

# Civil Aeronautics Act

(Act No. 231 of July 15, 1952)

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## Chapter I General Provisions

### (Purpose of This Act)

Article 1 The purpose of this Act is to promote the development of civil and general aviation and to enhance public welfare by providing for the methods to ensure the safety of aircraft and to prevent problems arising from navigation of aircraft, and by ensuring transportation safety and improving convenience for users through proper and rational management of business for operating aircraft, in conformity with both the provisions of the Convention on International Civil Aviation as well as the standards, practices and procedures adopted as Annexes hereto.

### (Definition)

- Article 2 (1) The term "aircraft" as used in this Act means any aeroplane, rotorcraft, glider and airship which can be used for air navigation with a person on board and any other apparatus used for air navigation as may be specified by Cabinet Order.
- (2) The term "air navigation service" as used in this Act means any operation onboard an aircraft (including operation of radio equipment on board), and confirmation work as specified in Article 19, paragraph (2), to be performed on repaired or remodeled aircraft.
- (3) The term "airman" as used in this Act means any person who has obtained competence certification for an airman under Article 22.

- (4) The term "air navigation facility" as used in this Act means any facility to aid the navigation of aircraft by means of radio wave, lights, colors or signs as may be specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism.
- (5) The term "landing strip" as used in this Act means a rectangular area of an aerodrome which is provided for the takeoff (including that area on water; hereinafter the same) or landing (including that area on water; hereinafter the same) of aircraft in a definite direction.
- (6) The term "approach area" as used in this Act means a plain surface defined by two connected points parallel to the shorter side of the landing strip 375 meters (600 meters in the case of a landing strip used for the landing, performed by using an instrument landing apparatus, or performed in accordance with a landing guidance by using precision approach radar, while in the case of a landing strip used for the heliport, the length in which the distance between the shorter side and the straight line multiplied by tangent 15 plus half the length of the shorter side) distant from a point on a straight line crossing at a point 3,000 meters (not more than 2,000 meters as may be specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism in the case of a landing strip of the heliport) distant from that side and forming a rectangle, with the extension to the center-line of the landing strip bisecting this rectangle.
- (7) The term "approach surface" as used in this Act means an area abutting on the shorter side of a landing strip and sloping upwards at a gradient of more than 1/50th from the horizontal plane, as specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism, the projection of which corresponds to the approach area.
- (8) The term "horizontal surface" as used in this Act means that section of the horizontal plane including a point 45 meters vertically above the aerodrome reference point, which is surrounded by a circle drawn with that point at its center and with a radius of a length of not more than 4,000 meters as specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism.
- (9) The term "transitional surface" as used in this Act means an area including the slopes of the approach surfaces and the longer sides of the landing strip at a gradient of 1/7th, (in the case of a heliport, at a gradient of not more than 1/4th as specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism) from the horizontal plane to the intersection with the vertical surface, including the center-line of the strip and including the areas as defined above. It is enclosed by the lines, including the intersection with the plane including the slopes of the approach surfaces and the plane including the longer sides of the strip abutting those slopes, the intersection with those planes and the areas including the horizontal plane, the slopes of the approach

surfaces, and the longer sides of the strip.

