

Act for Implementation of the Mutual Recognition between Japan and Foreign States in Relation to Results of Conformity Assessment Procedures of Specified Equipment

(Act No. 111 of July 11, 2001)

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Chapter I General Provisions

(Purpose)

Article 1 The purpose of this Act is to facilitate the manufacture, import, export, sale and other business activities of specified equipment by setting forth matters necessary for conducting overseas conformity assessment business, prescribing special provisions of the Telecommunications Business Act (Act No. 86, 1984), Radio Act (Act No. 131, 1950) and Electrical Appliances and Material Safety Act (Act No. 234, 1961), and taking other steps to ensure the proper implementation of mutual recognition agreements.

(Definitions)

Article 2 (1) The term "mutual recognition agreements" as used in this Act means international agreements, including treaties, which Japan and other parties have concluded to mutually accept the results (including marks and certificates of the results; the same shall apply in paragraph (3) and paragraph

- (4) of conformity assessment procedures (any procedures to determine whether specified equipment fulfills relevant technical requirements set out in the applicable laws and regulations of respective parties (laws and regulations on the specified equipment and public notices and other administrative provisions issued by the authorities of the respective parties; the same shall apply in Article 3 paragraph (1)); hereinafter the same shall apply in this Article) and for which taking steps pursuant to this Act to ensure the proper implementation of the agreement is necessary as specified by a Cabinet Order.
- (2) The term "specified equipment" as used in this Act means specified equipment for export and specified equipment for import.
- (3) The term "specified equipment for export" as used in this Act means telecommunications terminal equipment, radio equipment and electrical products in respect of which a foreign state as the party of a mutual recognition agreement (hereinafter referred to as a "foreign state") shall accept the results of conformity assessment procedures pursuant to the provisions of the applicable mutual recognition agreement.
- (4) The term "specified equipment for import" as used in this Act means telecommunications terminal equipment, radio equipment and electrical products in respect of which Japan shall accept the results of conformity assessment procedures pursuant to the provisions of the applicable mutual recognition agreement.
- (5) The term "conformity assessment body" as used in this Act means a body which conducts conformity assessment procedures as prescribed in the applicable mutual recognition agreement.
- (6) The term "registration" as used in this Act means the registration of a conformity assessment body pursuant to the provisions of the applicable mutual recognition agreement.
- (7) The term "overseas conformity assessment business" as used in this Act means the business of conducting the conformity assessment procedures for the specified equipment for export.

Chapter II Designation of Overseas Conformity Assessment Business

(Designation)

Article 3 (1) Any person who intends to engage in overseas conformity assessment business may be designated by the competent minister according to the category of the overseas conformity assessment business (category of overseas conformity assessment business as specified by a Cabinet Order for each mutual recognition agreement and corresponding to the respective applicable laws and regulations of the foreign state prescribed in the applicable mutual recognition agreement; the same shall apply hereinafter).

- (2) The designation set forth in the preceding paragraph may be limited in respect of the type of specified equipment for export or scope of conformity assessment activities.
- (3) Any person who intends to be designated set forth in paragraph (1) shall, as specified by the applicable ministerial ordinance, file with the competent minister a written application describing the following matters and other documents specified by the applicable ministerial ordinance:
- (i) Name and address of the applicant and in the case of a juridical person, the names and addresses of the representative person and officers
 - (ii) Category of overseas conformity assessment business
 - (iii) Outline of facilities used for overseas conformity assessment business
 - (iv) Rules and procedures for conducting overseas conformity assessment business
 - (v) In the case of a person intending to be designated for activities limited in scope pursuant to the provision of the preceding paragraph, the type of specified equipment for export and scope of conformity assessment activities
- (4) Upon designation pursuant to paragraph (1), the competent minister shall publicly notify the name and address of the person designated (hereinafter referred to as a "designated conformity assessment body") and matters listed in item (ii) and item (v) of the preceding paragraph, and proceed to the registration of the designated conformity assessment body pursuant to the provisions of the applicable mutual recognition agreement.

(Disqualification Criteria)

- Article 4 The designation specified in Article 3 paragraph (1) shall not be obtained by any person who falls under any of the following items:
- (i) Any person who contravenes this Act or any dispositions pursuant to this Act and has been punished by a fine or severer punishment, if a period of two years has not yet elapsed since the day when the sentence was served or the stay of execution was granted
 - (ii) Any person whose designation was withdrawn pursuant to the provision of Article 13 paragraph (1), if a period of two years has not yet elapsed since the day of withdrawal
 - (iii) Any person who is a juridical person, one or more of whose officers engaged in its activities fall under either of the above mentioned disqualification criteria

(Criteria for Designation)

- Article 5 (1) The competent minister shall not grant designation unless he deems that the applicant set forth in Article 3 paragraph (1) satisfies the criteria for designation specified by the applicable ministerial ordinance in accordance

with the criteria for designation prescribed in the applicable mutual recognition agreement and specified by a Cabinet Order corresponding to the respective categories of overseas conformity assessment business.

- (2) In the examination for the designation of the overseas conformity assessment business set forth in Article 3 paragraph (1), the competent minister shall conduct an evaluation of the management system of overseas conformity assessment business in respect of the application as specified by the applicable ministerial ordinance.

(Renewal of Designation)

Article 6 (1) The designation set forth in Article 3 paragraph (1) shall be renewed every year or longer period specified by a Cabinet Order, or else lose its effect with the elapse of such period.

- (2) The provisions of Article 3 paragraph (3), Article 4 and Article 5 shall apply mutatis mutandis to the renewal of designation set forth in the preceding paragraph.

(Changes of Designated Conformity Assessment Bodies, Etc.)

Article 7 (1) A designated conformity assessment body which intends to change any of the matters listed in item (iii) through item (v) of Article 3 paragraph (3) shall first obtain approval from the competent minister; provided, however, that this shall not apply to minor changes specified by the applicable ministerial ordinance.

- (2) Any person who intends to obtain approval for a change set forth in the preceding paragraph shall file with the competent minister a written application describing the matters relating to the change and other documents specified by the applicable ministerial ordinance.
- (3) The provisions of Article 5 shall apply mutatis mutandis to the approval of changes set forth in paragraph (1).
- (4) Any designated conformity assessment body which changes any of the matters listed in Article 3 paragraph (3) item (i) shall notify the competent minister to that effect without delay.
- (5) When a change has been approved pursuant to the provisions of paragraph (1) (limited to the change relating to matters listed in Article 3 paragraph (3) item (v)) or notification has been filed pursuant to the provision of the preceding paragraph (limited to the notification relating to a change of name or address), the competent minister shall publicly notify to that effect.

(Suspension and Abolition of Business)

Article 8 (1) When a designated conformity assessment body intends to suspend or abolish in whole or in part the designated conformity assessment business,

he shall notify the competent minister of to that effect in advance pursuant to the provisions of the applicable ministerial ordinance.

