

# Telecommunications Business Act

(Act No. 86 of December 25, 1984)

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## Chapter I General Provisions

(Purpose)

Article 1 The purpose of this Act is to ensure that telecommunications services are provided smoothly, and the interests of the users of the services are protected, through making the operation for telecommunications services proper and reasonable and promoting the fair competition in telecommunications business in consideration of the public nature of telecommunications business, thereby ensuring the sound development of

telecommunications and the convenience of the lives of the people, and increasing the public welfare.

(Definitions)

Article 2 In this Act, the meanings of the terms set forth in the following items are as prescribed respectively in those items:

- (i) "telecommunication" means transmitting, relaying or receiving codes, sounds or images by cable, radio or other electronic or magnetic forms;
- (ii) "telecommunications facilities" mean machines, equipment, wires and cables or other electrical facilities for conducting telecommunications;
- (iii) "telecommunications service" means intermediating other persons' communications through the use of telecommunications facilities, or other acts of providing telecommunications facilities for use in other persons' communications;
- (iv) "telecommunications business" means the business involved in providing telecommunications services in order to meet the demands of other persons (except businesses involved in service supplying facilities for broadcasting stations as prescribed in Article 118, paragraph (1) of the Broadcasting Act (Act No. 132 of 1950));
- (v) "telecommunications carrier" means the person that has obtained the registration set forth in Article 9 to operate a telecommunications business, and the person that has filed a notification under Article 16, paragraph (1);
- (vi) "telecommunications operations" mean operations conducted by a telecommunications carrier to provide telecommunications services.

(Prohibition of Censorship)

Article 3 Communications handled by a telecommunications carrier must not be censored.

(Protection of Secrecy)

Article 4 (1) The secrecy of communications handled by a telecommunications carrier must not be violated.

(2) A person who is engaged in telecommunications business must not disclose other persons' secrets which came to their knowledge while in service with respect to communications handled by a telecommunications carrier. The same applies even after that person has left office.

(Treaties on Telecommunications Business)

Article 5 If the provisions are otherwise provided in treaties with respect to telecommunications business, those provisions prevail over those of this Act.

## **Chapter II Telecommunications Business**

### **Section 1 General Provisions**

(Fairness in Use)

Article 6 A telecommunications carrier must not engage in unfair and discriminatory treatment with regard to the provision of telecommunications services.

(Provision of Universal Telecommunications Services)

Article 7 A telecommunications carrier that provides universal telecommunications services (telecommunications services which are specified by Order of the Ministry of Internal Affairs and Communications as those that are to be provided nationwide due to their indispensability to the lives of the people; hereinafter the same applies) must make efforts to provide the services in an appropriate, fair and stable manner.

(Securing of Essential Communications)

Article 8 (1) A telecommunications carrier must, if a natural disaster, an accident or any other emergency occurs or is likely to occur, give priority to communications on particulars that are necessary for prevention of a disaster or relief efforts about it, for securing transportation, communications or electric power supply, or for maintaining the public order. The same applies to other communications that are specified by Order of the Ministry of Internal Affairs and Communications to be conducted urgently for the public interest.

(2) In the cases set forth in the preceding paragraph, a telecommunications carrier may, if necessary, suspend part of its telecommunications operations in accordance with the standards specified by Order of the Ministry of Internal Affairs and Communications.

(3) If a telecommunications carrier interconnects its telecommunications facilities with another telecommunications carrier's telecommunications facilities in order to ensure the implementation of the communications set forth in paragraph (1) (hereinafter referred to as "essential communications") in a smooth manner while trying to achieve mutual corporation, it must, pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications, take necessary measures, including concluding an agreement for preferential treatment of essential communications, and others.

### **Section 2 Registration of Business**

(Registration of Telecommunications Business)

Article 9 A person that intends to operate a telecommunications business must

obtain a registration from the Minister for Internal Affairs and Communications; provided, however, that this does not apply to the following cases:

- (i) the scale of telecommunication line facilities (telecommunication line facilities that interconnect places of transmission with places of reception and switching facilities installed as an integral part of these, and their adjunct facilities; hereinafter the same applies) installed by the person and the scope of areas where the telecommunication line facilities are installed do not exceed the standards specified by Order of the Ministry of Internal Affairs and Communications;
- (ii) the telecommunication line facilities installed by the person is wireless broadcasting facilities of wireless broadcasting stations transmitting wireless communication other than basic broadcasting, in addition to the basic broadcasting prescribed in Article 7, paragraph (2), item (vi) of the Radio Act (Act No. 131 of 1950) (except the case listed in the preceding item).

Article 10 (1) A person that intends to obtain a registration as set forth in the preceding Article must, pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications, file a written application describing the following particulars with the Minister for Internal Affairs and Communications:

- (i) name and address of the applicant and, in the case of a corporation, the name of its representative;
  - (ii) service areas;
  - (iii) outline of telecommunications facilities.
- (2) The written application set forth in the preceding paragraph must be filed with a document in which the person pledges that they do not fall under Article 12, paragraph (1), item(i) through item (iii), and other documents specified by Order of the Ministry of Internal Affairs and Communications attached thereto.

(Implementation of Registration)

Article 11 (1) When an application for the registration set forth in Article 9 is filed, the Minister for Internal Affairs and Communications must register the following particulars in a register for the telecommunications carriers, except the case in which the Minister refuses the registration pursuant to the provisions of paragraph (1) of the following Article:

- (i) particulars listed in the items of paragraph (1) of the preceding Article;
  - (ii) registration date and registration number.
- (2) If the Minister for Internal Affairs and Communications has made a registration pursuant to the provisions of the preceding paragraph, the Minister must notify the applicant to that effect without delay.

(Refusal of Registration)

Article 12 (1) If a person that has filed a written application set forth in Article 10, paragraph (1) falls under any of the following items, or if the written application or any document attached thereto includes a false entry on any important particulars or fails to describe any material fact, the Minister for Internal Affairs and Communications must refuse the registration:

- (i) a person that has been sentenced to a fine or heavier punishment pursuant to the provisions of this Act, the Cable Telecommunications Act (Act No. 96 of 1953) or the Radio Act, if two years have not passed since the date on which the enforcement of the punishment has been completed or has ceased to become applicable;
  - (ii) a person whose registration was revoked pursuant to the provisions of Article 14, paragraph (1), if a period of two years has not passed from the date of revocation;
  - (iii) a corporation or association any of whose officers falls under any of the preceding two items;
  - (iv) a person whose telecommunications business is found to be inappropriate for the sound development of telecommunications.
- (2) When the Minister for Internal Affairs and Communications has refused registration pursuant to the provisions of the preceding paragraph, the Minister must notify the applicant to that effect in writing with the reasons attached thereto.

(Renewal of Registration).

Article 12-2 (1) The registration stipulated in Article 9 ceases to be effective if any of the following conditions occurs and the registration is not renewed within three months from the date of the occurrence of the condition:

- (i) a telecommunication facility installed by a person registered pursuant to Article 9 newly receives the registration under Article 33, paragraph (1) (excluding cases in which any other telecommunication facility of the person has already received the designation under the same paragraph), or newly receives the designation under Article 34, paragraph (1) (excluding cases in which any other telecommunication facility of the person has already received the designation under the same paragraph);
- (ii) any of the following conditions occurs to a person that has been registered pursuant to the provisions of Article 9 (limited to a corporation that is a telecommunications carrier running Category I designated telecommunications facilities (Category I designated telecommunications facilities as defined in Article 33, paragraph (2); hereinafter the same applies to all Articles through Article 31) or Category II designated

telecommunications facilities (Category II designated telecommunications facilities as defined in Article 34, paragraph (2); the same applies to paragraph (4), item (ii), (c) and Article 30, paragraph (1)); the same definition of the person applies in this paragraph):

- (a) the person is merged (limited to a merger in which the person registered under Article 9 is the surviving corporation) with another person (limited to a person running specified telecommunication facilities; the same applies in this paragraph) that is not a corporation with a specific affiliation to the person;
  - (b) the person succeeds to all or part of the telecommunication businesses (limited to telecommunication businesses to provide telecommunication services using specified telecommunication facilities; hereinafter the same applies in this paragraph) of another person that is not a corporation with a specific affiliation to the person, by the split of the business of the other person; or
  - (c) the person is assigned all or part of the telecommunication businesses of another person who is not a corporation with a specific affiliation to the person.
- (iii) a corporation with a specific affiliation to a person registered under Article 9 falls under any of the following conditions (limited to the cases in which the status as a corporation with a specific affiliation to the person registered under the same Article remains the same after the occurrence of the condition):
- (a) it is merged (limited to a merger in which it is the surviving corporation) with a corporation other than one with a specific affiliation to the person registered under Article 9 (excluding a person registered under the same Article; the same applies in (b) and (c));
  - (b) it succeeds to all or part of the telecommunication businesses of a corporation other than one with a specific affiliation to the person registered under Article 9, by the split of the business of that corporation; or
  - (c) it is assigned all or part of the telecommunication businesses of a corporation other than one with a specific affiliation to the person registered under Article 9.
- (iv) a corporation other than one with a specific affiliation to the person registered under Article 9 becomes a corporation with a specific affiliation to the person registered under the same Article.
- (2) The provisions in the preceding three Articles apply *mutatis mutandis* to the renewal of registration in the preceding paragraph. In this case, the terms included in the middle column are deemed to be replaced with the terms included in the right column of the table below.

Article 11, paragraph (1) item (ii) paragraph (1) of the preceding Article	Registration date and each item	Registration date and its renewal date, and each item (excluding item (ii))
	(iv) Any person whose telecommunications business is found to be inappropriate for the sound development of telecommunications	(iv) Any person who is found not to have sufficient financial basis to conduct telecommunication businesses properly
		(v) Any person who is found not to perform sufficient maintenance of systems necessary for conducting telecommunication businesses properly (including maintenance of systems stipulated in Article 31 paragraph (5), for a telecommunications carrier running Category I designated telecommunications facilities defined in Article 33, paragraph (2))
		(vi) Any person whose telecommunications business is found to be inappropriate for the sound development of telecommunications

(3) When a request for the renewal of the registration is filed pursuant to paragraph (1), and the processing of the requested renewal is not completed by the end of the period stipulated in the same paragraph, the registration under Article 9 remains in force even after the expiration of the period until the process is completed.

(4) In paragraph (1), the meanings of the terms set forth in the following items are as prescribed respectively in those items:

(i) a corporation with a specific affiliation: a corporation that has any of the following relationships to another corporation which is a telecommunications carrier:

(a) it is a subsidiary or equivalent (a subsidiary or equivalent as defined in

- Article 2, item (iii)-2 of the Companies Act (Act No.86 of 2005); the same applies in (b) and (c) below) of the other corporation which is a telecommunications carrier;
- (b) the other corporation which is a telecommunications carrier is its subsidiary or equivalent;
  - (c) it is a subsidiary or equivalent of a corporation which holds the other corporation which is a telecommunications carrier, as a subsidiary or equivalent (excluding the other corporation which is a telecommunications carrier, and a corporation which has either of the relationships stipulated in (a) and (b) with the other corporation which is a telecommunications carrier); or
  - (d) beyond what is set forth in (a) through (c), the corporation has any the special relationship as defined by Cabinet Order.
- (ii) specified telecommunication facilities: any of the following facilities:
- (a) Category I designated telecommunications facilities
  - (b) Telecommunication facilities designated by the Minister for Internal Affairs and Communications pursuant to the provisions of Order of the Ministry of the Internal Affairs and Communications among aggregates (excluding those stipulated in (a) above) of: transmission-line facilities which are interconnected to the telecommunication facilities (excluding mobile terminal facilities (referring to user's telecommunication facilities that are the wireless broadcasting facilities of moving wireless broadcasting stations; the same applies hereinafter)) of users (persons that conclude contracts with telecommunications carriers to receive telecommunication services; the same applies hereinafter) at one end, which are installed by one single telecommunications carrier in each area defined under Order of the Ministry of Internal Affairs and Communications in Article 33, paragraph (1), and whose telecommunication circuits come to account for a proportion exceeding the proportion specified by Order of the Ministry of Internal Affairs and Communications within the range not exceeding the proportion specified by Order of the Ministry of Internal Affairs and Communications in the same paragraph of the total number of telecommunication circuits of all transmission lines facilities of the same type installed within those areas; and telecommunication facilities which are installed by the telecommunications carrier as single units with the relevant transmission-line facilities in those areas, and which are stipulated by Order of the Ministry of Internal Affairs and Communications in the same paragraph;
  - (c) Category II designated telecommunications facilities;
  - (d) Telecommunication facilities designated by the Minister for Internal Affairs and Communications pursuant to the provisions of Order of the



Ministry Order of the Internal Affairs and Communications among aggregates (excluding those stipulated in (c) above) of; transmission-line facilities which are interconnected to specified mobile terminal facilities (mobile terminal facilities specified by Order of the Ministry of Internal Affairs and Communications; the same applies in this item and Article 34, paragraph (1)) at one end, which are installed by one single telecommunications carrier, and which have these specified mobile terminal facilities interconnected to them come to account for a proportion exceeding the proportion specified by Order of the Ministry of Internal Affairs and Communications within the range not exceeding the proportion specified by Order of the Ministry of Internal Affairs and Communications in the same paragraph of the total number of specified mobile terminal facilities interconnected to all transmission-line facilities of the same type installed within the same area as the service area for the telecommunication services provided by using the relevant transmission-line facilities; and telecommunication facilities which are installed by the telecommunications carrier in order to provide the telecommunication services, and which are stipulated by Order of the Ministry of Internal Affairs and Communications in the same paragraph.

(Registration of Changes)

Article 13 (1) If a person that has obtained the registration set forth in Article 9 intends to change any of the particulars set forth in item (ii) or item (iii) of Article 10, paragraph (1), the person must obtain a registration of the change from the Minister for Internal Affairs and Communications; provided, however, that this does not apply to minor changes specified by Order of the Ministry of Internal Affairs and Communications.

(2) A person that intends to obtain the registration of the change set forth in the preceding paragraph must, pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications, file a written application describing the particulars pertaining to the change with the Minister for Internal Affairs and Communications.

(3) The provisions of Article 10, paragraph (2), Article 11 and Article 12 apply mutatis mutandis to the registration of the change as set forth in paragraph (1). In this case, the term "the following particulars" in Article 11, paragraph (1) is deemed to be replaced with "the particulars pertaining to the change"; and the term "If a person that has filed a written application set forth in Article 10, paragraph (1) falls under any of the following items" in paragraph (1) of Article 12 is to be replaced with "If a person that has filed a written application for registration of a change falls under any of the following items (except item (ii))."

(4) If a person that has obtained the registration as set forth in Article 9 has changed any of the particulars set forth in Article 10, paragraph (1) item (i) or made any minor changes specified by Order of the Ministry of Internal Affairs and Communications, as set forth in the proviso of paragraph (1), the person must notify the Minister for Internal Affairs and Communications to that effect without delay. If that notification is filed, the Minister is to change the registration without delay.

(Revocation of Registration)

Article 14 (1) If a person that has obtained registration as set forth in Article 9 falls under any of the following items, the Minister for Internal Affairs and Communications may revoke the registration set forth in the same Article:

- (i) if the person that has obtained the registration set forth in Article 9 violates this Act or any order or disposition made under this Act, and is found to impair the public interest;
- (ii) if the person has obtained the registration as set forth in Article 9 , the renewal of the registration set forth in Article 12-2, paragraph (1), or the registration of the change set forth in paragraph (1) of the preceding Article through wrongful means;
- (iii) if the person falls under Article 12, paragraph (1), item (i) or item (iii).

(2) The provisions of Article 12, paragraph (2) applies mutatis mutandis to the case set forth in the preceding paragraph.

(Deletion of Registration)

Article 15 If a notification of the discontinuation of a telecommunications business in whole or a notification of dissolution is filed pursuant to the provisions of Article 18, paragraph (1) or paragraph (2), the registration ceases to be effective pursuant to the provisions of paragraph (1) of Article 12-2, or the Minister for Internal Affairs and Communications revokes the registration pursuant to the provisions of paragraph (1) of the Article, the Minister must delete the registration of the person that has obtained the registration set forth in Article 9.

(Notification of Telecommunications Business)

Article 16 (1) A person (except a person that should obtain registration as set forth in Article 9) that intends to operate a telecommunications business must, pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications, file a notification with the Minister for Internal Affairs and Communications to that effect by attaching documents describing the following particulars:

- (i) name and address of the applicant and, in the case of a corporation, the

- name of the representative;
- (ii) service areas;
  - (iii) outline of telecommunications facilities (limited to the cases in which the person runs telecommunications facilities used for telecommunications business set forth in Article 44, paragraph (1)).
- (2) If a person that has filed a notification set forth in the preceding paragraph has changed any of the particulars specified in item (i) of the same paragraph, the person must notify the Minister for Internal Affairs and Communications to that effect without delay.
- (3) If a person that has filed a notification set forth in paragraph (1) intends to change any of the particulars set forth in item (ii) or item (iii) of the same paragraph, the person must notify the Minister for Internal Affairs and Communications to that effect; provided, however, that this does not apply to minor changes specified by Order of the Ministry of Internal Affairs and Communications.
- (4) If a person that has filed a notification as set forth in paragraph (1) received new designation pursuant to Article 41, paragraph (3), the person must, as specified by Order of the Ministry of Internal Affairs and Communications, notify the Minister for Internal Affairs and Communications of the particulars set forth in paragraph (1), item (iii) within one month from that date of designation

(Succession)

- Article 17 (1) In the event of an assignment of a telecommunications business in whole, or a merger, split (limited to a split resulting in the succession to a telecommunications business in whole) or inheritance of a telecommunications carrier, the assignee of the telecommunications business in whole, or, the corporation surviving after the merger or the corporation newly established upon the merger, the corporation that has succeeded to the telecommunications business in whole upon the split or the heir (if one particular heir has been selected from among two or more heirs as the successor to the telecommunications business by agreement among the heirs, the selected heir; hereinafter the same applies in this paragraph) succeeds to the status of the telecommunications carrier; provided, however, that this does not apply to the cases in which the telecommunications carrier has obtained the registration set forth in Article 9, and the assignee of the telecommunications business in whole, or, the corporation surviving after the merger or the corporation newly established upon the merger, the corporation that has succeeded to the telecommunications business in whole upon the split, or the heir falls under any of item (i) through (iii) of Article 12, paragraph (1).
- (2) A person that has succeeded to the status of telecommunications carrier

pursuant to the provisions of the preceding paragraph must notify the Minister for Internal Affairs and Communications to that effect without delay.

(Suspension and Discontinuation of Business and the Dissolution of Corporations)

- Article 18 (1) If a telecommunications carrier suspends or discontinues its telecommunications business in whole or in part, it must notify the Minister for Internal Affairs and Communications to that effect without delay.
- (2) If a corporation that is a telecommunications carrier dissolves due to reasons other than a merger, the liquidator in charge (in the case of dissolution due to an order for the commencement of bankruptcy proceedings, the bankruptcy trustee) must notify the Minister for Internal Affairs and Communications to that effect without delay.
- (3) If a telecommunications carrier intends to suspend or discontinue its telecommunications business in whole or in part, it must, as specified by Order of the Ministry of Internal Affairs and Communications, fully inform the users of the telecommunications business to be suspended or discontinued to that effect; provided, however, that this does not apply to the cases of suspension or discontinuation of a telecommunications business that is specified by Order of the Ministry of Internal Affairs and Communications as a business which has a comparatively small influence on the interests of its users.

### **Section 3 Operations**

(General Conditions of Contracts for Universal Telecommunications Services)

- Article 19 (1) A telecommunications carrier that provides universal telecommunications services must establish general conditions of contracts concerning charges and other terms and conditions for the provision of its universal telecommunications services (except particulars pertaining to technical conditions to be authorized pursuant to the provision of Article 52, paragraph (1) or Article 70, paragraph (1) item (i) and particulars specified by Order of the Ministry of Internal Affairs and Communications) and notify the Minister for Internal Affairs and Communications of the general conditions of contracts prior to the implementation of them, pursuant to Order of the Ministry of Internal Affairs and Communication,. The same also applies to the cases in which it intends to change those general conditions of contracts.
- (2) If the Minister for Internal Affairs and Communications finds that the general conditions of contracts the notification of which has been filed pursuant to the provisions of the preceding paragraph fall under any of the following items, the Minister may order the telecommunications carrier that provides the universal telecommunications services to change the general

conditions of contracts, designating an adequate time limit:

- (i) if the general conditions of contracts do not properly and explicitly specify means of calculating charges;
  - (ii) if the general conditions of contracts do not properly and explicitly specify particulars concerning the responsibilities of the telecommunications carrier and of its users, and means of sharing the costs of installation and other works of telecommunications facilities;
  - (iii) if the general conditions of contracts unreasonably restrict the way the telecommunication line facilities are used;
  - (iv) if the general conditions of contracts treat certain persons in an unfair and discriminatory manner;
  - (v) if the general conditions of contracts do not include proper consideration to matters concerning essential communications;
  - (vi) if the general conditions of contracts lead to unfair competition with other telecommunications carriers, are extremely inappropriate in light of social and economic circumstances, and thereby impair the interests of users.
- (3) A telecommunications carrier must not provide universal telecommunications services unless charges and other terms and conditions for providing those services, which are to be specified in the general conditions of contracts pursuant to the provisions of paragraph (1), are in accordance with the general conditions of contracts the notification of which is filed pursuant to the provisions of the same paragraph; provided, however, that this does not apply to the cases in which the charges for universal telecommunications services specified in the general conditions of contracts are reduced or exempted pursuant to the provisions of the following paragraph.
- (4) A telecommunications carrier that provides universal telecommunications services may, in accordance with the standards specified by Order of the Ministry of Internal Affairs and Communications, reduce or exempt charges for those services specified in the general conditions of contracts notified pursuant to the provisions of paragraph (1).

(General Conditions of Contracts for Securing the Provision of the Designated Telecommunications Services)

Article 20 (1) A telecommunications carrier that provides designated telecommunications services (telecommunications services which a telecommunications carrier running Category I designated telecommunications facilities provides by using those facilities, and which are specified by the provisions of Order of the Ministry of Internal Affairs and Communications as those are particularly necessary in order to protect the interests of users by means of the relevant telecommunications carrier's ensuring the provision of those telecommunications services by using those facilities based on proper

charges or the other terms and conditions, in consideration of the circumstances in which substitute telecommunications services are not sufficiently provided by other carriers, or other circumstances; hereinafter the same applies) must establish general conditions of contracts concerning charges and other terms and conditions for the provision of its designated telecommunications services (except particulars pertaining to technical conditions to be authorized pursuant to the provisions of Article 52, paragraph (1) or Article 70, paragraph (1), item (i), and particulars specified by Order of the Ministry of Internal Affairs and Communications; the same applies in paragraph (5) and Article 25, paragraph (2)) and must notify the Minister for Internal Affairs and Communications of those general conditions of contracts to prior to the implementation of them, pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications,. The same applies to the cases in which it intends to change them.

- (2) The provisions of the preceding paragraph (including the cases in which the preceding paragraph applies with the replacement of the terms pursuant to the provisions of paragraph (4)) do not apply to telecommunications services which are both designated telecommunications services and universal telecommunications services.
- (3) If the Minister for Internal Affairs and Communications finds that the general conditions of contracts notified pursuant to the provisions of paragraph (1) (including the cases in which paragraph (1) applies with the replacement of the terms pursuant to the provisions of the following paragraph) (hereinafter referred to as "general conditions of contracts for securing the provision of the telecommunications services") fall under any of the following items, the Minister may order the telecommunications carrier that provides the designated telecommunications services to change the general conditions of contracts for securing the provision of the telecommunications services within a reasonable time limit designated by the Minister:
  - (i) if the general conditions of contracts for securing the provision of the telecommunications services do not properly and explicitly specify means of calculating charges;
  - (ii) if the general conditions of contracts for securing the provision of the telecommunications services do not properly and explicitly specify particulars concerning the responsibilities of the telecommunications carrier and of its users, and means of sharing the costs of installation and other works of telecommunications facilities;
  - (iii) if the general conditions of contracts for securing the provision of the telecommunications services unreasonably restrict the way the telecommunication line facilities are used;
  - (iv) if the general conditions of contracts for securing the provision of the

- telecommunications services treat certain persons in an unfair and discriminatory manner;
- (v) if the general conditions of contracts for securing the provision of the telecommunications services do not include proper consideration to the particulars related to essential communications;
- (vi) if the general conditions of contracts for securing the provision of the telecommunications services lead to unfair competition with other telecommunications carriers, or are extremely inappropriate in light of social and economic circumstances, and thereby impair the interests of users.
- (4) With respect to the general conditions of contracts of which a telecommunications carrier running the telecommunications facilities newly designated pursuant to the provisions of Article 33, paragraph (1) must notify the Minister for Internal Affairs and Communications for the first time after the designation date pursuant to the provisions of paragraph (1), the term "must notify the Minister for Internal Affairs and Communications of the general conditions of contracts prior to the implementation of them, pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications. The same applies to the cases in which it intends to change them" in the same paragraph is deemed to be replaced with "must notify the the Minister for Internal Affairs and Communications of the general conditions of contracts within three months from the date on which the designation is granted pursuant to the provisions of Article 33, paragraph (1)."
- (5) A telecommunications carrier must not, provide the designated telecommunications services unless the charges and other terms and conditions for the provision of those services are in accordance with those specified in the general conditions of contracts for securing the provision of the telecommunications services, except as otherwise provided by an agreement with the party receiving the designated telecommunications services on charges and other terms and conditions for the provision of those services,; provided, however, that this does not apply to the cases in which charges for the designated telecommunications services specified in the general conditions of contracts for securing the provision of the telecommunications services are reduced or exempted pursuant to the provisions of the following paragraph.
- (6) A telecommunications carrier that provides designated telecommunications services may, in accordance with the standards specified by Order of the Ministry of Internal Affairs and Communications, reduce or exempt charges for the designated telecommunications services specified in the general conditions of contracts for securing the provision of the telecommunications services.

(Charges for Specified Telecommunications Services)

Article 21 (1) With regard to designated telecommunications services specified

by Order of the Ministry of Internal Affairs and Communications as what has a significant influence on the interests of users in light of their content, scope of users, etc. (hereinafter referred to as "specified telecommunications services"), the Minister for Internal Affairs and Communications must, at least once a year, pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications, determine the level of charges that may be generally found feasible, in consideration of reasonable costs under efficient management, commodity prices and other economic circumstances, for each type of specified telecommunications services specified by Order of the Ministry of Internal Affairs and Communications by using a charge index (figures to represent the level of charges for each type of telecommunications service, which are calculated using the means specified by Order of the Ministry of Internal Affairs and Communications from charges based on the distance and speed of communications and other classifications as well as the amount of traffic, number of circuits, etc. to which the charges are applied; hereinafter the same applies) and must notify the telecommunications carrier that provides the specified telecommunications services of the charge index (hereinafter referred to as "the standard charge index") within the number of days specified by Order of the Ministry of Internal Affairs and Communications before the date on which the standard charge index becomes applicable.

- (2) If a telecommunications carrier that provides specified telecommunications services intends to change charges for those services and the charge index after the change exceeds the standard charge index for specified telecommunications services, it must obtain authorization from the Minister for Internal Affairs and Communications, notwithstanding the provisions of Article 19, paragraph (1) or paragraph (1) of the preceding Article (including the cases in which paragraph (1) of the preceding Article applies with the replacement of the terms pursuant to the provisions of paragraph (4) of the same Article).
- (3) The Minister for Internal Affairs and Communications must grant the authorization as set forth in the same paragraph if an application for the authorization set forth in the preceding paragraph is filed, and the Minister finds that there are special circumstances making it difficult to offer charges based on a charge index that is equivalent to or less than the standard charge index and that the charges after the change pertaining to the application do not fall under any of the following items:
  - (i) if the means of calculating charges are not properly and explicitly specified;
  - (ii) if the charges after the change treat certain persons in an unfair and discriminatory manner;
  - (iii) if the charges after the change lead to unfair competition with other telecommunications carriers, or are extremely inappropriate in light of social and economic circumstances, and thereby impair the interests of users.



- (4) If the charge index of the charges for the specified telecommunications services, to which the standard charge index is applicable, exceeds that index after the application of it, the Minister for Internal Affairs and Communications is to order the telecommunications carrier that provides the specified telecommunications services to change the charges for the specified telecommunications services within a reasonable time limit designated by the Minister, except for the cases in which the Minister finds that there are special circumstances making it difficult to offer charges based on a charge index that is equivalent to or less than the standard charge index.
- (5) Charges for telecommunications services which a telecommunications carrier running the telecommunications facilities that were formerly Category I designated telecommunications facilities provides by using those facilities (limited to universal telecommunications services) and which have been authorized pursuant to the provisions of Article 33, paragraph (2) as of the time of the cancellation of the designation under Article 33, paragraph (1) are deemed to be the charges specified by general conditions of contracts about which the notification has been filed pursuant to the provisions of Article 19, paragraph (1).
- (6) With respect to charges to be authorized pursuant to the provisions of paragraph (2), a telecommunications carrier that provides specified telecommunications services must not provide those services unless the charges are in accordance with the charges authorized pursuant to the provisions of the same paragraph; provided, however, that this does not apply to cases in which charges for those services are reduced or exempted pursuant to the provisions of the following paragraph.
- (7) A telecommunications carrier that provides specified telecommunications services may, in accordance with the standards specified by Order of the Ministry of Internal Affairs and Communications, reduce or exempt charges for the specified telecommunications services authorized pursuant to the provisions of paragraph (2).

(Records of Traffic Volume)

Article 22 A telecommunications carrier that provides specified telecommunications services must keep records of the amount of traffic, number of circuits, etc. of its specified telecommunications services by means specified by Order of the Ministry of Internal Affairs and Communications.

(Posting of the General Conditions of Contracts)

Article 23 (1) A telecommunications carrier that provides universal telecommunications services, designated telecommunications services or specified telecommunications services must, pursuant to the provisions of

Order of the Ministry of Internal Affairs and Communications, announce the general conditions of contracts (including the technical conditions authorized pursuant to the provisions of Article 52, paragraph (1) or Article 70, paragraph (1) item (i)) notified pursuant to the provisions of Article 19, paragraph (1) or Article 20, paragraph (1) (including the cases in which Article 20, paragraph (1) applies with the replacement of the terms pursuant to the provisions of the paragraph (4) of the same Article) or charges authorized pursuant to the provisions of Article 21, paragraph (2), and must post those general conditions or charges at its business offices and other places of business in a manner in which the public can easily see them.

- (2) The provisions of the preceding paragraph applies mutatis mutandis to the terms and conditions for the provision of those services pertaining to the particulars specified by Order of the Ministry of Internal Affairs and Communications set forth in Article 19, paragraph (1) or Article 20, paragraph (1).

(Keeping of Accounts)

Article 24 The following telecommunications carriers must keep accounts in accordance with the classification of accounting titles and other accounting procedures specified by Order of the Ministry of Internal Affairs and Communications:

- (i) any telecommunications carrier that provides the following telecommunications services:
- (a) universal telecommunications services;
  - (b) designated telecommunications services; or
  - (c) specified domain name telecommunications services (domain name telecommunication services (those defined in Article 164, paragraph (2) item (i); the same applies to Article 41 and Article 41-2) that are specified by Order of the Ministry of Internal Affairs and Communications as those that it is particularly necessary to secure the provision of in a reliable and stable manner; the same applies to Article 39-3)
- (ii) telecommunications carriers designated pursuant to the provisions of Article 30, paragraph (1); or
- (iii) telecommunications carriers running the Category I designated telecommunications facilities.

(Obligation to Provide Services)

Article 25 (1) A telecommunications carrier must not, without justifiable grounds, refuse to provide its universal telecommunications services within its service areas.

- (2) A telecommunications carrier must not, without justifiable grounds, refuse to

provide designated telecommunications services based on the charges and other terms and conditions for the provision of those services specified in the general conditions of contracts for insuring the provision of the telecommunications services within its service areas, except as otherwise provided by an agreement with the party receiving the designated telecommunications services on charges and other terms and conditions for the provision of those services.

(Explanation of Terms and Conditions for the Provision of Services)

Article 26 (1) If a telecommunications carrier or a person that is entrusted by a telecommunications carrier to conduct intermediation, or act as a brokerage or agency (hereinafter collectively referred to as "intermediation, etc.") for concluding a contract for the provision of telecommunications services and for performing other operations associated therewith (including any person entrusted by that telecommunications carrier (including further entrustment at the second or higher degree of separation from the original entrustment); hereinafter collectively referred to as "person entrusted with intermediation, etc.") intends to conclude a contract, or to conduct intermediation, etc. for concluding a contract for the provision of telecommunication services listed in below, with a user (including a person that intends to receive telecommunication services, but excluding a telecommunications carrier; the same applies in this paragraph, Article 27, Article 27-2 and Article 29 paragraph (2)), they must, pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications, explain to the user an outline of the charges and other terms and conditions for the provision of the telecommunications services; provided, however, that this does not apply to the cases that are specified by Order of the Ministry of Internal Affairs and Communications as those in which it is found that the protection of the interests of users would not be compromised even if the outline of the charges and other terms and conditions for service provision were not explained to the user, in consideration of the contents of the contract and other circumstances:

- (i) telecommunication services which are provided by using transmission-line facilities interconnected to mobile terminal facilities at one end, and which the Minister for Internal Affairs and Communications designates as those that are particularly necessary in order to protect their interests of users, in consideration of their content, the charges and other terms and conditions for the provision, the scope of users, and the usage of them;
- (ii) telecommunication services which are other than those provided by using transmission-line facilities interconnected to mobile terminal facilities at one end, and which the Minister for Internal Affairs and Communications designates as those that are particularly necessary in order to protect the

interests of the users, in consideration of their contents, the charges and other terms and conditions for the provision, the scope of the users, and the usage of them; and

(iii) beyond what is provided for in the preceding two items, other telecommunication services that the Minister for Internal Affairs and Communications designates as services that have non-negligible effects on the interests of users, in consideration of their content, the charges and other terms and conditions for the provision, the scope of the users and other conditions.

(2) The designations set forth in each item of the preceding paragraph are made by issuing a public notice.

#### (Delivery of Documents)

Article 26-2 (1) If a telecommunications carrier effects a contract for provision of telecommunication services as listed in each item of paragraph (1) of the preceding Article, the telecommunications carrier must prepare a document and deliver it to the user (excluding telecommunications carriers; the same applies in this Article and the following Article) without delay pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications; provided, however, that this does not apply to the cases that are specified by Order of the Ministry of Internal Affairs and Communications as those in which it is found that the protection of the interests of users would not be compromised even if the document were not delivered to the user, in consideration of the contents of the contract and other circumstances.

(2) With the consent of the user and pursuant to the provisions of Cabinet Order, in lieu of delivering the document under the provisions of the preceding paragraph, a telecommunications carrier may provide the user with the particulars that are required to be stated in that document by means of an electronic data processing system or by any other means of information and communications technology specified by Order of the Ministry of Internal Affairs and Communications. In doing this, the telecommunications carrier is deemed to have delivered the document.

(3) The particulars required to be included in a document, provided by means stipulated in paragraph (1) (excluding means specified by Order of the Ministry of Internal Affairs and Communications) in lieu of the delivery of the document under paragraph (1), are deemed to be delivered to a user when those particulars are recorded in a file stored on a computer employed by that user.

#### (Written Cancellations)

Article 26-3 (1) Except as otherwise provided by Order of the Ministry of Internal Affairs and Communications, a user that has concluded a contract

with a telecommunications carrier for the provision of telecommunication services listed in Article 26, paragraph (1), item (i) or item (ii) may cancel that contract in writing, unless eight days have elapsed since the day on which the customer received the document set forth in paragraph (1) of the preceding Article (or, the date of commencement of the telecommunication services, if the provision of the telecommunication services (limited to telecommunication services stipulated in Article 26, paragraph (1), item (i)) commences after the receipt date of the document) (or, unless eight days have elapsed since the date on which the user received a document in which the telecommunications carrier has, pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications, described that the user may cancel that contract pursuant to the provisions of this paragraph and which the telecommunications carrier has delivered to the user, if the telecommunications carrier or the person entrusted with intermediation, etc. misrepresented the information on cancellation of that contract under this paragraph, in violation of the provisions in Article 27-2, item (i), and as a result of that false explanation, the user misconstrued that the explanation was correct, and did not cancel that contract pursuant to the provisions of this paragraph within that period).

- (2) The cancellation of a contract for the provision of telecommunication services under the preceding paragraph becomes effective when a document indicating that the contract for the provision of telecommunication services is cancelled is issued.
- (3) The telecommunications carrier may not demand of the user any compensation or penalty for the cancellation of a contract for the provision of telecommunication services under paragraph (1) or payment or delivery of other monies (including money and other property; the same applies in the next paragraph); provided, however, that this does not apply to the amount of money specified by Order of the Ministry of Internal Affairs and Communications as the amount of money payable by the user for services received in the period until the cancellation of that contract, or other amount of money payable by the user with regard to that contract.
- (4) If a contract for the provision of telecommunication services becomes subject to a cancellation under paragraph (1), the telecommunications carrier must promptly return monies received from the user in connection with that contract; provided, however, that this does not apply to the amount of money specified by Order of the Ministry of Internal Affairs and Communications stipulated in the proviso to the preceding paragraph, among the monies received in connection with that contract.
- (5) A special provision that is contrary to the provisions of the preceding paragraphs and disadvantageous to a user is void.

(Procedure for Processing Complaints)

Article 27 A telecommunications carrier must, properly and promptly, process complaints and inquiries from users with regard to the telecommunications carrier's means of conducting its operations in relation to the telecommunications services stipulated in each item in Article 26, paragraph (1) or with regard to the telecommunications services as set forth in each item in the same paragraph, which are provided by the telecommunications carrier.

(Prohibited Conduct of Telecommunications Carriers)

Article 27-2 Telecommunications carriers and persons entrusted with intermediation, etc. must not engage in any of the following:

- (i) intentionally failing to disclose or misrepresenting material particulars about the contract for the provision of telecommunication services stipulated in each item in Article 26, paragraph (1), that would affect the decision of users; or
- (ii) continuing to solicit a person (excluding telecommunications carriers) for a contract for the provision of telecommunication services stipulated in each item in Article 26, paragraph (1) after the person that receives the solicitation manifests the intention not to conclude that contract (including a refusal to receive the solicitation thereafter)(excluding solicitations specified by Order of the Ministry of Internal Affairs and Communications as not being likely to compromise the protection of the interests of users).

(Guidance to Persons Entrusted with Intermediation)

Article 27-3 If a telecommunications carrier entrusts a person to conduct intermediation, etc. for concluding a contract for the provision of telecommunication services or for any other associated operations, the telecommunications carrier must, pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications, provide the guidance to the person entrusted with intermediation, etc. related to that entrustment and take other measures necessary for ensuring that the operations related to that entrustment are conducted in a proper and secure manner.

(Reporting on the Suspension of Telecommunications Operations and on Serious Accidents)

Article 28 If a telecommunications carrier suspends its telecommunications operations in part pursuant to the provisions of Article 8, paragraph (2), or a violation of secrecy of communications or any other serious accident specified by Order of the Ministry of Internal Affairs and Communications has occurred with respect to telecommunications operations, it must report without delay to

the Minister for Internal Affairs and Communications to that effect including its reason or cause.

(Order to Improve Business Activities)

Article 29 (1) If the Minister for Internal Affairs and Communications finds that the operations of a telecommunications carrier fall under any of the following items, the Minister may order the telecommunications carrier to improve its means of conducting the operations or take other measures to the extent necessary for ensuring the interests of users or the public interest:

- (i) if there is a hindrance in ensuring secrecy of communications with respect to the telecommunications carrier's means of conducting operations;
- (ii) if the telecommunications carrier treats certain persons in an unfair and discriminatory manner;
- (iii) if the telecommunications carrier does not give proper consideration to the particulars related to essential communications;
- (iv) if means of calculating charges for telecommunications services (except universal telecommunications services or designated telecommunications services (limited to those provided in accordance with the charges and other terms and conditions for the provision of those services specified in general conditions of contracts for securing the provision of the telecommunications services); the same applies in the following item through item (vii)) provided by the telecommunications carrier are not specified properly and explicitly, and thereby impair the interests of users;
- (v) if the charges and other terms and conditions for the provision of the telecommunications services provided by the telecommunications carrier lead to unfair competition with other telecommunications carriers or are extremely inappropriate in light of social and economic circumstances, and thereby impair the interests of users;
- (vi) if the terms and conditions (except charges; the same applies in the following item) for the provision of the telecommunications services provided by the telecommunications carrier do not properly and explicitly specify particulars related to the responsibilities of the telecommunications carrier and of its users, and the means of sharing the costs of installation and other work for the telecommunications facilities, and thereby impair the interests of users;
- (vii) if the terms and conditions for the provision of the telecommunications services provided by the telecommunications carrier unreasonably restrict the way the telecommunication line facilities are used;
- (viii) if there is a hindrance to the provision of telecommunications services due to an accident, and the telecommunications carrier fails to promptly make repairs or to take other measures necessary for removing that hindrance;

- (ix) if the telecommunications carrier does not fulfill its obligations imposed by treaties or other international agreements in relation to the international telecommunications business in a sincere manner, and is thereby likely to seriously impair the public interest;
  - (x) if the telecommunications carrier hinders other telecommunications carriers from properly conducting their operations by treating certain telecommunications carriers in an unfair and discriminatory manner in interconnecting or sharing telecommunications facilities or in providing wholesale telecommunications services (telecommunications services used for the telecommunications business of other telecommunications carriers; hereinafter the same applies) or by conducting other unfair managements related to these operations,, and is thereby likely to seriously impair the public interest;
  - (xi) if a management of telecommunications business of a telecommunications carrier involved in providing telecommunications services without running telecommunication line facilities makes it difficult for another telecommunications carrier that is running those facilities and is providing the telecommunications services to maintain the telecommunication line facilities related to the same demand for telecommunications business of that other telecommunications carrier, as the demand for telecommunications business of the telecommunications carrier involved in providing telecommunications services without running telecommunication line facilities, from the perspective of the management, and is thereby likely to seriously impair the public interest;
  - (xii) Beyond the cases listed in the preceding items, if the telecommunications carrier does not manage its operations properly and reasonably, and is thereby likely to hinder the sound development of telecommunications or securing convenience for the people.
- (2) If either of conditions set forth in the following items occur, the Minister for Internal Affairs and Communications may order the person prescribed respectively in those items to improve the means of conducting its business activities or take other measures to the extent necessary for ensuring the interests of users:
- (i) if a telecommunications carrier (or a person entrusted with intermediation, etc. breaches Article 26, paragraph (1) or Article 27-2: the telecommunications carrier or the person entrusted with intermediation, etc.;
  - (ii) if a telecommunications carrier that breaches Article 26-2, paragraph (1), Article 27 or Article 27-3: the telecommunications carrier.

(Prohibited Acts of Telecommunications Carriers running Category I Designated Telecommunications Facilities)



Article 30 (1) If the amount of the profit that a telecommunications carrier running Category II designated telecommunications facilities earned from its operation involved in providing telecommunications services using those facilities in the most recent year accounts for a proportion of the total amount of the profit earned in the same year from all operations of the same kind involved in providing telecommunications services within the same area as that of the telecommunications carrier and that proportion exceeds the proportion specified by Order of the Ministry of Internal Affairs and Communications, and if the Minister for Internal Affairs and Communications finds it necessary to ensure proper competition with other telecommunications carriers in consideration of changes in that proportion and other circumstances, the Minister may, pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications, designate the telecommunications carrier as a telecommunications carrier to which the provisions of paragraph (3), paragraph (5) and paragraph (6) apply.

(2) If the Minister for Internal Affairs and Communications finds the designation under the preceding paragraph is no longer necessary, the Minister must cancel the designation.