- (10) The term "aeronautical lights" as used in this Act means any light used by an air navigation facility to aid the navigation of aircraft, as specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism.
- (11) The term "air traffic control area" as used in this Act means any airspace, 200 meters or more above the land or water, and designated for the safety of air traffic in the public notice by the Minister of Land, Infrastructure, Transport and Tourism.
- (12) The term "air traffic control zone" as used in this Act means any airspace above any aerodrome and its vicinity where frequent takeoff and landing of aircrafts are performed, as designated for the safety of air traffic in the public notice by the Minister of Land, Infrastructure, Transport and Tourism in that aerodrome and the air space above it.
- (13) The term "air traffic information zone" as used in this Act means any airspace above any aerodrome and its vicinity designated in the public notice by the Minister of Land, Infrastructure, Transport and Tourism other than aerodromes prescribed in the previous paragraph, as designated for the safety of air traffic in the public notice by the Minister of Land, Infrastructure, Transport and Tourism in that aerodrome and the air space above it.
- (14) The term "instrument meteorological condition" as used in this Act means bad weather conditions with a range of vision, specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism, taking the visibility and cloud conditions into consideration.
- (15) The term "instrument flight" as used in this Act means a flight which is performed relying solely on flight instruments to measure the attitude, altitude, position, and course of the aircraft.
- (16) The term "instrument flight rules" as used in this Act means a method of flight as listed below:
- (i) a method of flight in which any takeoff and climb or descent and landing at any aerodrome as specified by the Minister of Land, Infrastructure, Transport and Tourism under paragraph (12) is performed in any air traffic control zone or air traffic control area in compliance with the routes specified by the Minister, or instructed by the Minister pursuant to the provisions of Article 96, paragraph (1), while always following the instructions on other methods of flight given by the Minister pursuant to the provisions of the same paragraph.
  - (ii) a method of flight in which any takeoff and climb or descent and landing at any aerodrome as specified by the Minister of Land, Infrastructure, Transport and Tourism under paragraph (13) is performed in the air traffic information zone (excluding the area designated as an air traffic control area) in compliance with the routes specified by the Minister of Land,

Infrastructure, Transport and Tourism, while always listening to information given by the Minister pursuant to the provisions of Article 96-2, paragraph (1).

(iii) a method of flight in which any flight in the air traffic control area other than those prescribed under item (i) is always performed in compliance with the instructions given by the Minister of Land, Infrastructure, Transport and Tourism relating to routes and other methods of flight under the provisions of Article 96, paragraph (1).

(17) The term "air transport services" as used in this Act means any business using aircraft to transport passengers or cargo for remuneration upon demand.

(18) The term "international air transport services" as used in this Act means any air transport services operating between one point within Japan and another within a foreign country, or between one point and another in foreign countries.

(19) The term "domestic scheduled air transport services" as used in this Act means any air transport services operating between one point and another in the country on a scheduled date and time along a specified route.

(20) The term "aerial work" as used in this Act means any business using aircraft other than for the transport of passengers or cargo for remuneration upon demand.

## **Chapter II Registration**

(Registration)

Article 3 The Minister of Land, Infrastructure, Transport and Tourism registers an aircraft in the Aircraft Register in accordance with the provisions of this Chapter.

(Acquisition of Nationality)

Article 3-2 Any aircraft acquires Japanese nationality when registered.

(Duly assert against)

Article 3-3 No acquisition or loss or change of ownership of any registered aeroplane and rotorcraft may be duly asserted against a third party unless the aircraft has been registered.

(Requirement for Registration)

Article 4 (1) Any aircraft owned by any person who falls under any of the following items may not be eligible for registration.

(i) any person who does not have Japanese nationality

(ii) any foreign state or public entity or its equivalent in any foreign state

- (iii) any juridical person or body established in accordance with the laws and regulations of any foreign state
  - (iv) any juridical person of which the representative is any one of those listed in the preceding three items or of which one-third or more of the officers are those persons or one-third or more of voting rights are held by those persons
- (2) Any aircraft which has the foreign nationality may not be eligible for registration.

(New Registration)

Article 5 Any aircraft not yet registered (hereinafter referred to as "new registration") is registered upon application by the owner, by entering the following matters in the Aircraft Register and by designating and entering its registration marks therein:

- (i) manufacturer's type of aircraft
- (ii) manufacturer of aircraft
- (iii) serial number of aircraft
- (iv) homebase of aircraft
- (v) full name and address of owner
- (vi) date of registration

(Issuance of Registration Certificate)

Article 6 The Minister of Land, Infrastructure, Transport and Tourism must, in the case of a new registration, issue an aircraft registration certificate to the applicant.