- (2) When a notice is filed pursuant to the provision of the preceding paragraph, the competent minister shall publicly notify to that effect.

(Bookkeeping and Records Relating to Business)

Article 9 A designated conformity assessment body shall prepare and maintain books and records relating to the designated conformity assessment business pursuant to the provisions of the applicable ministerial ordinance.

(Orders Issued to Designated Conformity Assessment Bodies)

Article 10 The competent minister may issue necessary supervisory orders relating to the designated conformity assessment business to a designated conformity assessment body where deemed necessary to ensure the proper implementation of the applicable mutual recognition agreement and this Act.

(Public Notice of Registration, Etc.)

Article 11 The competent minister, where any of the following dispositions was imposed pursuant to the provisions of the applicable mutual recognition agreement, shall publicly notify to that effect:

- (i) Registration or termination of registration of a designated conformity assessment body
- (ii) Suspension of registration or lifting of suspension of registration of a designated conformity assessment body

(Issuance of Certificates)

Article 12 (1) A designated conformity assessment body which has been registered (except where registration has been suspended or designation has been suspended pursuant to the provision of Article 13 paragraph (1)) may, in conducting designated overseas conformity assessment business, issue certificates of conformity describing the matters prescribed by the applicable ministerial ordinance with a special mark prescribed by the applicable ministerial ordinance.

- (2) No person shall affix the special mark set forth in the preceding paragraph or any misleadingly similar mark to a certificate relating to overseas conformity assessment business except the case prescribed in the same paragraph.

(Withdrawal of Designation, Etc.)

Article 13 (1) The competent minister may withdraw or suspend designation where a designated conformity assessment body falls under any of the following items:

- (i) The conformity assessment body falls under either item (i) or item (iii) of Article 4.
 - (ii) The conformity assessment body no longer satisfies the criteria for designation specified by the applicable ministerial ordinance prescribed in Article 5 paragraph (1) (limited to the criteria relating to the category of the designated overseas conformity assessment business).
 - (iii) The conformity assessment body contravenes the provisions of Article 7 paragraph (1) or paragraph (4), Article 9 or Article 12 paragraph (2).
 - (iv) The conformity assessment body contravenes an order issued pursuant to the provision of Article 10.
 - (v) The conformity assessment body has been designated pursuant to Article 3 paragraph (1), or has obtained approval for a change pursuant to Article 7 paragraph (1), through wrongful means.
 - (vi) In addition to the matters listed in item (i) through item (v), any grounds specified by the applicable ministerial ordinance as grounds for possible hindrance of the faithful implementation of a mutual recognition agreement have been found applicable to the conformity assessment body.
- (2) In the event of the withdrawal of designation pursuant to the provision of the preceding paragraph the competent minister shall publicly notify to that effect and proceed to the procedures for termination of registration pursuant to the provisions of the applicable mutual recognition agreement in respect of the person whose designation was withdrawn.
- (3) In the event of the suspension of designation or lifting of suspension of designation pursuant to the provision of paragraph (1), the competent minister shall publicly notify to that effect.

Chapter III Designated Evaluation Bodies

(Evaluations by Designated Evaluation Bodies)

Article 14 (1) The competent minister may commission a person designated by him (hereinafter referred to as a "designated evaluation body") to conduct evaluations in whole or in part pursuant to the provisions of Article 5 paragraph (2) (including the cases where it is applied mutatis mutandis pursuant to Article 6 paragraph (2) and Article 7 paragraph (3)) (hereinafter referred to simply as "evaluations").

(2) Where a designated evaluation body is commissioned to conduct evaluations in whole or in part pursuant to the provision of the preceding paragraph, the competent minister shall not conduct such evaluations in whole or in part. In this case, the competent minister shall make the decision on the designation set forth in Article 3 paragraph (1) or renewal of the designation or approval of a change set forth in Article 7 paragraph (1) taking into consideration the

results of the evaluations of which the competent minister has been reported by the designated evaluation body pursuant to the provision of paragraph (4).

- (3) Where a designated evaluation body is commissioned to conduct evaluations in whole or in part pursuant to the provision of paragraph (1), the person intending to be designated under Article 3 paragraph (1) or to have the designation renewed, or intending to obtain approval for a change under Article 7 paragraph (1) shall apply to the designated evaluation body as specified by the applicable ministerial ordinance, notwithstanding the provisions of Article 3 paragraph (3) (including the cases where it is applied mutatis mutandis pursuant to Article 6 paragraph (2)) and Article 7 paragraph (2), in respect of the evaluations conducted by the designated evaluation body.
- (4) Where a designated accreditation body conducts an evaluation in respect of an application set forth in the preceding paragraph, it shall report to the competent minister the results of the evaluation without delay as specified by the applicable ministerial ordinance.

(Designation)

Article 15 Designation pursuant to the provisions of Article 14 paragraph (1) (hereinafter referred to as "designation" in this Chapter and Article 36 paragraph (3)) shall be made upon application by a person intending to conduct evaluations as specified by the applicable ministerial ordinance.

(Disqualification Criteria)

Article 16 Designation shall not be obtained by any person who falls under any of the following items:

- (i) Any person who contravenes this Act or any dispositions pursuant to this Act and has been punished by a fine or severer punishment, if a period of two years has not yet elapsed since the day when the sentence was served or the stay of execution was granted
- (ii) Any person whose designation was withdrawn pursuant to the provision of Article 27 paragraph (1), if a period of two years has not yet elapsed since the day of withdrawal
- (iii) Any person who is a juridical person, one or more of whose officers engaged in its activities fall under either of the above mentioned disqualification criteria

(Criteria for Designation)

Article 17 The competent minister shall not grant designation unless he deems that the applicant satisfies all of the following designation criteria:

- (i) The applicant has an adequate financial basis and technical competence to properly and smoothly conduct evaluation activities.

- (ii) In the case of a juridical person, the applicant's officers and the composition of the constituent members specified by the applicable ministerial ordinance corresponding to the type of juridical person do not threaten to impede the fair conduct of evaluations.
- (iii) In addition to the matters prescribed in the preceding item, the applicant satisfies the criteria specified by the applicable ministerial ordinance so that the evaluation shall not be conducted unfairly.
- (iv) The designation will not harm the smooth and proper conduct of evaluations in respect of applications.

(Public Notice of Designation, Etc.)

- Article 18 (1) Where designation is granted, the competent minister shall publicly notify of the name and address of the designated evaluation body, location of the offices where evaluation activities are conducted, and category of overseas conformity assessment business for which evaluations are conducted by the designated evaluation body.
- (2) A designated accreditation body which intends to change its name or address or the location of the offices where evaluation activities are conducted shall notify the competent minister of to that effect two weeks prior to the planned date of change.
- (3) Where a notification is filed pursuant to the provision of the preceding paragraph, the competent minister shall publicly notify to that effect.