(3) The telecommunications carrier designated pursuant to paragraph (1) must not conduct the following acts:

- (i) using or providing information related to other telecommunications carriers and its users, which came to its knowledge in relation to operations involved in interconnecting its telecommunication facilities with those of other telecommunications carriers for purposes other than those operations; or
- (ii) if the telecommunications carrier is a corporation, applying preferential treatment or giving an advantage in an unreasonable manner in connection with its telecommunication services to another telecommunications carrier that is a corporation with a specific affiliation to that telecommunications carrier (a corporation with a specified affiliation as defined in Article 12-2, paragraph (4), item (i); the same applies in paragraph (1) of the following Article) and that is designated by the Minister for Internal Affairs and Communications.

(4) A telecommunications carrier running Category I designated telecommunications facilities must not conduct any of the following acts:

- (i) using or providing information related other telecommunications carriers and its users, which came to its knowledge in relation to operations involved in interconnecting its telecommunications facilities with those of other telecommunications carriers, for purposes other than those operations;
- (ii) applying preferential treatment or giving an advantage to certain telecommunications carriers in an unreasonable manner, or applying disadvantageous treatment to certain telecommunications carriers or putting

them at a disadvantage in an unreasonable manner, with regard to telecommunications operations;

(iii) Unreasonably disciplining or intervening in the operations of other telecommunications carriers (including those that operate any of the telecommunications business listed in items of Article 164, paragraph (1)), or manufacturers or sellers of telecommunications facilities.

(5) If the Minister for Internal Affairs and Communications finds that an act undertaken by a telecommunications carrier that has been designated pursuant to the provisions of paragraph (1) or a telecommunications carrier running Category I designated telecommunications facilities violates the provisions of the preceding two paragraphs, the Minister may order the telecommunications carrier to suspend or change that act.

(6) A telecommunications carrier that has been designated pursuant to the provisions of paragraph (1) and a telecommunications carrier running Category I designated telecommunications facilities must, pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications, announce the status of income and expenditure for its telecommunications services and other accounting particulars specified by Order of the Ministry of Internal Affairs and Communications.

Article 31 (1) If a telecommunications carrier running Category I designated telecommunications facilities is a corporation, its officers must not concurrently serve as an officer of what is a corporation with a specific affiliation to it (limited to a telecommunications carrier which is a company in which the relevant telecommunications carrier owns a majority of the voting rights of all shareholders (excluding shareholders that cannot exercise their voting rights with regard to all particulars that may be resolved at the shareholders meetings, and including shareholders that are deemed to have voting rights pursuant to the provisions of Article 879, paragraph (3) of the Companies Act) or of all employees (hereinafter referred to as a "subsidiary" in this paragraph), the parent company that owns the relevant telecommunications carrier as a subsidiary (a parent corporation prescribed in Article 879, paragraph (1) of the same Act; hereinafter the same applies in this paragraph and Article 87, paragraph (1), item (iii), (a)) or as a subsidiary of the relevant telecommunications carrier's parent corporation (except the telecommunications carrier itself)) and is designated by the Minister for Internal Affairs and Communications (hereinafter referred to as a "carrier with a specific affiliation").

(2) A telecommunications carrier running Category I designated telecommunications facilities (limited to a corporation; hereinafter the same applies in this Article) must not conduct the following acts; provided, however,

that this does not apply if there are compelling reasons specified by Order of the Ministry of Internal Affairs and Communications:

- (i) treating other telecommunications carriers in a disadvantageous manner in comparison to the carriers with a specific affiliation to it, with regard to installing or maintaining telecommunications facilities necessary for interconnection with Category I designated telecommunications facilities, or using or providing information on the land and buildings and other structures affixed thereto, or
  - (ii) treating other telecommunications carriers in a disadvantageous manner in comparison to the carriers with a specific affiliation to it, with regard to consigning an intermediation, etc. for concluding a contract for the provision of telecommunications services or other operations of other telecommunications carriers.
- (3) If a telecommunications carrier running Category I designated telecommunications facilities entrusts the whole or a part of the telecommunication business or any other business incidental thereto to a subsidiary, that telecommunications carrier must conduct the necessary and proper supervision of the entrusted subsidiary so that the subsidiary does not conduct the acts (except acts conducted for a reason in the proviso of the same paragraph. The same applies in the following paragraph) listed in each item of paragraph (4) of the preceding Article and each item of the preceding paragraph concerning the entrusted business. In this case, the other companies of which a majority of the voting rights of the shareholders or all members of the company is possessed by that telecommunications carrier and one or more of the subsidiaries thereof or by the one or more of the subsidiaries of that telecommunications carrier are regarded as subsidiaries of the telecommunications carrier.
- (4) If the Minister for Internal Affairs and Communications finds that a telecommunications carrier running Category I designated telecommunications facilities undertakes any act listed in each item of paragraph (2), or finds that the entrusted subsidiary (including any subsidiary regarded as that of the telecommunications carrier pursuant to the provisions in the second sentence of the preceding paragraph. Hereinafter the same applies in this paragraph) in the first sentence of the preceding item undertakes any act listed in each item of paragraph (4) of the preceding Article or any act listed in each item of paragraph (2), the Minister may order the telecommunications carrier to suspend or change the act listed in each item of the same paragraph, or take necessary measures to suspend or change the acts listed in each item of paragraph (4) of the same Article or the acts listed in each item of paragraph (2) undertaken by the entrusted subsidiary.
- (5) In order to ensure an appropriate competitive relationship with other

telecommunications carriers, a telecommunications carrier running Category I designated telecommunications facilities must, pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications, establish a system or take other necessary measures to properly control the information which came to its knowledge in relation to the operations involved in interconnection between the Category I designated telecommunications facilities and the telecommunications facilities of the other telecommunications carrier, and to properly supervise the status of the implementation of those operations.

(6) The system or other necessary measures specified in the preceding paragraph must include the following particulars:

(i) establishing a division dedicated for installing, controlling and operating of Category I designated telecommunications facilities (including telecommunications facilities installed in combination with the Category I designated telecommunications facilities), and providing services incidental thereto (referred to as a "facilities division" in the following item and item (iii));

(ii) assigning a person responsible for controlling information which has been learned in relation to the operations involved in interconnection between the Category I designated telecommunications facilities and the telecommunications facilities of the other telecommunications carriers in the facilities division;

(iii) establishing, aside from the facilities division, a division for supervising the status of implementation of the operations involved in interconnection between the Category I designated telecommunications facilities and the telecommunications facilities of the other telecommunications carriers.

(7) A telecommunications carrier running the Category I designated telecommunications facilities must, every year, pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications, report to the Minister for Internal Affairs and Communications on particulars specified by Order of the Ministry of Internal Affairs and Communications with respect to the measures it has taken to comply with the provisions of paragraph (2), paragraph (3) and paragraph (5) and the status of implementation of those measures.

(Interconnection with Telecommunication Line Facilities)

Article 32 If a telecommunications carrier receives a request from another telecommunications carrier to interconnect the telecommunications facilities of the requesting telecommunications carrier with those of the requested telecommunications carrier, it must accept the request except the following cases:

- (i) if the interconnection is likely to hinder telecommunications services from being provided in a smooth manner;
- (ii) if the interconnection is likely to unreasonably harm the interests of the requested telecommunications carrier;
- (iii) beyond the cases listed in the preceding two items, if there are justifiable grounds specified by Order of the Ministry of Internal Affairs and Communications

(Interconnection with Category I Designated Telecommunications Facilities)

Article 33 (1) The Minister for Internal Affairs and Communications may, pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications, designate the aggregates of transmission line facilities which are interconnected to the telecommunication facilities of users (except for mobile terminal facilities) at one end, which are installed by one single telecommunications carrier, for each of the areas specified by Order of the Ministry of Internal Affairs and Communications, by dividing all districts of Japan and considering usage of telecommunications services and prefectural districts, and whose telecommunications circuits come to account for a proportion exceeding the proportion specified by Order of the Ministry of Internal Affairs and Communications of the total number of telecommunications circuits of all transmission line facilities of the same kind installed within those areas, and telecommunications facilities which are installed by the telecommunications carrier as single units with the relevant transmission-line facilities in those areas, and which are stipulated by Order of the Ministry of Internal Affairs and Communications, as telecommunications facilities whose interconnection with telecommunications facilities of other telecommunications carriers is indispensable for improving convenience of users and developing telecommunications in a comprehensive and reasonable manner.

(2) A telecommunications carrier running telecommunications facilities designated pursuant to the provisions of the preceding paragraph (hereinafter referred to as "Category I designated telecommunications facilities") must, with respect to interconnection between the Category I designated telecommunications facilities and other telecommunications carriers' telecommunications facilities, establish general conditions of contracts for interconnection concerning the amount of money that the telecommunications carrier running Category I designated telecommunications facilities is to receive (hereinafter referred to as "interconnection charges" in this Article) and the technical conditions required at the points of interconnection with other telecommunications carriers' telecommunications facilities, and other terms and conditions of interconnection, including distinctions of telecommunications

carriers according to which charges for telecommunications services are specified (hereinafter referred to as "terms and conditions of interconnection"), and must obtain authorization from the Minister for Internal Affairs and Communications. The same also applies when it intends to change those general conditions of contracts for interconnection.

- (3) Interconnection charges and terms and conditions of interconnection specified in the general conditions of contracts for interconnection for which authorization is to be obtained as set forth in the preceding paragraph and which are also specified by Order of the Ministry of Internal Affairs and Communications as those which have a comparatively small influence on improving user convenience and developing telecommunications in a comprehensive and reasonable manner are not to be required to obtain authorization, notwithstanding the provisions of the same paragraph.
- (4) The Minister for Internal Affairs and Communications must grant permission as set forth in paragraph (2) if the Minister finds that an application for authorization as set forth in paragraph (2) (including the cases in which paragraph (2) applies with the replacement of the terms pursuant to the provisions of paragraph (16); hereinafter the same applies in this paragraph, paragraph (6), paragraph (9), paragraph (10) and paragraph (14)) complies with all of the following items:
- (i) the particulars listed below are specified properly and explicitly:
    - (a) technical conditions at the points specified by Order of the Ministry of Internal Affairs and Communications as standard points, from among interconnection points where interconnection with the telecommunications facilities of other telecommunications carriers are technically and economically feasible
    - (b) interconnection charges for respective functions specified by Order of the Ministry of Internal Affairs and Communications
    - (c) particulars related to the responsibilities of the telecommunications carrier running Category I designated telecommunications facilities and of other telecommunications carriers that interconnect their telecommunications facilities with those facilities
    - (d) distinctions of telecommunications carriers, according to which charges for telecommunications services are specified
    - (e) in addition to the particulars listed in (a) through (d) above, those specified by Order of the Ministry of Internal Affairs and Communications as being necessary for smooth interconnection with Category I designated telecommunications facilities.
  - (ii) the interconnection charges are fair and appropriate in light of the amounts calculated by the means specified by Order of the Ministry of Internal Affairs and Communications as that for calculating a reasonable cost plus

- reasonable profits under efficient management;
- (iii) the terms and conditions of interconnection are not disadvantageous in comparison with those applicable to the cases in which the telecommunications carrier running Category I designated telecommunications facilities interconnects its own telecommunications facilities with Category I designated telecommunications facilities;
- (iv) the general conditions of contracts for interconnection do not treat certain telecommunications carriers in an unfair and discriminatory manner.
- (5) If Category I designated telecommunications facilities are reorganized to improve their efficiency with the use of advanced new telecommunications technologies that are generally available, the means specified by Order of the Ministry of Internal Affairs and Communications as set forth in item (ii) of the preceding paragraph (limited to the those which specify interconnection charges for functions specified by Order of the Ministry of Internal Affairs and Communications as those, from among the functions specified by Order of the Ministry of Internal Affairs and Communications as set forth in item (i) (b) of the same paragraph, found to have the potential to achieve the considerable extent increased efficiency in provision of telecommunications services in relation to the function, through interconnection with Category I designated telecommunications facilities, by the introduction of advanced new telecommunications technologies) must be those by which the amount is calculated in consideration of the expenses pertaining to the Category I designated telecommunications facilities, which may rise in accordance with an increase in the amount of traffic or the number of circuits pertaining to the telecommunications services provided by the Category I designated telecommunications facilities and through interconnection with the Category I designated telecommunications facilities.
- (6) If the Minister for Internal Affairs and Communications finds that the interconnection charges specified in the general conditions of contracts for interconnection which have been authorized as set forth in paragraph (2) become inappropriate in light of the amount set forth in paragraph (4) item (ii), or that the terms and conditions of interconnection specified in the general conditions of contracts for interconnection become particularly inappropriate due to changes in the social and economic circumstances, and thereby hinder promotion of the public interest, the Minister may order the telecommunications carrier running Category I designated telecommunications facilities to apply for authorization for a change of the general conditions of contracts for interconnection within a reasonable time limit designated by the Minister.
- (7) A telecommunications carrier running Category I designated telecommunications facilities must establish the general conditions of contracts

for interconnection for interconnection charges and terms and conditions of interconnection specified by Order of the Ministry of Internal Affairs and Communications, as set forth in paragraph (3), with respect to interconnection with the Category I designated telecommunications facilities of that carrier, and must notify the Minister for Internal Affairs and Communications of those general conditions prior to the implementation of them. The same also applies when it intends to change them .

- (8) If the Minister for Internal Affairs and Communications finds that the interconnection charges or terms and conditions of interconnection specified in the general conditions of contracts for interconnection notified pursuant to the provisions of the preceding paragraph (including cases where the preceding paragraph applies with the replacement pursuant to the provision of paragraph (17)) hinder promotion of the public interest, the Minister may order the telecommunications carrier running the Category I designated telecommunications facilities to change the general conditions of contracts for interconnection within a reasonable time limit designated by the Minister.
- (9) A telecommunications carrier running Category I designated telecommunications facilities must not conclude nor amend an agreement with other telecommunications carriers on interconnection with the Category I designated telecommunications facilities of that carrier, unless in accordance with the general conditions of contracts for interconnection authorized pursuant to the provisions of paragraph (2) or notified of pursuant to the provisions of paragraph (7) (including the cases in which paragraph (7) applies with the replacement of the terms pursuant to the provisions of paragraph (17)) (hereinafter referred to as "authorized general conditions of contracts for interconnection, etc." in this Article).
- (10) Notwithstanding the provisions of the preceding paragraph, if there are special circumstances that make it difficult to comply with authorized general conditions of contracts for interconnection, etc., a telecommunications carrier running Category I designated telecommunications facilities may, upon authorization from the Minister for Internal Affairs and Communications, conclude or amend an agreement on interconnection with the Category I designated telecommunications facilities of that carrier under interconnection charges and terms and conditions of interconnection different from those charges and terms and conditions specified in the authorized general conditions of contracts for interconnection, etc. (in the case of those that fall under the interconnection charges and terms and conditions of interconnection as set forth in paragraph (2), limited to those conforming to all items (except item (i), (a) and (b)) in paragraph (4)).
- (11) A telecommunications carrier running Category I designated telecommunications facilities must, pursuant to the provisions of Order of the



Ministry of Internal Affairs and Communications, announce its authorized general conditions of contracts for interconnection, etc.

- (12) A telecommunications carrier running Category I designated telecommunications facilities must, pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications, keep records of the amount of traffic or the number of circuits, and other particulars specified by Order of the Ministry of Internal Affairs and Communications (referred to as "amount of traffic, etc." in paragraph (14)) for respective functions specified by Order of the Ministry of Internal Affairs and Communications, as set forth in paragraph (4) item (i), (b), in relation to interconnection with the Category I designated telecommunications facilities.
- (13) A telecommunications carrier running Category I designated telecommunications facilities must, pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications, keep accounts for interconnection with its Category I designated telecommunications facilities, and based on the accounting, announce the status of income and expenditure regarding the interconnection and other particulars specified by Order of the Ministry of Internal Affairs and Communications.
- (14) In order to keep the interconnection charges fair and justifiable, a telecommunications carrier running Category I designated telecommunications facilities must recalculate the interconnection charges, in light of the amount calculated by means specified by Order of the Ministry of Internal Affairs and Communications as set forth in paragraph (4) item (ii), based on records of the amount of traffic, etc. and on the results of accounts as set forth in the preceding paragraph, every time the number of the year within a period not exceeding five years specified by Order of the Ministry of Internal Affairs and Communications has passed, after the date of authorization set forth in paragraph (2) in the case of interconnection charges set forth in paragraph (5), or every year time a telecommunications carrier has closed accounts for the preceding business year pursuant to the provisions of the preceding paragraph in the cases of other interconnection charges.
- (15) A telecommunications carrier running Category I designated telecommunications facilities must endeavor to provide other telecommunications carriers with any information necessary for smooth interconnection between their telecommunications facilities and the Category I designated telecommunications facilities.
- (16) With regard to interconnection charges and terms and conditions of interconnection specified in the general conditions of contracts for interconnection for which a telecommunications carrier running telecommunications facilities, newly designated pursuant to the provisions of paragraph (1), is to obtain authorization from the Minister for Internal Affairs

and Communications for the first time after the date of designation pursuant to the provisions of paragraph (2), the term "must obtain authorization from the Minister for Internal Affairs and Communications. The same also applies when it intends to change those general conditions of contracts for interconnection" in the same paragraph is deemed to be replaced with "must apply for authorization from the Minister for Internal Affairs and Communications within three months from the date on which the designation is newly granted pursuant to the provisions of the preceding paragraph."

(17) With regard to interconnection charges and the terms and conditions of interconnection specified in the general conditions of contracts for interconnection of which the telecommunications carrier running the telecommunications facilities newly designated pursuant to the provisions of paragraph (1) is to notify the Minister for Internal Affairs and Communications for the first time after the date of the designation pursuant to the provision of paragraph (7), the term "must notify the Minister for Internal Affairs and Communications of those general conditions prior to the implementation of them. The same also applies when it intends to change them" in the same paragraph is deemed to be replaced with "must file notify the Minister for Internal Affairs and Communications of those general conditions within three months from the date on which designation is newly granted pursuant to the provisions of paragraph (1)."

(18) The provisions of paragraph (9) do not apply for three months from whichever date comes later, the date on which the authorization from the Minister for Internal Affairs and Communications is granted with respect to the general conditions of contracts for interconnection that the telecommunications carrier running the telecommunications facilities newly designated pursuant to the provisions of paragraph (1) has applied for pursuant to the provisions of paragraph (2), as applied pursuant to the provisions of paragraph (16) following the deemed replacement of terms, or the date on which the notification of the general conditions of contracts for interconnection is filed from the telecommunications carrier pursuant to the provisions of paragraph (7), as applied pursuant to the provisions of the preceding paragraph following the deemed replacement of terms (hereinafter referred to as "initial date of reckoning" in this paragraph), to the agreements on interconnection that the telecommunications carrier has concluded with other telecommunications carriers as of the initial date of reckoning, and that are related to the newly designated telecommunications facilities.

(Interconnection with Category II Designated Telecommunications Facilities)  
Article 34 (1) The Minister for Internal Affairs and Communications may, pursuant to the provisions of Order of the Ministry of Internal Affairs and

Communications, designate the aggregates of transmission line facilities which are interconnected to the specific mobile terminal facilities at one end, which are installed by one single telecommunications carrier, and which have these specified mobile terminal facilities interconnected to them come to account for a proportion exceeding the proportion specified by Order of the Ministry of Internal Affairs and Communications of the total number of specified mobile terminal facilities interconnected to all transmission line facilities of the same type installed within the same area as the service area of the telecommunications services provided by using the relevant transmission line facilities, and telecommunications facilities which are installed by the telecommunications carrier to provide the telecommunications services, and which are specified by Order of the Ministry of Internal Affairs and Communications, as telecommunications facilities whose appropriate and smooth interconnection with the telecommunications facilities of other telecommunications carriers is to be ensured.

- (2) A telecommunications carrier running telecommunications facilities designated pursuant to the provisions of the preceding paragraph (hereinafter referred to as "Category II designated telecommunications facilities") must, with respect to the interconnection between the Category II designated telecommunications facilities and the facilities of other telecommunications carriers, establish the general conditions of contracts for interconnection concerning the amount of money that the telecommunications carrier running the Category II designated telecommunications facilities receives and the terms and conditions of interconnection, and notify, the Minister for Internal Affairs and Communications of those general conditions prior to implementation of them, pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications. The same also applies to the case in which it intends to change them.
- (3) If the Minister for Internal Affairs and Communications finds that the general conditions of contracts for interconnection notified to the Minister pursuant to the provisions of the preceding paragraph (including cases in which the preceding paragraph applies with the replacement of the terms pursuant to the provisions of paragraph (8)) fall under any of the following items, the Minister may order the telecommunications carrier running the Category II designated telecommunications facilities to change the general conditions of contracts for interconnection within a reasonable time limit designated by the Minister:
  - (i) if particulars listed below are not specified properly and explicitly:
    - (a) technical conditions required at the points specified by Order of the Ministry of Internal Affairs and Communications as standard interconnection points, from among the interconnection points where

- interconnection with the facilities of other telecommunications carriers is technically and economically feasible;
- (b) the amount of money that the telecommunications carrier running Category II designated telecommunications facilities is to receive for respective functions specified by Order of the Ministry of Internal Affairs and Communications;
  - (c) particulars related to the responsibilities of the telecommunications carrier running the Category II designated telecommunications facilities and of other telecommunications carriers that interconnect their telecommunications facilities with those facilities;
  - (d) distinction of telecommunications carriers, according to which charges for telecommunications services are specified;
  - (e) beyond the particulars listed in (a) through (d) above, particulars specified by Order of the Ministry of Internal Affairs and Communications as being necessary for smooth interconnection with Category II designated telecommunications facilities.
- (ii) if the amount of money that the telecommunications carrier running Category II designated telecommunications facilities is to receive exceeds the amount of money calculated by the means specified by Order of the Ministry of Internal Affairs and Communications as that for calculating reasonable costs plus reasonable profits under efficient management;
  - (iii) if the terms and conditions of interconnection are disadvantageous in comparison with those applicable to the cases in which the telecommunications carrier running Category II designated telecommunications facilities interconnects its own telecommunications facilities with the Category II designated telecommunication facilities;
  - (iv) if the general conditions of contracts for interconnection treat certain telecommunications carriers in an unfair and discriminatory manner.
- (4) A telecommunications carrier running Category II designated telecommunications facilities must neither conclude nor amend an agreement with other telecommunications carriers on interconnection with the Category II designated telecommunications facilities, unless in accordance with the general conditions of contracts for interconnection notification of which is filed pursuant to the provisions of paragraph (2) (including as applied pursuant to the provisions of paragraph (8) following the deemed replacement of terms; the same applies in the following paragraph).
- (5) A telecommunications carrier running Category II designated telecommunications facilities must, pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications, announce the general conditions of contracts for interconnection notification of which is filed pursuant to the provision of paragraph (2).

- (6) A telecommunications carrier running Category II designated telecommunications facilities must, pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications, keep accounts and announce status on income and expenditure concerning the interconnection based on the accounts and other particulars specified by Order of the Ministry of Internal Affairs and Communications.
- (7) A telecommunications carrier running Category II designated telecommunications facilities must endeavor to provide other telecommunications carriers with any information for smooth interconnection between their telecommunications facilities and Category II designated telecommunication facilities.
- (8) With regard to the amount of money that a telecommunications carrier running telecommunications facilities newly designated pursuant to the provisions of paragraph (1) is to receive, and the terms and conditions of interconnection specified in the general conditions of contracts for interconnection which the telecommunications carrier is to notify the Minister for Internal Affairs and Communications of for the first time after the date of designation pursuant to the provisions of paragraph (2), the term "and notify the Minister for Internal Affairs and Communications of the general conditions of contracts prior to the implementation of them, pursuant to Order of the Ministry of Internal Affairs and Communication, . The same also applies to the cases in which it intends to change those general conditions of contracts" in the same paragraph is deemed to be replaced with "and notify the Minister for Internal Affairs and Communications of the general conditions of contracts within three months from the date on which designation is newly granted pursuant to the provisions of the preceding paragraph, pursuant to Order of the Ministry of Internal Affairs and Communication."
- (9) The provisions of paragraph (4) do not apply, for three months from the date of notification, to the agreements on interconnection that a telecommunications carrier running telecommunications facilities newly designated pursuant to the provisions of paragraph (1) has concluded with other telecommunications carriers, as of the date when the notification of the general conditions of contracts for interconnection is filed from the telecommunications carrier pursuant to the provisions of paragraph (2), as applied pursuant to the provisions of the preceding paragraph following the deemed replacement of terms (hereinafter referred to as "date of notification"), and that is related to interconnection with the newly designated telecommunication facilities.

(Order on Interconnection with Telecommunications Facilities)

Article 35 (1) If a telecommunications carrier requests another telecommunications carrier to conclude an agreement on interconnection

between the requested telecommunications carrier's telecommunications facilities and those of the requesting telecommunications carrier, but the requested telecommunications carrier refuses to hold negotiations or those negotiations fail, resulting in the requesting telecommunications carrier filing a petition, the Minister for Internal Affairs and Communications is to order the requested telecommunications carrier to start or restart those negotiations, except in cases in which the Minister finds that interconnection falls under the items of Article 32 and cases in which an application for arbitration has been filed pursuant to the provisions of Article 155, paragraph (1).

- (2) Beyond the cases set forth in the preceding paragraph, if a telecommunications carrier requests another telecommunications carrier to conclude an agreement on interconnection between the requested telecommunications carrier's telecommunications facilities and those of the requesting telecommunications carrier, but the requested telecommunications carrier refuses to hold negotiations or those negotiations fail, resulting in the requesting telecommunications carrier filing a petition, and the Minister for Internal Affairs and Communications finds that that interconnection is particularly necessary and appropriate for increasing the public interest, the Minister may order the requested telecommunications carrier to start or restart those negotiations, except in cases in which an application for arbitration has been filed pursuant to the provisions of Article 155, paragraph (1).
- (3) If negotiations between the parties about interconnection with the telecommunications facilities of a telecommunications carrier fail on the amount of money to be received or paid by the parties, the terms and conditions of interconnection, or the other details of the agreement, the telecommunications carrier running telecommunications facilities to be interconnected to them may apply to the Minister for Internal Affairs and Communications for a ruling; provided, however, that this does not apply to the cases in which the parties have already filed an application for arbitration under Article 155, paragraph (1).
- (4) Beyond the cases set forth in the preceding paragraph, if an order has been issued pursuant to the provisions of paragraph (1) or paragraph (2) and negotiations between the parties fail on the amount of money to be received or paid by the parties, the terms and conditions of interconnection, and the details of the agreement, the party (or parties) may apply to the Minister for Internal Affairs and Communication for a ruling.
- (5) When the Minister for Internal Affairs and Communications receives the application for a ruling under the preceding two paragraphs, the Minister must notify the other party (or parties) to that effect, and must give the party (or parties) an opportunity to file written answers within a period designated by

the Minister.

- (6) If the Minister for Internal Affairs and Communications renders arbitration as set forth in paragraph (3) or paragraph (4), the Minister must notify the parties to that effect without delay.
- (7) If a ruling is rendered as set forth in paragraph (3) or paragraph (4), the negotiations between the parties is deemed to have reached agreement as specified by in accordance with the ruling.
- (8) Any of the parties that are dissatisfied with the ruling set forth in paragraph (3) or paragraph (4) with regard to the amount of money to be received or paid by the party (or parties) may demand an increase or decrease in the amount by filing an action within six months from the date on which the party is informed of the ruling.
- (9) In filing an action as set forth in the preceding paragraph, the other party is the defendant.
- (10) In the request for administrative review to the ruling set forth in paragraph (3) or paragraph (4), dissatisfaction with the amount of money to be received or paid by the party (or parties) does not constitute grounds for dissatisfaction with the ruling.

(Plans for Changes to or Addition of Functions of Category I Designated Telecommunications Facilities)

- Article 36 (1) If a telecommunications carrier running Category I designated telecommunications facilities has a plan to change or make an addition to existing functions (except those specified by Order of the Ministry of Internal Affairs and Communications) of the Category I designated telecommunications facilities, it must, pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications, notify the Minister for Internal Affairs and Communications of the plan within the number of days specified by Order of the Ministry of Internal Affairs and Communications prior to the date on which the installation work starts. The same also applies if it intends to change the plan notified to the Minister.
- (2) A telecommunications carrier running Category I designated telecommunications facilities must, pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications, announce the plan notification of which is filed pursuant to the provisions of the preceding paragraph.
  - (3) If a notification is filed pursuant to the provisions of paragraph (1) and the Minister for Internal Affairs and Communications finds that the implementation of the notified plan is likely to hinder the smooth interconnection between the Category I designated telecommunications facilities and those of another telecommunications carrier, the Minister may

recommend the telecommunications carrier running the Category I designated telecommunications facilities to change its plan.

(Agreement on Sharing Category I Designated Telecommunications Facilities)

Article 37 (1) If a telecommunications carrier running Category I designated telecommunications facilities intends to conclude or amend an agreement with other telecommunications carriers on sharing its Category I designated telecommunications facilities, it must, pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications, notify the Minister for Internal Affairs and Communications of it in advance.

(2) A telecommunications carrier running telecommunications facilities which are newly designated pursuant to the provisions of Article 33, paragraph (1) must notify the Minister for Internal Affairs and Communications of the agreement that it has, as of the time of the designation, concluded with other telecommunications carriers, and that is related to sharing the telecommunications facilities, without delay, pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications.

(Order to Share Telecommunications Facilities)

Article 38 (1) If a telecommunications carrier requests another telecommunications carrier to conclude an agreement on sharing telecommunications facilities or structures for telecommunications facilities installation (referring to buildings and other structures used by telecommunications carriers to install telecommunications facilities; the same applies hereinafter), but the requested telecommunications carrier refuses to hold negotiations or those negotiations fail, resulting in the requesting telecommunications carrier filing a petition, and the Minister for Internal Affairs and Communications finds that sharing is particularly necessary and appropriate for increasing the public interest, the Minister may order the requested telecommunications carrier to start or restart negotiations, except the cases in which an application for arbitration is filed pursuant to the provisions of Article 155, paragraph (1), as applied mutatis mutandis pursuant to Article 156, paragraph (1).

(2) The provisions of Article 35, paragraph (3) through paragraph (10) apply mutatis mutandis to the sharing of telecommunications facilities or structures for telecommunications facilities installation. In this case, the term "terms and conditions of interconnection" in paragraph (3) and paragraph (4) of the same Article is to be replaced with "terms and conditions for sharing"; the term "running telecommunications facilities to be interconnected with the telecommunications facilities" and the term "Article 155, paragraph (1)" in paragraph (3) of the same Article are to be replaced with "that intends to



conclude an agreement with the telecommunications carrier" and "Article 155, paragraph (1), as applied mutatis mutandis pursuant to Article 156, paragraph (1)," respectively; and, the term "paragraph (1) or paragraph (2)" in paragraph (4) of the same Article is to be replaced with "Article 38, paragraph (1)."

(Provision of Wholesale Telecommunication Services by Using Category I or Category II Designated Telecommunications Facilities)

Article 38-2 If a telecommunications carrier running Category I or Category II Designated Telecommunications Facilities commences the operations involved in the providing wholesale telecommunication services by using those Category I or Category II Designated Telecommunications Facilities, the telecommunications carrier must notify the Minister for Internal Affairs and Communications describing of the commencement of those services, the type of wholesale telecommunication services by each classification, as well as other information designated by Order of the Ministry of Internal Affairs and Communications, without delay, pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications. The same applies to the case in which it amends the particulars notified to the Minister or discontinues those operations.

(Application Mutatis Mutandis to the Provision of Wholesale Telecommunications Services)

Article 39 The provisions of Article 35, paragraph (3) through paragraph (10) and paragraph (1) of Article 38 apply mutatis mutandis to the provision of wholesale telecommunications services. In this case, the term "terms and conditions of interconnection" in Article 35, paragraph (3) and paragraph (4) is to be replaced with "terms and conditions for the provision of those services"; the term "agreement" in paragraph (3) and paragraph (4) of the same Article and paragraph (1) of Article 38 is to be replaced with "contract"; the term "running telecommunications facilities to be interconnected to them" and the term "Article 155, paragraph (1)" in Article 35, paragraph (3) is to be replaced with "that intends to conclude a contract with the telecommunications carrier" and "Article 155, paragraph (1), as applied mutatis mutandis pursuant to Article 156, paragraph (2)," respectively; the term "paragraph (1) or paragraph (2)" in paragraph (4) of the same Article is to be replaced with "Article 38, paragraph (1), as applied mutatis mutandis pursuant to Article 39"; and the term "that sharing" and the term "Article 156, paragraph (1)" in paragraph (1) of Article 38 are to be replaced with "that provision" and "Article 156, paragraph (2)," respectively.

(Publication of Information Concerning Category I and Category II Designated

Telecommunications Facilities)

Article 39-2 The Minister for Internal Affairs and Communications is to compile the following information concerning Category I and Category II Designated Telecommunications Facilities that the Minister possesses and to publish the compiled information via the Internet or any other appropriate means:

- (i) information created or obtained in connection with the designation under Article 33, paragraph (1) or the authorization under paragraph (2) of the same Article;
- (ii) information created or obtained in connection with the designation under Article 34, paragraph (1) or the notification under paragraph (2) of the same Article;
- (iii) information created or obtained in connection with the notification under Article 38-2;
- (iv) other information specified by Order of the Ministry of Internal Affairs and Communications.

(Obligations of Telecommunications Carriers to Provide Specified Domain Name Telecommunications Services)

Article 39-3 (1) A telecommunications carrier that provides specified domain name telecommunications services must not, without justifiable grounds, refuse to provide its services in its service areas.

(2) If a telecommunications carrier providing specified domain name telecommunications services has violated the provisions of the preceding paragraph, the Minister for Internal Affairs and Communications may order the telecommunications carrier to improve its means of conducting operations or take other measures, to the extent necessary for ensuring the interests of users or the public interest.

(3) A telecommunications carrier that provides specified domain name telecommunications services must, pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications, announce the status of income and expenditure for its telecommunications services and other accounting particulars specified by Order of the Ministry of Internal Affairs and Communications.

(Authorization for Agreements with Foreign Governments)

Article 40 If a telecommunications carrier intends to conclude, amend or discontinue an agreement or contract on telecommunications activities, which includes important particulars specified by Order of the Ministry of Internal Affairs and Communications, with foreign governments, or foreign nationals or foreign corporations, it must obtain authorization from the Minister for Internal Affairs and Communications.

## **Section 4 Telecommunications Facilities**

### **Subsection 1 Telecommunications Facilities Used for Telecommunications Business**

(Maintenance of Telecommunications Facilities)

- Article 41 (1) A telecommunications carrier running telecommunication line facilities must maintain telecommunications facilities used for telecommunications business (excluding those telecommunications facilities exclusively used for the telecommunications businesses to provide domain name telecommunications services, and telecommunications facilities specified by Order of the Ministry of Internal Affairs and Communications as those that have a minor influence on the interests of users in the event of damage, failure, etc.) in conformity with the technical standards specified by Order of the Ministry of Internal Affairs and Communications.
- (2) A telecommunications carrier that provides universal telecommunications services must maintain its telecommunications facilities (except those set forth in the preceding paragraph and telecommunication facilities exclusively used for telecommunications business to provide domain name telecommunications services) used for the telecommunications business to provide universal telecommunications services in conformity with the technical standards specified by Order of the Ministry of Internal Affairs and Communications.
- (3) The Minister for Internal Affairs and Communications may, pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications, designate telecommunications carriers that provide telecommunication services (excluding universal telecommunications services and domain name telecommunications services) that are specified by Order of the Ministry of Internal Affairs and Communications as those that have a great influence on the interests of users considering their contents, the scope of users and other factors, as telecommunications carriers that are required to properly maintain their telecommunication facilities used for telecommunication businesses.
- (4) Telecommunications carriers designated pursuant to the provisions in the preceding paragraph must maintain their telecommunications facilities used for telecommunication businesses to provide telecommunication services specified by Order of the Ministry of Internal Affairs and Communications in the same paragraph (excluding telecommunication facilities specified in paragraph (1)) in conformity with the technical standards specified by Order of the Ministry of Internal Affairs and Communications.
- (5) The technical standards set forth in paragraph (1), paragraph (2) and the preceding paragraph must be specified so as to ensure the following particulars:

- (i) damage or failure of those telecommunications facilities does not significantly hinder the provision of telecommunications services;
- (ii) quality of telecommunications services are maintained at an appropriate level;
- (iii) secrecy of communications are maintained;
- (iv) the telecommunications facilities do not damage telecommunications facilities which users or other telecommunications carriers interconnect with nor cause an obstruction to their functioning;
- (v) the demarcation of responsibilities between the telecommunications carrier's telecommunications facilities and telecommunications facilities which other telecommunications carriers interconnect with are clearly specified.

Article 41-2 A telecommunications carrier that provides domain name telecommunications services must maintain its telecommunications facilities used for telecommunications businesses to provide domain name telecommunications services in conformity with the international standards applicable to the management of those telecommunications facilities.

(Self-Confirmation of Telecommunications Facilities by Telecommunications Carrier)

Article 42 (1) If a telecommunications carrier running telecommunication line facilities intends to start using the telecommunications facilities set forth in Article 41, paragraph (1), it must confirm by itself, pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications, whether the telecommunications facilities (except those specified by Order of the Ministry of Internal Affairs and Communications) conform to the technical standards specified by Order of the Ministry of Internal Affairs and Communications, as set forth in the same paragraph.

(2) If a telecommunications carrier running telecommunication line facilities intends to change particulars specified in Article 10, paragraph (1), item (iii) or Article 16, paragraph (1), item (iii), it must confirm by itself, pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications, whether the telecommunications facilities specified in Article 41, paragraph (1) (except those specified by Order of the Ministry of Internal Affairs and Communications as stipulated in the preceding paragraph) after its change conform to the technical standards specified by Order of the Ministry of Internal Affairs and Communications as set forth in paragraph (1) of the same Article.

(3) If a telecommunications carrier running telecommunication line facilities has made confirmation pursuant to the provisions of paragraph (1) or the preceding

paragraph, it must, pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications, notify the Minister for Internal Affairs and Communications of the results of its confirmation before it starts using the telecommunications facilities as set forth respectively in those paragraphs.

- (4) The provisions of the preceding three paragraphs apply mutatis mutandis to a telecommunications carrier that provides universal telecommunications services. In this case, the term "Article 41, paragraph (1)" in paragraphs (1) and (2) is to be replaced with "Article 41, paragraph (2)," and the term "the same Article, paragraph (1)" in the same paragraphs is to be replaced with "the same Article, paragraph (2)."
- (5) Provisions in paragraphs (1) through (3) apply mutatis mutandis to telecommunications carriers designated pursuant to the provisions of Article 41 paragraph (3). In this case, the term "Article 41, paragraph (1)" in paragraphs (1) and (2) is to be replaced with "Article 41, paragraph (4)" and the term "the same Article, paragraph (1)" is to be replaced with "the same Article, paragraph (4)."
- (6) With regard to the first confirmation that the telecommunications carrier newly designated pursuant to the provisions in Article 41, paragraph (3) should make after the date of that designation pursuant to the provisions of paragraph (1), as applied mutatis mutandis pursuant to the preceding paragraph following the deemed replacement of terms, or a notification related to confirmation that the telecommunications carrier should give to the Minister for Internal Affairs and Communications pursuant to the provisions of paragraph (3), as applied mutatis mutandis pursuant to the preceding paragraph, the term "If a telecommunications carrier running telecommunication line facilities intends to start using the telecommunications facilities set forth in Article 41, paragraph (4), it must" in paragraph (1), as applied mutatis mutandis pursuant to the provisions of the preceding paragraph following the deemed replacement of terms is replaced with "A telecommunications carriers running telecommunication line facilities must, within three months from the date of the new designation under Article 41, paragraph (3)," and the term "before it starts using the telecommunications facilities as set forth respectively in those paragraphs" in paragraph (3), as applied mutatis mutandis to the preceding paragraph is replaced with "without delay."

(Order to Conform to Technical Standards)

Article 43 (1) If the Minister for Internal Affairs and Communications finds that the telecommunications facilities set forth in Article 41, paragraph (1) do not conform to the technical standards specified by Order of the Ministry of Internal Affairs and Communications, as set forth in the same paragraph, the

Minister may order the telecommunications carrier running telecommunications facilities to repair or alter them to conform to the technical standards, or may restrict their use.

- (2) The provisions of the preceding paragraph apply mutatis mutandis to the cases in which the telecommunications facilities set forth in Article 41, paragraph (2) or (4) are found not to conform to the technical standards specified by Order of the Ministry of Internal Affairs and Communications, as set forth respectively in the those paragraphs.

(Administrative Regulations)

Article 44 (1) A telecommunications carrier must, pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications, establish administrative regulations for the telecommunications facilities set forth in Article 41, paragraph (1), paragraph (2) or paragraph (4) or Article 41-2 (hereinafter referred to as "telecommunications facilities used for telecommunications business") and notify the Minister for Internal Affairs and Communications of those administrative regulations prior to the commencement of its telecommunications business..

- (2) Administrative regulations must be those that set forth necessary regulations pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications with regard to the following particulars to be observed by telecommunications carriers in order to secure the provision of telecommunications services in a reliable and stable manner:
- (i) particulars pertaining to policies for managing telecommunications facilities used for telecommunications businesses to secure the provision of telecommunications services in a reliable and stable manner;
  - (ii) particulars pertaining to systems for managing telecommunications facilities used for telecommunications businesses to secure the provision of telecommunications services in a reliable and stable manner;
  - (iii) particulars pertaining to means for managing telecommunications facilities used for telecommunications businesses to secure the provision of telecommunications services in a reliable and stable manner;
  - (iv) particulars pertaining to the appointment of a general manager of telecommunication facilities as stipulated in Article 44-3, paragraph (1).
- (3) If a telecommunications carrier amends its administrative regulations, it must notify the Minister for Internal Affairs and Communications of the amended particulars without delay.
- (4) With regard to the first notification that the telecommunications carrier newly designated pursuant to the provisions in Article 41, paragraph (3) must give after the date of that designation to the Minister for Internal Affairs and Communications pursuant to the provisions of paragraph (1), the term "prior to

the commencement of its telecommunications business" in the same paragraph is to be replaced with "within three months from the date of new designation under Article 41, paragraph (3)."

(Order for Modifying Administrative Regulations)

- Article 44-2 (1) If the Minister for Internal Affairs and Communications finds that administrative regulations notified to the Minister by a telecommunications carrier pursuant to the provisions of paragraph (1) or paragraph (3) of the preceding Article do not conform to the provisions of paragraph (2) of the same Article, the Minister may order that telecommunications carrier to modify those administrative regulations.
- (2) If the Minister for Internal Affairs and Communications finds that a telecommunications carrier does not observe its administrative regulations, the Minister may order that telecommunications carrier to observe the administrative regulations to the extent necessary to secure the provision of telecommunication services in a reliable and stable manner.

(General Manager of Telecommunication Facilities)

- Article 44-3 (1) Each telecommunications carrier must, pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications, appoint a general manager of the telecommunication facilities who is responsible for the general management of particulars listed in Article 44, paragraph (2) items (i) through (iii) from among persons who are in managerial positions and participate in making important decisions in business operations, and who possesses specific practical experiences in the management of telecommunication facilities and other requirements as specified by Order of the Ministry of Internal Affairs and Communications.
- (2) If a telecommunications carrier appoints or removes the general manager of telecommunication facilities, it must notify the Minister for Internal Affairs and Communications to that effect without delay pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications.
- (3) A telecommunications carrier newly designated pursuant to the provisions of Article 41, paragraph (3) must make the initial appointment they should make after the date of that designation pursuant to the provisions of paragraph (1) within three months from the date of designation.

(Obligations of General Managers of Telecommunication Facilities)

- Article 44-4 (1) General managers of telecommunication facilities must perform their duties in a sincere manner.
- (2) The telecommunications carrier must respect the opinions of general managers in the course of performing their duties regarding the provision of

telecommunication services in a reliable and stable manner.