(Registration of Change)

Article 7 If there have been any changes in the particulars listed in Article 5, item (iv) or (v) with regard to any newly registered aircraft (hereinafter referred to as "registered aircraft"), the owner must submit an application for an amendment of the registration within a period not exceeding 15 days thereafter; provided, however, that this does not apply to either an application for a transfer of the registration in accordance with the provisions of the following Article, or an application for deletion of the registration in accordance with the provisions of Article 8.

(Transfer of Registration)

Article 7-2 Any new owner must, in the event of any changes to the ownership of a registered aircraft, apply for the transfer of registration within a period not exceeding 15 days.

(Deletion Registration)

Article 8 (1) Any owner of a registered aircraft must apply for deletion of the registration in the following cases within a period not exceeding 15 days thereafter:

- (i) when the registered aircraft has been lost or dismantled (except dismantling for the purpose of repair, alteration, transportation, or storage)
  - (ii) when the registered aircraft has been missing for 2 months or more;
  - (iii) when the registered aircraft has become ineligible for registration pursuant to the provisions of Article 4
- (2) The Minister of Land, Infrastructure, Transport and Tourism must, in the case referred to in the preceding paragraph, when any owner of a registered aircraft does not apply for deletion of the registration, serve notice to the owner to do so within a period designated by the Minister of Land, Infrastructure, Transport and Tourism with the fixed period 7 days or more.
- (3) The Minister of Land, Infrastructure, Transport and Tourism must, when an owner of a registered aircraft does not apply for deletion of registration and a notice set forth in the preceding paragraph has been served, delete the registration and inform the owner thereof.

(Copy of Aircraft Register)

Article 8-2 Any person may submit a request for a copy or abstract of the Aircraft Register or for inspection of any part in which that person has an interest, to the Minister of Land, Infrastructure, Transport and Tourism.

(Stamp of Registration Mark)

- Article 8-3 (1) The Minister of Land, Infrastructure, Transport and Tourism must, when an aeroplane or rotorcraft has been newly registered, stamp its designated registration mark on that aircraft without delay.
- (2) Any owner of an aircraft set forth in the preceding paragraph must make the aircraft available to the Minister of Land, Infrastructure, Transport and Tourism on a date designated in writing, in order to obtain the stamp in accordance with the preceding paragraph.
- (3) No person must cause damage to the registration marks stamped pursuant to the provisions of paragraph (1).

(Compulsory Execution concerning Newly Registered Aeroplane and Rotorcraft)

Article 8-4 (1) The compulsory execution and provisional seizure for any newly registered aeroplane or rotorcraft is decreed by any district court as a court of execution or a court of preservation; provided, however, that the execution of provisional seizure which is specified by the rules of the Supreme Court is decreed by any court other than a district court of jurisdiction as a court of preservation.

- (2) Particulars concerning the compulsory execution and provisional seizure set forth in the preceding paragraph are specified by the rules of the Supreme Court.
- (3) The provisions of the preceding two paragraphs apply mutatis mutandis to a public sale of any newly registered aeroplane or rotorcraft.

(Exemption from Other Laws)

- Article 8-5 (1) The provisions of the Act on Access to Information Held by Administrative Organs (Act No.42, 1999) do not apply to the Aircraft Register.
- (2) The provisions of Chapter IV of the above act do not apply to holding personal information (which means holding personal information specified in Article 2, paragraph (3) of the Act on the Protection of Personal Information (Act No.58, 2003)) described in the Aircraft Register.

(Delegation to Order)

- Article 9 (1) Description of the Aircraft Register, restoration of registration, amendment of registration, and any other matters concerning registration are specified by Cabinet Order.
- (2) Particulars in detail concerning the certificate of aircraft registration and the stamping of the registration mark are specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism.