(Renewal of Designation)

- Article 19 (1) Designation shall be renewed every three years or a longer period specified by a Cabinet Order, or else loses its effect with the elapse of such period.
- (2) The provisions of Article 15 through Article 17 shall apply mutatis mutandis to the renewal of designation set forth in the preceding paragraph.

(Confidentiality, Etc.)

- Article 20 (1) The officers (or persons designated in the case of a designated evaluation body which is not a juridical person; the same shall apply in paragraph (2), Article 46 and Article 49) and staff of a designated evaluation body and persons who formerly held such positions shall not divulge any secret which has come to such persons' knowledge in respect of the evaluation activities.
- (2) The officers or staff of a designated accreditation body employed in evaluation activities shall be deemed to be staff legally employed in public service for the purpose of application of the Penal Code (Act No. 45, 1907) and other penal regulations.

(Duty of Evaluation)

Article 21 Where requested to conduct an evaluation, a designated evaluation body shall conduct the evaluation without delay except where there exist justifiable grounds not to do so.

(Appointment and Dismissal of Officers)

Article 22 A designated evaluation body shall upon the appointment or dismissal of officers notify the competent minister to that effect without delay.

(Rules and Procedures for Evaluation)

Article 23 (1) A designated evaluation body shall establish rules and procedures regarding evaluation activities (hereinafter referred to as "rules and procedures for evaluation") and obtain approval from the competent minister. The same shall apply where a designated accreditation body intends to change such rules and procedures.

(2) The matters which should be provided in the rules and procedures for evaluation shall be prescribed by the applicable ministerial ordinance.

(3) The competent minister may order that the rules and procedures for evaluation approved pursuant to paragraph (1) be changed if deemed inappropriate to the fair conduct of evaluations.

(Bookkeeping and Records)

Article 24 A designated accreditation body shall prepare and maintain books and records concerning matters prescribed by the applicable ministerial ordinance in respect of evaluation activities business pursuant to the provisions of the applicable ministerial ordinance.

(Supervisory Orders)

Article 25 The competent minister may, where deemed necessary for the enforcement of this Act, issue necessary supervisory orders regarding evaluation activities to a designated evaluation body.

(Suspension and Abolition of Activities)

Article 26 (1) A designated evaluation body shall not suspend or abolish in whole or in part any evaluation activities without the permission of the competent minister.

(2) Where the permission set forth in the preceding paragraph is given, the competent minister shall publicly notify to that effect.

(Withdrawal of Designation, Etc.)

Article 27 (1) Where a designated evaluation body falls under any of the following items, the competent minister may withdraw its designation or order the suspension in whole or in part of its evaluation activities for a term specified by the competent minister:

- (i) The evaluation body contravenes the provisions of this Chapter.
 - (ii) The evaluation body falls under either item (i) or item (iii) of Article 16.
 - (iii) The evaluation body no longer satisfies any of item (i) through item (iii) of Article 17.
 - (iv) The evaluation body does not conduct its evaluation activities in accordance with the rules and procedures for evaluation approved pursuant to Article 23 paragraph (1).
 - (v) The evaluation body contravenes an order issued pursuant to the provisions of Article 23 paragraph (3) or Article 25.
 - (vi) The evaluation body has been designated through wrongful means.
- (2) Where the competent minister withdraws designation or orders the suspension in whole or in part of evaluation activities pursuant to the provision of the preceding paragraph, the competent minister shall publicly notify to that effect.

(Evaluation Activities by Competent Ministers)

- Article 28 (1) In the event that a designated evaluation body suspends in whole or in part evaluation activities pursuant to the provision of Article 26 paragraph (1), a designated evaluation body is ordered to suspend in whole or in part evaluation activities pursuant to the provision of Article 27 paragraph (1), or a natural disaster or other cause impede the conduct of evaluation activities by a designated evaluation body, the competent minister shall, if deemed necessary, conduct evaluation activities in whole or in part himself.
- (2) Where the competent minister conducts evaluation activities pursuant to the provision of the preceding paragraph or ceases to conduct evaluation activities thus far conducted by him pursuant to the provisions of the same paragraph, the competent minister shall publicly notify to that effect in advance.
- (3) Matters regarding the transfer of evaluation activities and other necessary matters, in the event of the conducting of evaluation activities by the competent minister pursuant to the provision of paragraph (1) and the permission by the competent minister of the abolition of evaluation activities pursuant to the provision of Article 26 paragraph (1) or the withdrawal of designation pursuant to the provision of Article 27 paragraph (1), shall be provided by the applicable ministerial ordinance.

**Chapter IV Special Provisions of the Telecommunications Business Act,
Etc.**

Section 1 Registered Foreign Conformity Assessment Bodies

(Definitions)

Article 29 The term "registered foreign conformity assessment body" as used in this chapter means a conformity assessment body of a foreign state, which has been designated (by an authority of the foreign state pursuant to the provisions of the applicable mutual recognition agreement; hereinafter the same shall apply in this Article and Article 30) and registered (except where such designation or registration has been suspended).

(Public Notice of Registration, Etc.)

Article 30 The competent minister, where any of the following dispositions was imposed pursuant to the provisions of the applicable mutual recognition agreement, shall publicly notify to that effect:

- (i) Registration or termination of registration of a conformity assessment body of a foreign state
- (ii) Suspension of registration or lifting of suspension of registration of a conformity assessment body of a foreign state
- (iii) Suspension of designation or lifting of suspension of designation of a conformity assessment body of a foreign state

Section 2 Special Provisions of the Telecommunications Business Act

Article 31 (1) When a registered foreign conformity assessment body (limited to those who have been registered in each of the same classifications of business specified by an Ordinance of the Ministry of Internal Affairs and Communications set forth in Article 86 paragraph (1) of the Telecommunications Business Act as a person to approve conformity with the technical standards specified by an Ordinance of the Ministry of Internal Affairs and Communications set forth in Article 52 paragraph (1) of the same act; hereinafter the same shall apply in this Article) issues a technical standards conformity approval (technical standards conformity approval prescribed in Article 53 paragraph (1) of the same act; the same shall apply hereinafter in this paragraph) in respect of the terminal equipment (terminal equipment prescribed in Article 53 paragraph (1) of the same act, provided that such terminal equipment pertains to the classification in which the registered conformity assessment body has been registered; the same shall apply in paragraph (2)), the provisions of Article 53 paragraph (2), Article 54, Article 55 paragraph (1), Article 62 paragraph (1), Article 166 paragraph (2) and Article 167 paragraph (1), paragraph (2) and paragraph (5) (including the penal provisions pertaining to these provisions) shall be applied by regarding the

technical standards conformity approval as a technical standards conformity approval issued by a registered approval body (registered approval body prescribed in Article 53 paragraph (1) of the same act; hereinafter the same shall apply in this Article) and the person who has obtained the technical standards conformity approval from the registered foreign conformity assessment body as a person who has obtained a technical standards conformity approval from a registered approval body. In this case, the term "registered approval body" and the term "shall affix" in Article 53 paragraph (2) of the same act shall be deemed to be replaced with "registered foreign conformity assessment body prescribed in the first sentence in Article 31 paragraph (1) of the Act for Implementation of the Mutual Recognition between Japan and Foreign States in Relation to Results of Conformity Assessment Procedures of Specified Equipment (Act No. 111, 2001)" and "may affix," respectively. Other necessary technical replacement shall be prescribed by a Cabinet Order.

