

Reference Material on the Holding of Positions by Taiwanese Nationals at Mainland Chinese State-Owned Media Organizations

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1. Holding positions at Mainland CCP and State government affiliated institutions is prohibited under Paragraph 2, Article 33 of the Cross-Strait Act

(1) Paragraph 2, Article 33 of the Act Governing Relations between the People of the Taiwan Area and the Mainland Area (hereinafter the "Cross-Strait Act") prohibits people of the Taiwan Area from holding any position or becoming a member of the agencies, institutions, or organizations of the Mainland Area which are political parties, the military, the administration, or of any political nature and which are prohibited with public notices. Violators of this rule are subject to a fine of NT\$100,000 to NT\$500,000 according to law.

(2) On March 1, 2004, the MAC issued an announcement (Lu-Fa-Tzu No. 0930003031-1) presenting examples of the aforementioned party, government and military organizations. The announcement explained that all Chinese Communist Party (CCP) related organizations and their affiliated business institutions and organizations at all levels are considered as belonging to the CCP system; and that institutions and business units subordinate to the local People's Government at all levels are considered as belonging to the Mainland's state system.

(3) Claims by outside parties that "the Cross-Strait Act prohibits service at a party, state, or military organization, yet such stipulations do not explicitly

"cover party-run business units" are misinterpretations of the aforementioned provision.

2. Dragon Television is a subordinate institution to the Mainland CCP and state systems

Dragon Television is a satellite channel of the Shanghai Entertainment Team Media Group (上海東方娛樂傳媒), which is a member of the Shanghai Media & Entertainment Group(上海文化廣播影視集團) fully funded by the State-owned Assets Supervision and Administration Commission of Shanghai Municipal Government(上海市國有資產監督管理委員會) and under the supervision and command of the Mainland state system. Dragon Television is also under the direction and supervision of a business unit, the Radio and Television Shanghai(上海廣播電視台), subordinate to the Publicity Department of the CCP Shanghai Municipal Committee(中共上海市委宣傳部), which is also part of the CCP affairs system. Dragon Television's equity ownership and business supervision structure provide sufficient basis to determine it as a CCP and state affiliated institution. As such, it falls within the scope of party, state, and military organizations at which service is prohibited under Paragraph 2, Article 33 of the Cross-Straits Act.

3. Determination of whether a specific case constitutes a position defined under Paragraph 2, Article 33 of the Cross-Straits Act is dependent upon a substantive job description review, the position title, employment period or method do not affect the outcome of the determination.

(1) A Taiwanese national taking a post in the Mainland should take into consideration the following points: whether the position involves united front work, and whether it endangers Taiwan's national security or

interests. In determining whether a specific case violates provisions of Paragraph 2, Article 33 of the Cross-Strait Act, the competent authority must take into account not only whether the organization is within the scope of party, state, or military organizations at which service is prohibited, but also the substantiveness of the position held or the content of the work involved must be included as factual evidence. Media sources have alleged that the positions of "reporter, editor, and program director are merely contractual appointments," "the three-year contracts are entirely market-based," and "how are they related to the CCP, its state and military [organizations]?" The MAC hereby further clarifies: the title, employment period or method of each respective case does not affect the determination of position holding.

(2) Global competition for talent and transnational talent mobility are normal trends and a part of internationalization; under circumstances that the employment and positions Taiwanese nationals decide upon holding in the mainland Chinese enterprises do not violate the law, the government completely respects their right to choose respective employment and work positions. However, mainland China has, with zero-sum thinking, long pressured Taiwan and refused to relinquish the threat of using force against Taiwan. To maintain Taiwan's overall interests, Taiwanese nationals should comply with provisions of the Cross-Strait Act and avoid service in positions that may put Taiwan's national security or interests in risks' way.