### **Chapter III Safety of Aircraft**

(Airworthiness Certification)

- Article 10 (1) The Minister of Land, Infrastructure, Transport and Tourism, upon application, grants airworthiness certification for aircraft (excluding the gliders as specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism; hereinafter the same applies in this chapter).
- (2) No aircraft may be granted airworthiness certification under the preceding paragraph, unless it has Japanese nationality; provided, however, that the same does not apply to any aircraft as specified by Cabinet Order.
  - (3) Airworthiness certification describes the categories of aircraft use and aircraft operating limitations as prescribed by Order of the Ministry of Land, Infrastructure, Transport and Tourism.
  - (4) The Minister of Land, Infrastructure, Transport and Tourism must, upon application under paragraph (1), inspect the design, manufacturing process and current conditions to certify whether the aircraft complies with the standards listed below, and must grant airworthiness certification if the Minister finds that the aircraft meets these standards.
    - (i) standards as specified by Order of the Ministry of Land, Infrastructure,

- Transport and Tourism with regard to strength, structure and performance to ensure the safety of aircraft
- (ii) noise standards as specified by the Order of the Ministry of Land, Infrastructure, Transport and Tourism in the case of aircraft specified by the Order of the Ministry of Land, Infrastructure, Transport and Tourism with regard to the category of aircraft, engine model, maximum takeoff weight, and other matters
  - (iii) engine emissions requirements as specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism in the case of aircraft specified by the Order of the Ministry of Land, Infrastructure, Transport and Tourism with regard to the engine model and limits of power, and other matters
- (5) The Minister of Land, Infrastructure, Transport and Tourism may, notwithstanding the provisions of the preceding paragraph, omit a part of the inspection for the design or manufacturing process concerning the aircraft listed below.
- (i) aircraft type certificated under Article 12, paragraph (1) (limited only to the aircraft which intends to receive initial airworthiness certification)
  - (ii) imported aircraft specified by Cabinet Order (limited only to the aircraft which intends to receive initial airworthiness certification)
  - (iii) aircraft which has obtained airworthiness certification
  - (iv) aircraft which has been designed and inspected with regard to the relevant certification, in accordance with Order of the Ministry of Land, Infrastructure, Transport and Tourism, by a person who is approved for the capability specified in Article 20, paragraph (1), item (i)
  - (v) aircraft equipped with components which have been inspected before and after designing with regard to the relevant certification, in accordance with Order of the Ministry of Land, Infrastructure, Transport and Tourism by a person who is approved for the capability specified by Article 20, paragraph (1), item (v) (limited only to the part equipped with the relevant components)
- (6) The Minister of Land, Infrastructure, Transport and Tourism may also, notwithstanding the provisions of the preceding paragraph, omit a part of the inspection for current conditions on aircraft prescribed below.
- (i) aircraft which falls under item (i) of the preceding paragraph, and has been manufactured and inspected after the completion with regard to the relevant approval by a person approved for the capability specified in Article 20, paragraph (1), item (ii), and has been certified that aircraft complies with the standards under paragraph (4) as specified in Order of the Ministry of Land, Infrastructure, Transport and Tourism
  - (ii) imported aircraft which falls under item (i) of the preceding paragraph, and is specified by Cabinet Order
  - (iii) aircraft which falls under item (iii) of the preceding paragraph, and has

been maintained and inspected after maintenance by a person approved for the capability specified in Article 20, paragraph (1), item (iii), and have been certified that aircraft complies with the standards under paragraph (4) as specified in Order of the Ministry of Land, Infrastructure, Transport and Tourism

(7) Airworthiness certification is granted by issuing an airworthiness certificate to the applicant.

Article 10-2 (1) Any person who is certified by the Minister of Land, Infrastructure, Transport and Tourism as having the qualification and experience as prescribed in Order of the Ministry of Land, Infrastructure, Transport and Tourism (hereinafter referred to as "designated airworthiness inspector"), may grant airworthiness certification for gliders specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism, among aircrafts referred to in paragraph (1) of the preceding article.