- (2) When a registered foreign conformity assessment body issues a certification of type (certification of type prescribed in Article 56 paragraph (1) of the Telecommunications Business Act; hereinafter the same shall apply in this paragraph) in respect of a type (including the method to verify that each terminal equipment conforms to the type) of terminal equipment, the provisions of Article 57 through Article 59, Article 60 paragraph (1), Article 61, Article 62 paragraph (2) and paragraph (3), Article 166 paragraph (3) and Article 167 paragraph (4) and paragraph (6) (including the penal provisions pertaining to these provisions) shall be applied by regarding the certification of type as a certification of type issued by a registered approval body and the person who has obtained the certification of type from the registered foreign conformity assessment body as a person who has obtained a certification of type from a registered approval body. In this case, the term "registered approval body" in Article 60 paragraph (1) item (v) of the same act shall be deemed to be replaced with "registered foreign conformity assessment body prescribed in the first sentence in Article 31 paragraph (1) of the Act for Implementation of the Mutual Recognition between Japan and Foreign States in Relation to Results of Conformity Assessment Procedures of Specified Equipment (Act No. 111, 2001)." Other necessary technical replacement shall be prescribed by a Cabinet Order.

Article 32 With regard to the application of the provisions of Article 53 paragraph (3), Article 55 paragraph (2), Article 60 paragraph (2), Article 62 paragraph (4), Article 69 paragraph (1), Article 166 paragraph (7) and paragraph (8), Article 167 paragraph (3), Article 168 and Article 171 of the Telecommunications Business Act (including the penal provisions pertaining to

Article 53 paragraph (3) of the same act) where the provisions of Article 31 are applied, the term "the cases where the preceding paragraph shall apply mutatis mutandis pursuant to Article 104 paragraph (4)" in Article 53 paragraph (3) of the same act shall be deemed to be replaced with "the cases where the preceding paragraph shall apply mutatis mutandis pursuant to Article 104 paragraph (4) and the cases where the preceding paragraph shall apply with the replacement pursuant to the provision of Article 31 paragraph (1) of the Act for Implementation of the Mutual Recognition between Japan and Foreign States in Relation to Results of Conformity Assessment Procedures of Specified Equipment (Act No. 111, 2001); hereinafter referred to as "the Mutual Recognition Implementation Act")" ; the term "the cases where Article 58 shall apply mutatis mutandis pursuant to Article 104 paragraph (7)" in Article 53 paragraph (3) of the same act shall be deemed to be replaced with "the cases where Article 58 shall apply mutatis mutandis pursuant to Article 104 paragraph (7) and the cases where Article 58 shall apply pursuant to the provision of Article 31 paragraph (2) of the Mutual Recognition Implementation Act" ; the term "the cases where Article 53 paragraph (2) shall apply mutatis mutandis pursuant to Article 104 paragraph (4)" in Article 69 paragraph (1) of the same act shall be deemed to be replaced with "the cases where Article 53 paragraph (2) shall apply mutatis mutandis pursuant to Article 104 paragraph (4) and the cases where Article 53 paragraph (2) shall apply with the replacement pursuant to the provision of Article 31 paragraph (1) of the Mutual Recognition Implementation Act" ; and the term "the cases where Article 58 shall apply mutatis mutandis pursuant to Article 104 paragraph (7)" in Article 69 paragraph (1) of the same act shall be deemed to be replaced with "the cases where Article 58 shall apply mutatis mutandis pursuant to Article 104 paragraph (7) and the cases where Article 58 shall apply pursuant to the provision of Article 31 paragraph (2) of the Mutual Recognition Implementation Act." Other necessary technical replacement shall be stipulated by a Cabinet Order.

Section 3 Special Provisions of the Radio Act

Article 33 (1) When a registered foreign conformity assessment body (limited to those who have been registered in each of the same classifications of business listed in Article 38-2 paragraph (1) of the Radio Act as a person to certify that radio equipment conforms to the technical standards prescribed in Chapter III of the same act; hereinafter the same shall apply in this Article) issues a technical standards conformity certification (technical standards conformity certification prescribed in Article 38-2 paragraph (1) of the same act; hereinafter the same shall apply in this paragraph) in respect of the specified

radio equipment (specified radio equipment prescribed in the same paragraph, provided that such radio equipment pertains to the classification in which the registered conformity assessment body has been registered; the same shall apply in paragraph (2)), the provisions of Article 38-7 paragraph (1), Article 38-20 paragraph (1), Article 38-21 paragraph (1) and paragraph (2), Article 38-22 paragraph (1), Article 38-23 paragraph (1) and Article 38-30 paragraph (1) (including the penal provisions pertaining to these provisions) shall be applied by regarding the technical standards conformity certification as a technical standards conformity certification issued by a registered certification body (registered certification body prescribed in Article 38-5 paragraph (1) of the same act; hereinafter the same shall apply in this Article) and the person who has obtained the technical standards conformity certification from the registered foreign conformity assessment body as a person who has obtained a technical standards conformity certification from a registered certification body. In this case, the term "registered certification body" and the term "shall affix" in Article 38-7 paragraph (1) of the same act shall be deemed to be replaced with "registered foreign conformity assessment body prescribed in the first sentence in Article 33 paragraph (1) of the Act for Implementation of the Mutual Recognition between Japan and Foreign States in Relation to Results of Conformity Assessment Procedures of Specified Equipment (Act No. 111, 2001)" and "may affix," respectively. Other necessary technical replacement shall be prescribed by a Cabinet Order.

- (2) When a registered foreign conformity assessment body issues a certification of construction type (certification of construction type prescribed in Article 38-24 paragraph (1) of the Radio Act; hereinafter the same shall apply in this paragraph) in respect of a construction type (including the method to verify that each equipment conforms to the type) of specified radio equipment, the provisions of Article 38-25 through Article 38-27, Article 38-28 paragraph (1), Article 38-29 and Article 38-30 paragraph (2) and paragraph (3) (including the penal provisions pertaining to these provisions) shall be applied by regarding the certification of construction type as a certification of construction type issued by a registered certification body and the person who has obtained the certification of construction type from the registered foreign conformity assessment body as a person who has obtained a certification of construction type from a registered certification body. In this case, the term "registered certification body" in Article 38-28 paragraph (1) item (v) of the same act shall be deemed to be replaced with "registered foreign conformity assessment body prescribed in the first sentence in Article 33 paragraph (1) of the Act for Implementation of the Mutual Recognition between Japan and Foreign States in Relation to Results of Conformity Assessment Procedures of Specified Equipment (Act No. 111, 2001)." Other necessary technical replacement shall

be prescribed by a Cabinet Order.