(Order for Dismissal of General Managers of Telecommunication Facilities)

Article 44-5 If the Minister for Internal Affairs and Communications finds that the general manager of telecommunication facilities of a telecommunications carrier has neglected their duties and that their continued engagement in those duties might significantly affect the securing of the provision of telecommunication services in a reliable and stable manner, the Minister may order the telecommunications carrier to dismiss that general manager of the telecommunication facilities.

(Chief Telecommunications Engineers)

Article 45 (1) A telecommunications carrier must, pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications, appoint a chief telecommunications engineer to supervise particulars related to installation, maintenance and operation of telecommunications facilities used for telecommunications business specified by Order of the Ministry of Internal Affairs and Communications, from among persons that have a chief telecommunications engineer's license; provided, however, that this does not apply to cases in which the telecommunications facilities used for telecommunications business are small in scale or the cases specified by Order of the Ministry of Internal Affairs and Communications.

(2) If a telecommunications carrier has appointed a chief telecommunications engineer pursuant to the provisions of the preceding paragraph, it must notify the Minister for Internal Affairs and Communications to that effect without delay. The same also apply if it dismisses that chief telecommunications engineer.

(3) A telecommunications carrier newly designated pursuant to the provisions of Article 41, paragraph (3) must make the initial appointment they should make after the date of that designation pursuant to the provisions of paragraph (1) within three months from the date of designation.

(Chief Telecommunications Engineer's Licenses)

Article 46 (1) Classes of chief telecommunications engineer's licenses for transmission and switching technology and for transmission line technology are respectively specified by Order of the Ministry of Internal Affairs and Communications.

(2) The scope of particulars that the persons that have a chief telecommunications engineer's license may supervise with respect to installation, maintenance and operation of telecommunications facilities are specified by Order of the Ministry of Internal Affairs and Communications



according to the classes of the chief telecommunications engineer's license as set forth in the preceding paragraph.

- (3) The Minister for Internal Affairs and Communications grants a chief telecommunications engineer's license to persons that fall under any of the following items:
- (i) a person that has passed the qualification examination for chief telecommunications engineers;
  - (ii) a person that has completed a training course for persons that intend to obtain a chief telecommunications engineer's license, which the Minister for Internal Affairs and Communications has certified as conforming to the standards specified by Order of the Ministry of Internal Affairs and Communications;
  - (iii) a person that the Minister for Internal Affairs and Communications certifies as having expert knowledge and ability equivalent to or greater than those of the persons listed in the preceding two paragraphs.
- (4) Notwithstanding the provisions of the preceding paragraph, the Minister for Internal Affairs and Communications may refuse to grant a chief telecommunications engineer's license to persons that fall under any of the following items:
- (i) a person that was ordered to return their chief telecommunications engineer's license pursuant to the provisions of the following Article, if a year has not passed since that date of the order;
  - (ii) a person that has been sentenced to a fine or a heavier punishment pursuant to the provisions of this Act, if two years have not passed since the date on which the enforcement of that punishment has been completed or has become inapplicable.
- (5) The procedural particulars concerning the granting of chief telecommunications engineer's licenses are specified by Order of the Ministry of Internal Affairs and Communications.

(Returning Chief Telecommunications Engineer's Licenses)

Article 47 If a person that has been granted a chief telecommunications engineer's license violates the provisions of this Act or any order issued pursuant to this Act, the Minister for Internal Affairs and Communications may order them to return their chief telecommunications engineer's license.

(Qualification Examination for Chief Telecommunications Engineers)

Article 48 (1) The qualification examination for chief telecommunications engineers covers the expert knowledge and abilities necessary for the installation, maintenance and operation of telecommunications facilities.

(2) The qualification examination for chief telecommunications engineers is

conducted by the Minister for Internal Affairs and Communications for respective classes of the chief telecommunications engineer's license.

- (3) The subjects, application procedures and other details of the qualification examination for chief telecommunications engineers are specified by Order of the Ministry of Internal Affairs and Communications.

(Obligations of Chief Telecommunications Engineers and Carriers)

Article 49 (1) A chief telecommunications engineer must conduct the supervision of particulars related to the installation, maintenance and operation of telecommunications facilities used for telecommunications business in a sincere manner.

- (2) Telecommunications carriers must give chief telecommunications engineers the necessary authority to perform their duties.

- (3) Telecommunications carriers must respect advice given by the chief telecommunications engineers regarding installation, maintenance and the operation of telecommunications facilities for telecommunications business in the workplace where they perform their duties, and persons that are engaged in installation, maintenance and the operation of telecommunications facilities for use in telecommunications business must follow instructions given by the chief telecommunications engineers that they deem necessary for performing their duties.

- (4) Telecommunications carriers must make chief telecommunications engineers receive training for supervising particulars related to the installation, maintenance and operation of telecommunications facilities for use in telecommunications business, provided by a person registered pursuant to the provisions in Article 85-2, paragraph (1) (hereinafter referred to as a "registered training agency") (referred to as "training" in Subsection 2, Article 174, paragraph 1, item (iv) of the following Section and Appended Table 1), for every period specified by Order of the Ministry of Internal Affairs and Communications.

(Standards for Telecommunications Numbers)

Article 50 (1) If a telecommunications carrier provides telecommunications services by using telecommunications numbers (numbers, signs or other codes that telecommunications carriers use in providing telecommunications services, for identifying telecommunications facilities in order to connect places of transmission with places of reception, or identifying types or content of telecommunications services to provide; hereinafter the same applies), it must ensure that its telecommunications numbers conform to the standards specified by Order of the Ministry of Internal Affairs and Communications; provided, however, that this does not apply to domain names (domain names defined in

Article 164, paragraph (2), item (ii)), IP addresses (IP addresses defined in item (iii) of the same paragraph) and any other telecommunications numbers specified by Order of the Ministry of Internal Affairs and Communications.

(2) The standards set forth in the preceding paragraph must be specified so as to ensure the following particulars:

- (i) the telecommunications numbers make it possible for telecommunications carriers and users to clearly and easily identify telecommunications facilities or the types or content of the telecommunications services;
- (ii) sufficient telecommunications numbers necessary for providing telecommunications services are secured;
- (iii) Changes to the telecommunications numbers are avoided as much as possible;
- (iv) the telecommunications numbers are used in a fair and efficient manner.

(Order for Conformity)

Article 51 If the Minister for Internal Affairs and Communications finds that the telecommunications numbers that a telecommunications carrier uses to interconnect its telecommunications facilities with those of other telecommunications carriers, or the telecommunications numbers that a telecommunications carrier uses for communications that requires to be performed urgently for the public interest, do not conform to the standards specified by Order of the Ministry of Internal Affairs and Communications, as set forth in paragraph (1) of the preceding Article, the Minister may order the telecommunications carrier to change the telecommunications numbers to conform to the standards, or may prohibit their use.

## **Subsection 2 Interconnection of Terminal Facilities**

(Technical Standards for the Interconnection of Terminal Facilities)

Article 52 (1) When a telecommunications carrier receives a request from a user to interconnect their terminal facilities (telecommunications facilities one end of which is interconnected to telecommunication line facilities and a part of which is installed on the same premises (including the area equivalent to those premises) or in the same building where other parts of those facilities are installed; hereinafter the same applies) with its telecommunication line facilities (except those specified by Order of the Ministry of Internal Affairs and Communications as what has a minor influence on the interests of users in the event of damage, failure, etc.; the same applies in Article 69 and Article 70), it must not refuse that request, except in the cases in which that interconnection does not conform to the technical standards specified by Order of the Ministry of Internal Affairs and Communications (including technical

conditions established, with the authorization from the Minister for Internal Affairs and Communications, by the requested telecommunications carrier or by another telecommunications carrier whose telecommunications facilities are interconnected to those of the requested telecommunications carrier, and that is specified by Order of the Ministry of Internal Affairs and Communications; the same applies in the following paragraph and Article 69) and other cases specified by Order of the Ministry of Internal Affairs and Communications.

- (2) The technical standards set forth in the preceding paragraph must be specified so as to ensure the following particulars:
- (i) the technical standards do not result in damage to the telecommunication line facilities nor cause an obstruction to their function;
  - (ii) the technical standards do not cause inconvenience to other users of the telecommunication line facilities;
  - (iii) the demarcation of responsibilities between the telecommunication line facilities installed by the telecommunications carrier and the terminal facilities interconnected to them by users is clearly specified.

(Technical Standards Conformity Approval for Terminal Equipment)

- Article 53 (1) If a person that has obtained registration pursuant to the provisions of Article 86 paragraph (1) (hereinafter referred to as "registered approval body") receives a request from another person that intends to obtain a technical standards conformity approval (an approval for conformity to the technical standards specified by Order of the Ministry of Internal Affairs and Communications, as set forth in paragraph (1) of the preceding Article; hereinafter the same applies) related to its registration, it is to examine the request pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications and is to grant technical standards conformity approval only if it finds that the terminal equipment (equipment of terminal facilities of types specified by Order of the Ministry of Internal Affairs and Communications; hereinafter the same applies) related to the request conforms to the technical standards specified by Order of the Ministry of Internal Affairs and Communications, as set forth in paragraph (1) of the preceding Article.
- (2) If a registered approval body grants a technical standards conformity approval pertaining to its registration, it must mark the equipment to indicate that the technical standards conformity approval is granted, pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications.
- (3) Except the case in which terminal equipment is marked pursuant to the provisions of the preceding paragraph (including as applied *mutatis mutandis* pursuant to Article 104, paragraph (4)), Article 58 (including as applied *mutatis mutandis* pursuant to Article 104, paragraph (7)), Article 65, Article 68-2 or Article 68-8, paragraph (3), it is prohibited for any person to affix those

marks or other confusingly similar marks on terminal equipment or a product incorporating terminal equipment in Japan.

(Order to Prevent Disturbances)

Article 54 If the Minister for Internal Affairs and Communications finds that the terminal equipment which has obtained technical standards conformity approval from a registered approval body and on which the mark set forth in paragraph (2) of the preceding Article or Article 68-8, paragraph (3) is affixed does not conform to the technical standards specified by Order of the Ministry of Internal Affairs and Communications, as set forth in Article 52, paragraph (1), and that the use of the terminal equipment is likely to disturb communications of other users of the telecommunication line facilities, and the Minister finds it particularly necessary in order to prevent the spread of the disturbance, the Minister may order the person that has obtained the technical standards conformity approval to take necessary measures to prevent the spread of the disturbance caused by the terminal equipment.

(Cases in which Terminal Equipment Is Deemed Not to Be Marked)

Article 55 (1) If the terminal equipment which has obtained a technical standards conformity approval from a registered approval body and which is marked pursuant to the provisions of Article 53, paragraph (2) or Article 68-8, paragraph (3) does not conform to the technical standards specified by Order of the Ministry of Internal Affairs and Communications, as set forth in Article 52, paragraph (1), and the Minister for Internal Affairs and Communications finds it particularly necessary in preventing a disturbance in the communications of other users of the telecommunication line facilities, the terminal equipment is deemed not to be marked pursuant to the provisions of Article 53, paragraph (2) or Article 68-8, paragraph (3).

(2) If terminal equipment is deemed not to be marked pursuant to the provisions of the preceding paragraph, the Minister for Internal Affairs and Communications must issue a public notice to that effect.

(Certification of Design of Terminal Equipment)

Article 56 (1) If a registered approval body receives a request from a person engaged in the business of handling terminal equipment, the registered approval body certifies the terminal equipment as conforming to the technical standards specified by Order of the Ministry of Internal Affairs and Communications, as set forth in Article 52, paragraph (1), with regard to its design (including the means of confirming whether that terminal equipment is in accordance with that design) (hereinafter referred to as "certification of design").

(2) If a registered approval body receives a request for the certification of design related to its registration, a registered approval body is to conduct the examination pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications, and is to issue a certification of design only if it finds that the design pertaining to the request conforms to the technical standards specified by Order of the Ministry of Internal Affairs and Communications, as set forth in Article 52, paragraph (1) and that any of the terminal equipment made based on that design is ensured to be in accordance with that design.

(Obligation for Terminal Equipment to Fulfill Design Criteria)

Article 57 (1) If a person that has obtained a certification of design from a registered approval body (hereinafter referred to as a "certified dealer") handles terminal equipment based on a design related to that certification of design (hereinafter referred to as a "certified design"), that person must ensure that the terminal equipment is in accordance with the certified design.

(2) A certified dealer must inspect terminal equipment which it handles as set forth in the preceding paragraph in accordance with the means of confirmation related to the certification of design, and must make and keep a record of the inspection pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications.

(Marking Terminal Equipment Based on Certified Design)

Article 58 If a certified dealer has fulfilled its obligation with regard to terminal equipment based on a certified design pursuant to the provisions of paragraph (2) of the preceding Article, it may affix the marks specified by Order of the Ministry of Internal Affairs and Communications on the terminal equipment.

(Orders for Certified Dealers to Take Measures)

Article 59 If the Minister for Internal Affairs and Communications finds that a certified dealer violates the provisions of Article 57, paragraph (1), the Minister may order the certified dealer to take the necessary measures to improve the means of confirmation related to a certification of design.

(Prohibition on Marking)

Article 60 (1) In the cases set forth in the following items, the Minister for Internal Affairs and Communications may designate the period not exceeding two years and prohibit a certified dealer, for that period, from affixing the marks set forth in Article 58 on terminal equipment based on a certified design or the design prescribed respectively in those items:

(i) if terminal equipment based on a certified design does not conform to the

- technical standards specified by Order of the Ministry of Internal Affairs and Communications, as set forth in Article 52, paragraph (1), and the prohibition is found to be particularly necessary for preventing a disturbance in the communications of other users of telecommunication line facilities (except the cases set forth in item (vi)): The certified design of the terminal equipment;
- (ii) if a certified dealer has violated the provisions of Article 57, paragraph (2): The certified design of the terminal equipment related to the violation;
  - (iii) if a certified dealer has violated an order issued pursuant to the provisions of the preceding Article: The certified design of the terminal equipment related to the violation;
  - (iv) if a certified dealer has obtained a certification of design through dishonest means from a registered approval body: The design related to the certification of design;
  - (v) if a registered approval body has issued a certification of design in violation of the provision of Article 56, paragraph (2) or Article 91, paragraph (2), as applied *mutatis mutandis* pursuant to Article 103: The design related to the certification of design;
  - (vi) if the technical standards specified by Order of the Ministry of Internal Affairs and Communications, as set forth in Article 52, paragraph (1), have been changed and the design that obtained the certification of design prior to the change is found not to conform to the technical standards after the change: That design.
- (2) If the Minister for Internal Affairs and Communications prohibits a certified dealer from marking the terminal equipment, pursuant to the provisions of the preceding paragraph, the Minister must issue a public notice to that effect.

(Application *Mutatis Mutandis*)

Article 61 The provisions of Article 54 apply *mutatis mutandis* to certified dealers, and the provisions of Article 55 apply *mutatis mutandis* to terminal equipment based on a certified design. In these cases, the term "which has obtained technical standards conformity approval from a registered approval body" in Article 54 is to be replaced with "based on the certified design"; the term "paragraph (2) of the preceding Article" in Article 54 and the term "Article 53, paragraph (2)" in Article 55 paragraph (1) are to be replaced with "Article 58"; and the term "the person that has obtained the technical standards conformity approval" in Article 54 is to be replaced with "the person that has obtained the technical standards conformity approval in relation to the certified design."

(Foreign Dealers)

Article 62 (1) With regard to the application of the provisions of Article 54 to a foreign dealer (a person in a foreign state that engages in the business of handling terminal equipment to be used in Japan; hereinafter the same applies) as a person that has obtained technical standards conformity approval from a registered approval body, the term "order" in the same Article is to be replaced with "request."

(2) With regard to the application of the provisions of Article 54, as applied mutatis mutandis pursuant to Article 59, Article 60, paragraph (1), item (iii) and the preceding Article, to a foreign dealer as a certified dealer, the term "order" in Article 54, as applied mutatis mutandis pursuant to Article 59 and the preceding Article, is to be replaced with "request"; and the term "has violated an order" and the term "violation" in Article 60, paragraph (1), item (iii) are to be replaced with "has not responded to a request" and "request," respectively.

(3) Beyond the provisions of Article 60, paragraph (1), in the cases set forth in the following items, the Minister for Internal Affairs and Communications may designate the period not exceeding two years and prohibit a foreign dealer that has obtained a certification of design from a registered approval body, for that period, from affixing the marks set forth in Article 58 on terminal equipment based on a certified design prescribed respectively in those items:

(i) if the Minister for Internal Affairs and Communications has the foreign dealer submit a report pursuant to the provisions of Article 166, paragraph (2), as applied mutatis mutandis pursuant to paragraph (3) of the same Article, but the foreign dealer does not submit that report or makes a false report: The certified design of the terminal equipment related to the report;

(ii) if the Minister for Internal Affairs and Communications has ministerial officials conduct an inspection at the place of business of the foreign dealer pursuant to the provisions of Article 166, paragraph (2), as applied mutatis mutandis pursuant to paragraph (3) of the same Article, but it refuses, obstructs or evades that inspection: The certified design of the terminal equipment related to the inspection;

(iii) if the foreign dealer does not respond to the request made pursuant to the provisions of Article 167, paragraph (1), as applied pursuant to the provisions of paragraph (6) of the same Article following the deemed replacement of terms: The certified design of the terminal equipment related to the request.

(4) If the Minister for Internal Affairs and Communications prohibits the foreign dealer from marking the terminal equipment, pursuant to the provisions of the preceding paragraph, the Minister must issue a public notice to that effect.

(Self-Confirmation of Conformity to Technical Standards)



Article 63 (1) A manufacturer or importer of the terminal equipment specified by Order of the Ministry of Internal Affairs and Communications, in consideration of the technical standards for the terminal equipment, the way it is used, or other things, as what is not likely to disturb communications of other users of telecommunication line facilities considerably (hereinafter referred to as "specified terminal equipment") may confirm by itself whether the design (including means of confirming whether the terminal equipment is in accordance with the design) of their specified terminal equipment conforms to the technical standards specified by Order of the Ministry of Internal Affairs and Communications, as set forth in Article 52, paragraph (1).

(2) A manufacturer or importer is to carry out confirmation pursuant to the provisions of the preceding paragraph (referred to as "self-confirmation of technical standards conformity" in the following paragraph), only if it conducts verification pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications and finds that the design of its specified terminal equipment conforms to the technical standards specified by Order of the Ministry of Internal Affairs and Communications, as set forth in Article 52, paragraph (1), and that any piece of the specified terminal equipment based on the design is ensured to be in accordance with that design.

(3) If any manufacturer or importer has conducted self-confirmation of technical standards conformity, it may notify the Minister for Internal Affairs and Communications of the particulars listed below:

(i) name and address of the manufacturer or importer and, in the case of a corporation, the name of the representative;

(ii) type and design of specified terminal equipment for which the self-confirmation of technical standards conformity was carried out;

(iii) outline of the results of the verification set forth in the preceding paragraph;

(iv) a means of confirming whether any piece of the specified terminal equipment based on the design set forth in item (ii) is in accordance with that design;

(v) other particulars specified by Order of the Ministry of Internal Affairs and Communications concerning the means of self-confirmation of technical standards conformity.

(4) A person that has notified the Minister for Internal Affairs and Communications of the particulars above pursuant to the provisions of the preceding paragraph (hereinafter referred to as a "notifying supplier") must make and keep a record related to the verification set forth in paragraph (2) pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications.

(5) If any of the particulars listed in paragraph (3), item (i), item (iv) or item (v)

has been changed, notifying suppliers must, as specified by Order of the Ministry of Internal Affairs and Communications, notify the Minister for Internal Affairs and Communications to that effect without delay.

- (6) If a notification is filed pursuant to the provisions of paragraph (3), the Minister for Internal Affairs and Communications must, pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications, issue a public notice to that effect. The same also applies to the cases in which a notification is filed pursuant to the provisions of the preceding paragraph, and any of the particulars in that public notice has been changed.

(Obligation for Terminal Equipment to Fulfill Criteria for its Design)

Article 64 (1) If a notifying supplier manufactures or imports a specified terminal equipment based on the design related to the notification filed pursuant to the provisions of paragraph (3) of the preceding Article (hereinafter referred to as "notified design"), it must ensure that the specified terminal equipment is in accordance with the notified design.

- (2) A notifying supplier must inspect the specified terminal equipment set forth in the preceding paragraph, which it manufactures or imports, in accordance with the means of confirmation related to the notification filed pursuant to the provisions of paragraph (3) of the preceding Article, and must make and keep a record related to the inspection pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications.

(Marks)

Article 65 If a notifying supplier has fulfilled its obligation pursuant to the provisions of paragraph (2) of the preceding Article with regard to the specified terminal equipment based on the notified design, it may affix the marks specified by Order of the Ministry of Internal Affairs and Communications on the specified terminal equipment.

(Prohibition on Marking)

Article 66 (1) In the cases set forth in the following items, the Minister for Internal Affairs and Communications may designate the period not exceeding two years and prohibit a notifying supplier, for that period, from affixing the marks set forth in the preceding Article on the specified terminal equipment based on the notified design or design prescribed respectively in those items:

(i) if the specified terminal equipment based on the notified design does not conform to the technical standards specified by Order of the Ministry of Internal Affairs and Communications, as set forth in Article 52, paragraph (1), and the prohibition is found to be particularly necessary in preventing a disturbance in the communications of other users of telecommunication line

- facilities (except the cases set forth in item (v)): The notified design of the specified terminal equipment;
- (ii) if the notifying supplier files a false notification when it files the notification pursuant to the provisions of Article 63, paragraph (3): The design related to the false notification;
  - (iii) if the notifying supplier has violated the provisions of Article 63, paragraph (4) or Article 64, paragraph (2): The notified design of the specified terminal equipment related to the violation;
  - (iv) if the notifying supplier has violated an order issued pursuant to the provisions of Article 59, as applied *mutatis mutandis* pursuant to Article 68: The notified design of the specified terminal equipment related to the violation;
  - (v) if the technical standards specified by Order of the Ministry of Internal Affairs and Communications, as set forth in Article 52, paragraph (1), have been changed and the design of which notification has been filed pursuant to the provisions of Article 63, paragraph (3) prior to the change is found not to conform to the technical standards after the change: That design.
- (2) If the Minister for Internal Affairs and Communications prohibits a notifying supplier from marking the specified terminal equipment, pursuant to the provisions of the preceding paragraph, the Minister must issue a public notice to that effect.

Article 67 (1) If a notifying supplier has falls under any of paragraph (1), item (ii) through (iv) of the preceding Article and the Minister for Internal Affairs and Communications finds that it is likely to fall under any of item (ii) through (iv) of the same paragraph again, the Minister may designate the period not exceeding two years and prohibit the notifying supplier, for that period, from affixing the marks set forth in Article 65 on the specified terminal equipment.

(2) If the Minister for Internal Affairs and Communications prohibits the notifying supplier from marking the specified terminal equipment, pursuant to the provisions of the preceding paragraph, the Minister must issue a public notice to that effect.

(Application *Mutatis Mutandis*)

Article 68 The provisions of Article 54 and Article 59 apply *mutatis mutandis* to the specified terminal equipment and the notifying supplier, and the provisions of Article 55 apply *mutatis mutandis* to the specified terminal equipment based on the notified design. In these cases, the term "which has obtained technical standards conformity approval from a registered approval body" in Article 54 is deemed to be replaced with "based on a notified design"; the term "paragraph (2) of the preceding Article" in the same Article and the term "Article 53,

paragraph (2)" in Article 55 paragraph (1) are deemed to be replaced with "Article 65"; the term "the person that has obtained technical standards conformity approval" in Article 54" is deemed to be replaced with "the person that has obtained technical standards conformity approval in relation to the notified design"; and the term "Article 57, paragraph (1)" and the term "certification of design" in Article 59 are deemed to be replaced with "Article 64, paragraph (1)" and "notification filed pursuant to the provisions of Article 63, paragraph (3)," respectively.

(Cases in which Affixing the Same Marks is Permitted)

Article 68-2 A person engaged in the business of handling products that incorporate a terminal equipment marked pursuant to the provisions of Article 53, paragraph (2) (including as applied mutatis mutandis in Article 104, paragraph (4)), Article 58, (including as applied mutatis mutandis in Article 104 paragraph (7)) or Article 65, or Article 68-8, paragraph (3) (excluding terminal equipment that is deemed not to be marked pursuant to the provisions in Article 55, paragraph (1) (including as applied mutatis mutandis in Article 61, the preceding Article and paragraphs (4) and (7) of Article 104); hereinafter referred to as "conformity-marked terminal equipment") may, pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications, affix on its products the same marks that has been affixed on the conformity-marked terminal equipment incorporated in those product.

(Registration of Repairers)

Article 68-3 (1) A person engaged in the business of repairing specified terminal equipment (limited to conformity-marked terminal equipment; the same applies in this Article, the following Article, and Article 68-7 through Article 68-9) may obtain a registration from the Minister for Internal Affairs and Communications.

(2) A person that intends to obtain the registration under the preceding paragraph must file a written application describing the following particulars with the Minister for Internal Affairs and Communications pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications:

- (i) the name and address of that person and, in the case of a corporation, the name of the representative;
- (ii) the name and address of the office;
- (iii) the scope of specified terminal equipment that the person repairs;
- (iv) outline of the means used for repairing specified terminal equipment; and
- (v) outline of the means used to confirm that the repaired specified terminal equipment conforms to the technical standards as specified by Order of the Ministry of Internal Affairs and Communications in Article 52, paragraph (1)

(referred to as "confirmation of repair" in the following paragraph, the following Article and Article 68-7 through Article 68-9).

- (3) The written application in the preceding paragraph must be filed, pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications, with written repair procedures describing the means of repair of specified terminal equipment and the means of confirmation of repair and other documents specified by Order of the Ministry of Internal Affairs and Communications attached thereto.

(Criteria for Registration)

Article 68-4 (1) The Minister for Internal Affairs and Communications must register a person that applies for the registration in paragraph (1) of the preceding Article and that conforms to both of the following requirements:

(i) the means for repairing specified terminal equipment conforms to the standards specified by Order of the Ministry of Internal Affairs and Communications, as the means that are not likely to disturb the communications of other users of telecommunication line facilities considerably if the specified terminal equipment repaired by those means is used; and

(ii) the means used for confirmation of repair can confirm that the repaired specified terminal equipment conforms to the technical standards as specified by Order of the Ministry of Internal Affairs and Communications in Article 52, paragraph (1).

(2) A person falling under either of the following conditions is not qualified to obtain registration in paragraph (1) of the preceding Article:

(i) the person's registration was revoked pursuant to Article 68-11 and two years have not yet passed since the date of the revocation; or

(ii) the person is a corporation and any officer thereof falls under the condition stipulated in the preceding item.

(3) Beyond what is set forth in the preceding Article and the two preceding paragraphs, the particulars necessary for the registration under paragraph (1) of the same Article are stipulated by Order of the Ministry of Internal Affairs and Communications.

(Register)

Article 68-5 The Minister for Internal Affairs and Communications must prepare a register for persons that have obtained registration in Article 68-3, paragraph (1) (hereinafter referred to as "registered repairers") and register the following particulars with regard to registered repairers:

(i) date of registration and registration number; and

(ii) particulars set forth in the each item of Article 68-3, paragraph (2).

(Registration of Changes)

- Article 68-6 (1) If a registered repairer intends to change the particulars stipulated in items (iii) through (v) of Article 68-3, paragraph (2), the registered repairer must obtain a registration of change from the Minister for Internal Affairs and Communications; provided, however, that this does not apply to minor changes specified by Order of the Ministry of Internal Affairs and Communications.
- (2) A person that intends to obtain the registration of change under the preceding paragraph must file a written application describing the particulars related to that change with the Minister for Internal Affairs and Communications pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications.
- (3) The provisions of Article 68-3, paragraph (3) and Article 68-4 apply mutatis mutandis to the registration of the change as set forth in paragraph (1).
- (4) If any of the particulars set forth in item (i) or (ii) of Article 68-3, paragraph (2) has been changed, the written repair procedures have been changed (excluding cases in which the change is registered pursuant to the provisions of paragraph (1)) or any minor change specified by Order of the Ministry of Internal Affairs and Communications as set forth in the proviso of paragraph (1) has been made, the registered repairer must notify the Minister for Internal Affairs and Communications to that effect without delay.

(Obligations of Registered Repairers)

- Article 68-7 (1) If a registered repairer repairs the specified terminal equipment related to the registration, it must perform and confirm the repair in accordance with the written repair procedures.
- (2) If a registered repairer repairs the specified terminal equipment related to the registration, it must make and retain a record of the repair and the confirmation of repair pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications.

(Marks)

- Article 68-8 (1) If a registered repairer has repaired the specified terminal equipment related to its registration, it must mark the equipment to indicate completion of the repair pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications.
- (2) Except the case in which terminal equipment is marked pursuant to the provisions in the preceding paragraph, it is prohibited for any person to affix the marks set forth in the same paragraph or other confusingly similar marks on terminal equipment in Japan.

- (3) If a registered repairer has performed repair and confirmation of repair for specified terminal equipment related to its registration by following its written repair procedures, it may affix on the specified terminal equipment the same marks that has been affixed on it pursuant to the provisions of Article 53, paragraph (2) (including as applied mutatis mutandis pursuant to Article 104, paragraph (4)), Article 58 (including as applied mutatis mutandis pursuant to Article 104, paragraph (7)), Article 65 or this paragraph, pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications.

(Orders for Improvement to Registered Repairers)

Article 68-9 (1) If the Minister for Internal Affairs and Communications finds that a registered repairer has failed to conform to any of the standards stipulated in the items of Article 68-4, paragraph (1), the Minister may order that registered repairer to take necessary measures to conform to those standards.

(2) If the Minister for Internal Affairs and Communications finds that a registered repairer has violated the provisions of Article 68-7, the Minister may order that registered repairer to improve its means of repair or its means of confirmation of repair, or take other measures.

(3) If the Minister for Internal Affairs and Communications finds that specified terminal equipment related to the registration repaired by a registered repairer does not conform to the technical standards specified by Order of the Ministry of Internal Affairs and Communications as set forth in Article 52, paragraph (1), and that the use of that terminal equipment is likely to disturb the communications of other users of telecommunication line facilities, and the Minister finds it particularly necessary in order to prevent the spread of the disturbance, the Minister may order the registered repairer to take necessary measures to prevent further disturbance caused by the terminal equipment.

(Notification of the Discontinuance of Business)

Article 68-10 (1) If a registered repairer has discontinued the business related to its registration, it must notify the Minister for Internal Affairs and Communications to that effect without delay.

(2) If a notification is filed pursuant to the provisions of the preceding paragraph, the registration set forth in Article 68-3, paragraph (1) ceases to be effective.

(Revocation of Registration)

Article 68-11 (1) If a registered repairer has fallen under the conditions in Article 68-4, paragraph (2), item (ii), the Minister for Internal Affairs and Communications must revoke its registration.

(2) If a registered repairer falls under any of the following items, the Minister for

Internal Affairs and Communications may revoke its registration:

- (i) the registered repairer violates the provisions of Article 68-6, paragraph (1) or paragraph (4), or Article 68-8, paragraph (1);
- (ii) the registered repairer violates an order under Article 68-9; or
- (iii) the registered repairer obtains the registration set forth in Article 68-3, paragraph (1) or registration of change set forth in Article 68-6, paragraph (1), through dishonest means.

(Deletion of Registration)

Article 68-12 If the registration of a person as a registered repairer ceases to be effective pursuant to the provisions of Article 68-10, paragraph (2) or the registration of a person as a registered repairer is revoked pursuant to the provisions of the preceding Article, the Minister for Internal Affairs and Communications must delete the registration of that person as a registered repairer.

(Inspection of Terminal Facility Interconnections)

- Article 69 (1) If a user interconnects terminal equipment to telecommunication line facilities of a telecommunications carrier, the user must not use that terminal equipment before the telecommunications carrier conducts an inspection to certify that the interconnection conforms to the technical standards set forth in Article 52, paragraph (1), except in cases in which the user interconnects a conformity-marked terminal equipment or other cases specified by Order of the Ministry of Internal Affairs and Communications. The same applies to the case in which an interconnection is changed.
- (2) A telecommunications carrier running telecommunication line facilities may request its users to undergo an inspection to determine whether the interconnection of their terminal facilities conforms to the technical standards set forth in Article 52, paragraph (1), if there is a defect in the terminal facilities or the smooth provision of its telecommunications services is hindered otherwise, and that telecommunications carrier finds it necessary. In this case, the users must not refuse the request, except in the cases in which there are justifiable grounds and other cases specified by Order of the Ministry of Internal Affairs and Communications.
- (3) A person that engages in the inspection set forth in the preceding two paragraphs must carry a certificate for identification and show it to the persons concerned.

(Interconnection of Customer-Owned and Maintained Telecommunications Facilities)

Article 70 (1) If a telecommunications carrier receives a request from a person



that is not a telecommunications carrier running telecommunication line facilities for interconnecting telecommunications facilities of that person (limited to those other than terminal facilities; hereinafter referred to as "customer-owned and maintained telecommunications facilities") to its telecommunication line facilities, it must not refuse that request except in the following cases:

- (i) if the interconnection of customer-owned and maintained telecommunications facilities does not conform to the technical standards specified by Order of the Ministry of Internal Affairs and Communications (including technical conditions established, with the authorization from the Minister for Internal Affairs and Communications, by that telecommunications carrier or other telecommunications carriers whose telecommunications facilities are interconnected to those of that telecommunications carrier and that are specified by Order of the Ministry of Internal Affairs and Communications)
  - (ii) if the telecommunications carrier has obtained approval from the Minister for Internal Affairs and Communications with regard to the possibility that the interconnection of the customer-owned and maintained telecommunications facilities would make it difficult, from the perspective of management, to maintain its telecommunication line facilities.
- (2) The provisions of Article 52, paragraph (2) apply mutatis mutandis pursuant to the technical standards set forth in item (i) of the preceding paragraph, and the provisions of the preceding Article apply mutatis mutandis pursuant to the inspection of the interconnection of the customer-owned and maintained telecommunications facilities in relation to the request set forth in the preceding paragraph. In these cases, the term "technical standards set forth in Article 52, paragraph (1)" in paragraph (1) and paragraph (2) of the preceding Article is deemed to be replaced with "technical standards set forth in Article 70, paragraph (1), item (i) (including the technical conditions set forth in the same item)."

#### (Conducting and the Supervision of Installation Work by Installation Technicians)

Article 71 (1) If a user interconnects the terminal facilities or customer-owned and maintained telecommunications facilities, the user must commission a person that has an installation technician's license (hereinafter referred to as an "installation technician") to carry out or supervise the installation on site, according to the class of the installation technician's license; provided, however, that this does not apply to the cases specified by Order of the Ministry of Internal Affairs and Communications.

- (2) Installation technicians must carry out or supervise the installation in a

sincere manner.

(Installation Technician Licenses)

Article 72 (1) The classes of installation technician's licenses and the scope of installation work to be conducted or supervised by installation technicians in relation to the interconnection of terminal facilities or customer-owned and maintained telecommunications facilities are specified by Order of the Ministry of Internal Affairs and Communications.

(2) The provisions of Article 46, paragraph (3) through paragraph (5) and Article 47 apply mutatis mutandis pursuant to the installation technician's licenses. In these cases, the term "qualification examination for chief telecommunications engineers" in Article 46, paragraph (3) item (i) is to be replaced with "qualification examination for installation technicians"; and the term "expert knowledge and ability" in item (iii) of the same paragraph is to be replaced with "knowledge and technical ability."

(Qualification Examinations for Installation Technicians)

Article 73 (1) The qualification examination for installation technicians covers the knowledge and technical ability necessary for the interconnection of terminal facilities and customer-owned and maintained telecommunications facilities.

(2) The provisions of Article 48, paragraph (2) and paragraph (3) apply mutatis mutandis pursuant to the qualification examination for installation technicians. In these cases, the term "chief telecommunications engineer's license" in paragraph (2) of the same Article is deemed to be replaced with "installation technician's license."

**Section 5 Designated Examination Bodies**

**Subsection 1 Designated Examination Bodies**

(Designation of a Person as a Designated Examination Body)

Article 74 (1) The Minister for Internal Affairs and Communications may make a person whom the Minister designates (hereinafter referred to as a "designated examination body") to undertake administration involved in conducting qualification examinations for chief telecommunications engineers and installation technicians (hereinafter referred to as "exam administration").

(2) The designation of a person as a designated examination body is made according to the classification specified by Order of the Ministry of Internal Affairs and Communications, upon application from a person that intends to conduct exam administration.

(3) If the Minister for Internal Affairs and Communications designates a person

as a designated examination body, the Minister must issue a public notice to that effect.

- (4) If the Minister for Internal Affairs and Communications designates a person as a designated examination body, the Minister is not to conduct the exam administration for the classification related to that designation.

(Criteria for Designating a Person as a Designated Examination Body)

Article 75 (1) The Minister for Internal Affairs and Communications must not designate a person as a designated examination body unless no other person has been designated as a designated examination body to conduct exam administration for the classification related to the application set forth in paragraph (2) of the preceding Article and unless the Minister finds that the applicant complies with all of the following items:

- (i) the applicant's plan related to conducting exam administration, which specifies staff, facilities, the means of conducting exam administration, and other particulars is appropriate for properly conducting exam administration;
- (ii) the applicant has an adequate financial basis and technical capabilities to properly implement the plan for conducting exam administration set forth in the preceding item;
- (iii) if the applicant engages in operations other than exam administration, the conducting of those operations is unlikely to cause unfairness in its exam administration.

(2) If a person that has filed an application set forth in paragraph (2) of the preceding Article falls under any of the following items, the Minister for Internal Affairs and Communications must not designate the person as a designated examination body:

- (i) a person other than general incorporated association or general incorporated foundation;
- (ii) a person that has been sentenced to a fine or a heavier punishment pursuant to the provisions of this Act, the Cable Telecommunications Act or the Radio Act, if two years have not passed since the date on which the enforcement of that punishment has been completed or has become inapplicable;
- (iii) a person whose designation was revoked pursuant to the provisions of Article 84, paragraph (1) or paragraph (2), if two years have not passed since the date of revocation;
- (iv) a person whose officers fall under any of the followings:
  - (a) a person that falls under item (ii)
  - (b) a person that has been dismissed by an order under Article 77, paragraph (3), if two years have not passed since the date of dismissal

(Qualification Examiners)

Article 76 When conducting exam administration, a designated examination body must commission a person that satisfies the requirements specified by Order of the Ministry of Internal Affairs and Communications (hereinafter referred to as a "qualification examiner") to undertake administration involved in judging whether examinees have the expert knowledge and ability required of a chief telecommunications engineer or the knowledge and technical ability required of an installation technician.

(Appointment and Dismissal of Officers)

- Article 77 (1) An appointment and dismissal of officers of a designated examination body does not become effective unless authorized by the Minister for Internal Affairs and Communications.
- (2) When a designated examination body appoints or dismisses its qualification examiner, it must notify the Minister for Internal Affairs and Communications to that effect without delay.
- (3) If an officer or qualification examiner of a designated examination body has violated this Act, any order or disposition made under this Act, or the rules for exam administration set forth in Article 79, paragraph (1), the Minister for Internal Affairs and Communications may order the designated examination body to dismiss the officer or qualification examiner.

(Duty of Confidentiality)

- Article 78 (1) A officer or member of staff (including a qualification examiner) of a designated examination body, or a person that formerly held that position must not divulge any secret which came to their knowledge with respect to the exam administration.
- (2) A officer or member of staff (including a qualification examiner) of a designated examination body that engages in exam administration is deemed to be a person engaged in public service pursuant to laws and regulations, with regard to the application of the Penal Code (Act No. 45 of 1907) and other penal provisions.

(Rules for Exam Administration)

Article 79 (1) A designated examination body must establish the rules for exam administration that govern particulars specified by Order of the Ministry of Internal Affairs and Communications concerning the conducting of exam administration, and must obtain authorization from the Minister for Internal Affairs and Communications. The same also applies if it intends to amend those rules.

(2) If the Minister for Internal Affairs and Communications finds that the authorized rules for exam administration set forth in the preceding paragraph become inappropriate for properly conducting exam administration, the Minister may order the designated examination body to amend those rules.

(Business Plans)

Article 80 (1) A designated examination body must prepare its business plan and its budget of income and expenditure for each business year, and must obtain authorization from the Minister for Internal Affairs and Communications before the business year starts (for the business year during which it is designated as that body, without delay after the designation). The same also applies to the case in which it intends to change that business plan and/or the budget of income and expenditure.

(2) A designated examination body must prepare its annual report of its business and settlement of income and expenditure for each business year, and must file them with the Minister for Internal Affairs and Communications within three months from the end of the business year.

(Keeping of Books)

Article 81 A designated examination body must, pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications, keep books, make entries as to particulars specified by Order of the Ministry of Internal Affairs and Communications concerning exam administration in them, and retain them.

(Supervision Orders)

Article 82 The Minister for Internal Affairs and Communications may issue to a designated examination body an order necessary for supervising it in relation to its exam administration, if the Minister finds it necessary for the enforcement of this Act.

(Suspension and Discontinuation of Operations)

Article 83 (1) A designated examination body must not suspend or discontinue its exam administration in whole or in part unless it obtains permission of the Minister for Internal Affairs and Communications.

(2) If the Minister for Internal Affairs and Communications has granted permission set forth in the preceding paragraph, the Minister must issue a public notice to that effect.

(Revocation of Designations)

Article 84 (1) If a designated examination body falls under Article 75, paragraph

(2) item (i), item (ii) or item (iv), the Minister for Internal Affairs and Communications must revoke its designation.

- (2) If a designated examination body falls under any of the following items, the Minister for Internal Affairs and Communications may revoke its designation, or designate the period and suspend its exam administration for that period:
- (i) if the designated examination body has violated the provisions of this Subsection;
  - (ii) if the designated examination body is found to fail to conform to any of the items of Article 75, paragraph (1);
  - (iii) if the designated examination body has violated an order issued pursuant to the provisions of Article 77, paragraph (3), Article 79, paragraph (2) or Article 82;
  - (iv) if the designated examination body has conducted the exam administration not in accordance with the rules for exam administration authorized pursuant to the provisions of Article 79, paragraph (1);
  - (v) if the designated examination body has obtained its designation through dishonest means.
- (3) If the Minister for Internal Affairs and Communications has revoked the designation pursuant to the provisions of paragraph (1) or the preceding paragraph, or ordered suspension in whole or in part of the exam administration pursuant to the provisions of the same paragraph, the Minister must issue a public notice to that effect.

(Conducting of Exam Administration by the Minister for Internal Affairs and Communications)

- Article 85 (1) If a designated examination body has suspended its exam administration in whole or in part pursuant to the provisions of Article 83, paragraph (1), if the Minister for Internal Affairs and Communications has ordered a designated examination body to suspend its exam administration in whole or in part pursuant to the provisions of paragraph (2) of the preceding Article, or if it has become difficult for a designated examination body to conduct its exam administration in whole or in part due to a natural disaster or for other reasons and the Minister for Internal Affairs and Communications finds it necessary, the Minister is to conduct the exam administration in whole or in part personally, notwithstanding the provisions of Article 74, paragraph (4).
- (2) If the Minister for Internal Affairs and Communications has decided to conduct the exam administration pursuant to the provisions of the preceding paragraph or has decided to discontinue the exam administration that the Minister has been conducting pursuant to the provisions of the same paragraph, the Minister must issue a public notice to that effect in advance.

(3) If the Minister for Internal Affairs and Communications has decided to conduct the exam administration pursuant to the provisions of paragraph (1) and permitted the discontinuation of exam administration pursuant to the provisions of Article 83, paragraph (1) or revoked the designation pursuant to the provisions of paragraph (1) or paragraph (2) of the preceding Article, the succession of exam administration and other necessary particulars are specified by Order of the Ministry of Internal Affairs and Communications.

