資訊傳達及訊息交換為設計的立法規範，無法有效解決不實資訊所造成之問題。

本聯盟清楚其他國家，例如德國，已制定打擊仇恨言論之專法。但在未有充分時間供多方關係者深入溝通討論的情況下，不精確地參考外國經驗而推用到台灣法規的做法，恐將對台灣人民的言論自由及人權造成深遠影響。

因此，為避免立法措施可能無意中限制言論自由及基本人權，本聯盟要求對於任何現有的法規、準則及誠信原則，均應作廣泛解釋，盡可能提供充分且具實質意義的意見表達機會，並讓台灣政府、非營利組織、產業及其他多方關係人，均可共同合作並共享創新想法。

台灣多次被「無國界記者組織」、「自由之家」等機構評為亞洲最自由的國家之一，排名高於新加坡、泰國、菲律賓、馬來西亞、南韓、日本等鄰近亞洲國家。如此成就歸功於台灣一直以來持續堅守的民主價值，以及其對於言論自由及新聞自由的長久維護。雖然不實資訊是一個高度複雜及重要的議題，但本聯盟成員在協助他國政府的經驗非常豐富，本聯



盟已準備好協助台灣政府實現創造一個更安全、更美好網路世界的決心。我們期待能有更深入的討論機會，確保在此議題的合作上，能有最公平和諧的結果。

敬頌 鈞安

A handwritten signature in blue ink that reads "Jeff Paine". The signature is fluid and cursive, with a large initial "J" and a long, sweeping underline.

Jeff Paine
Managing Director
Asia Internet Coalition (AIC)