Article 34 With regard to the application of the provisions of Article 4 (limited to the part concerning item (ii) and item (iii)), Article 13 paragraph (2), Article 15, Article 27-2, Article 27-18 paragraph (1), Article 38-7 paragraph (2) and paragraph (3), Article 38-20 paragraph (2), Article 38-21 paragraph (3), Article 38-22 paragraph (2), Article 38-23 paragraph (2), Article 38-28 paragraph (2), Article 38-30 paragraph (4), Chapter VII, Article 99-2 and Article 103-2 paragraph (11) and paragraph (17) through paragraph (25) of the Radio Act (including the penal provisions pertaining to these provisions) where the provision of Article 33 are applied, the term "the cases where Article 38-7 paragraph (1) shall apply mutatis mutandis pursuant to Article 38-31 paragraph (4)" in Article 4 item (ii) of the same act shall be deemed to be replaced with "the cases where Article 38-7 paragraph (1) shall apply mutatis mutandis pursuant to Article 38-31 paragraph (4) and the cases where Article 38-7 paragraph (1) shall apply with the replacement pursuant to the provision of Article 33 paragraph (1) of the Act for Implementation of the Mutual Recognition between Japan and Foreign States in Relation to Results of Conformity Assessment Procedures of Specified Equipment (Act No. 111, 2001; hereinafter referred to as "the Mutual Recognition Implementation Act")" ; the term "the cases where Article 38-26 shall apply mutatis mutandis pursuant to Article 38-31 paragraph (6)" in Article 4 item (ii) of the same act shall be deemed to be replaced with "the cases where Article 38-26 shall apply mutatis mutandis pursuant to Article 38-31 paragraph (6) and the cases where Article 38-26 shall apply pursuant to the provision of Article 33 paragraph (2) of the Mutual Recognition Implementation Act; the term "the cases where paragraph (1) of this Article shall apply mutatis mutandis pursuant to Article 38-31 paragraph (4)" in Article 38-7 paragraph (2) and paragraph (3) of the same act shall be deemed to be replaced with "the cases where paragraph (1) of this Article shall apply mutatis mutandis pursuant to Article 38-31 paragraph (4) and the cases where paragraph (1) of this Article shall apply with the replacement pursuant to the provision of Article 33 paragraph (1) of the Mutual Recognition Implementation Act" ; the term "the cases where Article 38-26 shall apply mutatis mutandis pursuant to Article 38-31 paragraph (6)" in Article 38-7 paragraph (2) and paragraph (3) of the same act shall be deemed to be replaced with "the cases where Article 38-26 shall apply mutatis mutandis pursuant to Article 38-31 paragraph (6) and the cases where Article 38-26 shall apply pursuant to the provision of Article 33 paragraph (2) of the Mutual Recognition Implementation Act" ; and the term "Article 38-26 (except the cases applied to foreign dealers)" in Article 103-2 paragraph (11) of the same act shall be deemed to be replaced with "Article 38-26 (except the cases

applied to foreign dealers) and Article 38-26 applied pursuant to the provision of Article 33 paragraph (2) of the Mutual Recognition Implementation Act (except the cases applied to foreign dealers)." Other necessary technical replacement shall be prescribed by a Cabinet Order.

Section 4 Special Provisions of the Electrical Appliances and Material Safety Act

Article 35 Where a notifying supplier under Article 4 paragraph (1) of the Electrical Appliances and Material Safety Act maintains any of the certificates described under any of the following items before sale of the specified electrical appliances and materials relating to manufacture or import thereby (specified electrical appliances and materials prescribed in Article 2 paragraph (2) of the same act excluding electrical appliances and materials manufactured or imported through the application of the proviso of Article 8 paragraph (1) of the same act; hereinafter the same shall apply in this Article), the notifying supplier shall be treated as having undergone conformity inspection pursuant to the provision of the main clause of Article 9 paragraph (1) of the same act and having obtained and maintaining a certificate prescribed in the same paragraph.

- (i) A certificate issued to the notifying supplier in respect of the specified electrical appliances and materials (limited to those pertaining to the registered classification; the same shall apply in the following item) by a registered foreign conformity assessment body (limited to those who have been registered in each of the same classifications as specified by an Ordinance of the Ministry of Economy, Trade and Industry under Article 29 paragraph (1) of the Electrical Appliances and Material Safety Act as a person to conduct conformity inspection prescribed in Article 9 paragraph (1) of the same act), provided that it certifies conformity in accordance with the technical standards stipulated in Article 8 paragraph (1) of the same act and/or the standards for assessment facilities and other matters specified by an Ordinance of the Ministry of Economy, Trade and Industry noted in Article 9 paragraph (2) of the same act in respect of any of the items in Article 9 paragraph (1) of the same act (hereinafter referred to as an "international certificate" in this Article)
- (ii) An international certificate obtained in respect of a specified electrical appliance and material of the same type as the specified electrical appliance and material (limited to those relating to Article 9 paragraph (1) item (ii) of the Electrical Appliances and Material Safety Act), provided that the period prescribed in the proviso of the same paragraph has not yet passed from the date of issue of the certificate

- (iii) A certificate stipulated by an Ordinance of the Ministry of Economy, Trade and Industry as equivalent to the international certificate listed in item (i) and item (ii)

Chapter V Miscellaneous Provisions

(Evaluation Activities by NITE)

- Article 36 (1) The competent minister (limited to the case where the competent minister is the Minister of Economy, Trade and Industry pursuant to the provision of Article 44 paragraph (1); hereinafter the same shall apply in this Article, Article 37 paragraph (4) through paragraph (6) and Article 39) may, where evaluation activities are conducted by the minister and if deemed necessary, commission the Incorporated Administrative Agency called the National Institute of Technology and Evaluation (hereinafter referred to as "NITE") to conduct in whole or in part such evaluation activities.
- (2) The provisions of Article 14 paragraph (2) through paragraph (4) shall apply mutatis mutandis to the case where NITE conducts evaluation activities pursuant to the provision of the preceding paragraph. In this case, the term "designated evaluation body" in these provisions shall be deemed to be replaced with "NITE."
 - (3) Where the competent minister permits the abolition of evaluation activities pursuant to the provision of Article 26 paragraph (1), withdraws the designation pursuant to the provision of Article 27 paragraph (1), or conducts evaluation activities in whole or in part by himself pursuant to the provision of Article 28 paragraph (1), matters regarding the transfer of evaluation activities and other matters necessary in the event that the conducting of evaluation activities is commissioned in whole or in part to NITE pursuant to the provision of paragraph (1) shall be provided by the applicable ministerial ordinance.
 - (4) Where the competent minister decides to commission NITE to conduct in whole or in part evaluation activities pursuant to the provision of paragraph (1) or chooses no longer to commission NITE to conduct in whole or in part evaluation activities thus far conducted by NITE, the competent minister shall publicly notify to that effect.