(Registration of a Person as a Registered Training Agency)

Article 85-2 (1) A person that is engaged in the administration involved in conducting training (hereinafter referred to as "training administration") may obtain a registration from the Minister for Internal Affairs and Communications for each classification of training specified in the Training column of each row in Appended Table 1.

- (2) A person that intends to obtain the registration set forth in the preceding paragraph must file a written application describing the following particulars with the Minister for Internal Affairs and Communications pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications:
- (i) the name and address of the person applying and, in the case of a corporation, the name of the representative;
  - (ii) the classification of training for which the person intends to obtain registration as listed in the Training column of each item in Appended Table 1;
  - (iii) the name and address of the office;
  - (iv) particulars related to the selection of training instructors; and
  - (v) the scheduled date to commence training administration
- (3) The written application in the preceding paragraph must be filed with a document describing the plan for conducting training administration and other documents specified by Order of the Ministry of Internal Affairs and Communications attached thereto.

(Criteria for Registration)

Article 85-3 (1) If the training administration conducted by a person that has applied for registration set forth in paragraph (1) of the preceding Article corresponds to each classification of training set forth in the Training column of Appended Table 1, and persons who constitute any of those set forth in Instructor column of the each row are engaged in the training administration as instructors for the training subjects set forth in Subject column of the each row, the Minister for Internal Affairs and Communications must register the person that has applied for the registration as a registered training agency.

(2) A person falling under any of the following conditions is not qualified to

obtain registration set forth in paragraph (1) of the preceding Article:

- (i) a person that has been sentenced to a fine or heavier punishment pursuant to the provisions of this Act, Cable Telecommunications Act, or the Radio Act, if two years have not passed since the day on which the enforcement of the punishment has been completed or has ceased to become applicable;
  - (ii) a person whose registration has been revoked pursuant to the provisions of Article 85-13, paragraph (1) or (2), if two years have not passed since the revocation date; or
  - (iii) a corporation any of whose officers fall under either of the preceding two items.
- (3) Beyond what is provided for in the preceding Article and the preceding two paragraphs, the particulars necessary for the registration set forth in paragraph (1) of the same Article are prescribed by Order of the Ministry of Internal Affairs and Communications.

(Renewal of Registrations)

- Article 85-4 (1) If the registration set forth in Article 85-2, paragraph (1) is not renewed for every period of not less than three years specified by the Cabinet Order, the registration ceases to be effective upon the expiration of the period.
- (2) The provisions in Article 85-2, paragraphs (2) and (3) and the preceding Article apply mutatis mutandis pursuant to the renewal of registration in the preceding paragraph.

(Register)

- Article 85-5 The Minister for Internal Affairs and Communications must prepare a register for registered training agencies, and register the following particulars with regard to registered training agencies:
- (i) the agency registration date, renewal date and registration number; and
  - (ii) particulars listed in Article 85-2, paragraph (2), items (i) through (iii).

(Public Notification of Registration)

- Article 85-6 (1) If the Minister for Internal Affairs and Communications has made a registration set forth in Article 85-2, paragraph (1), the Minister must issue a public notice providing the name and the address of the registered training agency, the classification of training listed in the Training column of each row of Appended Table 1 related to the registration, the location of the office where the training administration is conducted and the date of commencement of the training administration.
- (2) A registered training agency that intends to change the particulars listed in Article 85-2, paragraph (2), item (i) or (iii) must notify the Minister for Internal Affairs and Communications to that effect by two weeks prior to the



scheduled date of the change.

- (3) If a notification is filed pursuant to the provisions of the preceding paragraph (limited to a notification related to a change in the name or address of the registered training agency, or a change in the location of the office where the training administration is conducted), the Minister for Internal Affairs and Communications must issue the public notice to that effect.

(Obligations Related to Conducting Training Administration)

Article 85-7 A registered training agency must conduct its training administration in a fair manner by means that conforms to the provisions in Article 85-3, paragraph (1) and the standard specified by Order of the Ministry of Internal Affairs and Communications.

(Regulations for Training Administration)

Article 85-8 (1) A registered training agency must establish regulations for the training administration related to the registration (referred to as "regulations for training administration" in the following paragraph) and notify the Minister for Internal Affairs and Communications of them before commencing the training administration; the same applies to the case in which it intends to change them.

- (2) The regulations for training administration must include provisions in relation to the means of implementing training, training fees and other particulars specified by Order of the Ministry of Internal Affairs and Communications.

(Keeping and Inspection of Financial Statements)

Article 85-9 (1) A registered training agency must, within three months from the end of each business year, prepare an inventory of assets, a balance sheet, and a profit and loss statement or an income and expenditure statement, and a business report (including electronic or magnetic records (meaning records used in computerized information processing which is created in an electronic form, magnetic form, or any other form that cannot be perceived by human senses; the same applies in this Article and Article 95, paragraph (2)), if electronic or magnetic records are prepared in lieu of written documents; hereinafter collectively referred to as "financial statements, etc." in the following paragraph, Article 95 and Article 192, item (iii)) for the business year, and must keep those financial statements, etc. at its office for five years.

- (2) A person who intends to take training from a registered training agency, or other interested persons may make any of the requests listed below to the registered training agency anytime within its business hours; provided, however, that those persons must pay a fee determined by the registered

training agency for the requests set forth in item (ii) or (iv):

- (i) if financial statements, etc. are prepared as written documents, a request to inspect or a copy of written documents;
- (ii) a request for issuing certified copies or abridged copies of the written documents set forth in item (i) above;
- (iii) if financial statements, etc. are prepared in the form of electronic or magnetic records, a request for an inspection or a copy of the particulars recorded in the electronic or magnetic records, that are presented by means specified by Order of the Ministry of Internal Affairs and Communications; and
- (iv) a request for the provision of particulars recorded in an electronic or magnetic record set forth in the preceding item by electronic or magnetic means specified by Order of the Ministry of Internal Affairs and Communications, or for the issuance of a written document describing those particulars.

(Keeping of Books)

Article 85-10 A registered training agency must, pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications, keep books, make entries as to particulars specified by Order of the Ministry of Internal Affairs and Communications concerning training administration in them, and retain them.

(Orders for Improvement)

Article 85-11 (1) If the Minister for Internal Affairs and Communications finds that a registered training agency has failed to conform to the provisions of Article 85-3, paragraph (1), the Minister may order that registered training agency to take necessary measures to conform to the provisions of the same paragraph.

(2) If the Minister for Internal Affairs and Communications finds that a registered training agency violates the provisions of Article 85-7, the Minister may order that registered training agency to conduct the training administration set forth in the same Article or take necessary measures to improve the means of training or any other operational means.

(Suspension or Discontinuance of Training Administration)

Article 85-12 (1) If a registered training agency intends to suspend or discontinue its training administration related to its registration, it must notify the Minister for Internal Affairs and Communications to that effect in advance, pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications.

- (2) If a registered training agency discontinues all of its training administration, the registration of that person as a registered training agency ceases to be effective.
- (3) If a notification is filed pursuant to the provisions of paragraph (1), the Minister for Internal Affairs and Communications must issue a public notice to that effect.

(Revocation of Registration)

- Article 85-13 (1) If a registered training agency falls under Article 85-3, paragraph (2), item (i) or item (iii), the Minister for Internal Affairs and Communications must revoke its registration.
- (2) If a registered training agency falls under any of the following items, the Minister for Internal Affairs and Communications may revoke its registration, or designate the period and order suspension of all or part of its training administration for that period:
    - (i) the training agency violates the provisions in this Subsection;
    - (ii) the training agency refuses a request under any item of Article 85-9, paragraph (2) without justifiable grounds;
    - (iii) the training agency violates an order under Article 85-11; or
    - (iv) the training agency obtains the registration set forth in Article 85-2, paragraph (1) or renewal of that registration through dishonest means.
  - (3) If the Minister for Internal Affairs and Communications has revoked the registration pursuant to the provisions of paragraph (1) or the preceding paragraph, or ordered suspension of all or part of its training administration pursuant to the provisions of the same paragraph, the Minister must issue the public notice to that effect.

(Deletion of Registration)

Article 85-14 If the registration of a person as a registered training agency ceases to be effective pursuant to the provisions of Article 85-4, paragraph (1) or Article 85-12, paragraph (2), or the registration of a person as a registered training agency is revoked pursuant to the provisions of paragraph (1) or (2) of the preceding Article, the Minister for Internal Affairs and Communications must delete the registration of that person as a registered training agency.

(Training Administration conducted by the Minister for Internal Affairs and Communications)

Article 85-15 (1) The Minister for Internal Affairs and Communications may personally conduct the training administration in whole or in part; if no persons are registered pursuant to the provisions of Article 85-2, paragraph (1); the notification of the suspension or discontinuance of the training

administration is filed pursuant to Article 85-12, paragraph (1); the registration is revoked pursuant to Article 85-13, paragraph (1) or (2); the suspension of all or part of training administration is ordered to a registered training agency pursuant to the provisions of the same paragraph; it is difficult for a registered training agency to conduct all or part of its training administration as a result of a natural disaster or other cause; or the Minister finds it necessary otherwise.

- (2) If the Minister for Internal Affairs and Communications has decided to conduct the training administration pursuant to the provisions of the preceding paragraph, or has decided to discontinue the training administration that the Minister has been conducting pursuant to the provisions of the same paragraph, the Minister must issue the public notice to that effect in advance.
- (3) If the Minister for Internal Affairs and Communications has decided to conduct its training administration pursuant to paragraph (1), the succession of its training administration and other necessary particulars are specified by Order of the Ministry of Internal Affairs and Communications.

### **Subsection 3 Registered Certifying Bodies**

(Registration of a Person as a Registered Approval Body)

Article 86 (1) A person that conducts technical standards conformity approval for terminal equipment may obtain a registration from the Minister for Internal Affairs and Communications, for each classification of business specified by Order of the Ministry of Internal Affairs and Communications (hereinafter referred to simply as the "classification of business" in this Section).

- (2) A person that intends to obtain the registration as set forth in the preceding paragraph must file a written application describing the following particulars with the Minister for Internal Affairs and Communications, pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications:
  - (i) name and address of the applicant and, in the case of a corporation, the name of the representative;
  - (ii) classification of business;
  - (iii) names and address of offices;
  - (iv) outline of the measuring instrument or other equipment to be used for examination of technical standards conformity approval;
  - (v) particulars concerning appointment of approval examiners as set forth in Article 91, paragraph (2);
  - (vi) scheduled starting date of business.
- (3) The written application set forth in the preceding paragraph must be filed with documents describing a plan for conducting the operations for technical

standards conformity approval and other documents specified by Order of the Ministry of Internal Affairs and Communications attached thereto.

(Criteria for Registration)

- Article 87 (1) If a person that has applied for registration as set forth in paragraph (1) of the preceding Article (hereinafter referred to as "applicant for registration" in this paragraph) conforms to all of the following items, the Minister for Internal Affairs and Communications must register the person:
- (i) the person commissions a member of staff that has knowledge and experience that conform to any of the conditions listed in Appended Table 2 to conduct the technical standards conformity approval;
  - (ii) the person conducts technical standards conformity approval by using the measuring instruments listed in Appended Table 3 or other equipment and for which calibration or correction of any of the following (hereinafter referred to as "calibration, etc." in this item) has been carried out (limited to those for which calibration, etc. has been carried out within a period not exceeding one year from the first day of the month following the month of calibration, etc.):
    - (a) calibration conducted by the National Institute of Information and Communications Technology (referred to as "the Institute" in (c)) or the designated calibration body set forth in Article 102-18, paragraph (1) of the Radio Act
    - (b) correction under of Article 135 or Article 144 of the Measurement Act (Act No. 51 of 1992)
    - (c) calibration conducted in a foreign state and equivalent to calibration conducted by the Institute or the designated calibration body set forth in Article 102-18, paragraph (1) of the Radio Act
    - (d) calibration, etc. conducted by using equipment for which the calibration, etc. listed in any of (a) through (c) has been carried out
  - (iii) the applicant for registration, as a person controlled by a manufacturer, importer or seller of terminal equipment (hereinafter referred to as "specified manufacturer, etc.," in this item), does not fall under any of the following:
    - (a) if the applicant for registration is a stock company, its parent company is a specified manufacturer, etc.
    - (b) The number of officers or members of staff from a specified manufacturer, etc. (including those that held a position of officer or member of staff in the specified manufacturer, etc. in the past two years) accounts for more than one half of the total number of the officers in the applicant for registration (in cases in which the applicant is a membership company (membership company prescribed in Article 575, paragraph (1) of the Companies Act), members executing its operations).

- (c) the applicant for registration (in cases in which the applicant is a corporation, an officer who has the right to represent it) is an officer or member of staff of a specified manufacturer, etc. (including those who held a position of officer or member of staff in the specified manufacturer, etc. in the past two years).
- (2) A person that falls under any of the following items may not obtain the registration set forth in paragraph (1) of the preceding Article:
- (i) a person who has been sentenced to a fine or a heavier punishment pursuant to the provisions of this Act, the Cable Telecommunications Act or the Radio Act, if two years have not passed since the date on which the enforcement of that punishment has been completed or has become inapplicable;
  - (ii) A person whose registration was revoked pursuant to the provisions of Article 100, paragraph (1) or (2) (including as applied *mutatis mutandis* pursuant to Article 103), if two years have not passed since that date of revocation;
  - (iii) a corporation any of whose officers fall under either of the preceding two items.
- (3) Beyond what is provided for in the preceding Article and the preceding two paragraphs, particulars necessary for the registration set forth in paragraph (1) of the same Article are specified by Order of the Ministry of Internal Affairs and Communications.

(Renewal of Registration)

- Article 88 (1) If the registration set forth in Article 86, paragraph (1) is not renewed for every five to ten year period specified by a Cabinet Order the registration cease to be effective upon the expiration of the period.
- (2) The provisions of Article 86, paragraph (2) and (3), and the preceding Article apply *mutatis mutandis* pursuant to the renewal of registration set forth in the preceding paragraph.

(Registers)

Article 89 The Minister for Internal Affairs and Communications must prepare a register for registered approval bodies and register the following particulars with regard to registered approval bodies:

- (i) registration date and its renewal date and registration number; and
- (ii) particulars listed in Article 86, paragraph (2), item (i) through (iii)

(Public Notice of Registration)

Article 90 (1) If the Minister for Internal Affairs and Communications has made a registration set forth in Article 86, paragraph (1), the Minister must issue a public notice providing the name and address of the registered approval body

and classification of business related to the registration, the addresses of offices where the operations for technical standards conformity approval are to be conducted, and the date on which the operations of technical standards conformity approval start.

- (2) If a registered approval agency intends to change the particulars listed in Article 86, paragraph (2), item (i) or item (iii), it must notify the Minister for Internal Affairs and Communications to that effect by two weeks prior to the date of that change.
- (3) If a notification is filed pursuant to the provisions of the preceding paragraph, the Minister for Internal Affairs and Communications must issue a public notice to that effect (limited to a notification in relation to a change in the name or address of the registered approval body, or a change in the location of the office where the operations for technical standards conformity approval are to be conducted).

(Obligation for Technical Standards Conformity Approval)

Article 91 (1) When a registered approval body is requested to approve conformity to technical standards related to its registration, it must conduct, without delay, an examination for technical standards conformity approval, except in cases in which there are justifiable grounds for not doing so.

- (2) When conducting an examination as set forth in the preceding paragraph, a registered approval body must commission a person that has knowledge and experience that conform to the conditions listed in Appended Table 2 (hereinafter referred to as an "approval examiner") to conduct the examination in accordance with means specified by Order of the Ministry of Internal Affairs and Communications.

(Reporting of Technical Standards Conformity Approval)

Article 92 (1) If a registered approval body has granted technical standards conformity approval related to its registration, it must report to the Minister for Internal Affairs and Communications on the type of terminal equipment for which it granted the technical standards conformity approval and other particulars specified by Order of the Ministry of Internal Affairs and Communications.

- (2) If the Minister for Internal Affairs and Communications has received a report set forth in the preceding paragraph, the Minister must issue a public notice to that effect pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications.

(Appointment and Dismissal of Officers)

Article 93 If a registered approval body appoints or dismisses its officers or

approval examiners, it must notify the Minister for Internal Affairs and Communications to that effect without delay.

(Operational Rules)

Article 94 A registered approval body must establish operational rules that govern the classification of operations related to its registration, means of conducting the operations for technical standards conformity approval and other particulars specified by Order of the Ministry of Internal Affairs and Communications, and must notify the Minister for Internal Affairs and Communications of them prior to the commencement of the operations. The same applies to the case in which it intends to amend those rules.

(Keeping and Inspection of Financial Statements)

Article 95 (1) A registered approval body must, within three months from the end of each business year, prepare financial statements, etc., and must retain those documents for five years at its office.

(2) A person engaged in the business of handling terminal equipment, or other interested persons may make the requests listed below anytime within the business hours of a registered approval body; provided, however, that those persons must pay a fee determined by the registered approval body for the requests set forth in item (ii) or item (iv):

(i) if financial statements, etc. are prepared as written documents, a request to inspect or a copy of written documents;

(ii) a request for a certified copy or abridged copy of the written documents set forth in the preceding item;

(iii) if financial statements, etc. are prepared in the form of electronic or magnetic records, a request for an inspection, or a copy of, the particulars recorded in the electronic or magnetic records, that are presented by means specified by Order of the Ministry of Internal Affairs and Communications;

(iv) a request for provision of the particulars recorded in the electronic or magnetic record set forth in the preceding item by electronic or magnetic means specified by Order of the Ministry of Internal Affairs and Communications, or for the issuance of written documents describing those particulars.

(Keeping of Books)

Article 96 A registered approval body must, pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications, keep books and make entries as to particulars specified by Order of the Ministry of Internal Affairs and Communications concerning the operations for technical standards conformity approval in them, and retain them.



(Orders for Improvement)

Article 97 (1) If the Minister for Internal Affairs and Communications finds that a registered approval body has failed to conform to any of the items of Article 87, paragraph (1), the Minister may order that registered approval body to take the necessary measures to conform to those provisions.

(2) If the Minister for Internal Affairs and Communications finds that a registered approval body violates the provisions of Article 53, paragraph (1), or Article 91, the Minister may order that approval body to conduct the examination for technical standards conformity approval or take the necessary measures to improve its means of examination for technical standards conformity approval and any other means for its operations.

(Application for Technical Standards Conformity Approval and Orders from the Minister for Internal Affairs and Communications)

Article 98 (1) A person that has requested a technical standards conformity approval pursuant to the provisions of Article 53, paragraph (1) may file an application with the Minister for Internal Affairs and Communications to order the registered approval body to conduct the examination for technical standards conformity approval if a registered approval body does not examine the terminal equipment in relation to its request, or that person may file an application with that Minister to order the registered approval body to conduct that examination again if that person has an objection to the results of the technical standards conformity approval of that registered approval body.

(2) If an application as set forth in the preceding paragraph is filed and the Minister for Internal Affairs and Communications finds that the registered approval body related to the application violates the provisions of Article 53, paragraph (1) or Article 91, the Minister must issue an order under paragraph (2) of the preceding Article to the registered approval body related to the application.

(3) If the Minister for Internal Affairs and Communications has issued an order under paragraph (2) of the preceding Article or has made a decision not to issue that an order in the case set forth in the preceding paragraph, the Minister must notify the person that filed the application to that effect without delay.

(Suspension and Discontinuation of Business Activities)

Article 99 (1) If a registered approval body intends to suspend or discontinue the operations for technical standards conformity approval related to its registration, it must, pursuant to the provision of Order of the Ministry of Internal Affairs and Communications, notify the Minister for Internal Affairs

and Communications to that effect in advance.

- (2) If a registered approval body discontinues the operations for technical standards conformity approval in whole, the registration of the registered approval body ceases to be effective.
- (3) If a notification is filed pursuant to the provisions of paragraph (1), the Minister for Internal Affairs and Communications must issue a public notice to that effect.

(Revocation of Registration)

Article 100 (1) If a registered approval body falls under Article 87, paragraph (2), item (i) or (iii), the Minister for Internal Affairs and Communications must revoke its registration.

- (2) If a registered approval body falls under any of the following items, the Minister for Internal Affairs and Communications may revoke its registration or, designate the period and order the suspension in whole or in part of its operations for technical standards conformity approval related to its registration for that period:

- (i) if the registered approval body has violated the provisions of this Subsection;

- (ii) if the registered approval body has violated the order under the Article 97;

- (iii) if the registered approval body has obtained registration set forth in Article 86, paragraph (1) or renewal of the registration through dishonest means.

- (3) If the Minister for Internal Affairs and Communications has revoked the registration pursuant to the provisions of paragraph (1) or the preceding paragraph, or ordered the suspension in whole or in part of its operations for technical standards conformity approval pursuant to the provisions of the preceding paragraph, the Minister must issue a public notice to that effect.

(Deletion of Registration)

Article 101 If the registration of a registered approval body has ceased to be effect pursuant to the provisions of Article 88, paragraph (1) or Article 99, paragraph (2), or the Minister for Internal Affairs and Communications has revoked the registration of a registered approval body pursuant to the provisions of paragraph (1) or paragraph (2) of the preceding Article, the Minister must delete the registration of the registered approval body.

(Conducting of Technical Standards Conformity Approval by the Minister for Internal Affairs and Communications)

Article 102 (1) The Minister for Internal Affairs and Communications is to personally conduct in whole or in part the operations for technical standards

conformity approval, if there is no person to be granted the registration set forth in Article 86, paragraph (1) or, if the Minister finds it necessary in the cases in which a registered approval body has suspended or discontinued the operations for technical standards conformity approval pursuant to the provisions of Article 99, paragraph (1), the Minister has revoked the registration pursuant to the provisions of Article 100, paragraph (1) or paragraph (2), the Minister has ordered a registered approval body to suspend in whole or in part the operations for technical standards conformity approval pursuant to the provisions of the same paragraph, or it has become difficult for a registered approval body to conduct in whole or in part the operations for technical standards conformity approval due to a natural disaster or for other reasons.

- (2) If the Minister for Internal Affairs and Communications has decided to conduct the operations for technical standards conformity approval pursuant to the provisions of the preceding paragraph or has decided to discontinue the operations for technical standards conformity approval that the Minister has been conducting pursuant to the provisions of the same paragraph, the Minister must issue a public notice to that effect in advance.
- (3) If the Minister for Internal Affairs and Communications has decided to conduct the operations for technical standards conformity approval pursuant to the provisions of paragraph (1), the succession of the operations for technical standards conformity approval and other necessary particulars are specified by Order of the Ministry of Internal Affairs and Communications.

(Application Mutatis Mutandis)

Article 103 The provisions of Article 91 through Article 93, Article 96, Article 97, paragraph (2) and Article 98 apply mutatis mutandis to the cases in which a registered approval body issues a certification of design, and the provisions of Article 94, Article 99, Article 100, paragraph (2) and paragraph (3) and the preceding Article apply mutatis mutandis to the cases in which a registered approval body conducts the operations for technical standards conformity approval and the operations for certification of design. In these cases, the term "for which it granted" in Article 92, paragraph (1) is deemed to be replaced with "based on a design in relation to"; the term "the operations" in Article 94 is deemed to be replaced with "these operations"; the term "Article 53 paragraph (1)" in Article 97, paragraph (2) and Article 98, paragraph (1) and paragraph (2) are deemed to be replaced with "Article 56 paragraph (2)"; and the term "terminal equipment" in paragraph (1) of the same Article are deemed to be replaced with "design (including the means of confirming whether that terminal equipment is in accordance with the design)."

#### Subsection 4 Approved Certifying Bodies

(Approval of a Person as an Approved Certifying Body)

- Article 104 (1) If an application is filed by a person conducting the things such as inspections or examinations of terminal equipment based on a system for terminal equipment inspection that is based on foreign laws and regulations and that is similar to the technical standards conformity approval system, and intending to, in a foreign state, conduct technical standards conformity approval for terminal equipment, which will be handled by foreign dealers for use in Japan, the Minister for Internal Affairs and Communications may approve this person for each classification of business.
- (2) If a person that has been approved pursuant to the provisions of the preceding paragraph (hereinafter referred to as an "approved certifying body") suspends or discontinues its operations for technical standards conformity certification related to this approval, it must notify the Minister for Internal Affairs and Communications to that effect without delay.
- (3) If a notification is filed pursuant to the provisions of the preceding paragraph, the Minister for Internal Affairs and Communications must issue a public notice to that effect.
- (4) The provisions of Article 53, paragraph (1) and paragraph (2), Article 55, Article 90, paragraph (2) and paragraph (3), Article 91, Article 92, Article 94, and Article 96 through Article 98 apply mutatis mutandis to an approved certifying body. The provisions of Article 54 apply mutatis mutandis to a person that has obtained technical standards conformity approval from an approved certifying body. The provisions of Article 86, paragraph (2) and paragraph (3), Article 87, and Article 90, paragraph (1) apply mutatis mutandis to the approval that the Minister for Internal Affairs and Communications grants pursuant to the provisions of paragraph (1).
- (5) In the cases set forth in the preceding paragraph, the terms listed in the middle column of the following table, which are used in the provisions listed in the left column in the same table, are replaced with the terms listed in the right column of the same table.

Article 53, paragraph (1) and paragraph (2), Article 91, paragraph (1), Article 92, paragraph (1), and Article 94 Article 54	registration body order	recognition body request
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Article 87, paragraph (1), except the items thereof	applicant for registration when must	applicant for recognition unless must not
Article 87, paragraph (1), item (iii), except (a)	applicant for registration	applicant for recognition
Article 87, paragraph (1), item (iii), (a)	applicant for registration parent company	applicant for recognition equivalent to a parent company in a foreign state
Article 87, paragraph (2), item (ii)	Article 100, paragraph (1) or paragraph (2) (including as applied mutatis mutandis pursuant to Article 103)	Article 105, paragraph (1) or paragraph (2)
Article 87, paragraph (3)	the preceding Article and the preceding two paragraphs	paragraph (2) and paragraph (3) of the preceding Article, the preceding two paragraphs, and Article 104, paragraph (1)
Article 90, paragraph (1)	registered approval body	recognized approval body
Article 97	order	request
Article 98, paragraph (1)	to order	to request

- (6) Upon request from a foreign dealer, an approved certifying body may issue a certification of design to terminal equipment to be used in Japan.
- (7) The provisions of Article 55, Article 56, paragraph (2), Article 91, Article 92, Article 96, Article 97, paragraph (2) and Article 98 apply mutatis mutandis to the cases in which an approved certifying body issues a certification of design; the provisions of Article 57 through Article 60, Article 54, as applied mutatis mutandis pursuant to Article 61, and Article 62, paragraph (3) and paragraph (4) apply mutatis mutandis to a person that has obtained a certification of design from an approved certifying body; and the provisions of Article 94, and paragraph (2) and paragraph (3) apply mutatis mutandis to the cases in which an approved certifying body conducts the operations for technical standards conformity approval and certification of design.
- (8) In the cases set forth in the preceding paragraph, the terms listed in the middle column of the following table, which are used in the provisions listed in the left column in the same table, are to be replaced with the terms listed in the right column of the same table.

Article 55, paragraph (1)	which has obtained	based on the design pertaining to
Article 56, paragraph (2) and Article 91, paragraph (1)	Article 53 paragraph (2) registration	Article 58 recognition
Article 59 and Article 54, as applied mutatis mutandis pursuant to Article 61	order	request
Article 60, paragraph (1), item (iii)	has violated an order	has not responded to a request
Article 60, paragraph (1), item (iv)	violation	request
Article 60, paragraph (1), item (v)	registered approval body	recognized approval body
	registered approval body	recognized approval body
	Article 103	Article 104, paragraph (7)
Article 62, paragraph (3), item (i) and item (ii)	Article 166, paragraph (3)	Article 166, paragraph (6)
Article 62, paragraph (3) item (iii)	Article 167, paragraph (6)	Article 167, paragraph (7)
Article 92, paragraph (1)	registration for which it granted	recognition based on the design pertaining to
Article 94	registration	recognition
	the operations	these operations
Article 97, paragraph (2)	Article 53, paragraph (1)	Article 56, paragraph (2)
	order	request
Article 98, paragraph (1)	Article 53, paragraph (1)	Article 56, paragraph (2)
	terminal equipment	design (including the means of confirming whether the terminal equipment is in accordance with the design)
	to order	to request
Article 98, paragraph (2)	Article 53, paragraph (1)	Article 56, paragraph (2)
	order	request
Article 98, paragraph (3)	order	request

(Revocation of Approval)

Article 105 (1) If an approved certifying body has lost the status in the foreign state set forth in paragraph (1) of the preceding Article, or it falls under Article

87, paragraph (2), item (i) or (iii), as applied mutatis mutandis pursuant to paragraph (4) of the preceding Article, the Minister for Internal Affairs and Communications must revoke its approval.

- (2) If an approved certifying body falls under any of the following items, the Minister for Internal Affairs and Communications may revoke its approval:
- (i) if the approved certifying body has violated the provisions of paragraph (2) of the preceding Article (including as applied mutatis mutandis pursuant to paragraph (7) of the same Article), the provisions of Article 90, paragraph (2), Article 91, Article 92 paragraph (1), Article 94 or Article 96, as applied mutatis mutandis pursuant to paragraph (4) of the preceding Article, or the provisions of Article 91, Article 92 paragraph (1), Article 94 or Article 96, as applied mutatis mutandis pursuant to paragraph (7) of the preceding Article;
  - (ii) if the approved certifying body does not respond to a request under Article 97, as applied mutatis mutandis pursuant to paragraph (4) of the preceding Article, or a request under Article 97, paragraph (2), as applied mutatis mutandis pursuant to paragraph (7) of the preceding Article;
  - (iii) if the approved certifying body has been approved through dishonest means;
  - (iv) if the Minister for Internal Affairs and Communications has the approved certifying body submit a report pursuant to the provisions of Article 166, paragraph (4), as applied mutatis mutandis pursuant to paragraph (6) of the same Article, but the approved certifying body does not submit that report, or makes a false report;
  - (v) if the Minister for Internal Affairs and Communications has any ministerial official conduct inspection at an office or place of business of the approved certifying body pursuant to the provisions of Article 166, paragraph (4), as applied mutatis mutandis pursuant to paragraph (6) of the same Article, but the approved certifying body refuses, obstructs or evades that inspection.
- (3) If the Minister for Internal Affairs and Communications has revoked the approval pursuant to the provisions of the preceding two paragraphs, the Minister must issue a public notice to that effect.

## **Section 6 Universal Telecommunications Service Support Institutions**

(Designation of Universal Telecommunications Service Support Institutions)

Article 106 The Minister for Internal Affairs and Communications may designate a general incorporated association or general incorporated foundation, which is established to contribute to ensuring the provision of universal telecommunications services and which is found to conform to the criteria listed below with respect to the operations set forth in the following Article (hereinafter referred to as "support operations"), as the only Universal

Telecommunications Service Support Institution (hereinafter referred to as the "support institution") in Japan, upon its application:

- (i) the applicant's plan for conducting the support operations, with respect to staff, facilities, means of conducting the support operations and other particulars, is appropriate for properly conducting the support operations;
- (ii) the applicant has an adequate financial basis and technical capabilities to properly implement the plan for conducting the support operations set forth in the preceding item;
- (iii) if the applicant engages in operations other than the support operations, the conducting of those operations is unlikely to cause unfairness in its support operations.

(Operations)

Article 107 The support institution is to conduct the following operations:

- (i) to provide eligible telecommunications carriers that have been designated pursuant to the provisions of paragraph (1) of the following Article with subsidies to be allocated for covering part of the estimated excess if the costs required to provide universal telecommunications services related to the designation is likely to exceed the profit generated from the provision of them;
- (ii) to conduct the operations incidental to the operations described in the preceding item.

(Designation of Eligible Telecommunications Carriers)

Article 108 (1) If the Minister for Internal Affairs and Communications has designated the support institution, the Minister may designate a telecommunications carrier that provides universal telecommunications services and is found to conform to the criteria listed below, as an eligible telecommunications carrier upon its application:

- (i) the telecommunications carrier announces the status of income and expenditure and other particulars specified by Order of the Ministry of Internal Affairs and Communications with respect to the operations involved in providing universal telecommunications services related to its application, pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications;
- (ii) if the telecommunications facilities which the telecommunications carrier runs to provide universal telecommunications services related to the application are those other than Category I designated telecommunications facilities or Category II designated telecommunications facilities, the telecommunications carrier establishes the general conditions of contracts for interconnection on the amount of money that the telecommunications carrier



that provides the universal telecommunications services is to receive and the terms and conditions of interconnection, with respect to interconnection between its telecommunications facilities and those of other telecommunications carriers, and announces those general conditions pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications;

- (iii) the scope of service areas of the universal telecommunications services related to the application conforms to the standards specified by Order of the Ministry of Internal Affairs and Communications.
- (2) The designation under the preceding paragraph is granted for each type of universal telecommunications services specified by Order of the Ministry of Internal Affairs and Communications.
- (3) If an eligible telecommunications carrier (limited to a telecommunications carrier other than those running Category I designated telecommunications facilities or those running Category II telecommunications facilities) intends to change the general conditions of contracts for interconnection set forth in paragraph (1), item (ii), it must notify the Minister for Internal Affairs and Communications of and announce those changes, in advance, pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications.
- (4) If there is succession to the status of a telecommunications carrier under Article 17, paragraph (1), and a telecommunications carrier that is the subject of the succession is an eligible telecommunications carrier, the telecommunications carrier succeeding to the status of that telecommunications carrier is to succeed to the status of an eligible telecommunications carrier.
- (5) If an eligible telecommunications carrier falls under any of the following items or has filed an application for revocation of the designation set forth in paragraph (1), the Minister for Internal Affairs and Communications may revoke its designation:
  - (i) if the eligible telecommunications carrier has violated the provisions of paragraph (2) or paragraph (3) of the following Article;
  - (ii) if the eligible telecommunications carrier is found to fail to conform to any of the items of paragraph (1).

#### (Granting of Subsidies)

Article 109 (1) The support institution must, by the means specified by Order of the Ministry of Internal Affairs and Communications, calculate the subsidies set forth in Article 107, item (i) (hereinafter referred to simply as "subsidies" in this Section), and must obtain authorization from the Minister for Internal Affairs and Communications with regard to the amount of the subsidies and means of granting them for each fiscal year (the year starting from April 1 and

ending on March 31 of the following year; hereinafter the same applies in this Section).

- (2) An eligible telecommunications carrier must, pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications, notify the support institution of the cost spent in the previous fiscal year to provide the universal telecommunications services related to the designation set forth in paragraph (1) of the preceding Article, the profit generated from the universal telecommunications services related to the designation, and other particulars specified by Order of the Ministry of Internal Affairs and Communications, as the basis for calculating the subsidies.
- (3) The cost set forth in the preceding paragraph must be calculated by the means specified by Order of the Ministry of Internal Affairs and Communications as that for calculating reasonable costs under efficient management.
- (4) If the support institution has obtained authorization set forth in paragraph (1), it must announce the amount of subsidies pursuant to the provisions of by Order of the Ministry of Internal Affairs and Communications.

#### (Collection of Contributions)

Article 110 (1) The support institution may, each fiscal year, collect contributions in order to allocate them to all or part of the costs required for the support operations from telecommunications carriers that are listed below and whose scale of business exceeds the standards specified by Cabinet Order (hereinafter referred to as "interconnecting telecommunications carriers, etc." in this Article); provided, however, that those contributions (hereinafter referred to simply as "contributions" in this Section) must not come to account for a proportion exceeding the proportion specified by Cabinet Order of the amounts calculated by means specified by Order of the Ministry of Internal Affairs and Communications as the profit generated from the provision of the telecommunications services provided in the previous business year by an interconnecting telecommunications carrier, etc. (including the profit generated from the provision of the telecommunications services in the previous fiscal year by a corporation disappearing in a merger, a corporation conducting a split (limited to those in which it has another corporation succeed to a telecommunications business in whole) or a decedent, or an interconnecting telecommunications carrier, etc. assigning its business, if that interconnecting telecommunications carrier, etc. is, in the event of a merger, split or inheritance with regard to another interconnecting telecommunications carrier, etc., in the previous fiscal year or in the fiscal year (limited to the period until that interconnecting telecommunications carrier, etc. receives the notification under paragraph (3)), the corporation surviving after the merger or

the corporation newly established upon the merger, the corporation that has succeeded to the telecommunications business in whole upon the split or the heir, or if that interconnecting telecommunications carrier, etc. is a person that has succeeded to the telecommunications business in whole from another interconnecting telecommunications carrier, etc. in the previous fiscal year or in the fiscal year (limited to the period until the person receives the notification under paragraph (3))):

- (i) a telecommunications carrier that has concluded an agreement on interconnection with telecommunications facilities which an eligible telecommunications carrier runs to provide universal telecommunications services related to its designation set forth in Article 108, paragraph (1);
  - (ii) a telecommunications carrier that has concluded an agreement on interconnection with telecommunications facilities of the telecommunications carrier described in the preceding item, or other telecommunications carrier running telecommunications facilities which interconnect with the telecommunications facilities set forth in the same item via those of another telecommunications carrier;
  - (iii) a telecommunications carrier that has concluded a contract to receive wholesale telecommunications services which use telecommunications facilities set forth in item (i), telecommunications facilities which interconnect with them, or telecommunications facilities which interconnect with telecommunications facilities set forth in item (i) via telecommunications facilities of a telecommunications carrier.
- (2) The support institution must calculate the contributions by means specified by Order of the Ministry of Internal Affairs and Communications, and must obtain authorization from the Minister for Internal Affairs and Communications with regard to the amount of contributions and means of collection of them for each fiscal year.
  - (3) If the support institution has obtained authorization set forth in the preceding paragraph, it must send to interconnecting telecommunications carriers, etc. a notification describing the amount of the contributions they must pay, the time limit of paying them and means of paying them, with written documents describing the particulars authorized attached thereto.
  - (4) An interconnecting telecommunications carrier, etc. has the obligation to pay contributions to the support institution, in accordance with the notification sent pursuant to the provisions of the preceding paragraph.
  - (5) If an interconnecting telecommunications carrier, etc. has received the notification sent pursuant to the provisions of paragraph (3) but fails to pay the contributions to the support institution by the due date for the payment, it has the obligation to pay a delinquent charge equivalent to the amount calculated by multiplying the contributions by the rate specified by Order of

the Ministry of Internal Affairs and Communications per day in the period from the date following the due date to the date of payment.

- (6) If an interconnecting telecommunications carrier, etc. fails to pay its contributions by the due date for the payment, the support institution must demand in writing that payment is to be made, designating a new time limit.
- (7) If an interconnecting telecommunications carrier, etc. that has received a written demand under the preceding paragraph fails to pay the contributions related to the demand and the delinquent charge under paragraph (5) by the designated time limit, the support institution may file a petition with the Minister for Internal Affairs and Communications to that effect.
- (8) If a petition is filed pursuant to the provisions of the preceding paragraph, the Minister for Internal Affairs and Communications may order the interconnecting telecommunications carrier, etc. to pay to the support institution the contributions and the delinquent charge under paragraph (5).

(Request for the Submission of Data)

Article 111 The support institution may request telecommunications carriers to submit data, if that data is necessary for conducting support operations.

(Separate Accounting)

Article 112 If the support institution conducts the operations other than support operations, it must separate accounts related to those operations from accounts related to support operations.

(Consultation Commission for Support Operations)

Article 113 (1) The support institution must establish a consultation commission for support operations.

(2) The consultation commission for support operations may, in response to consultation from the representative of the support institution, conduct the study and deliberation on the amount of subsidies and means of granting them, the amount of contributions and means of collecting them, and other important particulars concerning the conducting of the support operations, and provide the representative of the support institution with the opinions that it finds necessary for those matters.

(3) The representative of the support institution appoints members of the consultation commission for support operations from among telecommunications carriers and experts with authorization from the Minister for Internal Affairs and Communications.

(Transitional Measures upon Revocation of Support Institution Designation)

Article 114 (1) If the Minister for Internal Affairs and Communications has

revoked the designation of the support institution pursuant to the provisions of Article 84, paragraph (1) or paragraph (2), as applied mutatis mutandis pursuant to Article 116, paragraph (1), and newly designates a support institution after the revocation, the assets related to the support operations of the support institution related to the revocation belong to the newly designated support institution.

- (2) Beyond what is provided for in the preceding paragraph, the management of the assets related to the support operations and other necessary transitional measures (including transitional measures concerning penal provisions) in the case in which the Minister for Internal Affairs and Communications revokes the designation of a support institution pursuant to the provisions of Article 84, paragraph (1) or paragraph (2), as applied mutatis mutandis pursuant to Article 106, paragraph (1), are specified by Cabinet Order within a scope considered reasonably necessary .

(Provision of Information to the Support Institution)

Article 115 The Minister for Internal Affairs and Communications is to provide information and data, or guidance and advice necessary for conducting the support operations to the support institution.

(Application, Mutatis Mutandis)

Article 116 (1) The provisions of Article 75, paragraph (2), item (ii) through (iv), Article 77, paragraph (1) and paragraph (3), Article 78, through Article 84 and Article 90 apply mutatis mutandis to the support institution.

- (2) In the cases set forth in the preceding paragraph, the terms listed in the middle column of the following table, which are used in the provisions listed in the left column in the same table, are deemed to be replaced with the terms listed in the right column of the same table.

### **Chapter III Use of Land**

#### **Section 1 Approval of Business**

(Approval of Business)

Article 117 (1) If a telecommunications carrier operating a telecommunications business in which it runs telecommunication line facilities and provides telecommunications services or a person intending to operate such a telecommunications business intends to have the provisions of the following Section applied to it, it may obtain approval from the Minister for Internal Affairs and Communications for the telecommunications business in whole or in part by the way of an application.

- (2) A person that intends to obtain approval set forth in the preceding paragraph

must, pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications, file with the Minister for Internal Affairs and Communications a written application describing the following particulars:

- (i) name and address of the applicant and, in the case of a corporation, the name of the representative;
  - (ii) service areas of the telecommunications business related to the application;
  - (iii) outline of telecommunications facilities used for the telecommunications business related to the application.
- (3) The written application set forth in the preceding paragraph must be filed with a business plan and other documents specified by Order of the Ministry of Internal Affairs and Communications attached thereto.

(Grounds for Disqualification)

Article 118 A person that falls under any of the following items may not obtain the approval set forth in paragraph (1) of the preceding Article:

- (i) a person that has been sentenced to a fine or a heavier punishment pursuant to the provisions of this Act, the Cable Telecommunications Act or the Radio Act, if two years have not passed since the date on which the enforcement of that punishment has been completed or has become inapplicable;
- (ii) a person whose approval ceased to be effective as that person fell under Article 125, item (ii), if two years have not passed since the date on which the approval ceased to be effective, or a person whose approval was revoked pursuant to the provisions of Article 126, paragraph (1), if two years have not passed since the date of revocation;
- (iii) a corporation or association any of whose officers falls under either of the preceding two items.

(Criteria for Approval)

Article 119 The Minister for Internal Affairs and Communications must not grant the approval set forth in Article 117, paragraph (1), unless the Minister finds that an application for the approval under the same paragraph complies with all of the following items:

- (i) the applicant has an adequate financial basis and the technical capabilities to properly conduct the telecommunications business related to their application;
- (ii) the plan of the telecommunications business related to their application is reliable and reasonable;
- (iii) the applicant has obtained the registration set forth in Article 9 that is necessary for operating the telecommunications business related to the application or the registration of change set forth in Article 13, paragraph (1),

or has filed a notification set forth in Article 16, paragraph (1) or paragraph (3).