(2) The provisions of paragraphs (2) through (7) of the preceding article apply accordingly to airworthiness certification under the preceding paragraph.

Article 11 (1) No person may operate an aircraft unless it has a valid airworthiness certificate; provided, however, that the same does not apply to any person when permitted performing test flights, etc. by the Minister of Land, Infrastructure, Transport and Tourism.

(2) No person may operate an aircraft beyond the categories of its use or operating limitations as designated in the airworthiness certificate.

(3) The proviso of paragraph (1) applies mutatis mutandis to the preceding paragraph.

(Type Certification)

Article 12 (1) The Minister of Land, Infrastructure, Transport and Tourism, upon application, grants type certification for type design of aircraft.

(2) The Minister of Land, Infrastructure, Transport and Tourism must, upon an application under the preceding paragraph, grant type certification under the preceding paragraph, if the minister deems that the type of aircraft described in the application complies with the standards of Article 10, paragraph (4).

(3) Type certification is granted by issuing a type certificate to the applicant.

(4) The Minister of Land, Infrastructure, Transport and Tourism must, prior to issuing a type certificate under paragraph (1), hear opinions from the Minister of Economy, Trade and Industry.

Article 13 (1) When the holder of a type certificate intends to change the type design of the relevant aircraft, that holder must obtain approval of change

from the Minister of Land, Infrastructure, Transport and Tourism. The same applies when the standards of Article 10, paragraph (4) have been amended and the type-certified aircraft no longer complies with the standards of the same paragraph.

- (2) The Minister of Land, Infrastructure, Transport and Tourism must, upon application under the preceding paragraph, inspect whether the design of the applied aircraft complies with the standards of Article 10, paragraph (4), and must approve the design if he/she finds that it meets these standards.
- (3) The provisions of paragraph (4) of the preceding article apply mutatis mutandis where the Minister of Land, Infrastructure, Transport and Tourism grants approval under the preceding paragraph.
- (4) When any holder of a type certificate, who is approved for the capability specified in Article 20, paragraph (1), item (i) has designed and inspected after design with regard to approval for change in the type design of the aircraft as may be specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism, and has certified that design complies with the standards under Article 10, paragraph (4) as may be specified in Order of the Ministry of Land, Infrastructure, Transport and Tourism, approval specified in paragraph (1) is deemed granted with regard to application of the provisions of the same paragraph.
- (5) Any person who has confirmed compliance specified in the preceding paragraph must notify accordingly the Minister of Land, Infrastructure, Transport and Tourism without delay.

Article 13-2 (1) The Minister of Land, Infrastructure, Transport and Tourism, upon application, approves the partial change in the type design of the aircraft by any person other than the holder of the type certificate for aircraft of the certified type.

- (2) The type design of the aircraft approved under the provisions of the preceding paragraph is regarded as type-certified with regard to application of the provisions of Article 10, paragraph (5) and (6).
- (3) Any person who is granted approval under the provisions of the preceding paragraph must obtain approval from the Minister of Land, Infrastructure, Transport and Tourism when the person intends to change previously approved design. The same applies when the standards under Article 10, paragraph (4) have been amended and the relevant approved design no longer complies with the standards under the same paragraph.
- (4) When any person who is granted approval under paragraph (1) and is approved for the capability specified in Article 20, paragraph (1), item (i) has designed and inspected after design with regard to approval for change of the type design of the aircraft specified by Order of the Ministry of Land,

Infrastructure, Transport and Tourism, and has confirmed compliance with the standards under Article 10, paragraph (4) as may be specified in Order of the Ministry of Land, Infrastructure, Transport and Tourism, approval specified in the preceding paragraph is deemed granted with regard to application of the provisions of the same paragraph.