(On-site Inspection, Etc.)

- Article 37 (1) Within the limit necessary for the enforcement of this Act, the competent minister may require a designated conformity assessment body to report on its designated conformity assessment business or delegate ministerial officials to enter into the offices or other places of work of the designated conformity assessment body concerned to inspect the state of

designated conformity assessment business or facilities, books and records and other properties, or to make inquiries of the persons concerned.

- (2) Within the limit necessary for the enforcement of this Act, the competent minister may require a designated evaluation body to report on its activities or delegate ministerial officials to enter into the offices of the designated accreditation body concerned to inspect the state of activities or books and records and other properties, or to make inquiries of the persons concerned.
- (3) The officials who conduct the on-site inspection or inquiry pursuant to the provisions of paragraph (1) and paragraph (2) shall carry a certificate for identification and produce it to the persons concerned.
- (4) Where deemed necessary, the competent minister may commission NITE to conduct an on-site inspection or inquiry pursuant to the provisions of paragraph (1) or paragraph (2).
- (5) Where NITE is commissioned to conduct an on-site inspection or inquiry pursuant to the provision of the preceding paragraph, the competent minister shall inform NITE of the location of the on-site inspection and other matters necessary to conduct such on-site inspection.
- (6) Where an on-site inspection or inquiry prescribed in paragraph (4) is conducted in accordance with an instruction by the competent minister under the preceding paragraph, NITE shall report the results thereof to the competent minister.
- (7) The staff of NITE who conduct the on-site inspection or inquiry pursuant to the provision of paragraph (4) shall carry a certification for identification and produce it to the persons concerned.
- (8) The powers granted under the provisions of paragraph (1) and paragraph (2) shall not be construed as being invested for criminal investigations.

Article 38 Where the Joint Committee (Joint Committee prescribed in the applicable mutual recognition agreement; hereinafter the same shall apply in this Article) decides to conduct a joint verification (joint verification prescribed in the applicable mutual recognition agreement) pursuant to the provisions of the applicable mutual recognition agreement, the competent minister may allow a member of staff of the foreign state, who is designated by the Joint Committee pursuant to the provisions of the mutual recognition agreement, to enter into the offices or other places of work of the designated conformity assessment body concerned and inspect the state of designated conformity assessment business or facilities, books and records and other properties, or to make inquiries of the persons concerned in the presence of the ministerial officials set forth in Article 37 paragraph (1) when an on-site inspection or inquiry is conducted pursuant to the provisions of the same paragraph; provided, however, that this shall not apply without the consent of the person

who is the subject of the on-site inspection or inquiry pursuant to the provisions of the same paragraph.

(Issuance of Orders to NITE)

Article 39 Where deemed necessary for the proper conduct of on-site inspection or inquiry activities prescribed in the provisions of Article 37 paragraph (4), the competent minister may issue necessary orders regarding such activities to NITE.

(Fees)

Article 40 (1) The following persons shall pay to the Government a fee specified by a Cabinet Order taking into consideration of actual cost:

(i) Any person who intends to obtain or renew the designation set forth in Article 3 paragraph (1)

(ii) Any person who intends to obtain approval for a change set forth in Article 7 paragraph (1)

(2) Any person who intends to undergo an evaluation conducted by NITE shall pay to NITE a fee specified by a Cabinet Order taking into consideration of actual cost.

(3) Fees paid to NITE pursuant to the provision of the preceding paragraph shall be the income of NITE.

(4) Any person who intends to undergo an evaluation conducted by a designated evaluation body shall pay to the designated evaluation body a fee the designated accreditation body determines with the approval of the competent minister as specified by a Cabinet Order.

(5) Fees paid to a designated evaluation body pursuant to the provision of the preceding paragraph shall be the income of the designated accreditation body.

(Demand for Examination)

Article 41 Any person dissatisfied with any disposition or inaction of NITE or a designated evaluation body under the provisions of this Act may file a request with the competent minister for an examination under the Administrative Appeal Act (Act No. 160, 1962).

(Transitional Measures)

Article 42 Where any cabinet order or applicable ministerial ordinance is established, revised or abolished under the provisions of this Act, provision may be made for the necessary transitional measures (including transitional measures relating to penal provisions) to the extent deemed reasonably necessary in establishing, revising or abolishing the respective cabinet order or applicable ministerial ordinance.

(Consultation with the Minister of Economy, Trade and Industry)

Article 43 Where any applicable ministerial ordinance under Article 5 paragraph (1) and Article 17 item (iii) is established, revised or abolished, the competent minister (limited to the case where the competent minister is the Minister for Internal Affairs and Communications pursuant to the provision of Article 44 paragraph (1)) shall consult with the Minister of Economy, Trade and Industry in advance.

(Competent Ministers, Etc.)

Article 44 (1) The competent minister in Chapter II, Chapter III and this Chapter shall be either the Minister for Internal Affairs and Communications or the Minister of Economy, Trade and Industry as specified by a Cabinet Order.

(2) The competent minister in Article 30 shall be as follows:

(i) The Minister for Internal Affairs and Communications in respect of matters regarding foreign conformity assessment bodies subject to the provisions of Section 2 and Section 3 of Chapter IV

(ii) The Minister of Economy, Trade and Industry in respect of matters regarding foreign conformity assessment bodies subject to the provisions of Section 4 of Chapter IV

(3) The applicable ministerial ordinance in Chapter II, Chapter III and this Chapter shall be the orders issued by the competent minister as specified by a Cabinet Order prescribed in paragraph (1).

Chapter VI Penal Provisions

Article 45 Any person who divulges any secret which has come into such person's possession with respect to the person's duties in violation of the provisions of Article 20 paragraph (1) shall be punished by imprisonment with work for not more than 1 year or a fine of not more than 1,000,000 yen.

Article 46 In the event of the contravention of an order to suspend activities pursuant to the provisions of Article 27 paragraph (1), the officers or members of staff of the designated evaluation body committing such violation shall be punished by imprisonment with work for not more than 1 year or a fine of not more than 1,000,000 yen.

Article 47 Any person who contravenes the provisions of Article 12 paragraph (2) shall be punished by a fine of not more than 500,000 yen.