(Obligation to Start Business)

- Article 120 (1) A person that has obtained approval set forth in Article 117, paragraph (1) (hereinafter referred to as an "approved telecommunications carrier") must start the telecommunications business related to the approval (hereinafter referred to as "approved telecommunications business") within the period designated by the Minister for Internal Affairs and Communications.
- (2) If the Minister for Internal Affairs and Communications finds it particularly necessary, the Minister may divide the service areas set forth in Article 117, paragraph (2), item (ii) and designate the period set forth in the preceding paragraph for each divided service area.
- (3) The Minister for Internal Affairs and Communications may extend the period set forth in paragraph (1), if the application is filed from an approved telecommunications carrier and the Minister finds that there are justifiable grounds for it.
- (4) If an approved telecommunications carrier has commenced an approved telecommunications business (in the case in which the period was designated for service areas divided pursuant to the provisions of paragraph (2), the approved telecommunications business related to the division), it must notify the Minister for Internal Affairs and Communications to that effect without delay.

(Obligation to Provide Services)

- Article 121 (1) An approved telecommunications carrier must not, without justifiable grounds, refuse to provide telecommunications services related to its approved telecommunications business.
- (2) If an approved telecommunications carrier has violated the provisions of the preceding paragraph, the Minister for Internal Affairs and Communications may order the approved telecommunications carrier to improve the means of conducting its operations or take other measures, to the extent necessary for ensuring the interests of users or the public interest.

(Approval of Changes)

- Article 122 (1) If an approved telecommunications carrier intends to change the particulars set forth in Article 117, paragraph (2), item (ii) or item (iii), it must obtain approval from the Minister for Internal Affairs and Communications; provided, however, that this does not apply to minor changes specified by Order of the Ministry of Internal Affairs and Communications.
- (2) If an approved telecommunications carrier has made minor changes specified

by Order of the Ministry of Internal Affairs and Communications, which are set forth in the proviso of the preceding paragraph, it must notify the Minister for Internal Affairs and Communications to that effect without delay.

- (3) The provisions of Article 117, paragraph (3), Article 118, item (i) and item (iii), and Article 119 apply mutatis mutandis to the approval set forth in paragraph (1).
- (4) The provisions of Article 120 apply mutatis mutandis to the cases set forth in paragraph (1) (except cases in which the number of service areas is decreased). In this case, the term "Article 117, paragraph (1)" in paragraph (1) of the same Article is deemed to be replaced with "Article 122, paragraph (1)."
- (5) If an approved telecommunications carrier changes any of the particulars set forth in Article 117, paragraph (2), item (i), it must notify the Minister for Internal Affairs and Communications to that effect without delay.

(Succession)

- Article 123 (1) If an approved telecommunications carrier dies, the heir (if one particular heir has been selected from among two or more heirs as the successor of the approved telecommunications business by agreement among the heirs, that selected heir) succeeds to the status of the approved telecommunications carrier as the decedent.
- (2) If an heir set forth in the preceding paragraph does not apply, within sixty days from the death of the decedent, for the authorization from the Minister for Internal Affairs and Communications with regard to succession, or a disposition not to authorize an application from the heir as set forth in the same paragraph is rendered, the approval of the approved telecommunications business ceases to be effective at the time when the period has passed or when the disposition is rendered.
  - (3) If a corporation having the status of an approved telecommunications carrier has conducted a merger or split (limited to those in which it has another corporation succeed to an approved telecommunications business in whole), the corporation surviving after the merger or the corporation newly established upon the merger, or the corporation that has succeeded to the approved telecommunications business in whole upon the split may succeed to the status of an approved telecommunications carrier with the authorization from the Minister for Internal Affairs and Communications.
  - (4) If an approved telecommunications carrier has assigned its approved telecommunications business in whole, the assignee of the approved telecommunications business in whole may succeed to the status of an approved telecommunications carrier with the authorization from the Minister for Internal Affairs and Communications.
  - (5) The provisions of Article 118 and Article 119 apply mutatis mutandis to the



authorization set forth in the preceding three paragraphs.

(Suspension and Discontinuation of Business)

- Article 124 (1) If an approved telecommunications carrier suspends or discontinues its approved telecommunications business in whole or in part, it must notify the Minister for Internal Affairs and Communications to that effect without delay.
- (2) The period of suspension set forth in the preceding paragraph must not exceed one year.

(Lapse of Approval)

- Article 125 If an approved telecommunications carrier falls under any of the following items, its approval ceases to be effective:
- (i) if the registration ceases to be effective pursuant to the provisions of Article 12-2, paragraph (1);
  - (ii) if the registration of the approved telecommunications carrier is revoked pursuant to the provisions of Article 14, paragraph (1);
  - (iii) if the approved telecommunications carrier discontinues its approved telecommunications business in whole.

(Revocation of Approval)

- Article 126 (1) The Minister for Internal Affairs and Communications may revoke the approval of an approved telecommunications carrier if it falls under any of the following items:
- (i) if the approved telecommunications carrier falls under Article 118, item (i) or item (iii);
  - (ii) if the approved telecommunications carrier does not commence its approved telecommunications business within the period designated pursuant to the provisions of Article 120, paragraph (1) (if the period has been extended pursuant to the provisions of paragraph (3) of the same Article, the extended period);
  - (iii) beyond what is provided for in the preceding two items, if the approved telecommunications carrier violates this Act, or any order or disposition made under this Act, and this is found to hinder the public interest.
- (2) If the Minister for Internal Affairs and Communications revokes approval pursuant to the provisions of the preceding paragraph, the Minister must notify the approved telecommunications carrier to that effect in writing with the reasons attached thereto.

(Revocation of Approval of Changes)

- Article 127 (1) If an approved telecommunications carrier that has obtained

approval of a change in the particulars set forth in Article 117, paragraph (2), item (ii) or item (iii), pursuant to the provisions of Article 122, paragraph (1), does not change the particulars within the period designated pursuant to the provisions of Article 120, paragraph (1), as applied mutatis mutandis pursuant to Article 122, paragraph (4) (if the period has been extended pursuant to the provisions of Article 120, paragraph (3), as applied mutatis mutandis pursuant to Article 122, paragraph (4), the extended period), the Minister for Internal Affairs and Communications may revoke its approval.

- (2) The provisions of paragraph (2) of the preceding Article apply mutatis mutandis to the cases set forth in the preceding paragraph.

## **Section 2 Use of Land**

(Right to Use Land)

- Article 128 (1) If it is necessary and appropriate to use other persons' land and buildings or other structures affixed thereto (except administrative properties prescribed in Article 3, paragraph (2) of the National Property Act (Act No. 73 of 1948), administrative properties prescribed in Article 238, paragraph (3) of the Local Autonomy Act (Act No. 67 of 1947) and others specified by Cabinet Order (referred to as "administrative properties, etc." in paragraph (4)); hereinafter referred to as the "land, etc.") in order to install the wires and cables and antennas (limited to those installed on a single premises (including the area equivalent to those premises) or in a single building (hereinafter referred to as "premises, etc." in this paragraph) which the public pass through or assemble at, in the case of wires and cables and antennas installed within the premises, etc. primarily for the use of communications for persons who are in the premises, etc.) and other facilities accessory to them (hereinafter referred to collectively as "lines" in this Section) for the use of its approved telecommunications business, an approved telecommunications carrier may request the owner of the land, etc. (if there is a person that uses the land, etc. based on their title other than ownership, the person and the owner; hereinafter the same applies) to hold negotiations related to the establishment of the right to use the land, etc. (hereinafter referred to as "right to use"), with the authorization of the Minister for Internal Affairs and Communications. The same applies to the case in which an approved telecommunications carrier intends to extend the duration of the right to use as set forth in paragraph (3) and to use the land, etc. continuously after the end of that duration of the right.
- (2) The authorization set forth in the preceding paragraph may be granted if an approved telecommunications carrier uses the land, etc. to an extent which does not seriously impair the use of the land, etc.; provided, however, that in the cases of land, etc. used for a business in which the land, etc. may be

expropriated or used pursuant to the provisions of any other law, the authorization may be granted as long as the use of land, etc. does not obstruct the use for that business and in the cases of buildings and other structures, the authorization may be granted as long as they are used to support the lines.

- (3) The duration of the right to use as set forth in paragraph (1) is fifteen years (or fifty years if the purpose of use is to establish underground cables or other underground structures, or aboveground structures made of steel or concrete); provided, however, that this does not apply to cases in which a shorter duration is set as a result of negotiations set forth in the same paragraph or a ruling set forth in Article 132, paragraph (2) or paragraph (3).
- (4) If an application for authorization set forth in paragraph (1) is filed and the Minister for Internal Affairs and Communications finds it necessary, the Minister is to hear the opinions of the owner of the land, etc. (including the administrator of administrative properties, etc., and other persons specified by Cabinet Order, if the land, etc. is a building or other structures affixed to the administrative properties, etc.; the same applies in the following paragraph and Article 130, paragraph (1) and Article 131).
- (5) If the Minister for Internal Affairs and Communications has granted authorization set forth in paragraph (1), the Minister must notify the owner of the land, etc. to that effect, and issue a public notice thereof.
- (6) If an agreement is reached on the negotiations set forth in paragraph (1), the approved telecommunications carrier and the owner of the land, etc. are to, pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications, notify the Minister for Internal Affairs and Communications of the particulars decided through those negotiations.
- (7) If the notification set forth in the preceding paragraph is filed, the approved telecommunications carrier is to acquire the right to use the land, etc., or the duration of the right to use is to be extended, in accordance with that notification.
- (8) The approved telecommunications carrier and the owner of the land, etc. may extinguish the right to use through an agreement. In this case, they must notify the Minister for Internal Affairs and Communications to that effect without delay.

(Application for Arbitration)

Article 129 (1) If negotiations conducted pursuant to the provisions of paragraph (1) of the preceding Article fail or cannot be conducted, an approved telecommunications carrier may, in accordance with the procedures specified by Order of the Ministry of Internal Affairs and Communications, apply to the Minister for Internal Affairs and Communications for a ruling concerning the use of the land, etc.; provided, however, that this does not apply to cases in

which three months have passed since the date on which the authorization set forth in the same paragraph was granted.

- (2) If an approved telecommunications carrier applies for a ruling concerning extension of the duration of the right to use pursuant to the provisions of the preceding paragraph, it may continue to use the land, etc. until the ruling is rendered.

(Rulings)

Article 130 (1) When the Minister for Internal Affairs and Communications has received an application for a ruling under paragraph (1) of the preceding Article, the Minister must, within three days, send a copy of the application to the mayor of the municipality, and notify the owner of the land, etc. to the effect that the application for a ruling has been filed.

- (2) When the mayor of the municipality receives the documents set forth in the preceding paragraph, the mayor must issue a public notice to that effect within three days and must make the documents available for public inspection for one week from the date of that public notice.

- (3) When the mayor of the municipality issues the public notice under the preceding paragraph, the mayor must report the date on which the public notice is issued to the Minister for Internal Affairs and Communications.

- (4) With regard to the application of the provisions of the preceding three paragraphs, the term "mayor of the municipality" in those provisions is replaced with "mayor of the special ward" in a place where a special ward exists; and with "mayor of the ward or mayor of consolidated ward" in a designated city prescribed in Article 252-19, paragraph (1) of the Local Autonomy Act.

Article 131 When a public notice is issued pursuant to the provisions of paragraph (2) of the preceding Article, the owner of the land, etc. or any other interested persons may file with the Minister for Internal Affairs and Communications their written opinions within ten days from the date of the public notice.

Article 132 (1) The Minister for Internal Affairs and Communications must render a ruling promptly after the period set forth in the preceding Article has passed.

- (2) The ruling which determines that the right to use be established must specify the following particulars:

- (i) location and scope of the land, etc. on or across which the right to use is to be established;
- (ii) type and number of lines;

- (iii) scheduled starting date of use;
  - (iv) duration of the right to use, if that duration has been determined;
  - (v) amount of consideration and the time and means of payment.
- (3) a ruling which determines that the duration of the right to use be extended must specify the extended period (if the particulars listed in item (v) of the preceding paragraph are changed in the case of extending the period, the extended period and the particulars listed in the same item after the change).
- (4) The Minister for Internal Affairs and Communications must, with regard to the particulars listed in paragraph (2), item (v) (including the particulars set forth in the preceding paragraph after the change), hear the opinions of the expropriation committee of the prefecture which has jurisdiction over the land, etc. in advance, and render a ruling based on those opinions. In this case, the standards of the consideration set forth in the same item are specified by Cabinet Order for each type of line and land, etc. to cover losses which may generally arise from its use.
- (5) When the Minister for Internal Affairs and Communications renders a ruling set forth in Article 129, paragraph (1), the Minister must notify the approved telecommunications carrier and the owner of the land, etc. to that effect without delay and must issue a public notice thereof.
- (6) If a ruling which determines that the right to use be established is rendered, the approved telecommunications carrier is to acquire the right to use the land, etc. on the scheduled starting date of use, which is specified in the ruling.
- (7) If a ruling which determines that the duration of the right to use be extended is rendered, the duration of the right to use is to be extended for the period specified in the ruling.
- (8) The provisions of Article 35, paragraph (8) through (10) apply mutatis mutandis to the ruling set forth in Article 129, paragraph (1). In this case, the term "the amount of money to be received or paid by the party (or parties)" in Article 35, paragraph (8) and paragraph (10) is replaced with "the amount of consideration."

(Temporary Use of Land)

- Article 133 (1) An approved telecommunications carrier may use another person's land, etc. temporarily to the extent that this does not seriously obstruct the use of the land, etc. with respect to conducting an approved telecommunications business, if the use of it for the purposes listed below is necessary and unavoidable; provided, however, that, in the cases of buildings or other structures, that use is limited for the purpose of supporting lines:
- (i) establishing sites for materials and vehicles and dump-sites for soil and stone, which are necessary for conducting line installation;
  - (ii) establishing lines and other telecommunications facilities necessary for

securing essential communications in the case in which a natural disaster, accident or any other emergency has occurred or the other cases in which any particularly compelling reasons exist;

(iii) setting up land survey markings.

- (2) If an approved telecommunications carrier intends to use another person's land, etc. temporarily pursuant to the provisions of the preceding paragraph, it must obtain permission of the Minister for Internal Affairs and Communications; provided, however, that this does not apply to temporary use for a period not exceeding fifteen days in the event of a natural disaster, accident or any other emergency.
- (3) If an approved telecommunications carrier intends to use another person's land, etc. temporarily pursuant to the provisions of paragraph (1), it must notify the possessor of the land, etc. of it in advance; provided, however, that, if the notification is difficult to file in advance, it is sufficient for the approved telecommunications carrier to notify the possessor of it without delay after the commencement of using the land.
- (4) If the land, etc. that an approved telecommunications carrier intends to use temporarily pursuant to the provisions of paragraph (1) is currently in use as part of a residence, the carrier must obtain the consent of the residence staying there.
- (5) The period of temporary use under paragraph (1) does not exceed six months (if temporary lines or land survey markings have been set up in the cases set forth in item (ii) of the same paragraph, one year).
- (6) A person that enters another person's land, etc. for the purpose of temporary use under paragraph (1) must carry a document certifying that the person has obtained the permission set forth in paragraph (2) (in the cases of the proviso of the same paragraph, a certificate for identification) and must show it to the persons concerned.

#### (Entry into Land)

Article 134 (1) An approved telecommunications carrier may enter another person's land if it is necessary to do so in order to conduct a survey, on-site investigation, or installation in relation to lines.

- (2) The provisions of paragraph (2) through (4) and paragraph (6) of the preceding Article apply mutatis mutandis to the cases in which an approved telecommunications carrier enters another person's land pursuant to the provisions of the preceding paragraph.

#### (Passage)

Article 135 (1) An approved telecommunications carrier may pass through another person's land if it is necessary to do so in order to conduct line

installation or maintenance.

- (2) The provisions of Article 69, paragraph (3) and Article 133, paragraph (3) and paragraph (4) apply mutatis mutandis to the cases in which an approved telecommunications carrier passes through another person's land pursuant to the provisions of the preceding paragraph.

(Clearing Plants)

Article 136 (1) If plants cause, or are likely to cause, an obstruction to lines, or hinder surveys, on-site investigations or installation in relation to lines, and if it is unavoidable to do so, an approved telecommunications carrier may clear or move the plants with the permission of the Minister for Internal Affairs and Communications.

- (2) If an approved telecommunications carrier clears or moves a plant pursuant to the provisions of the preceding paragraph, it must notify the owner of the plant to that effect in advance; provided, however, that, if the notification is difficult to make in advance, it is sufficient for the approved telecommunications carrier to notify the owner without delay after clearing or moving the plant.
- (3) If the plants cause an obstruction to lines and an approved telecommunications carrier finds that these plant will seriously damage the lines and hinder the securing of communications in the case of leaving the obstruction unsolved, it may clear or move the plants without the permission of the Minister for Internal Affairs and Communications, notwithstanding the provision of paragraph (1). In this case, the approved telecommunications carrier must, without delay after clearing or transplanting the plant, notify the Minister for Internal Affairs and Communications to that effect, and must notify the owner of the plant of it.

(Compensation for Loss)

Article 137 (1) If an approved telecommunications carrier has caused a loss by temporarily using another person's land, etc. pursuant to the provisions of Article 133, paragraph (1), by entering another person's land pursuant to the provisions of Article 134, paragraph (1), by passing through another person's land pursuant to the provisions of Article 135, paragraph (1), or by clearing or moving plants pursuant to the provisions of paragraph (1) or paragraph (3) of the preceding Article, it must compensate the person for any losses that person have suffered..

- (2) If negotiations on compensation for loss under the preceding paragraph between an approved telecommunications carrier and a person that has suffered the loss fail or cannot be conducted, the approved telecommunications carrier or the person that has suffered the loss may file with the prefectural

governor an application for a ruling in accordance with the procedures specified by Order of the Ministry of Internal Affairs and Communications.

- (3) The provisions of Article 35, paragraph (5) through (10) apply mutatis mutandis to the ruling set forth in the preceding paragraph. In this case, the term "the Minister for Internal Affairs and Communications" and the term "written answers" in paragraph (5) of the same Article are deemed to be replaced with "the prefectural governor" and "written answers (or written opinions when notifying the person that has suffered the loss of it)," respectively; the term "the Minister for Internal Affairs and Communications" in paragraph (6) of the same Article is replaced with "the prefectural governor"; and the term "the amount of money to be received or paid by the party (or parties)" in paragraph (8) and paragraph (10) of the same Article is replaced with "the amount of compensation."
- (4) The ruling which determines that compensation be paid must specify the amount of compensation and the date and method of the payment.

#### (Relocation of Lines)

Article 138 (1) If the purpose or means of use of the land, etc. on which lines are installed based on the right to use or the land, etc. adjacent thereto has been changed and thereby the lines seriously hinder the use of that land, etc., the owner of that land, etc. may request an approved telecommunications carrier to take measures necessary to remove the hindrance, including relocation of the lines.

- (2) An approved telecommunications carrier must take the measures set forth in the preceding paragraph, except in cases in which it is extremely difficult for conducting its operations, or from a technical perspective to take the measures set forth in the preceding paragraph.
- (3) If negotiations between an approved telecommunications carrier and the owner of the land, etc. on the measures set forth in paragraph (1) fail or cannot be conducted, the approved telecommunications carrier or the owner of the land, etc. may apply to the Minister for Internal Affairs and Communications for a ruling in accordance with the procedures specified by Order of the Ministry of Internal Affairs and Communications.
- (4) The provisions of Article 130, Article 131, and Article 132, paragraph (1) and paragraph (5) apply mutatis mutandis to the ruling set forth in the preceding paragraph.
- (5) The ruling which determines that the measures set forth in paragraph (1) be taken may specify that the cost of the measures in whole or in part is to be borne by the owner of the land, etc.
- (6) The ruling which determines that the measures set forth in paragraph (1) be taken must specify the date when those measures should be taken (in the case



set forth in the preceding paragraph, the date when those measures should be taken and the amount, date and means of payment of the money to be borne by the owner of the land, etc.).

(7) When a public notice has been issued pursuant to the provisions of Article 132, paragraph (5), as applied mutatis mutandis pursuant to paragraph (4), the negotiations between the approved telecommunications carrier and the owner of the land, etc. are deemed to have reached an agreement pursuant to the provisions of the ruling.

(8) The provisions of Article 35, paragraph (8) through (10) apply mutatis mutandis to the ruling set forth in paragraph (3). In this case, the term "the amount of money to be received or paid by the party (or parties)" in paragraph (8) and paragraph (10) of the same Article is replaced with "the amount of costs to be borne."

#### (Obligation of Restoration)

Article 139 When an approved telecommunications carrier has extinguished the use of the land, etc. or the use of the land, etc. for its approved telecommunications business becomes unnecessary, it must return that land, etc. after restoring it or compensating for the losses arising from not restoring it.

#### (Use of Public Waters)

Article 140 (1) If an approved telecommunications carrier intends to lay an underwater cable to be used for its telecommunications business (hereinafter referred to as an "underwater cable") under any surface of water for public use (hereinafter referred to as "waters"), it must notify the Minister for Internal Affairs and Communications and the relevant prefectural governor (including the Minister of Agriculture, Forestry and Fisheries are include, if the waters are fishing grounds over which the Minister of Agriculture, Forestry and Fisheries exercises the authorities of the prefectural governor pursuant to the provisions of Article 136 of the Fishery Act (Act No. 267 of 1949); the same applies in the following paragraph) of the following particulars in advance:

(i) locations of the underwater cable and areas for which the approved telecommunications carrier intends to file the application set forth in paragraph of the following Article;

(ii) date of the start and completion of the installation work;

(iii) outline of the installation work.

(2) When a notification is filed pursuant to the provisions of the preceding paragraph and the relevant prefectural governor finds it necessary to change the particulars related to the notification set forth in the preceding paragraph, based on the opinions of the interested persons related to the fishing rights

(fishing rights under the Fishery Act; hereinafter the same applies) or of any persons actually and lawfully engaged in a fishery specified by Cabinet Order set forth in paragraph (4) of the following Article within the area set forth in item (i) of the preceding paragraph or in consideration of the impact to fisheries, the governor may notify the Minister for Internal Affairs and Communications and the approved telecommunications carrier to that effect, after conducting the necessary negotiations with other relevant prefectural governors if there are any, within thirty days from the date on which the notification was filed.

- (3) The provisions of Article 11, paragraph (6) of the Fishery Act apply *mutatis mutandis* to the notification under the preceding paragraph. In this case, the term "the prefectural governor" in paragraph (6) of the same Article is deemed to be replaced with "the relevant prefectural governor that received the notification under Article 140, paragraph (1) of the Telecommunications Business Act."
- (4) If an approved telecommunications carrier has received a notification under paragraph (2), it must change the particulars; provided, however, that this does not apply to the particulars if changing those particulars seriously hinders the conducting of its operations and the authorization to the effect that the changes to those particulars are not necessary is obtained from the Minister for Internal Affairs and Communications.

#### (Protection of Underwater Cables)

Article 141 (1) If the application from an approved telecommunications carrier is filed and it is necessary for the protection of the underwater cable laid in accordance with the procedures set forth in the preceding Article, the Minister for Internal Affairs and Communications may designate an area within one thousand meters (in the case of a river to which the River Act (Act No. 167 of 1964) applies, or applies *mutatis mutandis* (hereinafter referred to as "river"), fifty meters) of the underwater cable as a protected area.

- (2) The designation set forth in the preceding paragraph is made by issuing a notice.
- (3) If a protected area has been designated pursuant to the provisions of paragraph (1), an approved telecommunications carrier must, pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications, set up landmarks indicating that area and issue a public notice of the locations of the landmarks.
- (4) In the protected area set forth in paragraph (1), it is prohibited for any person to anchor a vessel, engage in fishing using a trawl net or other fishing specified by Cabinet Order, mine soil, or moor a boat or raft to the landmarks set forth in the preceding paragraph; provided, however, that this does not apply to the

cases in which there are compelling reasons for a river administrator to conduct river construction, for a coast administrator as prescribed in Article 2, paragraph (3) of the Coast Act (Act No. 101 of 1956) (hereinafter referred to as "coastal administrator" in this Article) to conduct construction work for coast conservation facilities prescribed in Article 2, paragraph (1) of the same Act (hereinafter referred to as "coastal conservation facilities" in this paragraph), or for the competent minister to conduct construction work for coastal conservation facilities pursuant to the provisions of Article 6, paragraph (1) of the same Act, or in other cases specified by Cabinet Order.

- (5) If an application is filed by an approved telecommunications carrier and the prefectural governor (in cases in which the Minister for Agriculture, Forestry and Fisheries personally exercises the authorities of the prefectural governor pursuant to the provisions of Article 136 of the Fishery Act, the Minister for Agriculture, Forestry and Fisheries; the same applies in paragraph (7)) finds it necessary to protect underwater cables, the governor may revoke or change the fishing rights which have been established on the waters within the protected area set forth in paragraph (1), or order to suspend the exercise of those rights.
- (6) The provisions of Article 11, paragraph (6) of the Fishery Act apply mutatis mutandis to the revocation or change of the fishing rights, or suspension of the exercise of those rights, pursuant to the provisions of the preceding paragraph. In these cases, the term "prefectural governor" in paragraph (6) of the same Article is deemed to be replaced with "prefectural governor that has received the application under Article 141, paragraph (5) of the Telecommunications Business Act."
- (7) The prefectural governor must pay necessary consideration to protecting underwater cables with regard to establishing fishing rights on the waters within the protected area set forth in paragraph (1).
- (8) A coastal administrator must pay necessary consideration to protecting underwater cables with regard to permitting the establishment of facilities or structures or any act on the waters within the protected area set forth in paragraph (1).

Article 142 (1) An approved telecommunications carrier must compensate any person that holds the fishing rights for any loss caused by the revocation or change to their fishing rights or the suspension of the exercise of those rights under paragraph (5) of the preceding Article.

- (2) The provisions of Article 39, paragraph (7) through (12) of the Fishery Act apply mutatis mutandis to the compensation for the loss under the preceding paragraph. In this case, the term "prefecture" in paragraph (10) and paragraph (11) of the same Article is deemed to be replaced with "approved telecommunications carrier."

Article 143 A vessel must not navigate on the waters within the scope specified by Order of the Ministry of Internal Affairs and Communications within one thousand meters (in the case of a river, fifty meters) of a vessel which is engaged in laying or repairing underwater cables of an approved telecommunications carrier and posts a sign to that effect, or within the scope specified by Order of the Ministry of Internal Affairs and Communications within four hundred meters (in the case of a river, thirty meters) of a buoy which marks the location of the underwater cables being laid or repaired and posts a sign to that effect.

#### **Chapter IV Telecommunications Dispute Settlement Commission** **Section 1 Establishment and Organization**

(Establishment and Authority)

Article 144 (1) A Telecommunications Dispute Settlement Commission (hereinafter referred to as the "Commission") is established under the Ministry of Internal Affairs and Communications.

(2) The Commission processes with the particulars authorized pursuant to the provisions of this Act, the Radio Act and the Broadcasting Act.

(Organization)

Article 145 (1) The Commission is composed of five commission members.

(2) The commission members serve on a part-time basis; provided, however, that up to two of them may serve on a full-time basis.

(Chair)

Article 146 (1) The Commission has a chair, who is appointed by the commission members from among themselves.

(2) The chair presides over the affairs of the Commission and represents the Commission.

(3) The chair must designate, in advance, a commission member to carry out the chair's duties in place of the chair if the chair is unable to attend to them.

(Appointment of Commission Members)

Article 147 (1) The commission members are appointed by the Minister for Internal Affairs and Communications, from among persons with deep insight into the telecommunications business, utilization of radio waves or broadcasting operations, with the consent of both Houses of the Diet.

(2) When the term of office of a commission member expires or a vacancy for that a position occurs and the Minister for Internal Affairs and Communications is

not able to obtain the consent of both Houses of the Diet because the Diet is closed or because the House of Representatives has been dissolved, the Minister may appoint a person from qualified persons set forth in the preceding paragraph as a commission member, notwithstanding the provisions of the preceding paragraph.

- (3) In the cases set forth in the preceding paragraph, the Minister for Internal Affairs and Communications must obtain the consent of both Houses of the Diet at the first Diet session following the appointment. In this case, if the Minister is not able to obtain the ex post facto approval of both Houses of the Diet, the Minister must immediately dismiss the commission member.

(Term of Office)

- Article 148 (1) The term of office of a commission member is three years; provided, however, that the term of office of a commission member that has been appointed to fill a vacancy is the remaining term of the predecessor.
- (2) The commission members may be reappointed.
- (3) When the term of office of a commission member expires, the commission member is to perform the duties until the successor is appointed.

(Dismissal of Commission Members)

Article 149 When the Minister for Internal Affairs and Communications finds that a commission member is unable to perform their duties due to a mental or physical disorder or that the commission member has violated the obligations in the course of duties or committed any other misconduct unfitting for a commission member, the Minister may dismiss the commission member with the consent of both Houses of the Diet.

(Service Standards of Commission Members)

- Article 150 (1) A commission member must not divulge any secrets which may have come to the knowledge in the course of the duties. The same applies even after the commission member has retired from office.
- (2) A commission member must not become an official of a political party or any other political organization, or actively engage in a political campaign during the term of office.
- (3) A full-time commission member must not, during the term of office, engage in other duties for which that member receives remuneration, operate a business for profit, or conduct any other operations for monetary gain, except in the cases approved by the Minister for Internal Affairs and Communications.

(Remuneration of Commission Members)

Article 151 Remuneration of commission members is prescribed separately by

law.

(Secretariat)

Article 152 (1) A secretariat is established under the Commission to handle the administrative functions of the Commission.

(2) A director-general and other officials considered necessary are placed under the secretariat.

(3) The director-general handles the work of the secretariat upon the order of the chair.

(Delegation to Cabinet Order)

Article 153 Beyond what is provided for in this Section, particulars necessary for the Commission are specified by Cabinet Order.

## **Section 2 Mediation and Arbitration**

(Mediation on about Interconnection of Telecommunications Facilities)

Article 154 (1) If a telecommunications carrier requests another telecommunications carrier to conclude an agreement on interconnection of telecommunications facilities but the requested telecommunications carrier refuses to hold negotiations or those negotiations fail, or negotiations between the parties about concluding an agreement on the interconnection of telecommunications facilities fail on the amount of money to be received or paid by the parties, the terms and conditions of interconnection and the other details of the agreement, the parties may apply to the Commission for mediation; provided, however, that this does not apply to the cases in which the parties have already filed a petition set forth in Article 35, paragraph (1) or paragraph (2), an application for a ruling under paragraph (3) of the same Article, or an application for arbitration under paragraph (1) of the following Article.

(2) The Commission is to conduct mediation except the case in which it finds that this case is not appropriate for mediation by its nature, or the case it finds that the parties have filed an application for mediation without due cause and for unjust reasons.

(3) The mediation of the Commission is conducted by mediation commissioners whom the Commission nominates for each case from among the commission members or other officials (limited to those whom the Commission designates in advance; the same applies in paragraph (3) of the following Article).

(4) The mediation commissioners must mediate the parties, confirm the points of both parties' arguments, and make efforts to resolve the case.

(5) The mediation commissioners may hear opinions from the parties or request

reports from the parties, prepare a draft of mediation as necessary for resolving the case, and present it to the parties.

- (6) The mediation commissioners is to terminate the mediation on a case being undertaken if the parties file a petition set forth in Article 35, paragraph (1) or paragraph (2), an application for a ruling under paragraph (3) of the same Article, or an application for arbitration under paragraph (1) of the following Article.

(Arbitration on Interconnection of Telecommunications Facilities)

Article 155 (1) If negotiations between telecommunications carriers about concluding an agreement on interconnection of telecommunications facilities fail on the amount of money to be received or paid by the parties, the terms and conditions of interconnection, or the other agreement details, the both parties may apply to the Commission for arbitration; provided, however, that this does not apply to the cases in which the parties have already filed a petition set forth in Article 35, paragraph (1) or paragraph (2), or an application for a ruling under paragraph (3) of the same Article.

- (2) An arbitration of the Commission is conducted by three arbitration commissioners.
- (3) The Commission appoints those selected with the agreement of the parties, from among the commission members and other officials, as arbitration commissioners; provided, however, that, if selection with the agreement of the parties has not been made, the Commission appoints arbitration commissioners from among the commission members and other officials.
- (4) Unless otherwise specified in this Article, the provisions of the Arbitration Act (Act No. 138 of 2003) apply mutatis mutandis to the arbitration by deeming arbitration commissioners as arbitrators.

(Application Mutatis Mutandis)

Article 156 (1) The provisions of the preceding two Articles apply mutatis mutandis to agreements concerning the sharing of telecommunications facilities or structure for telecommunications facilities installation. In this case, the term "terms and conditions of interconnection" in Article 154, paragraph (1) and paragraph (1) of the preceding Article is deemed to be replaced with "terms and conditions for sharing"; and the term "Article 35, paragraph (1) or paragraph (2)" and the term "paragraph (3) of the same Article" in Article 154, paragraph (1) and paragraph (6) and paragraph (1) of the preceding Article is to be replaced with "Article 38, paragraph (1)" and "Article 35, paragraph (3), as applied mutatis mutandis pursuant to paragraph (2) of the same Article," respectively.

- (2) The provisions of the preceding two Articles apply mutatis mutandis to

contracts concerning the provision of wholesale telecommunications services. In this case, the term "terms and conditions of interconnection" and the term "details of the agreement" in Article 154, paragraph (1) and paragraph (1) of the preceding Article are deemed to be replaced with "terms and conditions for the provision of those services" and " details of the contract," respectively; and the term "Article 35, paragraph (1) or paragraph (2)" and the term "paragraph (3) of the same Article" in Article 154, paragraph (1) and paragraph (6) and paragraph (1) of the preceding Article are deemed to be replaced with "Article 38, paragraph (1), as applied mutatis mutandis pursuant to Article 39" and "Article 35, paragraph (3), as applied mutatis mutandis pursuant to Article 39," respectively.

(Mediation Concerning Other Agreements)

Article 157 (1) If negotiations between telecommunications carriers about concluding an agreement or contract specified by Cabinet Order as what is necessary to conclude in order to ensure that telecommunications services are smoothly provided (referred to as "agreement, etc." in paragraph (3)) fail on the amount of money to be received or paid by the parties, the terms and conditions, or the details of them, those parties may apply to the Commission for mediation; provided, however, that this does not apply to the cases in which any party has already filed an application for arbitration under the same paragraph.

(2) The provisions of Article 154, paragraph (2) through paragraph (6) apply mutatis mutandis to the mediation set forth in the preceding paragraph. In this case, "a petition set forth in Article 35, paragraph (1) or paragraph (2), an application for a ruling under paragraph (3) of the same Article, or an application for arbitration under paragraph (1) of the following Article" is deemed to be replaced with "an application for arbitration under Article 157, paragraph (3)".

(3) If negotiations between telecommunications carriers about concluding an agreement etc. fail on the amount of money to be received or paid by the parties, the terms and conditions, or the details of them, the both parties may apply to the Commission for arbitration.

(4) The provisions of Article 155, paragraph (2) through paragraph (4) apply mutatis mutandis to the arbitration set forth in the preceding paragraph.

Article 157-2 (1) If negotiations between telecommunications carriers and a person operating a telecommunications business listed in Article 164, paragraph (1), item (iii) (referred to as "business of item (iii)"), about concluding a contract (hereinafter referred to simply as "contract" in paragraph (3)) related to provision of telecommunications service which is to be used in



operating the business of item (iii), the provision of which the person operating that business has requested, fail on the amount of money to be received or paid by the parties, the terms and conditions, or the other details of them, the parties may apply to the Commission for mediation; provided, however, that this does not apply to the cases in which any party has already filed an application for arbitration under paragraph (3).

- (2) The provisions of Article 154, paragraph (2) through paragraph (6) apply mutatis mutandis to the mediation set forth in the preceding paragraph. In this case, the term "petition set forth in Article 35, paragraph (1) or paragraph (2), an application for arbitration pursuant to the provisions of paragraph (3) of the same Article, or the next Article paragraph (1)" is deemed to be replaced with the term "Article 157-2, paragraph (3)".
- (3) If negotiations between telecommunications carriers and the person operating the business of item (iii) about concluding an agreement etc. fail on the amount of money to be received or paid by the parties, the terms and conditions or the details of them, the both parties may apply to the Commission for arbitration.
- (4) The provisions of Article 155, paragraph (2) through paragraph (4) applies mutatis mutandis to the arbitration set forth in the preceding paragraph.

(Application via the Minister)

Article 158 An application for mediation or arbitration filed with the Commission pursuant to the provisions of this Section must be made via the Minister for Internal Affairs and Communications.

(Delegation to Cabinet Order)

Article 159 Beyond what is provided for in this Section, particulars necessary for procedures for mediation and arbitration are specified by Cabinet Order.

### **Section 3 Consultations**

(Consultations with the Commission)

Article 160 The Minister for Internal Affairs and Communications must consult the Commission on the particulars listed below; provided, however, that this does not apply to particulars that the Commission finds to be minor:

- (i) orders concerning interconnection of telecommunications facilities under Article 35, paragraph (1) or paragraph (2), rulings concerning interconnection of telecommunications facilities under paragraph (3) or paragraph (4) of the same Article, orders concerning sharing of telecommunications facilities or structures for telecommunications facilities installation under Article 38, paragraph (1), rulings concerning the sharing of telecommunications facilities or structures for telecommunications

facilities installation under Article 35, paragraph (3) or paragraph (4), as applied mutatis mutandis pursuant to Article 38, paragraph (2), rulings concerning the provision of wholesale telecommunications services under Article 35, paragraph (3) or paragraph (4), as applied mutatis mutandis pursuant to Article 39, orders concerning provision of wholesale telecommunications services under Article 38, paragraph (1), as applied mutatis mutandis pursuant to Article 39, authorization concerning use of the land, etc. under Article 128, paragraph (1), rulings concerning use of the land, etc. under Article 129, paragraph (1), or rulings concerning measures necessary to remove a hindrance under Article 138, paragraph (3);

(ii) orders to change general conditions of contracts under of Article 19, paragraph (2), orders to change general conditions of contracts for securing the provision of the telecommunications services under Article 20, paragraph (3), orders to change charges for specified telecommunications services under Article 21, paragraph (4), orders to improve operations under Article 29, paragraph (1), orders under Article 30, paragraph (5) to suspend or change acts violating the provisions of paragraph (3) or paragraph (4) of the same Article, orders under Article 31, paragraph (4) to suspend or change acts violating the provisions of each item of paragraph (2) of the same Article or orders under Article 31, paragraph (4) to take necessary measures to suspend or change acts listed in each item of paragraph (3) of Article 30, or each item of paragraph (2) of Article 31, orders relevant to the application for authorization for a change of general conditions of contracts for interconnection under Article 33, paragraph (6), orders to change general conditions of contracts for interconnection under paragraph (8) of the same Article, orders to change general conditions of contracts for interconnection under Article 34, paragraph (3), recommendations to change a plan under Article 36, paragraph (3), orders to improve the operations under Article 39-3, paragraph (2), orders to dismiss the general manager of telecommunication facilities under Article 44-5, or orders to improve operations under Article 121, paragraph (2).

(Special Provisions for Hearings)

Article 161 (1) If the Minister for Internal Affairs and Communications intends to render a disposition under Article 19, paragraph (2), Article 20, paragraph (3), Article 21, paragraph (4), Article 29, Article 30, paragraph (5), Article 31, paragraph (4), Article 33, paragraph (6) or paragraph (8), Article 34, paragraph (3), Article 35, paragraph (1) or paragraph (2), Article 38, paragraph (1) (including as applied mutatis mutandis pursuant to Article 39), Article 39-3, paragraph (2), Article 44-2 or Article 121, paragraph (2), the Minister must hold a hearing notwithstanding the classification of procedures for hearing the

statements of opinions under Article 13, paragraph (1) of the Administrative Procedure Act (Act No. 88 of 1993).

(2) When a hearing is held in relation to a disposition set forth in the preceding paragraph or a disposition under Article 44-5, and that disposition is to be subjected to consultation with the Commission pursuant to the provisions of the preceding Article, the official presiding over the hearing related to the disposition is appointed from among the commission members with a recommendation from the Commission.

(3) The presiding official of the hearing related to a disposition rendered set forth in paragraph (1) or a disposition under Article 44-5 must grant permission if the interested person related to the disposition has requested to participate in the procedures of the hearing pursuant to the provisions of Article 17, paragraph (1) of the Administrative Procedure Act.

(Recommendations)

Article 162 (1) The Commission may provide necessary recommendations to the Minister for Internal Affairs and Communications with respect to the particulars authorized pursuant to the provisions of this Act.

(2) If the Minister for Internal Affairs and Communications receives a recommendation set forth in the preceding paragraph, the Minister must announce that recommendation.

## **Chapter V Miscellaneous Provisions**

(Conditions for Registration)

Article 163 (1) Conditions may be attached to registration (limited to the registration under Article 9 (including renewal of registration under Article 12-2, paragraph (1) and the registration of change in Article 13, paragraph (1)); the same applies in the following paragraph), authorization, permission or approval (except technical standards conformity approval; the same applies in the same paragraph), and those conditions may be changed.

(2) Conditions set forth in the preceding paragraph are limited to what is minimally necessary in light of the purposes of registration, authorization, permission or approval, or to ensure the reliable implementation of things related to the registration, authorization, permission or approval, and must not impose unreasonable obligations on the person to whom the registration, authorization, permission or approval is granted.

(Exemptions)

Article 164 (1) The provisions of this Act do not apply to the telecommunications businesses listed below:

- (i) a telecommunications business to exclusively provide telecommunications services to a single person (except telecommunications services provided for the use of telecommunications business of a single person if the person is a telecommunications carrier);
  - (ii) a telecommunications business to provide telecommunications services by using telecommunications facilities a part of which are installed on the same premises (including the areas equivalent to those premises) or the same building where another part of those facilities are installed, or telecommunications facilities on a scale that do not meet the standards specified by Order of the Ministry of Internal Affairs and Communications;
  - (iii) a telecommunications business that provides, without running telecommunication line facilities, telecommunications services (excluding domain name telecommunications services) other than telecommunications services of intermediating other persons' communications through the use of telecommunications facilities.
- (2) In this Article, the meaning of the terms set forth in the following items is as prescribed respectively in those items:
- (i) domain name telecommunications services: a telecommunications service in which telecommunications facilities having the functions to output IP addresses in correspondence to the whole or part of the domain name entered are provided for the use in telecommunications of telecommunications carriers, and which is specified by Order of the Ministry of Internal Affairs and Communications as one which it is necessary to secure the provision of in a reliable and stable manner;
  - (ii) domain names: telecommunication numbers that are used on the Internet by telecommunications carriers to identify telecommunications facilities installed at places of reception and that are specified by Order of the Ministry of Internal Affairs and Communications as those used in place of IP addresses;
  - (iii) IP addresses: telecommunication numbers that are used on the Internet by telecommunications carriers to identify telecommunications facilities installed at places of reception and that are specified by Order of the Ministry of Internal Affairs and Communications as unique numbers assigned to individual telecommunications facilities.
- (3) Notwithstanding the provisions of paragraph (1), the provisions of Article 3 and Article 4 apply to communications handled by a person that operates telecommunications business listed in the items of the same paragraph, and the provisions of Article 157-2 apply to a person operating a business of item (iii).

(Handling of Local Governments Conducting Not-For-Profit

Telecommunications Businesses)

- Article 165 (1) A local government that intends to conduct not-for-profit telecommunications business (limited to the business to provide telecommunications services specified by Order of the Ministry of Internal Affairs and Communications as those which have a comparatively significant influence on the interests of users in light of their content, the scope of users, etc.) must, pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications, notify the Minister for Internal Affairs and Communications to that effect, with documents describing the particulars listed in each item of paragraph (1) of Article 16 attached thereto.
- (2) A local government that has filed a notification as set forth in the preceding paragraph is deemed to be a telecommunications carrier that has filed a notification under Article 16, paragraph (1); provided, however, that this does not apply to the application of the provisions of Article 19, through Article 25, Article 30, Article 31, Article 33, Article 34, Article 36, Article 37, Article 38-2, Article 39-3, Article 40, Article 42, Article 44, Article 45, Article 52, Article 69, Article 70 and Chapter II, Section 6.

(Reports and Inspections)

- Article 166 (1) The Minister for Internal Affairs and Communications may, to the extent necessary for enforcement of this Act, have a telecommunications carrier or person entrusted with intermediation, etc. report on their business, or commission ministerial officials to enter into their business offices, offices or other places of business of the telecommunications carrier or person entrusted with intermediation, etc. to inspect their telecommunications facilities (limited to the case in which the ministerial officials enter the place of business of a telecommunications carrier), books and documents and other property.
- (2) The Minister for Internal Affairs and Communications may, to the extent necessary for enforcement of this Act, have a person that has obtained technical standards conformity approval from a registered approval body report on terminal equipment related to technical standards conformity approval, or commission ministerial officials to enter into the places of business of the person that has obtained the technical standards conformity approval to inspect the terminal equipment and other property.
- (3) The provisions of the preceding paragraph apply mutatis mutandis to a certified dealer, a notifying supplier or a registered repairer, respectively. In this case, the term "technical standards conformity approval" in the same paragraph is deemed to be replaced with "certification of design granted to the certified dealer" for a certified dealer, "its notification" for a notifying supplier, and "its registration of the repair performed by that registered repairer" for a registered repairer.

- (4) The Minister for Internal Affairs and Communications may, to the extent necessary for enforcement of this Act, have a designated examination body or the support institution report on its operations, or commission ministerial officials to enter into the offices or places of business of the designated examination body or the support institution to inspect its books and documents and other property.
- (5) The provisions of the preceding paragraph apply mutatis mutandis to a registered training agency or a registered approval body.
- (6) The provisions of paragraph (2) apply mutatis mutandis to a person that has obtained technical standards conformity approval from an approved certifying body or a person that has obtained a certification of design from an approved certifying body, respectively, and the provisions of paragraph (4) apply mutatis mutandis to an approved certifying body. In these cases, the term "technical standards conformity approval" in paragraph (2) is deemed to be replaced with "certification of design" for a person that has obtained a certification of design.
- (7) A ministerial officials that conduct on-site inspection pursuant to the provisions of paragraph (1), or the provisions of paragraph (2) (including as applied mutatis mutandis pursuant to paragraph (3) or the preceding paragraph) or paragraph (4) (including as applied mutatis mutandis pursuant to paragraph (5) or the preceding paragraph) must carry a certificate for identification and show it to the persons concerned.
- (8) The authority for on-site inspection under paragraph (1), or under paragraph (2) (including as applied mutatis mutandis pursuant to paragraph (3) or paragraph (6)) or paragraph (4) (including as applied mutatis mutandis pursuant to paragraph (5) or paragraph (6)) must not be construed as being invested for criminal investigations.

(Submission of Terminal Equipment)

- Article 167 (1) If the Minister for Internal Affairs and Communications has commissioned ministerial officials to conduct an inspection pursuant to the provisions of paragraph (2) of the preceding Article and those officials find terminal equipment which is extremely difficult to inspect on-site or particular properties which are particularly necessary for the inspection of the terminal equipment, the Minister may designate the time limit and order the person that has obtained technical standards conformity approval from the registered approval body to submit the terminal equipment or the properties within that time limit.
- (2) The State must compensate the person that has obtained technical standards conformity approval for any loss caused by the order under the preceding paragraph.
  - (3) The loss to be compensated pursuant to the provisions of the preceding

paragraph is the loss to be incurred ordinarily from the order set forth in paragraph (1).

- (4) The provisions of the preceding three paragraphs apply mutatis mutandis to a certified dealer, a notifying supplier or a registered repairer, respectively. In these cases, the term "paragraph (2) of the preceding Article" in paragraph (1) is deemed to be replaced with the term "paragraph (2) of the same Article, as applied mutatis mutandis pursuant to paragraph (3) of the preceding Article."
- (5) With regard to the application of the provisions of paragraph (1) through paragraph (3) to a foreign dealer in cases in which a person that has obtained technical standards conformity approval is a foreign dealer, the term "order" in paragraph (1) is replaced with "request" and the terms "the order" in paragraph (2) and paragraph (3) are replaced with "the request."
- (6) With regard to the application of the provisions of paragraph (1) through paragraph (3), as applied mutatis mutandis pursuant to paragraph (4), to a foreign dealer in cases in which a certified dealer is a foreign dealer, the term "order" in paragraph (1) is replaced with the term "request" and the term "the order" in paragraph (2) and paragraph (3) is replaced with "the request."
- (7) The provisions of paragraph (1) through paragraph (3) apply mutatis mutandis to a person that has obtained technical standards conformity approval from an approved certifying body or a person that has obtained a certification of design from an approved certifying body, respectively. In these cases, the term "paragraph (2) of the preceding Article" and the term "order" in paragraph (1) are deemed to be replaced with "paragraph (2) of the preceding Article, as applied mutatis mutandis pursuant to paragraph (6) of the same Article" and "request," respectively; and the term "the order" in paragraph (2) and paragraph (3) is deemed to be replaced with "the request."

(Negotiations)

Article 168 In cases in which the Minister for Internal Affairs and Communications establishes an Order of the Ministry of Internal Affairs and Communications (limited to those specified by Cabinet Order) or issues an order or renders other dispositions (limited to those specified by Cabinet Order), or a notification concerning telecommunications business (limited to those specified by Cabinet Order) is filed with the Minister, pursuant to the provisions of this Act, with respect to telecommunications business (limited to those to provide telecommunications services without running telecommunication line facilities; hereinafter the same applies in this Article), person entrusted with intermediation, etc. or terminal equipment, necessary negotiations with other relevant administrative organs, notifications to those organs and other procedures are specified by Cabinet Order.

(Consultation with Councils)

Article 169 The Minister for Internal Affairs and Communications must consult the councils, etc. (organizations prescribed in Article 8 of the National Government Organization Act (Act No. 120 of 1948)) specified by Cabinet Order with regard to the particulars listed below; provided, however, that this does not apply to particulars which the councils, etc. consider to be minor:

- (i) authorization for charges concerning specified telecommunications services under Article 21, paragraph (2), authorization for general conditions of contracts for interconnection under Article 33, paragraph (2), authorization for an agreement concerning interconnection with Category I designated telecommunications facilities under paragraph (10) of the same Article, designation of eligible telecommunications carriers under Article 108, paragraph (1), authorization for the amount of subsidies and means of granting them under Article 109, paragraph (1), authorization for the amount of contributions and means of collecting them under Article 110, paragraph (2), or authorization for support operations rules under Article 79, paragraph (1), as applied mutatis mutandis pursuant to Article 116, paragraph (1);
- (ii) designation of telecommunication facilities under Article 12-2, paragraph (4), item (ii), (b) or (d), setting of the standard charge index under Article 21, paragraph (1), designation of telecommunication services under each item of paragraph (1) of Article 26, designation of telecommunications carriers under Article 30, paragraph (1) or paragraph (3), item (ii), or Article 41, paragraph (3), designation of specified relevant carriers under Article 31, paragraph (1), designation of Category I designated telecommunications facilities under Article 33, paragraph (1), or designation of Category II designated telecommunications facilities under Article 34, paragraph (1);
- (iii) planning of establishment, revision or discontinuation of Cabinet Orders under Article 110, paragraph (1);
- (iv) establishment, revision or discontinuation of Orders of the Ministry of Internal Affairs and Communications under Article 7, Article 8, paragraph (3), Article 9 proviso, Article 12-2, paragraph (4) item (ii), (b) or (d), Article 20, paragraph (1), Article 21, paragraph (1), Article 24, item (i), (c), Article 26, paragraph (1), Article 26-2, paragraph(1), Article 26-3, paragraph (1) or paragraph (3) proviso, Article 27-2, item (ii), Article 30, paragraph (1) or paragraph (6), Article 31, paragraph (2) proviso, paragraph (5) or paragraph (7), Article 32, item (iii), Article 33, paragraph (1), paragraph (3), paragraph (4), item (i), (a), (b) or (e), or item (ii), paragraph (5), paragraph (11), paragraph (13) or paragraph (14), Article 34, paragraph (1), paragraph (3) item (i), (a), (b) or (e) or item (ii), paragraph (5) or paragraph (6), Article 36, paragraph (1) or paragraph (2), Article 38-2, Article 39-3, paragraph (3),



Article 41, paragraphs (1) through (4), Article 45, paragraph (1) proviso, Article 50, paragraph (1), Article 52, paragraph (1), Article 70, paragraph (1), item (i), every item of paragraph (1) of Article 108, or Article 108, paragraph (3), Article 109, paragraph (1) through paragraph (3), Article 110, paragraph (1) or paragraph (2) or Article 164, paragraph (2), item (i).

(Special Provisions for Hearings)

Article 170 The presiding official of a hearing related to a disposition under Article 14, paragraph (1), Article 47 (including as applied mutatis mutandis pursuant to Article 72, paragraph (2)), Article 77, paragraph (3) (including as applied mutatis mutandis pursuant to Article 116, paragraph (1)), Article 126, paragraph (1) or Article 127, paragraph (1) must grant permission if the interested person related to the disposition has requested to participate in the procedures of the hearing pursuant to the provisions of Article 17, paragraph (1) of the Administrative Procedure Act.

(Hearing of Opinions in Appeal Procedures)

Article 171 (1) A ruling on a request for administrative review with respect to a disposition under this Act or an inaction of it must be rendered with advance notice issued with a reasonable time period to the requester of the administrative review and after the review officers set forth in Article 24 of the Administrative Appeal Act (Act No. 68 of 2014) conduct a hearing of opinions, except the case in which the request for administrative review is dismissed pursuant to the provisions of the same Act.

- (2) In the hearing of opinions set forth in the preceding paragraph, the requester of the administrative review and the interested persons must be presented with the evidence related to the case and given the opportunity to state their opinions.
- (3) The provisions of Act 31 of the Administrative Appeal Act do not apply to the request for administrative review set forth in paragraph (1) of this Act, and the provisions of paragraph (2) through (5) of Act 31 of the Administrative Appeal Act apply mutatis mutandis to the hearing of opinions set forth in paragraph (1) of this Act.

(Offering of Opinions)

Article 172 (1) A person that has complaints or other opinions on the charges and other terms and conditions for the provision of telecommunication services or on the means of conducting operations of telecommunications carriers or persons entrusted with intermediation, etc. may offer the opinion to the Minister for Internal Affairs and Communications by filing the documents describing the reason for those complaints or opinions.

(2) In the case of the offerings set forth in the preceding paragraph, the Minister for Internal Affairs and Communications must process the offerings in a sincere manner and notify the person that offered the opinion of the result of the process.

(Application for Examination of Administrative Disposition Rendered to Designated Examination Bodies)

Article 173 A person that is dissatisfied with a disposition rendered to a designated examination body pursuant to the provisions of this Act or an inaction of it may make a request for administrative review with the Minister for Internal Affairs and Communications. In this case, with respect to the application of the provisions of Article 25, paragraph 2 and paragraph 3, Article 46, paragraph 1 and paragraph 2, Article 47, and Article 49, paragraph 3, the Minister is deemed to be the higher administrative agency of the designated examination body.

(Fees)

Article 174 (1) The following persons must pay fees specified by Cabinet Order in consideration of the actual cost:

- (i) a person that intends to renew registration pursuant to the provisions of Article 12-2, paragraph (1);
- (ii) a person that intends to take the examination for chief telecommunications engineers or for installation technicians;
- (iii) a person that intends to obtain registration pursuant to the provisions of Article 68-3, paragraph (1) or registration of change pursuant to the provisions of Article 68-6, paragraph (1);
- (iv) a person that intends to take training provided by the Minister for Internal Affairs and Communications pursuant to the provisions of Article 85-15, paragraph (1);
- (v) a person that intends to renew registration pursuant to the provisions of Article 88, paragraph (1);
- (vi) a person that intends to obtain technical standards conformity approval or certification of a design under Article 102, paragraph (1) (including as applied mutatis mutandis in Article 103); or
- (vii) a person that intends to obtain or renew a chief telecommunications engineer's license or an installation technician's license.

(2) With respect to the fees set forth in the preceding paragraph, those paid by persons that intend to take an examination of which a designated examination body is conducting its exam administration are the income of that body, while other fees are the revenue of the national treasury.

(Transitional Measures)

Article 175 When an order is established, revised or discontinued pursuant to the provisions of this Act, necessary transitional measures (including transitional measures concerning penal provisions) may be specified in that order within a scope that is found reasonably necessary in conjunction with that establishment, revision or discontinuation.

(Classification of Functions)

Article 176 The functions to be handled by municipalities pursuant to the provisions of Article 130, paragraph (2) and paragraph (3) (including as applied mutatis mutandis pursuant to Article 138, paragraph (4)) are the Type 1 statutory entrusted functions prescribed in Article 2, paragraph (9), item (i) of the Local Autonomy Act.

## **Chapter VI Penal Provisions**

Article 177 A person that has operated a telecommunications business in violation of the provisions of Article 9 is punished by imprisonment for not more than three years or a fine of not more than two million yen, or both.

Article 178 A person that has refused to provide telecommunications services in violation of the provisions of Article 25, paragraph (1) or paragraph (2) is punished by imprisonment for not more than two years or a fine of not more than one million yen, or both.

Article 179 (1) A person that has violated the secrecy of communications handled by a telecommunications carrier (including communications set forth in Article 164, paragraph (3)) is punished by not more than two years or a fine of not more than one million yen.

(2) A person engaging in telecommunications business that has undertaken the act set forth in the preceding paragraph is punished by imprisonment of not more than three years or a fine of not more than two million yen.

(3) An attempt to commit the offenses set forth in the preceding two paragraphs is subject to punishment.

Article 180 (1) A person that has operated, without due cause, any telecommunications facilities used for the business of a telecommunications carrier and thereby disturbed the provision of telecommunications services is punished by more than two years or a fine of not more than five hundred thousand yen.

(2) The provisions of the preceding paragraph also apply to the cases in which a

person that engages in a telecommunications business fails to carry out, without reasonable grounds, the operations of maintaining or operating the telecommunications facilities used for telecommunications business of a telecommunications carrier and thereby causes an obstruction with the provision of telecommunications services.

(3) An attempt at the offenses set forth in paragraph (1) is subject to punishment.

Article 181 A person that falls under either of the following items is punished by imprisonment for not more than one year or a fine of not more than one million yen:

- (i) a person that has violated an order under Article 54 (including as applied *mutatis mutandis* pursuant to Article 61 and Article 68);
- (ii) a person that has violated the prohibition under Article 60, paragraph (1) (limited to the part in relation to item (i)), Article 66, paragraph (1) (limited to the part in relation to item (i)), or Article 67, paragraph (1).

Article 182 A person that has violated an order to suspend operations under Article 85-13, paragraph (2) or Article 100, paragraph (2) (including as applied *mutatis mutandis* pursuant to Article 103) is punished by imprisonment for not more than one year or a fine of not more than five hundred thousand yen.

Article 183 A person that has divulged any secret that has come to the knowledge with respect to the duties in violation of the provisions of Article 78, paragraph (1) (including as applied *mutatis mutandis* pursuant to Article 116, paragraph (1)) is punished by not more than one year or a fine of not more than five hundred thousand yen.

Article 184 If a designated examination body or the support institution has violated an order to suspend its operations under Article 84, paragraph (2) (including as applied *mutatis mutandis* pursuant to Article 116, paragraph (1)), officers or members of staff of the designated examination body or the support institution that has committed the violation are punished by not more than one year or a fine of not more five hundred thousand yen.

Article 185 A person that has operated a telecommunications business in violation of the provisions of Article 16, paragraph (1) (except those that are to obtain registration set forth in Article 9) is punished by imprisonment for not more than six months or a fine of not more than five hundred thousand yen.

Article 186 A person that falls under any of the following items is punished by a fine of not more than two million yen:

- (i) a person that has changed the particulars set forth in Article 10, paragraph (1), item (ii) or (iii) in violation of the provisions of Article 13, paragraph (1);
- (ii) a person that has provided telecommunications services in violation of the provisions of Article 19, paragraph (3), Article 20, paragraph (5), or Article 21, paragraph (6);
- (iii) a person that has violated any order or disposition under Article 19, paragraph (2), Article 20, paragraph (3), Article 21, paragraph (4), Article 29, paragraph (1) or paragraph (2), Article 30, paragraph (5), Article 31, paragraph (4), Article 33, paragraph (6) or paragraph (8), Article 34, paragraph (3), Article 35, paragraph (1) or paragraph (2), Article 38, paragraph (1) (including as applied mutatis mutandis pursuant to Article 39), Article 39-3, paragraph (2), Article 43, paragraph (1) (including as applied mutatis mutandis pursuant to paragraph (2) of the same Article), Article 44-2, paragraph (1) or paragraph (2), Article 44-5, Article 51 or Article 121, paragraph (2);
- (iv) a person that has concluded, revised or discontinued an agreement or contract in violation of the provisions of Article 33, paragraph (9), Article 34, paragraph (4) or Article 40;
- (v) a person that has not appointed a general manager of telecommunication facilities in violation of Article 44-3, paragraph (1);
- (vi) a person that has failed to appoint a chief telecommunications engineer in violation of the provisions of Article 45, paragraph (1).

Article 187 A person that falls under either of the following items is punished by a fine of not more than five hundred thousand yen:

- (i) a person that has failed to file a notification pursuant to the provisions of Article 16, paragraph (3) or paragraph (4) or has filed a false notification;
- (ii) a person that has affixed marks in violation of the provisions of Article 53, paragraph (3) or Article 68-8, paragraph (2).

Article 188 A person that falls under any of the following items is punished by a fine of not more than three hundred thousand yen:

- (i) a person that has failed to file a notification pursuant to the provisions of Article 17, paragraph (2), Article 18, paragraph (1), Article 36, paragraph (1), Article 37, paragraph (1) or paragraph (2), Article 38-2, Article 42, paragraph (3) (including as applied mutatis mutandis pursuant to paragraph (4) and paragraph (5) of the same Article), Article 44, paragraph (1) or paragraph (3), Article 44-3, paragraph (2), Article 45, paragraph (2), Article 108, paragraph (3), Article 120, paragraph (4) (including as applied mutatis mutandis pursuant to Article 122, paragraph (4)) or Article 124, paragraph (1), or has filed a false notification;

- (ii) a person that has failed to file a notification under Article 20, paragraph (1);
- (iii) a person that has failed to keep records under Article 22 or Article 33, paragraph (12), or kept false records;
- (iv) a person that has violated the provisions of Article 23, paragraph (1)
- (v) a person that has, in violation of the provisions of Article 26-2, paragraph (1), failed to deliver the document, or delivered a document containing false statements;
- (vi) a person that has failed to make a report pursuant the provisions of Article 28 or Article 31, paragraph (7), or made a false report;
- (vii) a person that has failed to announce general conditions of contracts for interconnection in violation of the provisions of Article 33, paragraph (11), Article 34, paragraph (5) or Article 108, paragraph (3);
- (viii) a person that has failed to announce a plan in violation of the provisions of Article 36, paragraph (2);
- (ix) a person that has filed a false notification when filing a notification pursuant to the provisions of Article 63, paragraph (3);
- (x) a person that has failed to create a record or created a false record or failed to retain the record in violation of the provisions of Article 63, paragraph (4);
- (xi) a person that has failed to keep books or make an entry, or has made a false entry , or failed to retain the books in violation of the provisions of Article 85-10, or Article 96 (including as applied mutatis mutandis in Article 103);
- (xii) a person that has discontinued its training administration without filing a notification under Article 85-12, paragraph (1), or has filed a false notification;
- (xiii) a person that has failed to make a report pursuant to the provision of Article 92, paragraph (1) (including as applied mutatis mutandis pursuant to Article 103), or has made a false report;
- (xiv) a person that has discontinued their operations without filing a notification under Article 99, paragraph (1) (including as applied mutatis mutandis pursuant to Article 103), or has filed a false notification;
- (xv) a person that has violated the provisions of Article 141, paragraph (4) or Article 143;
- (xvi) a person that has failed to make a report under Article 166, paragraph (1), paragraph (2) (including as applied mutatis mutandis pursuant to paragraph (3) of the same Article), or paragraph (4), as applied mutatis mutandis pursuant to paragraph (5) of the same Article, or has made a false report, or has refused, obstructed or evaded the inspection under these provisions;
- (xvii) a person that has violated the order under Article 167, paragraph (1) (including as applied mutatis mutandis pursuant to paragraph (4) of the

same Article).

Article 189 If a designated examination body or support institution falls under any of the following items, officers or members of staff of the designated examination body or support institution that has committed a violation are punished by a fine of not more than three hundred thousand yen:

- (i) if the organization has failed to keep and retain books or make an entry, or has made a false entry, in violation of the provisions of Article, 81 (including as applied mutatis mutandis pursuant to Article 116, paragraph (1));
- (ii) if the organization has discontinued the exam administration or support operations in whole in violation of the provisions of Article 83, paragraph (1) (including as applied mutatis mutandis pursuant to Article 116, paragraph (1));
- (iii) if the organization has failed to make a report under Article 166, paragraph (4), or made a false report, or has refused, obstructed or evaded the inspection under the same paragraph.

Article 190 If any representative of a corporation, or an agent, employee or other worker of a corporation or individual, has committed a violation of provisions set forth in the following items in connection with the business of the corporation or individual, in addition to the offender being subject punishment, the corporation is subject to the fine prescribed respectively in those items and the individual is subject to the fine referred to in the relevant Article:

- (i) Article 181: fine of not more than one hundred million yen;
- (ii) Article 177 through Article 188 (except Article 180, Article 181, Article 183 and Article 184): fine set forth in the relevant Article.

Article 191 A person that falls under any of the following items is subject to a civil fine of not more than one million yen; provided, however, that this does not apply to the cases in which that person is to be subject to a punishment on account of the act in question:

- (i) a person that has violated the provisions of Article 24;
- (ii) a person that has failed to announce or has made a false announcement in violation of the provisions of Article 30, paragraph (6), Article 33, paragraph (13), Article 34, paragraph (6) or Article 39-3, paragraph (3);
- (iii) a person that concurrently serves as an officer in violation of the provisions of Article 31, paragraph (1);

Article 192 A person that falls under any of the following items is subject to a civil fine of not more than three hundred thousand yen:

- (i) a person that has failed to file a notification or has filed a false notification

- in violation of the provisions of Article 63, paragraph (5);
- (ii) a person that has failed to file a notification or has filed a false notification in violation of the provisions of Article 68-6, paragraph (4), Article 68-10, paragraph (1), Article 85-6, paragraph (2) or Article 90, paragraph (2);
  - (iii) a person that has failed to retain financial statements, etc., has failed to enter the particulars to be entered in financial statements, etc., or has made a false entry in violation of the provisions of Article 85-9, paragraph (1) or Article 95, paragraph (1), or has refused, without reasonable grounds, a request under Article 85-9, paragraph (2) or Article 95, paragraph (2).

Article 193 A person that falls under any of the following items is subject to a civil fine of not more than one hundred thousand yen:

- (i) a person that has failed to file a notification under Article 13, paragraph (4), Article 16, paragraph (2) or Article 18, paragraph (2), or has filed a false notification;
- (ii) a person that has failed, without reasonable grounds, to return a chief telecommunications engineer's license or installation technician's license in violation of an order under Article 47 (including as applied mutatis mutandis pursuant to Article 72, paragraph (2));
- (iii) any person that has violated the provisions of Article 141, paragraph (3).

### **Supplementary Provisions**

(Effective Date)

Article 1 This Act comes into effect as of April 1, 1985.

(Review)

Article 2 The government is to, within three years from the date of enforcement of this Act, review the status of enforcement of this Act and is to take necessary measures based on the results of the review

(Abolishment of the Public Telecommunications Act)

Article 3 The Public Telecommunications Act (Act No. 97 of 1953) is abolished

(Transitional Measures)

Article 4 (1) A business related to public telecommunications activities which, at the time of enforcement of this Act, is being actually conducted by Nippon Telegraph and Telephone Public Corporation before its dissolution (hereinafter referred to as "former Public Corporation") and falls, or is deemed to fall, under Type I telecommunications business is deemed to be a business for which Nippon Telegraph and Telephone Corporation (hereinafter referred to as



- "NTT") has obtained the permission set forth in Article 9, paragraph (1) on the date of enforcement of this Act (hereinafter referred to as the "effective date").
- (2) A business related to public telecommunications activities which, at the time of enforcement of this Act, is being actually conducted by Kokusai Denshin Denwa Company, Limited (hereinafter referred to as "KDD") and falls, or is deemed to fall, under Type I telecommunications business is deemed to be a business for which KDD has obtained the permission set forth in Article 9, paragraph (1) on the effective date.
- (3) Both NTT and KDD must, within one month from the effective date, notify the Minister of Posts and Telecommunications of the particulars specified by Order of the Ministry of Posts and Telecommunications with respect to the business set forth in the preceding two paragraphs.

Article 5 (1) Telegram business (including operations of delivering them; hereinafter the same applies in this Article) is deemed to be telecommunications business until otherwise provided for by a law, and the operations of accepting and delivering them, from among the operations related to that business, are conducted only by Nippon Telegraph and Telephone East Corporation, Nippon Telegraph and Telephone West Corporation, and the person that has succeeded to the status of Kokusai Denshin Denwa Company, Limited as a telecommunications carrier established under the Kokusai Denshin Denwa Company, Limited Act (Act No. 301 of 1952), before being abolished by Article 1 of the Act on Development of the Relevant Acts for Rationalization of the Regulations in the Telecommunications Field (Act No. 58 of 1998) (hereinafter referred to as "KDD successor" in this Article). In this case, the provisions on the telegram business (excluding Article 16, Article 17 and the Supplementary Provisions Article 5, paragraph (1), and including penal provisions; the same applies in the following paragraph) in this Act prior to the revision by Article 2 of the Act to Amend the Telecommunications Business Act and the Act on Nippon Telegraph and Telephone Corporation, Etc. (Act No. 125 of 2003) (hereinafter referred to as "the former Act" in this Article) remain in force.

- (2) In the case set forth in the preceding paragraph, the telegram handling services provided by Nippon Telegraph and Telephone East Corporation, Nippon Telegraph and Telephone West Corporation, and the KDD successor (hereinafter referred to as "Nippon Telegraph and Telephone East Corporation, etc." in this Article) is deemed to be the telecommunications services prescribed in Article 2, item (iii) of the former Act, the operations involved in providing the service is deemed to be the telecommunications operations prescribed in Article 2, item (vi) of the former Act, and the telegram business conducted by Nippon Telegraph and Telephone East Corporation, etc. is deemed to be a Type

I telecommunications business as prescribed in Article 6, paragraph (2) of the former Act, and the provisions of the former Act, which are deemed to remain in force pursuant to the provisions of the preceding paragraph, apply.

- (3) Notwithstanding the provision of Article 15, paragraph (1) of the former Act, Nippon Telegraph and Telephone East Corporation, etc. may entrust part of its operations in relation to their telegram business to others pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications.
- (4) Beyond what is provided for in the preceding three paragraphs, particulars necessary for operations or services in relation to telegram handling are specified by Order of the Ministry of Internal Affairs and Communications.

Article 6 A person that, at the time of enforcement of this Act, actually is operating a business equivalent to a General Type II telecommunications business as what falls under the cases specified by Order of the Ministry of Posts and Telecommunications as prescribed in Article 55-13, paragraph (2) of the Public Telecommunications Act before being abolished by this Act (hereinafter referred to as "the former Public Act") is deemed to have filed a notification under Article 22 paragraph (1) on the effective date.

Article 7 Entrustment of part of public telecommunications activities which, at the time of enforcement of this Act, are actually being conducted by a former Public Corporation or KDD pursuant to the provisions of Article 7 through Article 10 of the former Public Act, is deemed to be entrustment conducted by NTT or KDD with authorization set forth in Article 15, paragraph (1) or pursuant to the provisions of Supplementary Provisions Article 5, paragraph (2) until the time limit specified as of the effective date.

Article 8 (1) NTT and KDD must apply within two months from the effective date for an authorization for particulars that, they need to obtain an authorization for pursuant to the provisions of this Act with respect to the provision of telecommunications services related to a Type I telecommunications business for which NTT and KDD are, pursuant to the provisions of Supplementary Provisions Article 4, paragraph (1) or paragraph (2), deemed to have obtained the permission set forth in Article 9, paragraph (1).

- (2) NTT and KDD may, from the effective date until a disposition is rendered concerning the authorization based on the application set forth in the preceding paragraph, continue to provide their telecommunications services under the same terms and conditions as those previously in force.

Article 9 (1) With regard to the telephone subscriber's right under the former

Public Act, based on the contract concluded with the former Public Corporation, the provisions of Article 38 through Article 38-3 of the former Public Act remain in force until otherwise provided for by law, even after the effective date. In this case, the term "the Public Corporation" in Article 38, paragraph (1) of the former Public Act is replaced with "Nippon Telegraph and Telephone East Corporation or Nippon Telegraph and Telephone West Corporation that has succeeded to the rights and obligation in relation to the telephone subscriber's rights pursuant to the provisions of the Succeeding Plan prescribed in Supplementary Provisions Article 5, paragraph (6) of the Act to Amend the Nippon Telegraph and Telephone Corporation Act (Act No. 98 of 1997); the term "the Public Corporation" in paragraph (2) of the same Article is replaced with "Nippon Telegraph and Telephone East Corporation or Nippon Telegraph and Telephone West Corporation"; the term "must not be put in pledge" in paragraph (4) of the same Article is replaced with "must not be put in pledge except for the cases prescribed in the Act on Temporary Special Measures for Telephone Subscriber's Right (Act No. 138 of 1958)"; and the term "telephone offices" in Article 38-2 and Article 38-3, paragraph (1) of the former Public Act is replaced with "offices of Nippon Telegraph and Telephone East Corporation or Nippon Telegraph and Telephone West Corporation which conduct administration on government enterprise relating to telephone services."

- (2) The right based on the contract concluded with NTT after the effective date and the right based on the contract concluded with Nippon Telegraph and Telephone East Corporation or Nippon Telegraph and Telephone West Corporation after the date of enforcement of the Act to Amend the Nippon Telegraph and Telephone Corporation Act (Act No. 98 of 1997), which satisfy the requirements specified by Order of the Ministry of Internal Affairs and Communications as equivalent to the telephone subscriber's right set forth in the preceding paragraph, are governed by the provisions of Article 38 through Article 38-3 of the former Public Act, which apply to the telephone subscriber's right set forth in the same paragraph, during the period within which the provisions of these Articles remain in force pursuant to the provision of the same paragraph.

Article 10 An agreement or contract which, as of the time of enforcement of this Act, KDD has actually concluded with the authorization set forth in Article 108 of the former Public Act is deemed to be an agreement or contract which KDD has concluded with the authorization set forth in Article 40, until the time limit prescribed in the agreement or contract.

Article 11 With regard to the application of the provisions of Article 43,

paragraph (1) to NTT or KDD, the term "prior to the commencement of its telecommunications business" is replaced with "without delay after the enforcement of this Act."

Article 12 The provisions of Article 44, paragraph (1) do not apply to NTT or KDD for six months from the effective date.

Article 13 Terminal facilities or private cable facilities which, as of the time of enforcement of this Act, have been actually installed and interconnected to telecommunication line facilities by users, etc. of public telecommunications services, pursuant to the provisions of Article 55-8, Article 55-11, paragraph (3) (including as applied mutatis mutandis pursuant to Article 55-18), Article 55-13-2, paragraph (1), Article 55-21, Article 105, paragraph (1) or Article 108-2, or Article 55-16 or Article 106 of the former Public Act are deemed to be terminal facilities or customer-owned and maintained telecommunications facilities which have undergone inspection set forth in the first sentence of Article 51, paragraph (1) (including as applied mutatis mutandis pursuant to Article 52, paragraph (2)) and have been certified to be in conformity with the technical standards.

Article 14 (1) A person that, as of the time of enforcement of this Act, is actually an installation technician set forth in Article 55-17 or Article 105, paragraph (7) or the clauses on general conditions of contracts set forth in Article 108-2 of the former Public Act is deemed to be an installation technician set forth in Article 53, paragraph (1) within the scope of the license previously in force, limited to a period of six months from the effective date. If a notification is filed pursuant to the provisions of the following paragraph, the same applies until an installation technician's license is granted.

(2) If the person set forth in the preceding paragraph has, pursuant to the provisions of Order of the Ministry of Posts and Telecommunications, filed a notification with the Minister of Posts and Telecommunications within the period set forth in the same paragraph, that person is deemed to have obtained the certification set forth in Article 45, paragraph (3), item (iii), as applied mutatis mutandis pursuant to Article 54, paragraph (2).

Article 15 A notification which, prior to the enforcement of this Act, the former Public Corporation or KDD has filed pursuant to the provisions of Article 100, paragraph (1) of the former Public Act is deemed to be a notification which NTT or KDD has filed pursuant to the provisions of Article 85, paragraph (1).

Article 16 An area which, as of the time of enforcement of this Act, has been

actually designated pursuant to the provisions of Article 101, paragraph (1) of the former Public Act is deemed to be designated as a protected area pursuant to the provisions of Article 86, paragraph (1).

Article 17 A disposition, procedure or other act which, prior to the enforcement of this Act, has been taken against the former Public Corporation or KDD, or a disposition, procedure or other act which has been taken by these persons, pursuant to the provisions of the former Public Act or by an order under the former Public Act is deemed to be a disposition, procedure or other act taken against the NTT or KDD, or a disposition, procedure or other act taken by these persons, pursuant to the corresponding provisions of this Act.

Article 18 (1) Prior laws continue to govern the application of the penal provisions to any act undertaken prior to the enforcement of this Act.  
(2) With respect to the secrecy of communications handled by the former Public Corporation or KDD prior to the enforcement of this Act, the provisions of Article 112 of the former Public Act remain in force even after the effective date. In this case, the term "any person that engages in public telecommunications activities" in paragraph (2) of the same Article is replaced with "any person that was engaged in public telecommunications activities at the time of enforcement of the Telecommunications Business Act and continues to be engaged in telecommunications business after enforcement of the same Act."

Article 19 With regard to the application of the provisions of Article 12, paragraph (1), item (i) and item (iii), Article 75, paragraph (2), item (ii) and item (iv), (a), and Article 87, paragraph (2), item (i) and item (iii), a person that, prior to enforcement of this Act, has been sentenced to a fine or a heavier punishment pursuant to the provisions of the former Public Act or a person that, after enforcement of this Act, has been sentenced to a fine or a heavier punishment (but only if two years have not passed since the date on which the enforcement of that punishment has been completed or has become inapplicable) pursuant to the provisions of the former Public Act that continue to govern the situation or remain in force even after the enforcement of this Act pursuant to the provisions of the preceding Article, or any corporation or organization that includes those persons as its officers, is deemed to be a person that falls under these provisions.

(Delegation to Cabinet Order)

Article 20 Beyond what is provided for in Supplementary Provisions Article 4 through the preceding Article, other transitional measures necessary for the

enforcement of this Act are specified by Cabinet Order.

**Supplementary Provisions [Act No. 57—June 2, 1987]**

This Act comes into effect as of the date specified by Cabinet Order within a period not exceeding three months from the date of promulgation; provided, however, that the provisions to revise Article 27, paragraph (3) come into effect as of the date of promulgation.

**Supplementary Provisions [Act No. 55—June 28, 1989 Excerpts] [Extract]**

(Effective Date)

(1) This Act comes into effect as of October 1, 1989.

**Supplementary Provisions [Act No. 61—May 27, 1992]**

This Act comes into effect as of the date specified by Cabinet Order within a period not exceeding three months from the date of promulgation.

**Supplementary Provisions [Act No. 89 of November 12, 1993 Excerpts]  
[Extract]**

(Effective Date)

Article 1 This Act comes into effect as of the date of enforcement of the Administrative Procedure Act (Act No. 88 of 1993).

(Transitional Measures Concerning Adverse Dispositions on Which Consultations Are Made)

Article 2 If a consultation or other request has been made to a council or other council organization on the taking of procedures equivalent to those for holding hearings or granting the opportunity for explanation and other procedures stating opinions prescribed in Article 13 of the Administrative Procedure Act, based on laws and regulations prior to the enforcement of this Act, prior laws continue to govern the procedures for adverse dispositions in relation to the consultation or other request, notwithstanding the provisions of relevant Acts revised by this Act.

(Transitional Measures Concerning Penal Provisions)

Article 13 Prior laws continue to govern the application of penal provisions to any act undertaken prior to the enforcement of this Act.

(Transitional Measures Concerning the Adjustment of Provisions Related to Hearings)

Article 14 Any hearings (except those in relation to adverse dispositions), or procedures for those hearings which, prior to the enforcement of this Act, have been conducted pursuant to the provisions of the Acts are deemed to be hearings conducted pursuant to the corresponding provisions of the relevant Acts revised by this Act.

(Delegation to Cabinet Order)

Article 15 Beyond what is provided for in Supplementary Provisions Article 2 through the preceding Article, other transitional measures necessary for the enforcement of this Act are specified by Cabinet Order.

#### **Supplementary Provisions [Act No. 73—June 29, 1994]**

This Act comes into effect as of the date of promulgation.

#### **Supplementary Provisions [Act No. 82—May 8, 1995]**

(Effective Date)

(1) This Act comes into effect as of the date specified by Cabinet Order within a period not exceeding six months from the date of promulgation.

(Transitional Measures)

(2) The charges that are specified by general conditions of contracts which, as of the time of enforcement of this Act, have actually been authorized pursuant to the provisions of Article 31, paragraph (1) of the Telecommunications Business Act prior to the revision (hereinafter referred to as "the former Act") and, that fall under the charges to which the provisions of Article 31, paragraph (1) of the revised Telecommunications Business Act (hereinafter referred to as "the new Act") apply are deemed to be charges authorized pursuant to the provisions of the same paragraph.

(3) The charges that are specified by general conditions of contracts which, as of the time of enforcement of this Act, have been actually authorized pursuant to the provisions of Article 31, paragraph (1) of the former Act and that fall under the charges to which the provisions of Article 31, paragraph (3) of the new Act apply are deemed to be charges about which the notification has been filed pursuant to the provisions of the same paragraph.

(4) The general conditions of contracts (except parts in relation to charges) which, as of the time of enforcement of this Act, have been actually authorized pursuant to the provisions of Article 31, paragraph (1) of the former Act are

deemed to be the general conditions of contracts authorized pursuant to the provisions of Article 31-2, paragraph (1) of the new Act.

- (5) The charges specified by the general conditions of contracts about which the notification, prior to the enforcement of this Act, has been filed pursuant to the provision of Article 31, paragraph (5) of the former Act are deemed to be charges about which the notification has been filed pursuant to the provision of Article 31, paragraph (6) of the new Act.
- (6) The general conditions of contracts (except parts related to charges) about which the notification, prior to enforcement of this Act, has been filed pursuant to the provisions of Article 31, paragraph (5) of the former Act are deemed to be the general conditions of contracts about which the notification has been filed pursuant to the provisions of Article 31-2, paragraph (5) of the new Act.
- (7) An application which, as of the time of enforcement of this Act, has actually been filed for authorization for the general conditions of contracts pursuant to the provisions of Article 31, paragraph (1) of the former Act is deemed to be an application for authorization filed pursuant to the provisions of Article 31, paragraph (1) of the new Act if that application is one in relation to the charges to which the provisions of the same paragraph apply, a notification filed pursuant to the provisions of Article 31, paragraph (3) of the new Act if that application is one in relation to the charges to which the provisions of the same paragraph apply, or an application for authorization filed pursuant to the provisions of Article 31-2, paragraph (1) of the new Act if that application is one in relation to the general conditions of contracts set forth in the same paragraph.
- (8) Prior laws continue to govern the application of the penal provisions to any act undertaken prior to enforcement of this Act.

### **Supplementary Provisions [Act No. 97—June 20, 1997]**

(Effective Date)

Article 1 This Act comes into effect as of the date specified by Cabinet Order within a period not exceeding six months from the date of promulgation; provided, however, that the provisions of the following Article comes into effect as of the date of promulgation.

(Consultation with Councils)

Article 2 In order to establish an Order of the Ministry of Posts and Telecommunications prescribed in Article 38, item (iii), Article 38-2, paragraph (1), paragraph (3), item (i), (a), (b) or (d), or item (ii), paragraph (4), paragraph (7) or paragraph (9), Article 39-2, paragraph (1) or paragraph (2), or Article 48-2, paragraph (1) of the revised Telecommunications Business Act (hereinafter



referred to as "the new Act"), the Minister of Posts and Telecommunications may, even prior to enforcement of this Act, consult the council specified by Cabinet Order as prescribed in Article 94, paragraph (1) of the new Act.

(Transitional Measures Concerning Interconnection)

Article 3 An order which, prior to enforcement of this Act, has been issued pursuant to the provisions of Article 36, paragraph (3) of the Telecommunications Business Act prior to the revision (hereinafter referred to as "the former Act") is deemed to be an order issued pursuant to the provisions of Article 36, paragraph (5) of the new Act.

Article 4 An agreement concerning interconnection or sharing which, as of the time of enforcement of this Act, has been actually authorized pursuant to the provisions of Article 38, paragraph (1) of the former Act is deemed to be an agreement authorized pursuant to the provisions of Article 38-3, paragraph (1) of the new Act in the case of an agreement concerning interconnection, or an agreement authorized pursuant to the provisions of Article 39-3, paragraph (1) of the new Act in the case of an agreement concerning sharing.

Article 5 An application for authorization for an agreement concerning interconnection or sharing which, as of the time of enforcement of this Act, has been actually filed pursuant to the provisions of Article 38, paragraph (1) of the former Act is deemed to be an application for authorization filed pursuant to the provisions of Article 38-3, paragraph (1) of the new Act in the case of an agreement concerning interconnection, or an application for authorization filed pursuant to the provisions of Article 39-3, paragraph (1) of the new Act in the case of an agreement concerning sharing.

Article 6 A contract which, as of the time of enforcement of this Act, has been actually authorized pursuant to the provisions of Article 38, paragraph (2) of the former Act is deemed to be a contract authorized pursuant to the provisions of Article 39-3, paragraph (2) of the new Act.

Article 7 An application for authorization for a contract which, as of the time of enforcement of this Act, has been actually filed pursuant to the provisions of Article 38, paragraph (2) of the former Act is deemed to be an application for authorization filed pursuant to the provisions of Article 39-3, paragraph (2) of the new Act.

Article 8 An agreement concerning interconnection or sharing about which the notification, as of the time of enforcement of this Act, has been actually filed

pursuant to the provisions of Article 38, paragraph (4) of the former Act is deemed to be an agreement about which the notification has been filed pursuant to the provisions of Article 38-3, paragraph (5) of the new Act in the case of an agreement concerning interconnection, or an agreement about which the notification has been filed pursuant to the provisions of Article 39-3, paragraph (4) of the new Act in the case of an agreement concerning sharing.

Article 9 An order which, prior to the enforcement of this Act, has been issued pursuant to the provisions of Article 39, paragraph (1) of the former Act is deemed to be an order issued pursuant to the provisions of Article 39, paragraph (1) or paragraph (2) of the new Act in the case of an order concerning interconnection, or an order issued pursuant to the provisions of Article 39-4, paragraph (1) of the new Act in the case of an order concerning the provision of telecommunications services with terms and conditions for sharing or for the provision of those services (except those in relation to the charges specified by Order of the Ministry of Posts and Telecommunications as set forth in Article 31, paragraph (1) of the former Act, the particulars specified by Order of the Ministry of Posts and Telecommunications as set forth in Article 31-2, paragraph (1) of the former Act, or the technical conditions to be authorized pursuant to the provision of Article 49, paragraph (1) or Article 52, paragraph (1), item (i) of the former Act) which differ from the charges authorized pursuant to the provisions of Article 31, paragraph (1) of the former Act, the charges the notification of which has been filed pursuant to the provisions of paragraph (3) of the same Article, or the terms and conditions for the provision of those services specified in the general conditions of contracts authorized pursuant to the provisions of Article 31-2, paragraph (1) of the former Act (hereinafter referred to as "services not based on the general conditions of contracts").