Article 48 Any person who falls under any of the following items shall be punished by a fine of not more than 300,000 yen:

- (i) Any person who changes the matters listed in item (iii) through item (v) of Article 3 paragraph (3) in violation of the provisions of Article 7 paragraph (1)
- (ii) Any person who fails to prepare or maintain books and records under the provisions of Article 9 or who prepares false books and records
- (iii) Any person who fails to make a report under the provisions of Article 37 paragraph (1) or makes any false report, or refuses, obstructs or evades any on-site inspection under the provisions of the same paragraph, or fails to answer or gives a false answer to an inquiry under the provisions of the same paragraph

Article 49 Where a designated evaluation body falls under any of the following items, any officer or member of staff of the body which commits such violation shall be punished by a fine of not more than 300,000 yen:

- (i) Any body which fails to keep or maintain books and records, makes no entry or makes a false entry in violation of the provisions of Article 24
- (ii) Any body which wholly abolishes evaluation activities in contravention of the provisions of Article 26 paragraph (1)
- (iii) Any body which fails to make a report under the provisions of Article 37 paragraph (2) or makes any false report, or refuses, obstructs or evades on-site inspection under the provisions of the same paragraph, or fails to answer or gives a false answer to an inquiry under the provisions of the same paragraph

Article 50 When any representative person of a juridical person, or any agent, worker or other employee of juridical person or individual commits a violation referred to in Article 47 or Article 48 with regard to the business of said juridical person or individual, not only the offender shall be punished but also said juridical person or individual shall be punished by the fine prescribed in the respective Articles.

Article 51 In the event of the contravention of an order issued pursuant to the provision of Article 39, the officers of NITE committing the violation shall be punished by a non-penal fine of not more than 200,000 yen.

Article 52 Any person who fails to file a notification under the provisions of Article 7 paragraph (4) or Article 8 paragraph (1) or files a false notification shall be punished by a non-penal fine of not more than 100,000 yen.

Supplementary Provisions [Extract]

(Effective Date)

Article 1 This Act shall come into effect as from the date on which the Agreement enters into force; provided, however, that the provision of the following Article shall come into effect as from the date specified by a Cabinet Order within a period not exceeding six months from the day of promulgation.

(Preparatory Actions)

Article 2 Designation pursuant to the provisions of Article 14 paragraph (1), related procedures and other necessary actions may be conducted according to the provisions of Article 15 through Article 17, Article 18 paragraph (1) and Article 23 paragraph (1) and paragraph (2) even if prior to the enforcement of this Act.

Supplementary Provisions [Act No. 31 of April 26, 2002 Excerpts] [Extract]

(Effective Date)

Article 1 This Act shall come into effect as from the date on which the Agreement between Japan and the Republic of Singapore for a New-Age Economic Partnership enters into force; provided, however, that the provision of the following Article shall come into effect as from the date specified by a Cabinet Order within a period not exceeding six months from the day of promulgation.

(Preparatory Actions)

Article 2 Relevant to the overseas conformity assessment business as prescribed in Article 2 paragraph (8) item (vi) and item (vii) of the Act for Implementation of the Mutual Recognition between Japan and the European Community and the Republic of Singapore in Relation to Conformity Assessment of Specified Equipment revised by this Act (hereinafter referred to as "the new Act"), the designation pursuant to the provisions of Article 14 paragraph (1) of the new Act, related procedures and other necessary actions with regard to the person who conducts the evaluation pursuant to the provisions of Article 5 paragraph (2) of the new Act may be conducted according to the provisions of Article 15 through Article 17, Article 18 paragraph (1), Article 23 paragraph (1) and paragraph (2), and Article 40 paragraph (4) of the new Act even if prior to the enforcement of this Act.

Supplementary Provisions [Act No. 68 of June 6, 2003 Excerpts] [Extract]

(Effective Date)

Article 1 This Act shall come into effect as from the date specified by a Cabinet Order within a period not exceeding nine months from the day of promulgation.

(Transitional Measures in Connection with Partial Revision of the Act for Implementation of the Mutual Recognition between Japan and the European Community and the Republic of Singapore in Relation to Conformity Assessment of Specified Equipment)

Article 12 (1) The specified radio equipment prescribed in Article 33 paragraph (1) item (i) of the Act for Implementation of the Mutual Recognition between Japan and the European Community and the Republic of Singapore in Relation to Conformity Assessment of Specified Equipment prior to the revision by the provision of the preceding Article (hereinafter referred to as "the former Act for implementation of the mutual recognition") prior to the enforcement of this Act and shall be regarded as the same as that prescribed in Article 33 paragraph (1) item (i) of the revised Act for Implementation of the Mutual Recognition between Japan and the European Community and the Republic of Singapore in Relation to Conformity Assessment of Specified Equipment (hereinafter referred to as "the new Act for implementation of the mutual recognition").

(2) The specified radio equipment stipulated in Article 33 paragraph (1) item (ii) of the old Act for implementation of the mutual recognition prior to the enforcement of this Act shall be regarded as the same as that stipulated in Article 33 paragraph (1) item (ii) of the new Act for implementation of the mutual recognition.

**Supplementary Provisions [Act No. 125 of July 24, 2003 Excerpts]
[Extract]**

(Effective Date)

Article 1 This Act shall come into effect as from the date specified by a Cabinet Order within a period not exceeding nine months from the day of promulgation.

(Transitional Measures in Connection with Partial Revision of the Act for Implementation of the Mutual Recognition between Japan and the European Community and the Republic of Singapore in Relation to Conformity Assessment of Specified Equipment)

Article 43 (1) The terminal equipment prescribed in Article 31 paragraph (1) item (i) of the Act for Implementation of the Mutual Recognition between Japan and the European Community and the Republic of Singapore in Relation to Conformity Assessment of Specified Equipment prior to the revision by the

provisions of the preceding Article (hereinafter referred to as "the former Act for implementation of the mutual recognition") shall be regarded as the same as that prescribed in Article 31 paragraph (1) item (i) of the Act for Implementation of the Mutual Recognition between Japan and the European Community and the Republic of Singapore in Relation to Conformity Assessment of Specified Equipment revised by the provisions of the preceding Article (hereinafter referred to as "the new Act for implementation of the mutual recognition").

- (2) The terminal equipment prescribed in Article 31 paragraph (1) item (ii) of the former Act for implementation of the mutual recognition shall be regarded as the same as that prescribed in Article 31 paragraph (1) item (ii) of the new Act for implementation of the mutual recognition.
- (3) With regard to the application of the provisions of Article 31 and Article 32 of the new Act for implementation of the mutual recognition within the period between the date of enforcement of this Act and the previous day of the effective date, in Article 31 paragraph (1), the term "Article 69 paragraph (1)" shall be deemed to be replaced with "Article 51 paragraph (1)", the term "Article 53 paragraph (2)" shall be deemed to be replaced with "Article 50 paragraph (2)", the term "Article 52 paragraph (1)" shall be deemed to be replaced with "Article 49 paragraph (1)", the term "Article 86 paragraph (1)" shall be deemed to be replaced with "Article 68 paragraph (1)" and the term "Article 62 paragraph (1)" shall be deemed to be replaced with "Article 50-10 paragraph (1)" ; in Article 32, the term "Article 52 paragraph (1)" shall be deemed to be replaced with "Article 49 paragraph (1)."

**Supplementary Provisions [Act No. 47 of May 19, 2004 Excerpts]
[Extract]**

(Effective Date)

Article 1 This Act shall come into effect as from the date specified by a Cabinet Order within a period not exceeding three months from the day of promulgation; provided, however, that the provisions listed in the following items shall come into effect as from the day specified respectively in those items.

- (iii) The provisions of Article 2 (except the provision revising Article 99-11 paragraph (1) item (i) of the Radio Act) and Supplementary Provisions Article 6 and Article 8 through Article 12: the date specified by a Cabinet Order not exceeding one year from the day of promulgation

**Supplementary Provisions [Act No. 92 of June 20, 2007 Excerpts]
[Extract]**

(Effective Date)

Article 1 This Act shall come into effect as from the date specified by a Cabinet Order within a period not exceeding six months from the day of promulgation.

(Transitional Measures)

Article 2 (1) Terminal equipment (terminal equipment prescribed in Article 53 paragraph (1) of the Telecommunications Business Act (Act No. 86, 1984); hereinafter the same shall apply in this Article) which exists at the time of the enforcement of this Act and listed in Article 31 paragraph (1) item (i) of the Act for Implementation of the Mutual Recognition between Japan and the European Community and the Republic of Singapore in Relation to Conformity Assessment of Specified Equipment prior to the revision by this Act (hereinafter referred to as "the former Act") (excluding that regarded not to have the mark affixed pursuant to the provision of Article 32 paragraph (1) of the former Act) shall be regarded as terminal equipment to which the mark has been affixed pursuant to the provision of Article 53 paragraph (2) of the Telecommunications Business Act. In this case, the provision of Article 54 of the same act (including the case where the provision of Article 54 of the same act shall be deemed to be replaced pursuant to the provision of Article 62 paragraph (1) of the same act) shall not apply.

(2) Approval pertaining to terminal equipment which exists at the time of the enforcement of this Act, which has obtained the approval prescribed in Article 31 paragraph (1) item (i) of the former Act and to which the mark specified in the same item has not been affixed shall be regarded as a technical standards conformity approval issued by a registered foreign conformity assessment body specified in Article 31 paragraph (1) of the Act for Implementation of the Mutual Recognition between Japan and Foreign States in Relation to Results of Conformity Assessment Procedures of Specified Equipment revised by this Act (hereinafter referred to as "the new Act").

(3) A person who has obtained the approval prescribed in Article 31 paragraph (1) item (i) of the former Act prior to the enforcement of this Act shall be regarded as a person who has obtained a technical standards conformity approval from a registered foreign conformity assessment body specified in Article 31 paragraph (1) of the new Act.

(4) Terminal equipment which exists at the time of the enforcement of this Act and listed in Article 31 paragraph (1) item (ii) of the former Act (excluding that regarded not to have the mark affixed pursuant to the provision of Article 32 paragraph (1) of the former Act) shall be regarded as terminal equipment to which the mark has been affixed pursuant to Article 58 of the Telecommunications Business Act. In this case, the provision of Article 54 of

the same act applied mutatis mutandis pursuant to Article 61 of the same act, which shall be deemed to be replaced pursuant to the provision of Article 62 paragraph (2) of the same act, shall not apply.

- (5) The certification prescribed in Article 31 paragraph (1) item (ii) of the former Act issued prior to the enforcement of this Act shall be regarded as a certification of type issued by a registered foreign conformity assessment body specified in Article 31 paragraph (2) of the new Act.
- (6) A person who has obtained the certification prescribed in Article 31 paragraph (1) item (ii) of the former Act prior to the enforcement of this Act shall be regarded as a person who has obtained a certification of type issued by a registered foreign conformity assessment body specified in Article 31 paragraph (2) of the new Act.

Article 3 (1) Specified radio equipment (specified radio equipment prescribed in Article 38-2 paragraph (1) of the Radio Act (Act No. 131, 1950; hereinafter the same shall apply in this Article) which exists at the time of the enforcement of this Act and listed in Article 33 paragraph (1) item (i) of the former Act (excluding that regarded not to have the mark affixed pursuant to the provision of Article 34 paragraph (1) of the former Act) shall be regarded as specified radio equipment to which the mark has been affixed pursuant to the provision of Article 38-7 paragraph (1) the Radio Act. In this case, the provision of Article 38-22 paragraph (1) of the same act (including the case where the provision of Article 38-22 paragraph (1) of the same act shall be deemed to be replaced pursuant to the provision of Article 38-30 paragraph (1) of the same act) shall not apply.

- (2) A certification pertaining to specified radio equipment which exists at the time of the enforcement of this Act, which has obtained the certification prescribed in Article 33 paragraph (1) item (i) of the former Act and to which the mark specified in the same item has not been affixed shall be regarded as a technical standards conformity certification issued by the registered foreign conformity assessment body specified in Article 33 paragraph (1) of the new Act.
- (3) A person who has obtained the certification prescribed in Article 33 paragraph (1) item (i) of the former Act prior to the enforcement of this Act shall be regarded as a person who has obtained a technical standards conformity certification from a registered foreign conformity assessment body specified in Article 33 paragraph (1) of the new Act.
- (4) Specified radio equipment which exists at the time of the enforcement of this Act and listed in Article 33 paragraph (1) item (ii) of the former Act (excluding that regarded not to have the mark affixed pursuant to the provision of Article 34 paragraph (1) of the former Act) shall be regarded as specified radio

equipment to which the mark has been affixed pursuant to Article 38-26 of the Radio Act. In this case, the provisions of Article 38-22 paragraph (1) of the same act applied mutatis mutandis pursuant to Article 38-29 of the same act, which shall be deemed to be replaced pursuant to the provision of Article 38-30 paragraph (2) of the same act, shall not apply.

(5) The certification prescribed in Article 33 paragraph (1) item (ii) of the former Act issued prior to the enforcement of this Act shall be regarded as a certification of construction type issued by a registered foreign conformity assessment body specified in Article 33 paragraph (2) of the new Act.

(6) A person who has obtained the certification prescribed in Article 33 paragraph (1) item (ii) of the former Act prior to the enforcement of this Act shall be regarded as a person who has obtained a certification of construction type issued by a registered foreign conformity assessment body specified in Article 33 paragraph (2) of the new Act.

(Disposition and Procedures pursuant to the Old Act)

Article 4 In addition to those prescribed in Article 2 and Article 3, dispositions, procedures and other actions implemented pursuant to the provisions of the former Act prior to the enforcement of this Act shall be regarded as being implemented pursuant to the equivalent provisions of the new Act, if any.

(Transitional Measures relating to Penal Provisions)

Article 5 With regard to the application of penal provisions to acts committed prior to the enforcement of this Act, the provisions then in force shall remain applicable.

(Cabinet Order Mandate)

Article 6 In addition to what is provided for in Article 2 through Article 5 of Supplementary Provisions, transitional measures necessary for the enforcement of this Act shall be prescribed by a Cabinet Order.