Article 10 A petition for an order which, prior to the enforcement of this Act, has been filed pursuant to the provisions of Article 39, paragraph (1) of the former Act is deemed to be a petition for an order filed pursuant to the provisions of Article 39, paragraph (1) or paragraph (2) of the new Act if that petition is one concerning interconnection, or a petition for an order filed pursuant to the provisions of Article 39-4, paragraph (1) of the new Act if that petition is one concerning sharing or the provision of services not based on the general conditions of contracts.

Article 11 A ruling which, prior to the enforcement of this Act, has been rendered pursuant to the provisions of Article 39, paragraph (2) of the former Act is deemed to be a ruling rendered pursuant to the provisions of Article 39,

paragraph (4) of the new Act in the case of a ruling concerning interconnection, or a ruling rendered pursuant to the provisions of Article 39-4, paragraph (2) of the new Act in the case of a ruling concerning the sharing or the provision of services not based on the general conditions of contracts.

Article 12 An application for a ruling which, prior to the enforcement of this Act, has been filed pursuant to the provisions of Article 39, paragraph (2) of the former Act is deemed to be an application for a ruling filed pursuant to the provisions of Article 39, paragraph (4) of the new Act if that application is one concerning interconnection, or an application for a ruling filed pursuant to the provisions of Article 39-4, paragraph (2) of the new Act if that application is one concerning the sharing or the provision of services not based on the general conditions of contracts.

Article 13 Hearings and their procedures which, prior to the enforcement of this Act, have been held pursuant to the provisions of Article 95 of the former Act are deemed to be held pursuant to the provisions of Article 95 of the new Act.

(Transitional Measures Concerning Penal Provisions)

Article 14 Prior laws continue to govern the application of penal provisions to any act undertaken prior to the enforcement of this Act.

(Review)

Article 15 The government is to, after approximately three years since the enforcement of this Act, review the systems related to interconnection, if the government finds it necessary, taking into account the status of enforcement of the provisions related to interconnection of the new Act, and is to take necessary measures based on the results of the review.

#### **Supplementary Provisions [Act No. 98—June 20, 1997 Excerpts] [Extract]**

(Effective Date)

Article 1 This Act comes into effect as of the date specified by Cabinet Order within a period not exceeding two years and six months from the date of promulgation.

#### **Supplementary Provisions [Act No. 100—June 20, 1997]**

(Effective Date)

(1) This Act comes into effect as of the date on which the Fourth Protocol to the General Agreement on Trade in Services becomes effective in Japan.

(Transitional Measures Concerning Penal Provisions)

- (2) Prior laws continue to govern the application of the penal provisions to any act undertaken prior to the enforcement of this Act.

**Supplementary Provisions [Act No. 58—May 8, 1998 Excerpts] [Extract]**

(Effective Date)

Article 1 This Act comes into effect as of the date specified by Cabinet Order within a period not exceeding six months from the date of promulgation; provided, however, that the provisions set forth in the following items come into effect as of the date prescribed respectively in those items:

- (ii) the provisions of Article 1, the provisions in Article 2 to revise the Telecommunications Business Act Supplementary Provisions Article 5, and the provisions of Supplementary Provisions Article 4, Article 7, Article 9 and Article 11 through Article 16: the date specified by Cabinet Order within a period not exceeding five months from the date of promulgation;
- (iii) In Article 2, the provisions to revise the Table of Contents of the Telecommunications Business Act, the provisions to revise Article 50 of the same Act, the provisions to revise by adding three Articles after the same Article, the provisions to revise by changing the title of Section 5 in Chapter II of the same Act, the provisions to revise Article 72 of the same Act, the provisions to revise by adding one Article and one Subsection after the same Article, the provisions to revise Article 92 and Article 98 of the same Act, the provisions to revise Article 108 of the same Act (limited to the part related to item (iv)), the provisions to revise Article 109 of the same Act (limited to the part related to item (iii)) and the provisions to revise Article 110 of the same Act, and in Article 3, the provisions to revise the Table of Contents of the Radio Act, the provisions to revise Article 10 and Article 18 of the same Act, the provisions to revise by adding one Article after Article 24-8 of the same Act, the provisions to revise Article 38-2 of the same Act, the provisions to revise by adding three Articles after Article 38-15 of the same Act, the provisions to revise Article 73 of the same Act, the provision to revise Article 99-11 of the same Act (limited to the part to add "Article 38-17, paragraph (5) and" after "Article 38-5, paragraph (2) ("), the provisions to revise Article 103 of the same Act, the provisions to revise Article 112 of the same Act (limited to the part to replace "Article 38-2, paragraph (6) or paragraph (7)" with "Article 38-2, paragraph (7) or paragraph (8)"), the provisions to revise Article 113 of the same Act, and the provision of Supplementary Provisions Article 8: the date specified by Cabinet Order within a period not exceeding ten months from the date of promulgation.

(Changes to the Articles of Incorporation)

Article 2 (1) Kokusai Denshin Denwa Company, Limited, established under the former KDD Act (referred to as "the Company" in Supplementary Provisions Article 4) may, prior to the date of enforcement of the provisions listed in item (ii) of the preceding Article, make a resolution for changes to its articles of incorporation which become effective from the date of enforcement of the provisions listed in that item.

(2) The provisions of Article 11, paragraph (1) of the former KDD Act do not apply to the resolution set forth in the preceding paragraph.

(Consultation with Councils)

Article 3 (1) In order to establish Order of the Ministry of Posts and Telecommunications pursuant to the provisions of Article 31, paragraph (3) of the Telecommunications Business Act revised by the provisions of Article 2 (hereinafter referred to as the "new Telecommunications Business Act") or in order to set the standard charge index pursuant to the provisions of the same paragraph, the Minister of Posts and Telecommunications may, even prior to the date of enforcement of this Act (hereinafter referred to as "the effective date"), consult the councils specified by Cabinet Order as prescribed in Article 94 of the new Telecommunications Business Act.

(2) In order to establish Order of the Ministry of Posts and Telecommunications that specifies functions pursuant to the provisions of Article 4, item (iii) of the Radio Act revised by the provisions of Article 3 (hereinafter referred to as "the new Radio Act") or in order to establish Order of the Ministry of Posts and Telecommunications pursuant to the provisions of Article 38-5, paragraph (2) of the new Radio Act, as applied mutatis mutandis pursuant to Article 38-17, paragraph (5) of the new Radio Act, the Minister of Posts and Telecommunications may, even prior to the effective date or the date of enforcement of the provisions listed in Supplementary Provisions Article 1, item (iii), consult the Radio Regulatory Council.

(Transitional Measures in Connection with Discontinuation of the Former KDD Act)

Article 4 The provisions of Article 7 of the former KDD Act remain in force with regard to company bond certificates and coupons issued by the Company prior to the enforcement of the provisions listed in Supplementary Provisions Article 1, item (ii) and the company bond certificates and coupons to be issued by the Company to those that have lost them after the enforcement of the provisions listed in the same item, even after the enforcement of the provisions listed in the same item.

(Transitional Measures in Connection with Partial Revision of the  
Telecommunications Business Act)

Article 5 (1) Any person that, as of the time of enforcement of this Act, has actually filed a notification under Article 22, paragraph (1) of the Telecommunications Business Act prior to the revision by Article 2 (hereinafter referred to as "the former Telecommunications Business Act") and is actually operating a Type II telecommunications business, and whose Type II telecommunications business falls under the category of the Special Type II telecommunications business prescribed in Article 21, paragraph (3) of the new Telecommunications Business Act (except a Type II telecommunications business that provides telecommunications facilities to perform communications with places outside Japan for the use in other persons' communications; referred to as "new Domestic Special Type II telecommunications business" in the following paragraph) may, within a period not exceeding six months from the effective date, continue to operate the Type II telecommunications business, in accordance with prior laws, without the registration prescribed in Article 24, paragraph (1) of the new Telecommunications Business Act. If that person has applied for registration prescribed in the same paragraph within that period and that period has passed, the same applies until the disposition of the registration or the disposition of a refusal of it is rendered for the application.

(2) A person that, at the time of enforcement of this Act, is actually operating a Type II telecommunications business with registration set forth in Article 24, paragraph (1) of the former Telecommunications Business Act (except a person that operates a Type II telecommunications business that provides telecommunications facilities to perform communications with places outside Japan for the use in other persons' communications) and whose Type II telecommunications business does not fall under the category of new Domestic Special Type II telecommunications business is deemed to have filed, on the effective date, a notification set forth in Article 22, paragraph (1) of the new Telecommunications Business Act.

Article 6 (1) The charges which have been authorized, prior to the effective date, pursuant to the provisions of Article 31, paragraph (1) of the former Telecommunications Business Act and charges about which the notification has been filed pursuant to the provisions of Article 31, paragraph (3) of the former Telecommunications Business Act are deemed to be charges about which the notification has been filed pursuant to the provisions of Article 31, paragraph (1) of the new Telecommunications Business Act.

(2) An application which, as of the time of enforcement of this Act, has been

actually filed for the authorization for charges pursuant to the provisions of Article 31, paragraph (1) of the former Telecommunications Business Act is deemed to be a notification filed pursuant to the provision of Article 31, paragraph (1) of the new Telecommunications Business Act.

- (3) During the time before the standard charge index prescribed in Article 31, paragraph (3) of the new Telecommunications Business Act becomes applicable, the provisions of the preceding two paragraphs and the new Telecommunications Business Act (except Article 31, paragraph (3) of the new Telecommunications Business Act) do not apply to but prior laws continue to govern the charges that are related to the telecommunications services; which, at the time of enforcement of this Act, a Type I telecommunications carrier running designated telecommunications facilities which are prescribed in Article 38-2, paragraph (2) of the new Telecommunications Business Act is providing by using those facilities; and which are specified by Order of the Ministry of Internal Affairs and Communications as prescribed in Article 31, paragraph (3) of the new Telecommunications Business Act.
- (4) The provisions of paragraph (1) and paragraph (2) apply mutatis mutandis to the charges which prior laws continue to govern pursuant to the provisions of the preceding paragraph. In this case, the term "prior to the effective date" and the term "former Telecommunications Business Act" in paragraph (1) are deemed to be replaced with "prior to the date on which the standard charge index set forth in paragraph (3) becomes applicable" and "former Telecommunications Business Act, which continue to govern the situation pursuant to the provisions of paragraph (3)," respectively; and the term "enforcement of this Act" and the term "former Telecommunications Business Act" in paragraph (2) are deemed to be replaced with "application of the standard charge index set forth in the following paragraph" and "former Telecommunications Business Act, which continue to govern the situation pursuant to the provisions of the following paragraph," respectively.
- (5) During the period when the telegram business is deemed to be a telecommunications business pursuant to the provisions of Supplementary Provisions Article 5, paragraph (1) of the Telecommunications Business Act revised by the provisions of Article 2 of the Act to Amend the Telecommunications Business Act and the Act on Nippon Telegraph and Telephone Corporation, Etc. (Act No. 125 of 2003; hereinafter referred to as "the Revised Act of 2003"), the provisions of the Telecommunications Business Act prior to the revision by the provisions of Article 2 of the Revised Act of 2003, which remain in force pursuant to the provisions of Supplementary Provisions Article 5, paragraph (1) of the revised Telecommunications Business Act, do not apply to the charges for telegram handling services prescribed in Supplementary Provisions Article 5, paragraph (2) of the Telecommunications

Business Act prior to the revision, and the provisions of the former Telecommunications Business Act remain in force with respect to them. In this case, the term "Order of the Ministry of Posts and Telecommunications" and the term "the Minister of Posts and Telecommunications" in the former Telecommunications Business Act are replaced with "Order of the Ministry of Internal Affairs and Communications" and "the Minister for Internal Affairs and Communications," respectively.

(Transitional Measures Concerning the Application of Penal Provisions)

Article 7 Prior laws continue to govern the application of the penal provisions to any act undertaken prior to the enforcement of respective provisions to revise this Act and to any act undertaken after the effective date in a situation that prior laws continue to govern pursuant to the provisions of Supplementary Provisions Article 5, paragraph (1) and paragraph (3) of the preceding Article.

(Review)

Article 8 The government is to, after approximately ten years since the enforcement of the provisions listed in Supplementary Provisions Article 1, item (iii), review the status of enforcement of the provisions of Article 50-2, Article 50-3, Article 72-3 and Article 72-4 of the new Telecommunications Business Act, and the provisions of Articles 24-9, Article 38-17 and Article 38-18 of the new Radio Act, and is to take the necessary measures based on the results of the review, if the government finds it necessary by taking into account telecommunications disciplines and radio regulations.

#### **Supplementary Provisions [Act No. 54—May 28, 1999 Excerpts] [Extract]**

(Effective Date)

Article 1 This Act comes into effect as of the date specified by Cabinet Order within a period not exceeding one year from the date of promulgation.

#### **Supplementary Provisions [Act No. 87—July 16, 1999 Excerpts] [Extract]**

(Effective Date)

Article 1 This Act comes into effect as of April 1, 2000; provided, however, that the provisions set forth in the following items come into effect as of the date prescribed respectively in those items:

- (i) in Article 1, the provisions to revise the Local Autonomy Act by adding five Articles, a Section title, and two Subsections and Subsection titles after Article 250 of the Local Autonomy Act (limited to the part related to Article 250-9, paragraph (1) of the same Act (limited to the part related to consent to



be obtained from both Houses of the Diet)); in Article 40, the provisions to revise Supplementary Provisions paragraph (9) and paragraph (10) of the Natural Parks Act (limited to the part related to Supplementary Provisions paragraph (10) of the same Act), the provisions of Article 244 (except the part related to the provisions to revise Article 14-3 of the Agricultural Improvement Promotion Act) and the provisions of Article 472 (except the parts related to the provisions to revise Article 6, Article 8 and Article 17 of the Municipal Merger Act); and the provisions of Supplementary Provisions Article 7, Article 10, Article 12, Article 59 proviso, Article 60, paragraph (4) and paragraph (5), Article 73, Article 77, Article 157 paragraph (4) through paragraph (6), Article 160, Article 163, and Article 164 and Article 202: the date of promulgation.

(Administrative Functions of the National Government or Other Public Entities)

Article 159 Beyond what is prescribed in respective laws prior to the revision by this Act, the administrative functions of the national government, local governments and other public entities (referred to as "administrative functions of the national government or other public entities" in Supplementary Provisions Article 161) which have been managed or executed by organizations of local governments pursuant to laws or Cabinet Orders under them prior to the enforcement of this Act are to be processed by local governments as the administrative functions of the local governments, pursuant to laws and Cabinet Orders under them, after the enforcement of this Act.

(Transitional Measures Concerning Dispositions and Applications)

Article 160 (1) With regard to the application of respective revised laws after the date of enforcement of this Act, except what is provided for in the provisions of Supplementary Provisions Article 2 through the preceding Article or in the provisions concerning transitional measures under the respective revised laws (including orders under those laws), a disposition or any other such action regarding something such as permission that has actually been undertaken, pursuant to the provisions of the respective laws prior to the revision, before the enforcement of this Act (for the provisions set forth in the items of Supplementary Provisions Article 1, the provisions of those respective items; hereinafter the same applies in this Article and in Supplementary Provisions Article 163) (hereinafter referred to as "disposition or other such action" in this Article), or an applications or any other such action regarding something such as permission that has actually been undertaken, pursuant to the provisions of respective laws prior to the revision as of the time of enforcement of this Act (hereinafter referred to as an "application or other such action" in this Article),

which involves an administrative function that will start to be to be conducted by a different person from the date of enforcement of this Act is deemed to be a disposition or other such action, or, an application or other such action that is taken or undertaken pursuant to the corresponding provisions of the respective revised laws.

- (2) Beyond what is otherwise provided for in this Act or Cabinet Order based on this Act, the particulars that, prior to the date of enforcement of this Act, a person must report to, file with, submit to, or otherwise process with the national government or a local government entity pursuant to the respective laws prior to the revision but that has not been processed prior to the date of enforcement of this Act comes into effect, are deemed to be the particulars that a person must report to, file with, submit to, or otherwise process with the national government or corresponding entity of the local government pursuant to the corresponding provisions of the respective revised laws but that have not been processed, and the respective laws revised by this Act apply.

(Transitional Measures Concerning Appeals)

Article 161 (1) For an appeals under the Administrative Appeal Act against a dispositions that has been undertaken, before the effective date and in connection with administrative functions of the national government or other public entities, by an administrative agency (hereinafter referred to in this Article as the "agency undertaking the disposition") that answered to the higher administrative agency as prescribed in the same Act (hereinafter in this Act referred to as the "higher administrative agency") before the effective date, the agency undertaking the disposition is deemed to continue to answer to the higher administrative agency even after the effective date, and the provisions of the Administrative Appeal Act apply. In this case, the agency deemed to be the higher administrative agency to which the agency undertaking the disposition answers is that to which it answered before the effective date.

- (2) In the case set forth in the preceding paragraph, if the administrative agency regarded as the higher administrative agency is an organization of a local government, the functions to be handled by the organization pursuant to the provisions of the Administrative Appeal Act are deemed as the Type 1 statutory entrusted functions prescribed in Article 2, paragraph (9), item (i) of the new Local Autonomy Act.

(Transitional Measures Concerning Fees)

Article 162 Prior laws continue to govern fees which, prior to the effective date, have been paid pursuant to the provisions of the respective laws (including orders under those laws) prior to the revision by this Act, except what is otherwise provided for in this Act and Cabinet Orders under this Act.

(Transitional Measures Concerning Penal Provisions)

Article 163 Prior laws continue to govern application of the penal provisions to any act undertaken prior to the enforcement of this Act.

(Delegation of Other Transitional Measures to Cabinet Order)

Article 164 (1) Beyond what is prescribed in these Supplementary Provisions, transitional measures necessary in connection with the enforcement of this Act (including transitional measures concerning penal provisions) are specified by Cabinet Order.

(2) Particulars necessary for the application of the provisions of Supplementary Provisions Article 18, Article 51 and Article 184 are specified by Cabinet Order.

(Review)

Article 250 As well as reviews being made of the Type 1 statutory entrusted functions prescribed in Article 2, paragraph (9), item (i) of the new Local Autonomy Act from the perspective of ensuring, to the greatest extent possible, that no new functions are created, reviews are also made of the functions set forth in Appended Table 1 of the new Local Autonomy Act and functions provided for by Cabinet Order based on the new Local Autonomy Act from the perspective of promoting decentralization of authority, and these functions are to be amended as appropriate.

Article 251 In order to help local governments execute their administrative functions and business voluntarily and independently, the government is to review how to secure adequate sources of local tax revenues according to the sharing of roles between the state and local governments, taking into account the economic trends, etc., and is to take the necessary measures based on the results of the review.

Article 252 The government is to, along with the reforms of the medical insurance system, the pension system and other systems, review the best mode for administrative system and personnel system for social insurance from the viewpoint of ensuring convenience for the insured and improving efficiency in administration, and is to take the necessary measures based on the results of the review, if the government finds it necessary.

**Supplementary Provisions [Act No. 137—August 18, 1999 Excerpts]  
[Extract]**

(Effective Date)

- (1) This Act comes into effect as of the date specified by Cabinet Order within a period not exceeding one year from the date of promulgation.

**Supplementary Provisions [Act No. 160—December 22, 1999 Excerpts]  
[Extract]**

(Effective Date)

- Article 1 This Act (except Article 2 and Article 3) comes into effect as of January 6, 2001.

**Supplementary Provisions [Act No. 79—May 19, 2000]**

(Effective Date)

- (1) This Act comes into effect as of the date specified by Cabinet Order within a period not exceeding six months from the date of promulgation; provided, however, that the provisions in the following paragraph come into effect as of the date of promulgation.

(Consultation with Councils)

- (2) In order to establish an Order of the Ministry of Posts and Telecommunications as prescribed in Article 38-2, paragraph (4) or paragraph (12) of the revised Telecommunications Business Act, the Minister of Posts and Telecommunications may, even prior to the enforcement of this Act, consult the councils specified by Cabinet Order as prescribed in Article 94 of the same Act.

**Supplementary Provisions [Act No. 91 of May 31, 2000]**

(Effective Date)

- (1) This Act comes into effect as of the date on which the Act to Amend the Commercial Code, Etc. (Act No. 90 of 2000) comes into effect.

(Transitional Measures)

- (2) If the date of enforcement of this Act comes before the date of enforcement of the provisions of Supplementary Provisions Article 8 of the Act on the Center for Food Quality, Labeling and Consumer Services (Act No. 183 of 1999), the term "Article 27" in the provisions in Article 31 to revise Article 19-5-2, Article 19-6, paragraph (1), item (iv), and Article 27 of the Act on Standardization and Proper Quality Labeling of Agricultural and Forestry Products is replaced with "Article 26."

**Supplementary Provisions [Act No. 62—June 22, 2001]**

(Effective Date)

Article 1 This Act comes into effect as of the date specified by Cabinet Order within a period not exceeding six months from the date of promulgation; provided, however, that the provisions set forth in the following items come into effect as of the date prescribed respectively in those items:

- (i) the provisions in Article 1 to add one Chapter after Chapter 3 of the Telecommunications Business Act (limited to the part related to obtaining consent from both Houses of the Diet in Article 88-5, paragraph (1) of the same Act) and the provisions of the following Article: the date of promulgation;
- (ii) the provisions of Article 2: the date specified by Cabinet Order within a period not exceeding one year from the date of promulgation.

(Consultation with Councils)

Article 2 In order to establish Order of the Ministry of Internal Affairs and Communications pursuant to the provisions of Article 37-2, paragraph (1) or paragraph (5), Article 37-3, paragraph (3) proviso or paragraph (5), Article 38-3, paragraph (1) or paragraph (5), Article 38-4, paragraph (3) or Article 39-5, paragraph (4) of the Telecommunications Business Act revised by Article 1 (hereinafter referred to as "the new Telecommunications Business Act"), in order to plan the establishment of a Cabinet Order pursuant to the provisions of Article 72-10, paragraph (1) of the Telecommunications Business Act revised by Article 2, or in order to establish Order of the Ministry of Internal Affairs and Communications pursuant to the provisions of Article 72-5, Article 72-8, paragraph (1) item (i) or item (iii), Article 72-9, paragraph (1) through paragraph (3), or Article 72-10, paragraph (1) or paragraph (2) of the same Act, the Minister for Internal Affairs and Communications may, even prior to the date of enforcement of this Act, consult the councils, etc. prescribed in Article 94 of the new Telecommunications Business Act.

(Transitional Measures in Connection with the Partial Revision of the Telecommunications Business Act)

Article 3 (1) The general conditions of contracts which, as of the time of enforcement of this Act, have been actually authorized pursuant to the provisions of Article 31-4, paragraph (1) of the Telecommunications Business Act prior to the revision by Article 1 (hereinafter referred to as "the former Telecommunications Business Act") are deemed to be the general conditions of contracts about which the notification has been filed pursuant to the provisions of Article 31-4, paragraph (1) of the new Telecommunications Business Act in the case of the general conditions of contracts to which the provisions of the

same paragraph apply, or the general conditions of contracts authorized pursuant to the provisions of paragraph (3) of the same Article in the case of the general conditions of contracts to which the provisions of the same paragraph apply.

- (2) An application for authorization for the general conditions of contracts which, as of the time of enforcement of this Act, has been actually filed pursuant to the provisions of Article 31-4, paragraph (1) of the former Telecommunications Business Act is deemed to be a notification filed pursuant to the provisions of Article 31-4, paragraph (1) of the new Telecommunications Business Act in the case of the general conditions of contracts to which the provisions of the same paragraph apply, or an application for authorization filed pursuant to the provisions of paragraph (3) of the same Article in the case of the general conditions of contracts to which the provisions of the same paragraph apply.
- (3) An agreement which, as of the time of enforcement of this Act, has been actually authorized pursuant to the provisions of Article 38-3, paragraph (1) of the former Telecommunications Business Act is deemed to be an agreement about which the notification has been filed pursuant to the provisions of Article 38-4, paragraph (1) of the new Telecommunications Business Act.
- (4) An application for authorization which, as of the time of enforcement of this Act, has been actually filed pursuant to the provisions of Article 38-3, paragraph (1) of the former Telecommunications Business Act is deemed to be a notification filed pursuant to the provisions of Article 38-4, paragraph (1) of the new Telecommunications Business Act.
- (5) The general conditions of contracts for interconnection which, as of the time of enforcement of this Act, have been actually authorized pursuant to the provisions of Article 38-3, paragraph (2) of the former Telecommunications Business Act or about which the notification, as of the time of enforcement of this Act, has been actually filed pursuant to the proviso of the same paragraph are deemed to be the general conditions of contracts for interconnection about which the notification has been filed pursuant to the provision of Article 38-4, paragraph (2) of the new Telecommunications Business Act.
- (6) An application for authorization which, as of the time of enforcement of this Act, has been actually filed pursuant to the provisions of Article 38-3, paragraph (2) of the former Telecommunications Business Act is deemed to be a notification filed pursuant to the provisions of Article 38-4, paragraph (2) of the new Telecommunications Business Act.
- (7) An agreement which, as of the time of enforcement of this Act, has been actually authorized pursuant to the provisions of Article 38-3, paragraph (2) of the former Telecommunications Business Act or has been concluded based on the general conditions of contracts for interconnection about which the notification has been filed pursuant to the proviso of the same paragraph, or an

agreement about which the notification, as of the time of enforcement of this Act, has been actually filed pursuant to the provisions of paragraph (5) of the same Article, is deemed to be an agreement about which the notification has been filed pursuant to the provisions of Article 38-4, paragraph (1) of the new Telecommunications Business Act.

- (8) An agreement which, as of the time of enforcement of this Act, has been actually authorized under Article 39-3, paragraph (1) of the former Telecommunications Business Act is deemed to be an agreement authorized under Article 39-3, paragraph (1) of the new Telecommunications Business Act in the case of an agreement to which the provisions of the same paragraph apply, or an agreement about which the notification has been filed pursuant to the provisions of paragraph (5) of the same Article in the case of an agreement to which the provisions of the same paragraph apply.
- (9) An application for authorization for an agreement which, as of the time of enforcement of this Act, has been actually filed pursuant to the provisions of Article 39-3, paragraph (1) of the former Telecommunications Business Act is deemed to be an application for authorization filed pursuant to the provisions of Article 39-3, paragraph (1) of the new Telecommunications Business Act in the case of an agreement to which the provisions of the same paragraph apply, or a notification filed pursuant to the provisions of paragraph (5) of the same Article in the case of an agreement to which the provisions of the same paragraph apply.
- (10) A contract which, as of the time of enforcement of this Act, has been actually authorized pursuant to the provisions of Article 39-3, paragraph (2) of the former Telecommunications Business Act is deemed to be a contract about which the notification has been filed pursuant to the provisions of Article 39-5, paragraph (1) of the new Telecommunications Business Act.
- (11) An application for authorization which, as of the time of enforcement of this Act, has been actually filed pursuant to the provisions of Article 39-3, paragraph (2) of the former Telecommunications Business Act is deemed to be a notification filed pursuant to the provisions of Article 39-5, paragraph (1) of the new Telecommunications Business Act.
- (12) An agreement about which the notification, as of the time of enforcement of this Act, has been actually filed pursuant to the provisions of Article 39-3, paragraph (4) of the former Telecommunications Business Act is deemed to be an agreement about which the notification has been filed pursuant to the provisions of Article 39-3, paragraph (5) of the new Telecommunications Business Act.
- (13) A petition prescribed in Article 39-4, paragraph (1) of the former Telecommunications Business Act which, as of the time of enforcement of this Act, has been actually filed is deemed to be a petition prescribed in Article 39-4,

paragraph (1) of the new Telecommunications Business Act if that petition is one concerning sharing, or a petition prescribed in Article 39-4, paragraph (1) of the new Telecommunications Business Act, as applied mutatis mutandis pursuant to Article 39-6 of the new Telecommunications Business Act, if that petition is one concerning the services not based on the general conditions of contracts (services not based on the general conditions of contracts prescribed in Article 39-3, paragraph (2) of the former Telecommunications Business Act; the same applies in the following paragraph).

(14) An application for a ruling prescribed in Article 39-4, paragraph (2) of the former Telecommunications Business Act which, as of the time of enforcement of this Act, has been actually filed is deemed to be an application for a ruling prescribed in Article 39, paragraph (4) of the new Telecommunications Business Act, as applied mutatis mutandis pursuant to Article 39-4, paragraph (2) of the new Telecommunications Business Act, if that application is one concerning sharing, or an application for a ruling prescribed in Article 39, paragraph (4) of the new Telecommunications Business Act, as applied mutatis mutandis pursuant to Article 39-6 of the new Telecommunications Business Act, if that application is one concerning services not based on the general conditions of contracts.

(15) A person that, as of the time of enforcement of this Act, has been actually designated under Article 68, paragraph (1) of the former Telecommunications Business Act is deemed to have been designated, on the date of enforcement of this Act pursuant to the provisions of Article 68, paragraph (1) of the new Telecommunications Business Act.

(16) A disposition, procedure or other act which, prior to the enforcement of this Act, has been taken pursuant to the provisions of the former Telecommunications Business Act, except those set forth in the preceding paragraphs, is deemed to be a disposition, procedure or other act taken pursuant to the provisions of the new Telecommunications Business Act if there are corresponding provisions in the new Telecommunications Business Act.

(Transitional Measures Concerning Penal Provisions)

Article 4 Prior laws continue to govern the application of the penal provisions to acts undertaken prior to the enforcement of this Act.

(Delegation of Other Transitional Measures to Cabinet Order)

Article 5 Beyond what is provided for in these Supplementary Provisions, transitional measures necessary in connection with the enforcement of this Act (including transitional measures concerning the penal provisions) are specified by Cabinet Order.



(Review)

Article 6 The government, by taking into account the status of implementation of the provisions revised by this Act, trends of technologies and their uses related to the Internet and other advanced information networks, and other changes, etc. in socioeconomic circumstances in Japan and abroad, while giving due consideration to smooth operation of international telecommunications businesses and improvement of the international competitiveness of Japan's telecommunications technologies, is to comprehensively review the best mode for systems related to telecommunications, including the classification of business related to communications and broadcasting, and is to improve the legislative system or take other necessary measures based on the results of the review.

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

(Effective Date)

Article 1 This Act comes into effect as of the date specified by Cabinet Order within a period not exceeding nine months from the date of promulgation; provided, however, that the provisions set forth in the following items come into force as of the date prescribed respectively in those items:

- (i) the provisions of the following Article and Supplementary Provisions Article 17 through Article 19: the date of promulgation;
- (ii) the provisions in Article 3 to revise Supplementary Provisions of the Act on Nippon Telegraph and Telephone Corporation, Etc. (referred to as "the NTT Act" in the following item and Supplementary Provisions Article 16) by adding one Article and the provisions of Supplementary Provisions Article 16: the date specified by Cabinet Order within a period not exceeding three months from the date of promulgation;
- (iii) the provisions of Article 2, the provisions in Article 3 to revise Article 11, paragraph (2) of the NTT Act, and the provisions of Supplementary Provisions Article 6 through Article 15, Supplementary Provisions Article 21 through Article 31, Supplementary Provisions Articles 34 through Article 41, and Supplementary Provisions Article 44 through Article 48: the date specified by Cabinet Order within a period not exceeding one year from the date of promulgation.

(Consultation with Councils)

Article 2 In order to establish Order of the Ministry of Internal Affairs and Communications pursuant to the provisions of Article 8, paragraph (3), Article

9 proviso, Article 20, paragraph (1), Article 21, paragraph (1), Article 26, Article 41, paragraph (1) or paragraph (2), Article 45, paragraph (1) proviso, Article 52, paragraph (1), Article 70, paragraph (1), item (i), or Article 108, paragraph (1), item (ii) or paragraph (3) of the Telecommunications Business Act revised by Article 2, the Minister for Internal Affairs and Communications may, even prior to the enforcement of the provision of Article 2, consult the councils, etc. specified by Cabinet Order as prescribed in Article 169 of the Telecommunications Business Act revised by the provisions of Article 2.

(Transitional Measures Concerning Designated Approval Bodies)

- Article 3 (1) A person that, as of the time of enforcement of this Act, has been actually designated pursuant to the provisions of Article 68, paragraph (1) of the Telecommunications Business Act prior to the revision by Article 1 (hereinafter referred to as "the former Act" in this Article and the following Article) is deemed to be a person that, on the date of enforcement of this Act, has been registered pursuant to the provisions of Article 68, paragraph (1) of the Telecommunications Business Act revised by Article 1 (hereinafter referred to as "the new Act" in this Article through Supplementary Provisions Article 5). In this case, the period prescribed in Article 69-2, paragraph (1) of the new Act is to be calculated from the date of designation or renewal of designation under the former Act.
- (2) An application for designation which, as of the time of enforcement of this Act, has been actually filed pursuant to the provisions of Article 68, paragraph (2) of the former Act, an application for renewal of designation which, as of the time of enforcement of this Act, has been actually filed pursuant to the provisions of Article 69-2, paragraph (1) of the former Act, or an application for recognition which, as of the time of enforcement of this Act, has been actually filed pursuant to the provisions of Article 72-3, paragraph (1) of the former Act are deemed to be an application for registration filed pursuant to the provisions of Article 68, paragraph (1) of the new Act, an application for renewal of registration filed pursuant to the provisions of Article 69-2, paragraph (1) of the new Act, or an application for recognition filed pursuant to the provisions of Article 72-3, paragraph (1) of the new Act, respectively.
- (3) A person that, as of the time of enforcement of this Act, has been actually approved pursuant to the provisions of Article 72-3, paragraph (1) of the former Act is deemed to be a person that, on the date of enforcement of this Act, has been approved pursuant to the provisions of Article 72-3, paragraph (1) of the new Act.

(Transitional Measures Concerning Technical Standards Conformity Approval)

- Article 4 (1) Any application for technical standards conformity approval which,

- at the time of enforcement of this Act, has been actually filed pursuant to the provision of Article 50, paragraph (2) of the former Act (including as applied mutatis mutandis pursuant to Article 72 of the former Act) or any application for approval which has been actually filed pursuant to the provision of Article 50, paragraph (2) of the former Act, as applied mutatis mutandis pursuant to Article 72-3, paragraph (5) of the former Act, is deemed to be a request for technical standards conformity approval pursuant to the provision of Article 50, paragraph (1) of the new Act (including as applied mutatis mutandis pursuant to Article 72-3, paragraph (4) of the new Act), or any application for certification which is actually filed pursuant to the provisions of Article 50-4, paragraph (1), Article 72-2, paragraph (1) or Article 72-3, paragraph (6) of the former Act is deemed to be a request for certification of design pursuant to the provision of 50-4, paragraph (1) or Article 72-3, paragraph (6) of the new Act.
- (2) A terminal equipment which, prior to the enforcement of this Act, has obtained technical standards conformity approval pursuant to the provisions of Article 50, paragraph (2) of the former Act (including as applied mutatis mutandis pursuant to Article 72 of the former Act) or a terminal equipment which has obtained approval pursuant to the provisions of Article 50, paragraph (2) of the former Act, as applied mutatis mutandis pursuant to Article 72-3, paragraph (5) of the former Act, is deemed to be a terminal equipment which has obtained technical standards conformity approval pursuant to the provisions of Article 50, paragraph (1) of the new Act (including as applied mutatis mutandis pursuant to Article 72-3, paragraph (4) of the new Act) and is marked pursuant to the provisions of Article 50, paragraph (2) of the new Act (including as applied mutatis mutandis pursuant to Article 72-3, paragraph (4) of the new Act).
- (3) A type which, prior to the enforcement of this Act, has obtained certification pursuant to the provisions of Article 50-4, paragraph (1), Article 72-2, paragraph (1), or Article 72-3, paragraph (6) of the former Act is deemed to be a type which has obtained a certification of design pursuant to the provisions of Article 50-4, paragraph (2) of the new Act (including as applied mutatis mutandis pursuant to Article 72-3, paragraph (7) of the new Act).
- (4) Any person that, prior to the enforcement of this Act, has obtained a certification pursuant to the provisions of Article 50-4, paragraph (1), Article 72-2, paragraph (1), or Article 72-3, paragraph (6) of the former Act is deemed to have obtained a certification of design pursuant to the provisions of Article 50-4, paragraph (2) of the new Act (including as applied mutatis mutandis pursuant to Article 72-3, paragraph (7) of the new Act). In this case, a person that has obtained certification pursuant to the provisions of Article 50-4, paragraph (1), Article 72-2, paragraph (1), or Article 72-3, paragraph (6) of the former Act is deemed to have fulfilled the obligations under Article 50-5,

paragraph (2) of the new Act (including as applied mutatis mutandis to Article 72-3, paragraph (7) of the new Act).

- (5) A terminal equipment which is based on a design certified prior to the enforcement of this Act pursuant to the provisions of Article 50-4, paragraph (1), Article 72-2, paragraph (1), or Article 72-3, paragraph (6) of the former Act and is marked pursuant to the provisions of Article 50-4, paragraph (5) of the former Act (including as applied mutatis mutandis pursuant to Article 72-2, paragraph (3) and Article 72-3, paragraph (8) of the former Act) is deemed to be terminal equipment which is based on a design obtaining a certification of design pursuant to the provisions of Article 50-4, paragraph (2) of the new Act (including as applied mutatis mutandis pursuant to Article 72-3, paragraph (7) of the new Act) and which is marked pursuant to the provisions of Article 50-6 of the new Act (including as applied mutatis mutandis pursuant to Article 72-3, paragraph (7) of the new Act).
- (6) The provisions of Article 50-2 of the new Act (including as applied mutatis mutandis pursuant to Article 50-9 and Article 72-3, paragraph (4) and paragraph (7) of the new Act) do not apply to a terminal equipment which, prior to the enforcement of this Act, has obtained a technical standards conformity approval pursuant to the provisions of Article 50, paragraph (2) of the former Act (including as applied mutatis mutandis pursuant to Article 72, of the former Act), a terminal equipment which, prior to the enforcement of this Act, has obtained a certification pursuant to the provisions of Article 50, paragraph (2) of the former Act, as applied mutatis mutandis pursuant to Article 72-3, paragraph (5) of the former Act, and terminal equipment which is based on a design certified prior to the enforcement of this Act pursuant to the provisions of Article 50-4, paragraph (3) of the former Act (including as applied mutatis mutandis pursuant to Article 72-2, paragraph (3) and Article 72-3, paragraph (8) of the former Act), and is marked pursuant to the provision of Article 50-4, paragraph (5) of the former Act (including as applied mutatis mutandis pursuant to Article 72-2, paragraph (3) and Article 72-3, paragraph (8) of the former Act).

(Transitional Measures Concerning the National Institute of Information and Communications Technology)

Article 5 With regard to the application of the provisions of Article 69, paragraph (1), item (ii) of the new Act during the period from the date of enforcement of this Act until the day previous to the date of enforcement of the Act to Amend the Act on the Incorporated Administrative Agency Communications Research Laboratory (Act No. 134 of 2002), the term "the National Institute of Information and Communications Technology (referred to as "the Institute" in sub-item (c))" in sub-item (a) of the same item is replaced

with "the Incorporated Administrative Agency Communications Research Laboratory (referred to as "the Laboratory" in sub-item (c))," and the term "the Institute" in sub-item (c) of the same item is replaced with "the Laboratory."

(Transitional Measures Concerning the Registration of Business)

Article 6 (1) A person that, at the time of enforcement of the provisions of Article 2, is actually operating a Type I telecommunications business with permission set forth in Article 9, paragraph (1) of the Telecommunications Business Act prior to the revision by the same Article (hereinafter referred to as "the former Act") is deemed to be a person that, on the date of enforcement of the provisions of Article 2 (hereinafter referred to as the "effective date"), has obtained registration prescribed in Article 9 of the Telecommunications Business Act revised by Article 2 (hereinafter referred to as "the new Act") if that person falls under those to be registered pursuant to the provisions of Article 9 of the new Act, or is deemed to be a person that, on the effective date, has filed a notification prescribed in Article 16, paragraph (1) of the new Act if the person fall under those to file a notification pursuant to the provisions of the same paragraph.

(2) An application for permission which, as of the time of enforcement of the provisions of Article 2, has been actually filed pursuant to the provisions of Article 9, paragraph (1) of the former Act is deemed to be an application for registration filed pursuant to the provisions of Article 9 of the new Act if that application is one related to the person to be registered pursuant to the provision of the same Article, or is deemed to be a notification filed pursuant to the provisions of Article 16, paragraph (1) of the new Act if that notification is one related to the person to file a notification pursuant to the provisions of the same paragraph.

(3) An application for permission which, as of the time of enforcement of the provisions of Article 2, has been actually filed pursuant to the provisions of Article 14, paragraph (1) of the former Act is deemed to be an application for registration of change filed pursuant to the provisions of Article 13, paragraph (1) of the new Act if that application is one related to the person to be registered pursuant to the provisions of Article 9 of the new Act, or a notification filed pursuant to the provisions of Article 16, paragraph (3) of the new Act if that notification is one related to the person to file a notification pursuant to the provisions of paragraph (1) of the same Article.

(4) An application for authorization which, as of the time of enforcement of the provisions of Article 2, has been actually filed pursuant to the provisions of Article 18, paragraph (3) of the former Act is deemed to be a notification filed pursuant to the provisions of Article 18, paragraph (2) of the new Act.

(5) A person that, as of the time of enforcement of the provisions of Article 2, has

actually filed a notification pursuant to the provisions of Article 22, paragraph (1) of the former Act, or that, at the time of enforcement of the provisions of Article 2, is actually operating a Type II telecommunications business with a registration set forth in Article 24, paragraph (1) of the former Act, is deemed to have filed a notification set forth in Article 16, paragraph (1) of the new Act on the effective date.

- (6) An application for registration which, as of the time of enforcement of the provisions of Article 2, has been actually filed pursuant to the provisions of Article 24, paragraph (1) of the former Act is deemed to be a notification filed pursuant to the provisions of Article 16, paragraph (1) of the new Act.
- (7) An application for registration of change which, as of the time of enforcement of the provisions of Article 2, has been actually filed pursuant to the provisions of Article 27, paragraph (1) of the former Act is deemed to be a notification filed pursuant to the provisions of Article 16, paragraph (3) of the new Act.

(Transitional Measures Concerning Approval of Business)

Article 7 (1) A person that, at the time of enforcement of the provisions of Article 2, is actually operating a Type I telecommunications business with permission set forth in Article 9, paragraph (1) of the former Act is deemed to have obtained approval set forth in Article 117, paragraph (1) of the new Act on the effective date for the telecommunications business which that person operates.

- (2) An application for permission which, as of the time of enforcement of the provisions of Article 2, has been actually filed pursuant to the provisions of Article 9, paragraph (1) of the former Act is deemed to be an application for approval filed pursuant to the provisions of Article 117, paragraph (1) of the new Act.
- (3) A period which, as of the time of enforcement of the provisions of Article 2, has been actually designated pursuant to the provisions of Article 12, paragraph (1) of the former Act (including as applied mutatis mutandis pursuant to Article 14, paragraph (4) of the former Act) is deemed to be a period designated pursuant to the provisions of Article 120, paragraph (1) of the new Act (including as applied mutatis mutandis pursuant to Article 122, paragraph (4) of the new Act).
- (4) An application for permission which, as of the time of enforcement of the provisions of Article 2, has been actually filed pursuant to the provisions of Article 14, paragraph (1) of the former Act is deemed to be an application for approval filed pursuant to the provisions of Article 122, paragraph (1) of the new Act.
- (5) A disposition, procedure or other act taken, pursuant to the provisions of Chapter III of the former Act, against a Type I telecommunications carrier prescribed in Article 12, paragraph (1) of the former Act, or a procedure or

other act taken, pursuant to the provisions of Chapter III of the former Act, by a Type I telecommunications carrier prescribed in Article 12, paragraph (1) of the former Act, is deemed to be a disposition, procedure or other act taken, pursuant to the corresponding provisions of Chapter III Section 2 of the new Act, against an approved telecommunications carrier prescribed in Article 120, paragraph (1) of the new Act, or a procedure or other act taken, pursuant to the corresponding provisions of Chapter III Section 2 of the new Act, by an approved telecommunications carrier prescribed in Article 120, paragraph (1) of the new Act, respectively.

(Transitional Measures Concerning Confirmation of Technical Standards Conformity)

Article 8 A person that, as of the time of enforcement of the provisions of Article 2, has actually obtained a confirmation set forth in Article 12, paragraph (4) of the former Act (including as applied mutatis mutandis pursuant to Article 14, paragraph (4) of the former Act) with respect to telecommunications facilities related to the permission prescribed in Article 9, paragraph (1) of the former Act is deemed to have filed a notification under Article 42, paragraph (3) of the new Act (including as applied mutatis mutandis pursuant to paragraph (4) of the same Article) with respect to the telecommunications facilities.

(Transitional Measures Concerning Succession of Business)

Article 9 (1) An application for authorization which, as of the time of enforcement of the provisions of Article 2, has been actually filed pursuant to the provisions of Article 16, paragraph (1) of the former Act is deemed to be a notification filed pursuant to the provisions of Article 17, paragraph (2) of the new Act and an application for authorization pursuant to the provisions of Article 123, paragraph (4) of the new Act.

(2) An application for authorization which, as of the time of enforcement of the provisions of Article 2, has been actually filed pursuant to the provisions of Article 16, paragraph (2) of the former Act is deemed to be a notification filed pursuant to the provisions of Article 17, paragraph (2) of the new Act and an application for authorization filed pursuant to the provisions of Article 123, paragraph (3) of the new Act.

(3) An application for authorization which, as of the time of enforcement of the provisions of Article 2, has been actually filed pursuant to the provisions of Article 17, paragraph (2) of the former Act is deemed to be a notification filed pursuant to the provisions of Article 17, paragraph (2) of the new Act and an application for authorization filed pursuant to the provisions of Article 123, paragraph (2) of the new Act.

(4) An application for permission which, as of the time of enforcement of the

provisions of Article 2, has been actually filed pursuant to the provisions of Article 18, paragraph (1) of the former Act is deemed to be a notification filed pursuant to the provisions of Article 18, paragraph (1) of the new Act and a notification filed pursuant to the provisions of Article 124, paragraph (1) of the new Act.

(Transitional Measures Concerning General Conditions of Contracts)

- Article 10 (1) From among the charges about which the notification, prior to the effective date, has been filed pursuant to the provisions of Article 31, paragraph (1) of the former Act, those concerning universal telecommunications services prescribed in Article 7 of the new Act are deemed to be charges specified in the general conditions of contracts about which the notification has been filed pursuant to the provisions of Article 19, paragraph (1) of the new Act.
- (2) From among the terms and conditions for the provision of the services specified in the general conditions of contracts about which the notification, prior to the effective date, has been filed pursuant to the provisions of Article 31-4, paragraph (1) of the former Act or the terms and conditions for the provision of the services specified in the general conditions of contracts which have been authorized pursuant to the provisions of paragraph (3) of the same Article, those concerning universal telecommunications services prescribed in Article 7 of the new Act are deemed to be terms and conditions for the provision of the services specified in the general conditions of contracts about which the notification has been filed pursuant to the provisions of Article 19, paragraph (1) of the new Act.
- (3) From among the applications for authorization for the general conditions of contracts which, as of the time of enforcement of the provisions of Article 2, have been actually filed pursuant to the provisions of Article 31-4, paragraph (3) of the former Act, those concerning universal telecommunications services prescribed in Article 7 of the new Act are deemed to be notifications of the general conditions of contracts (except charges) filed pursuant to the provisions of Article 19, paragraph (1) of the new Act.
- (4) From among the charges about which the notification, prior to the effective date, has been filed pursuant to the provisions of Article 31, paragraph (1) of the former Act, those concerning designated telecommunications services prescribed in Article 20, paragraph (1) of the new Act (except universal telecommunications services prescribed in Article 7, of the new Act; hereinafter the same applies) are deemed to be charges specified in the general conditions of contracts about which the notification has been filed pursuant to the provisions of Article 20, paragraph (1) of the new Act.
- (5) From among the terms and conditions for the provision of those services



specified in the general conditions of contracts which, prior to the effective date, have been authorized pursuant to the provisions of Article 31-4, paragraph (3) of the former Act, those concerning designated telecommunications services prescribed in Article 20, paragraph (1) of the new Act are deemed to be terms and conditions for the provision of those services specified in the general conditions of contracts about which the notification has been filed pursuant to the provisions of the same paragraph.

- (6) From among the applications for authorization for the general conditions of contracts which, as of the time of enforcement of the provisions of Article 2, have been actually filed pursuant to the provisions of Article 31-4, paragraph (3) of the former Act, those concerning designated telecommunications services prescribed in Article 20, paragraph (1) of the new Act are deemed to be notifications of general conditions of contracts (except charges) filed pursuant to the provisions of the same paragraph.

(Transitional Measures Concerning Orders to Change General Conditions of Contracts)

Article 11 (1) From among the orders which, prior to the effective date, have been issued pursuant to the provisions of Article 31, paragraph (2) of the former Act or the orders which have been issued pursuant to the provisions of Article 31-4, paragraph (2) of the former Act, those concerning charges and other terms and conditions for the provision of universal telecommunications services prescribed in Article 7 of the new Act are deemed to be orders issued pursuant to the provisions of Article 19, paragraph (2) of the new Act, those concerning charges and other terms and conditions for the provision of designated telecommunications services prescribed in Article 20, paragraph (1) of the new Act are deemed to be orders issued pursuant to the provisions of paragraph (3) of the same Article, or those concerning charges and other terms and conditions for the provision of telecommunications services other than universal telecommunications services or designated telecommunications services are deemed to be orders issued pursuant to the provisions of Article 29, paragraph (1) of the new Act.

- (2) From among the orders relevant to the application for authorization for changes in the general conditions of contracts which, prior to the effective date, have been issued pursuant to the provisions of Article 36, paragraph (1) of the former Act, those concerning the general conditions of contracts for universal telecommunications services prescribed in Article 7 of the new Act are deemed to be orders issued pursuant to the provisions of Article 19, paragraph (2) of the new Act, those concerning the general conditions of contracts for designated telecommunications services prescribed in Article 20, paragraph (1) of the new Act are deemed to be orders issued pursuant to the provisions of

paragraph (3) of the same Article, or those concerning the general conditions of contracts for telecommunications services other than universal telecommunications services or designated telecommunications services are deemed to be orders issued pursuant to the provisions of Article 29, paragraph (1) of the new Act.

(Transitional Measures Concerning the Posting of General Conditions of Contracts)

Article 12 (1) From among the charges and the general conditions of contracts which, prior to the effective date, have been announced and posted pursuant to the provisions of Article 32 paragraph (1) of the former Act, those concerning universal telecommunications services prescribed in Article 7 of the new Act, those concerning designated telecommunications services prescribed in Article 20, paragraph (1) of the new Act, or those concerning specified telecommunications services prescribed in Article 21, paragraph (1) of the new Act are deemed to be charges and the general conditions of contracts announced and posted pursuant to the provisions of Article 23, paragraph (1) of the new Act.

(2) From among the charges and terms and conditions for the provision of those services which, prior to the effective date, have been announced and posted pursuant to the provisions of Article 32, paragraph (1) of the former Act, as applied mutatis mutandis pursuant to paragraph (2) of the same Article, those concerning universal telecommunications services prescribed in Article 7 of the new Act or those concerning designated telecommunications services prescribed in Article 20, paragraph (1) of the new Act are deemed to have been announced and posted pursuant to the provisions of Article 23, paragraph (1) of the new Act, as applied mutatis mutandis pursuant to paragraph (2) of the same Article.

(Transitional Measures Concerning the Keeping of Accounts)

Article 13 The provisions of Article 24 of the new Act apply to the keeping of accounts in relation to the business year starting on or after the effective date, whereas prior laws continue to govern the keeping of accounts in relation to the business year that have started prior to the effective date.

(Transitional Measures Concerning Agreement on Sharing)

Article 14 (1) An agreement on sharing which, prior to the effective date, has been authorized pursuant to the provisions of Article 39-3, paragraph (1) of the former Act is deemed to be an agreement on sharing about which the notification has been filed pursuant to the provisions of Article 37, paragraph (1) of the new Act.

(2) An application for authorization for an agreement on sharing which, as of the

time of enforcement of the provisions of Article 2, has been actually filed pursuant to the provisions of Article 39-3, paragraph (1) of the former Act is deemed to be a notification of an agreement on sharing filed pursuant to the provisions of Article 37, paragraph (1) of the new Act.

(Transitional Measures Concerning Local Governments)

Article 15 A local government which, at the time of enforcement of the provisions of Article 2, is actually operating a telecommunications business to which the provisions of Article 165, paragraph (1) of the new Act apply may continue to operate its business for three months from the effective date, without filing the notification set forth in the same paragraph.

(Transitional Measures in Connection with Revision of the Nippon Telegraph and Telephone Corporation Act)

Article 16 With regard to the application of Supplementary Provisions Article 16 of the NTT Act revised by the provisions in Article 3 to revise Supplementary Provisions of the NTT Act by adding one Article, during the period from the date of enforcement of the provisions to revise until the day previous to the effective date, the term "Article 33, paragraph (2)" in paragraph (1) of Supplementary Provisions Article 16 is replaced with "Article 38-2, paragraph (2)"; and the term "Article 33, paragraph (4), item (ii)" in paragraph (2) of the same Article is replaced with "Article 38-2, paragraph (3), item (ii)."

(Effects of Dispositions)

Article 17 A disposition, procedure or other act taken pursuant to the provisions of respective laws prior to the revision before the enforcement of respective provisions to revise this Act, which has corresponding provisions in respective laws after revision is deemed to have been taken pursuant to the provisions of the respective laws after revision, except what is otherwise provided for in these Supplementary Provisions.

(Transitional Measures Concerning the Application of Penal Provisions)

Article 18 Prior laws continue to govern the application of the penal provisions to any act undertaken prior to the enforcement of the respective provisions to revise this Act and to any act undertaken after the effective date in a situation that prior laws continue to govern pursuant to the provision of Supplementary Provisions Article 13.

(Delegation of Other Transitional Measures to Cabinet Order)

Article 19 Beyond what is provided for in these Supplementary Provisions, transitional measures necessary in connection with the enforcement of this Act

(including transitional measures concerning the penal provisions) are specified by Cabinet Order.

(Reviews)

Article 20 The government is to, when ten years have passed since the enforcement of the provisions of Article 1 or Article 2, review the status of enforcement of the provisions revised by the provisions of Article 1 or Article 2 from the viewpoint of telecommunications disciplines and is to, if the government finds it necessary, take the necessary measures based on the results of this review.

**Supplementary Provisions [Act No. 138—August 1, 2003 Excerpts]  
[Extract]**

(Effective Date)

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

**Supplementary Provisions [Act No. 76—June 2, 2004 Excerpts] [Extract]**

(Effective Date)

Article 1 This Act comes into effect as of the date of enforcement of the Bankruptcy Act (Act No. 75 of 2004; referred to as "the new Bankruptcy Act" in paragraph (8) of the following Article, Supplementary Provisions Article 3, paragraph (8), Article 5, paragraph (8), paragraph (16) and paragraph (21), Article 8, paragraph (3) and Article 13).

(Delegation to Cabinet Order)

Article 14 Beyond what is provided for in Supplementary Provisions Article 2 through the preceding Article, transitional measures necessary for the enforcement of this Act are specified by Cabinet Order.

**Supplementary Provisions [Act No. 84—June 9, 2004 Excerpts] [Extract]**

(Effective Date)

Article 1 This Act comes into effect as of the date specified by Cabinet Order within a period not exceeding one year from the date of promulgation.

(Review)

Article 50 The government is to, when five years have passed since the enforcement of this Act, review the status of enforcement of the new Act and is

to, if the government finds it necessary, take necessary measures based on the results of this review.

**Supplementary Provisions [Act No. 154—December 3, 2004 Excerpts]  
[Extract]**

(Effective Date)

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

(Delegation of Transitional Measures to Cabinet Order)

Article 89 Beyond what is provided for in these Supplementary Provisions, transitional measures necessary for the enforcement of this Act are specified by Cabinet Order.

**Supplementary Provisions [Act No. 87—July 26, 2005 Excerpts] [Extract]**

This Act comes into effect as of the date of enforcement of the Companies Act.

**Supplementary Provisions [Act No. 50—June 2, 2006 Excerpts] [Extract]**

(Effective Date)

This Act comes into effect as of the date of enforcement of the General Incorporated Associations/Foundations Act.

**Supplementary Provisions [Act No. 136—December 28, 2007 Excerpts]  
[Extract]**

(Effective Date)

Article 1 This Act comes into effect as of the date specified by Cabinet Order within a period not exceeding one year from the date of promulgation (hereinafter referred to as "the effective date"); provided, however, that the provisions set forth in the following items come into effect as of the date prescribed respectively in the those items:

- (i) the provisions in Article 2 to revise Article 99-11, paragraph (2) of the Radio Act, the provisions in Article 3 to revise Article 29, paragraph (1) and Article 147 paragraph (1) of the Telecommunications Business Act and the provisions of the following Article and Supplementary Provisions Article 9 through Article 11: the date of promulgation;
- (ii) in Article 2, the provisions to revise the Table of Contents of the Radio Act (limited to the part that revises "Section 2 Registration for Radio Stations

(Articles 27-18 to 27-34)" to "Section 2 Registration for Radio Stations (Articles 27-18 to 27-34) Section 3 Mediation, Etc. for Establishment of Radio Stations (Articles 27-35 and 27-36)", the provisions to revise Article 6, paragraph (1) of the same Act by adding one item, the provisions to revise paragraph (2) of the same Article by adding one item, the provisions to revise Article 26-2, paragraph (5) of the same Act, the provisions to revise Article 27-3, paragraph (1) of the same Act by adding one item, the provisions to revise Article 27-18, paragraph (3) of the same Act, the provisions to revise the same Act by adding one Section after Chapter II, Section 2, and the provisions to revise the same Act by adding ", Article 27-35 paragraph (1) (Mediation and Arbitration by the Telecommunications Business Dispute Settlement Commission)" after "(Notification on Establishment of Radio Stations)" in Article 99-11, paragraph (1), item (i) of the same Act; the provisions in Article 3 to revise Article 144, paragraph (2) of the Telecommunications Business Act; and the provisions of Supplementary Provisions Article 8 and Article 16: the date specified by Cabinet Order within a period not exceeding nine months from the date of promulgation.

(Effects of Dispositions)

Article 9 A disposition, procedure or other act taken or to be taken pursuant to the provisions of the respective laws prior to revision before the enforcement of this Act (with regard to the provisions set forth in the respective items of Supplementary Provisions Article 1, the provisions of those respective items), which has corresponding provisions in the respective laws after revision, is deemed to be a disposition, procedure or other act taken or to be taken pursuant to the provisions of those respective laws after revision, except what is otherwise provided for in these Supplementary Provisions.

(Transitional Measures Concerning the Application of Penal Provisions)

Article 10 Prior laws continue to govern the application of the penal provisions to any act undertaken prior to the enforcement of this Act (with regard to the provisions set forth in the respective items of Supplementary Provisions Article 1, the provisions of those respective items).

(Delegation of Other Transitional Measures to Cabinet Order)

Article 11 Beyond what is provided for in these Supplementary Provisions, transitional measures necessary in connection with the enforcement of this Act (with regard to the provisions set forth in the respective items of Supplementary Provisions Article 1, the provisions of those respective items) are specified by Cabinet Order (including transitional measures concerning the penal provisions).

(Reviews)

Article 12 (1) The government is to, when five years have passed since the enforcement of this Act, take into account the status of enforcement of the new Broadcasting Act, the changes in socioeconomic circumstances, etc., and review NHK's international broadcast programming operations prescribed in Article 9, paragraph (1), item (v) of the new Broadcasting Act, the paid broadcasting prescribed in Article 52-4, paragraph (1) of the new Broadcasting Act, the paid broadcasting management business prescribed in Article 52-6-2, paragraph (1) of the new Broadcasting Act, the succession of the status of the program-supplying broadcaster prescribed in Article 52-18, paragraph (2) of the new Broadcasting Act and the system related to the approved broadcasting holding company prescribed in Article 52-31 of the new Broadcasting Act, and is to, if the government finds it necessary, take necessary measures based on the results of the review.

(2) The government is to, when five years have passed since the enforcement of this Act, review the status of enforcement of the provisions of Article 70-7, Article 70-9 and Article 80 of the new Radio Act from the viewpoint of radio regulations, and is to, if the government finds it necessary, take the necessary measures based on the results of the review.

#### **Supplementary Provisions [Act No.50-May 30, 2008 Excerpts] [Extract]**

(Effective Date)

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

#### **Supplementary Provisions [Act No.65-December 3, 2010 Excerpts] [Extract]**

(Effective Date)

Article 1 This Act comes into effect as of the day specified by Cabinet Order within a period not exceeding nine months from the date of promulgation (hereinafter referred to as "the effective date"); provided, however, that the provisions set forth in the following items come into effect as of date prescribed respectively in those items:

(i) the provisions in Article 1 to revise Article 53-11 of the Broadcast Act; the provisions in Article 3 to revise Article 99-12 of the Radio Act; the provisions in Article 5 to revise Article 147, paragraph (1) of the Telecommunications Business Act; and the provisions in Article 3, Article 13 and Article 14, paragraph (1) of Supplementary Provisions: the dates of promulgation;

- (ii) in Article 1, the provisions to revise Article 52-13, paragraph (1), item (v), (h) of the Broadcast Act, the provisions to revise Article 52-24, paragraph (2), item (iv) of the same Act, and the provisions to revise Article 52-30, paragraph (2), item (v) of the same Act; the provisions in Article 3 (excluding provisions regarding revisions set forth in item (i) above); and the provisions in Article 11, Article 12, Article 27, Article 35 and Article 37 of Supplementary Provisions: the date specified by Cabinet Order within a period not exceeding three months from the dates of promulgation;
- (iii) the provisions set forth in Article 1 (excluding provisions regarding revisions set forth in items (i) and (ii) above); in Article 5, the provisions to revise Article 34 of the Telecommunications Business Act, the provisions to revise Article 169, paragraph (4) of the same Act and the provisions to revise Article 191, paragraph (2) of the same Act; and the provisions in Article 10, paragraph (1) of Supplementary Provisions: the date specified by Cabinet Order within a period not exceeding six months from the dates of promulgation.

(Transitional Measures in Connection with the Partial Revision of the Telecommunications Business Act)

- Article 10 (1) The provisions in Article 34, paragraph (6) of the revised Telecommunications Business Act apply from the business year ending after the enforcement date of the provisions in Article 5 to revise Article 34 of the Telecommunications Business Act.
- (2) A person who, as of the time of the enforcement of this Act, is the member of the Telecommunications Business Dispute Settlement Commission that has been appointed pursuant to the provisions of Article 147, paragraph (1) or (2) of the Telecommunications Business Act before the revision by Article 5 (hereinafter referred to as the "former Telecommunications Business Act" in this Article ) is deemed to have been individually appointed on the effective date of this Act as the member of the Telecommunications Business Dispute Settlement Commission pursuant to the provisions of Article 147, paragraph (1) or (2) of the revised Telecommunications Business Act. In this case, the term of office of the person who is so deemed to be appointed is the same as the remaining term of office of that person on the effective date as the member of the Telecommunications Business Dispute Settlement Commission which that person has been appointed to be pursuant to the provisions of Article 147, paragraph (1) or (2) of the former Telecommunications Business Act, regardless of the provisions in Article 148, paragraph (1) of the revised Telecommunications Business Act.
  - (3) A person who, as of the time of the enforcement of this Act, is the chair of the Telecommunications Business Dispute Settlement Commission appointed



pursuant to the provisions of Article 146, paragraph (1) of the former Telecommunications Business Act is deemed to have been appointed on the Effective Date of this Act as the chair of the Telecommunications Business Dispute Settlement Commission pursuant to the provisions of Article 146, paragraph (1) of the revised Telecommunications Business Act, and a person who, as of the time of the enforcement of this Act, is the member designated pursuant to the provisions of paragraph (3) of the same Article is deemed to have been designated on the Effective Date of this Act as the member that carries out the duties of the chair of the Telecommunications Business Dispute Settlement Commission in place of the chair pursuant to the provisions of Article 146, paragraph (3) of the revised Telecommunications Business Act.

(4) Prior laws continue to govern the obligations of the ex-members of the Telecommunications Business Dispute Settlement Commission to maintain the confidentiality of information which came to their knowledge in the course of their duties as Commission members, after the Effective Date of the revised Telecommunications Business Act.

(Effect of Dispositions)

Article 11 A disposition, procedure or other act taken or to be taken pursuant to the provisions of respective laws prior to revision before the enforcement of this Act (with regard to the provisions set forth in Supplementary Provisions Article 1, item (ii) and (iii), the provisions of those respective items) and the provisions specified in Article 1, paragraphs (2) and (3) of these Supplementary Provisions), which has corresponding provisions in respective revised laws after revision is deemed as a disposition, procedure or other act taken or to be taken pursuant to the corresponding provisions in those revised laws, except what is otherwise provided for in these Supplementary Provisions.

(Transitional Measures Concerning the Application of Penal Provisions)

Article 12 Prior laws continue to govern the applicability of penal provisions to any act undertaken before the enforcement of this Act (and the provisions specified in Article 1, paragraphs (2) and (3) of these Supplementary Provisions; the same applies hereinafter in this Article), or any act undertaken after the enforcement of this Act in a situation that prior laws continue to govern pursuant to the provisions of Article 4, paragraph (2), Article 5, paragraph (8), Article 6, paragraph (5), Article 7 and Article 8, paragraph (12) of these Supplementary Provisions.

(Delegation of Other Transitional Measures to Cabinet Order)

Article 13 Beyond what is provided for in these Supplementary Provisions, any necessary transitional measures for the enforcement of this Act (including

transitional measures concerning penal provisions) are stipulated by Cabinet Order.

(Review)

Article 14 (1) The government is to, after approximately one year since the promulgation of this Act, review the best mode for the reasons for disqualification of officers of the Japan Broadcasting Corporation and is to, if the government finds it necessary, take necessary measures based on the results of the review.

(2) Beyond the particulars specified in paragraph (1) above, within five years from the enforcement of this Act, the government is to review the status of implementation of the provisions revised by this Act and take necessary measures based on the findings of the review.

**Supplementary Provisions [Act No.35-May 2, 2011 Excerpts] [Extract]**

(Effective Date)

Article 1 This Act comes into effect as of the date specified by Cabinet Order within a period not exceeding three months from the date of promulgation.

**Supplementary Provisions [Act No.58-June 1, 2011 Excerpts] [Extract]**

(Effective Date)

Article 1 This Act comes into effect as of the date specified by Cabinet Order within a period not exceeding six months from the date of promulgation; provided, however, that the provisions of the following Article come into effect as of the date of promulgation.

(Consultation with Councils)

Article 2 Even prior to the enforcement of this Act, the Minister for Internal Affairs and Communications may consult the councils, etc. set forth in Cabinet Order as specified by Article 169 of the Telecommunications Business Act, in order to establish Order of the Ministry of Internal Affairs and Communications as prescribed in Article 31, paragraph (5) or (7) of the Telecommunications Business Act after revision under Article 1.

(Transitional Measures Concerning the Application of Penal Provisions)

Article 4 Prior laws continue govern the application of penal provisions to acts undertaken prior to the enforcement of this Act.

(Reviews)

Article 5 The government is to, after approximately three years from the enforcement of this Act, review the status of implementation of the provisions revised by this Act and is to, if the government finds it necessary, take necessary measures based on the results of the review.

**Supplementary Provisions [Act No.74-June 24, 2011 Excerpts] [Extract]**

(Effective Date)

Article 1 This Act comes into effect after twenty days from the date of promulgation.

**Supplementary Provisions [Act No.42-May 30, 2014 Excerpts] [Extract]**

(Effective Date)

Article 1 This Act comes into effect as of the date specified by Cabinet Order within a period not exceeding two years from the date of promulgation.

**Supplementary Provisions [Law No.63-June 11, 2014 Excerpts] [Extract]**

(Effective Date)

Article 1 This Act comes into effect as of the day specified by Cabinet Order within a period not exceeding one year from the date of promulgation; provided, however, that the provisions set forth in the following items come into effect as of the date specified respectively for those items:

- (i) the provisions to revise Article 86, paragraph (1), Article 89, Article 90, paragraph (3), Article 100, paragraph (2) and the table in Article 116, paragraph (2); and the provisions to revise Article 161, paragraph (1) (limited to the part to revise "Article 29, paragraph (1) or paragraph(2)" to "Article 29") and the provisions in the following Article: the date of promulgation;
- (ii) the provisions to revise Article 53, paragraph (3), provisions to revise by adding eleven Articles after Article 68 (limited to the part related to Article 68-2) and provisions to revise Article 69, paragraph (1), and provisions in Article 4 paragraph (1), Article 7 and Article 8 of Supplementary Provisions: the date specified by Cabinet Order within a period not exceeding three months from the dates of promulgation;
- (iii) the provisions to revise the table of contents; the provisions to revise Subsection 3 of Section 5 of Chapter 2 to Subsection 4 of the same Section; provisions to revise Article 87, paragraph (1), Article 91, paragraph (2) and Article 95, paragraph (1); the provisions to revise Subsection 2 of Section 5 of Chapter 2 to Subsection 3 of the same Section and add a subsection after

Subsection 1 of the same Section; the provisions to revise Article 163, paragraph (1), Article 166, paragraph (5), Article 174, paragraph (1) and Article 182; the provisions to revise Article 188 (excluding the provisions to revise item (i) of the same Article); the provisions to revise Article 192; the provisions to revise Appended Table 2 to Appended Table 3, delete "(Law No. 26 of 1947)" in Appended Table 1, item (i), revise the same Table to Appended Table 2 and add a table after the Supplementary Provisions; and the provisions in Article 4, paragraphs (2) and Article 6 of the Supplementary Provisions: the date specified by Cabinet Order within a period not exceeding six months from the dates of promulgation.

(Consultation with Councils)

Article 2 Even prior to the enforcement of this Act, the Minister for Internal Affairs and Communications may consult the councils, etc. specified by Cabinet Order as set forth in Article 169 of the Telecommunications Business Act in order to establish Order of the Ministry of Internal Affairs and Communications as set forth in Article 41, paragraphs (3) and (4) of the Telecommunications Business Act revised by this Act (hereinafter referred to as the "new Act").

(Transitional Measures upon Partial Revision of the Telecommunications Business Act)

Article 3 (1) With regard to the application of the provisions in paragraph (1) of Article 44 of the new Act to the telecommunications carriers that, at the time of enforcement of this Act, are actually running telecommunications facilities for the use of telecommunications business (telecommunications facilities for the use of telecommunications business defined in Article 44, paragraph (1) of the Telecommunications Business Act prior to the revision by this Act; the same applies in following paragraph), the term "paragraph 2 or 4" in the same paragraph is replaced with "or paragraph 2" and the term "before the commencement of the telecommunication business" in the same paragraph is replaced with "within one month from the date of enforcement of the Act for Partial Revision of the Telecommunications Business Act (Act No. 63 of 2014)" respectively.

(2) Telecommunications carriers that, at the time of enforcement of this Act, are actually running the telecommunications facilities for the use of telecommunications business must make the initial appointment they should make pursuant to the provisions of Article 44-3, paragraph (1) of the new Act within one month from the date of the enforcement of this Act (referred to as "effective date" in the following Article and Article 8 of the Supplementary Provisions).

Article 4 (1) With regard to the application of the provisions in paragraph (3) of Article 53 and Article 68-2 of the new Act for the period from the date specified in Article 1, paragraph (2) of the Supplementary Provisions until the day before the effective date, the term "Article 68-2 or Article 68-8, paragraph (3)" in the same paragraph is replaced with "or Article 68-2," and the term "or Article 65 or Article 68-8, paragraph (3)" in the same Article is replaced with "or Article 65."

(2) With regard to the application of the provisions in Article 85-2, paragraph (1), Article 85-5, Article 174, paragraph (1) and Article 192, paragraph (2) of the new Act for the period from the date specified in Article 1, paragraph (3) of the Supplementary Provisions until the day before the effective date, the term "implementation of training" in Article 85-2, paragraph (1) is replaced with "implementation of training on the supervision of particulars related to construction work, maintenance and operation of telecommunications facilities for the use of telecommunications business (hereinafter referred to in this Section, Article 174, paragraph (1) and Appended Table 1 as "Training")", and the term "for Registered Training Agency" in Article 85-5 is replaced with "for a person registered pursuant to the provisions in Article 85-2, paragraph (1) (hereinafter referred to as a "registered training agency")," the term "a person that intends to obtain registration under Article 68-3, paragraph (1) or registration of change under Article 68-6, paragraph (1), the person that intends to receive training provided by the Minister for Internal Affairs and Communications under Article 85-15, paragraph (1)" in Article 174, paragraph (1) is replaced with "the person that intends to receive training provided by the Minister for Internal Affairs and Communications under Article 85-15, paragraph (1)," and the term "Article 68-6, paragraph (4), Article 68-10, paragraph (1), Article 85-6, paragraph (2)" in the same item is replaced with "Article 85-6, paragraph (2)."

(Review)

Article 5 (1) When five years have passed since the enforcement of this Act, the government is to, except what is specified in the following paragraph, review the status of enforcement of the provisions of the new Act, and is to, if the government finds it necessary, take necessary measures based on the results of the review.

(2) When ten years have passed since the enforcement of this Act, the government is to review the status of enforcement of the provisions in the new Act that are related to registered repairers (registered repairers defined in Article 68-5 of the new Act) and is to, if the government finds it necessary, take necessary measures based on the results of the review.

**Supplementary Provisions [Act No.67-June 13, 2014 Excerpts] [Extract]**

(Effective Date)

Article 1 This Act comes into effect as of the date of enforcement of the Act for the Partial Revision of the Act on General Rules for Incorporated Administrative Agencies (Act No. 66 of 2014; hereinafter referred to as the "General Rules Revising Act"); provided, however, that the provisions set forth in the following items come into effect as of the date specified respectively for those items:

(i) the provisions of Article 14, paragraph (2), Article 18 and Article 30 of the Supplementary Provisions: the date of promulgation.

(Effect of Disposition)

Article 28 A disposition, procedure, and any other act taken or to be taken pursuant to the provisions of respective laws prior to revision (including orders issued thereunder) before the enforcement of this Act, which has corresponding provisions in respective laws revised by this Act (including orders issued thereunder; hereinafter referred to as "new laws" in this Article), is deemed as a disposition, procedure, and other act taken or to be taken pursuant to the corresponding provisions of the new laws, except what is otherwise provided for in any law (including a Cabinet Order issued under a law).

(Transitional Measures Concerning Penal Provisions)

Article 29 Prior laws continue to govern the application of penal provisions to acts undertaken prior to the enforcement of this Act, and to acts that are undertaken after the enforcement of this Act in a situation in which prior laws are to remain in force pursuant to the provisions of these Supplementary Provisions.

(Delegation of Other Transitional Measures to Cabinet Order)

Article 30 Beyond what is provided for in Article 3 through the preceding Article of these Supplementary Provisions, transitional measures necessary to enforce this Act (including transitional measures concerning penal provisions) are specified by Cabinet Order (or by the Rules of the National Personnel Authority for particulars governed by the National Personnel Authority).

**Supplementary Provisions [Act No.69-June 13, 2014 Excerpts] [Extract]**

(Effective Date)

Article 1 This Act comes into effect as of the enforcement date of the

Administrative Appeal Act (Act No. 68 of 2014).

**Supplementary Provisions [Act No.26-May 22, 2015 Excerpts] [Extract]**

(Effective Date)

Article 1 This Act comes into effect as of the date specified by Cabinet Order within a period not exceeding one year from the date of promulgation; provided, however, that the provisions of the following Article and Article 8 of Supplementary Provisions come into effect as of the date of promulgation.

(Preparatory Actions)

Article 2 Prior to the enforcement of this Act (hereinafter referred to as "effective date"), the Minister for Internal Affairs and Communications may consult the councils, etc. specified by Cabinet Order as set forth in Article 169 of the Telecommunications Business Act prior to the revision under Article 1 (hereinafter referred to as the "former Telecommunications Business Act") for particulars stipulated in item (i) below, and the Radio Regulatory Council for particulars stipulated in items (ii) and (iii) below:

- (i) designation of telecommunications facilities under Article 12-2, paragraph (4), item (ii), (b) or (d) of the Telecommunications Business Act revised by Article 1 (hereinafter referred to as the "new Telecommunications Business Act"); designation of telecommunication services under every item in Article 26, paragraph (1) of the new Telecommunications Business Act; designation of telecommunications carriers under Article 30, paragraph (3), item (ii); or establishment, revision or discontinuation of Order of the Ministry of Internal Affairs and Communications under Article 12-2, paragraph (4), item (ii), (b) or (d), Article 24, item (i), (c), Article 26, paragraph (1), Article 26-2, paragraph (1), Article 26-3, paragraph (1) or proviso in paragraph (3) of the same Article, Article 27-2, item (ii), Article 30, paragraph (6), Article 34, paragraph (3), item (i), (a), (b) or (e) or item (ii) of the same paragraph, Article 38-2, Article 39-3, paragraph (3), Article 50, paragraph (1) proviso or Article 164, paragraph (2), item (i);
- (ii) establishment, revision or discontinuation of Order of the Ministry of Internal Affairs and Communications under Article 4, paragraph (2) of the Radio Act revised by the provisions of Article 2 (hereinafter referred to as the "new Radio Act"); and
- (iii) designation of services of paid broadcasting under every item in Article 150-3, paragraph (1) of the Broadcast Act revised by the provisions of Article 3 (hereinafter referred to as the "new Broadcast Act"); or establishment or , revision or discontinuation of Order of the Ministry of Internal Affairs and Communications under Article 150, Article 150-2, paragraph (1), Article 150-

3, paragraph (1) or the proviso in paragraph (4) of the same Article, or Article 151-2, item (2) of the new Broadcast Act.

(Transitional Measures upon Partial Revision of the Telecommunications Business Act)

- Article 3 (1) Provisions set forth in Article 12-2, paragraph (1) of the new Telecommunications Business Act apply if any event stipulated in the items in the same paragraph occurs on or after the effective date.
- (2) With regard to the application of the provisions of Article 13, paragraph (1) of the new Telecommunications Business Act to the telecommunication businesses of the persons that, at the time of enforcement of this Act, are actually operating telecommunication businesses (telecommunication businesses as defined in Article 2, item (4) of the new Telecommunications Business Act; the same applies to this Article) to provide the domain name telecommunication services (domain name telecommunication services defined in Article 164, paragraph (2), item (i) of the new Telecommunications Business Act; the same applies to this Article) (limited to the persons that have obtained the registration under Article 9 of the former Telecommunications Business Act), the term "When any person that has obtained registration set forth in Article 9 intends to change any of the particulars set forth in item (ii) or (iii) of Article 10, paragraph (1), they must obtain registration of the change from the Minister for Internal Affairs and Communications;" is replaced with "Any person that has obtained registration as set forth in Article 9 is to obtain registration of a change in any of the particulars set forth in item (ii) or (iii) of Article 10, paragraph (1) from the Minister for Internal Affairs and Communications within one month from the enforcement of the Act for Partial Revision of the Telecommunications Business Act (Act No. 26 of 2015)."
- (3) With regard to the application of the provisions of Article 16, paragraph (1) of the new Telecommunication Business Act to the telecommunication businesses of the persons that, at the time of enforcement of this Act, are actually operating telecommunication businesses to provide domain name telecommunication services (excluding persons that have obtained the registration under Article 9 of the former Telecommunications Business Act and persons that have filed a notification under Article 16, paragraph (1) of the former Telecommunications Business Act), the term "by Order of the Ministry of Internal Affairs and Communications" is replaced with "by Order of the Ministry of Internal Affairs and Communications, within one month from the date of enforcement of the Act for Partial Revision of the Telecommunications Business Act (Act No. 26 of 2015)."
- (4) With regard to the application of the provisions of Article 16, paragraph (3) of the new Telecommunication Business Act to the telecommunication businesses



of the persons that, at the time of enforcement of this Act, are actually operating telecommunication businesses to provide domain name telecommunication services (limited to the persons that have filed the notification under Article 16, paragraph (1) of the former Telecommunications Business Act), the term "When any person that has filed a notification as set forth in paragraph (1) intends to change any of the particulars set forth in item (ii) or (iii) of the same paragraph, they are to notify the Minister for Internal Affairs and Communications to that effect;" is replaced with "Any person that has filed a notification as set forth in paragraph (1) must obtain registration of a change in any of the particulars as set forth in item (ii) or (iii) of the same paragraph, from the Minister for Internal Affairs and Communications within one month from the enforcement of the Act for Partial Revision of the Telecommunications Business Act (Act No. 26 of 2015)."

(5) The provisions of Article 24, item (i), (c) of the new Telecommunications Business Act apply to the keeping of accounts for the business year commencing after the effective date.

(6) The provisions of Article 26-2 and Article 26-3 of the new Telecommunications Business Act apply to the contracts related to the provision of telecommunication services (telecommunication services defined in Article 2, item (iii) of the new Telecommunications Business Act) concluded on or after the effective date.

(7) With regard to the application of the provisions in Article 38-2 of the new Telecommunications Business Act related to the telecommunications carriers that runs the Category I designated telecommunications facilities defined in Article 33, paragraph (2) of the new Telecommunications Business Act or Category II designated telecommunications facilities defined in Article 34, paragraph (2) of the same Act (telecommunications carriers defined in Article 2, item (v) of the revised Telecommunications Business Act), and, at the time of the enforcement of this Act, is conducting the operations involved in providing wholesale telecommunication services (wholesale telecommunication services defined in Article 29, paragraph (1), item (x) of the new Telecommunications Business Act), by using Category I or II designated telecommunications facilities, the term "when they commence the provision of wholesale telecommunication services by using Category I or Category II designated telecommunications facilities," is deleted and the term "promptly thereof" is replaced with "the fact that they are conducting the operations involved in providing wholesale telecommunication services by using said Category I or Category II designated telecommunications facilities, promptly after the enforcement of the Act for Partial Revision of the Telecommunications Business Act (Act No. 26 of 2015)."

(8) The provisions of Article 39-3, paragraph (3) of the new Telecommunications

Business Act apply to the announcement of the account for the business year commencing after the effective date.

(9) With regard to application of the provisions of Article 44, paragraph (1) of the new Telecommunication Business Act to the persons that, at the time of enforcement of this Act, are actually operating telecommunication businesses to provide domain name telecommunication services (excluding persons that are actually running telecommunications facilities for the use of telecommunications business defined in Article 44, paragraph (1) of the former Telecommunications Business Act at the time of enforcement of this Act; the same applies in the following paragraph), the term "before the commencement of the telecommunication businesses" in the same paragraph is replaced with "within three months from the enforcement of the Act for Partial Revision of the Telecommunications Business Act (Act No. 26 of 2015)."

(10) Persons that, at the time of enforcement of this Act, are actually operating telecommunication businesses to provide domain name telecommunications services must make the initial appointment they should make pursuant to the provisions of Article 44-3, paragraph (1) or Article 45, paragraph (1) of the new Telecommunications Business Act, within three months from the effective date.

(Effect of Dispositions)

Article 6 A disposition, procedure or other act taken pursuant to the provisions of respective laws prior to revision before the effective date, which has corresponding provisions in respective laws after revision is deemed to have been taken pursuant to the corresponding provisions in those revised laws, except what is otherwise provided for in these Supplementary Provisions.

(Transitional Measures Concerning Penal Provisions)

Article 7 Prior laws continue to govern the application of penal provisions to acts undertaken prior to the effective date.

(Delegation of Other Transitional Measures to Cabinet Order)

Article 8 Beyond what is provided for in Article 3 through the preceding Article of these Supplementary Provisions, any transitional measures necessary to enforce this Act (including transitional measures concerning penal provisions) are specified by Cabinet Order.

(Review)

Article 9 When three years have passed since the date of enforcement of this Act, the government is to review the status of implementation of the provisions of this Act and is to, if the government finds it necessary, take necessary measures based on the results of the review.

Appended Table 1 (Re: Article 85-2 and Article 85-3)

Training	Subject	Instructor
(i) Regular training of the chief telecommunications engineer pertaining to transmission and switching technology	(a) Subjects pertaining to transmission and switching facilities and their management	(1) A person with experience totaling one year or more in engaging in supervisory matters related to construction, maintenance or operation of telecommunications facilities for the telecommunications operations as a chief telecommunications engineer of transmission and switching technology (2) A person who currently serves or has served in the past as a professor or associate professor teaching electrotechnology or communication engineering in a university (excluding junior college; the same applies in this table) defined under the School Education Act (Act No. 26of1947) (3) A person who has knowledge and experience equivalent to or higher than the person stipulated in (1) or (2) above

(b) Subjects pertaining to the Telecommunications Business Act and other relevant laws

(1) A person with experience totaling one year or more in engaging in supervisory matters related to construction, maintenance or operation of telecommunications facilities for the telecommunications operations as a chief telecommunications engineer of transmission and switching technology

(2) A person who currently serves or has served in the past as a professor or associate professor teaching administrative jurisprudence in a university defined under the School Education Act

(3) A person who has knowledge and experience equivalent to or higher than the person stipulated in (1) or (2) above

(ii) Regular training of the chief telecommunications engineer pertaining to transmission line technology

(a) Subjects pertaining to transmission line facilities and their management

(1) A person with experience totaling one year or more in engaging in supervisory matters related to construction, maintenance or operation of telecommunications facilities for the telecommunications operations as a chief telecommunications engineer of transmission line technology

(b) Subjects pertaining to the Telecommunications Business Act and other relevant laws

(2) A person who currently serves or has served in the past as a professor or associate professor teaching electrotechnology or communication engineering in a university defined under the School Education Act

(3) A person who has knowledge and experience equivalent to or higher than the person stipulated in (1) or (2) above

(1) A person with experience totaling one year or more in engaging in supervisory matters related to construction, maintenance or operation of telecommunications facilities for the telecommunications operations as a chief telecommunications engineer of transmission line technology

(2) A person who currently serves or has served in the past as a professor or associate professor teaching administrative jurisprudence in a university defined under the School Education Act

(3) A person who has knowledge and experience equivalent to or higher than the person stipulated in (1) or (2) above

- (i) a person that has graduated from a university (excluding junior college; the same applies to item (iii)) under the School Education Act (Act No. 26 of 1947) or a university under the former University Order (Imperial Order No. 388 of 1918) after completing a course in electrical engineering or communications engineering, or a person that has obtained a chief telecommunications engineer's license and has experience of being engaged in the operations for technical standards conformity approval or certification of design, or test, adjustment or maintenance of terminal equipment for one year or more (hereinafter referred to as "operational experience");
- (ii) a person that has graduated from a junior college or college of technology under the School Education Act or a college under the former Technical College Order (Imperial Order No. 61 of 1903) after completing a course in electrical engineering or communications engineering and has business experience of three years or more;
- (iii) a person that has graduated from a foreign educational establishment corresponding to a university under the School Education Act after completing a course in electrical engineering or communications engineering and has business experience of one year or more;
- (iv) a person that has graduated from a foreign educational establishment corresponding to a junior college or college of technology under the School Education Act after completing a course in electrical engineering or communications engineering and has business experience of three years or more.

Appended Table 3 (Re: Article 87)

- (i) Voltmeter/ammeter
- (ii) Oscilloscope
- (iii) Impedance analyzer
- (iv) Megohmmeter
- (v) Optical power meter
- (vi) Level meter
- (vii) Spectrum analyzer
- (viii) Protocol analyzer
- (ix) Oscillator