- (5) The provisions of paragraph (2) of the preceding article apply mutatis mutandis to the approval by the Minister of Land, Infrastructure, Transport and Tourism, which is specified in paragraph (1) and (3), and the provisions of paragraph (5) of the same article apply mutatis mutandis to a person who has certified the design compliance under the provisions specified in the preceding paragraph.

Article 13-3 (1) The Minister of Land, Infrastructure, Transport and Tourism may, when the Minister finds that any aircraft of the certified type or design approved under Article 13, paragraph (1), or paragraph (1) or (3) of the preceding article fails or is likely to fail to conform to the standards specified in Article 10, paragraph (4), order a holder of a type certificate or a person who has approval for the relevant aircraft (referred to as "type certification, etc." in the following paragraph) in order to modify the design necessary to conform to the standards specified in paragraph (4) of the same article or preclude a possibility of failing to conform to those standards.

- (2) The Minister of Land, Infrastructure, Transport and Tourism may, when a person who is granted type certificate, etc. violates the order specified in the preceding paragraph, revoke the type certification, etc. granted to the holder.

(Period of Validity of Airworthiness Certification)

Article 14 The period of validity of an airworthiness certificate is to be one year; provided, however, that the period of validity of that airworthiness certificate with regard to aircraft used for air transport services is the period specified by the Minister of Land, Infrastructure, Transport and Tourism.

(Order of Maintenance and Alteration, Suspension of Validity of Airworthiness)

Article 14-2 (1) The Minister of Land, Infrastructure, Transport and Tourism may, when the Minister finds that an aircraft with airworthiness certification fails to conform to the standards under Article 10, paragraph (4) or is likely to fail to conform to the standards under the same paragraph before the expiration of the period of validity specified by the preceding article, order the operator of the aircraft to take necessary measures, including maintenance and alteration, in order to conform to those standards or preclude a possibility of failing to conform to those standards.

- (2) The Minister of Land, Infrastructure, Transport and Tourism may, when the

Minister finds that, as a result of an investigation under Article 10, paragraph (4), Article 16, paragraph (1), or Article 134, paragraph (2), the relevant aircraft or any other aircraft of the same type fails to conform to the standards under Article 10, paragraph (4) or is likely to fail to comply with those standards before the expiration of the period of validity specified by the preceding Article, or that the safety of the aircraft is uncertain for any other reasons, suspend the validity of the airworthiness certificate, shorten the period of validity of the airworthiness certificate or change the matters designated under Article 10, paragraph (3) (including as applies mutatis mutandis to Article 10-2, paragraph (2)), with regard to that aircraft or that type of aircraft.

(Lapse of Airworthiness Certification)

Article 15 Any airworthiness certificate ceases to be effective for aircraft in the following categories.

- (i) registered aircraft: in the case the registration of that aircraft has been canceled
- (ii) aircraft specified under Article 10, paragraph (4), item (ii): in the case that aircraft has come to fall under the category of aircraft specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism, which may not be operated in consideration of noise level and other circumstances

(Inspection of Repair or Alteration)

- Article 16 (1) No operator of an aircraft with airworthiness certification must, when that operator intends to repair or modify that aircraft to the extent specified by Order of the Minister of Land, Infrastructure, Transport and Tourism (excluding repair to the extent specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism by using spare parts certified under the following article), operate the aircraft unless the planning and performance for that repair or alteration have been inspected by the Minister of Land, Infrastructure, Transport and Tourism and passed the inspection.
- (2) Any operator of a glider with airworthiness certification under Article 10-2, paragraph (2) may, notwithstanding the provisions of the preceding paragraph, operate after effecting repairs or alterations to the same extent as specified by the preceding paragraph, if the repair or alteration has been inspected by a designated airworthiness inspector and passed the inspection.
  - (3) The proviso of Article 11, paragraph (1) applies mutatis mutandis to paragraph (1).
  - (4) The Minister of Land, Infrastructure, Transport and Tourism or a designated airworthiness inspector must, when the Minister finds that the relevant aircraft complies with the standards specified in each item of Article 10,

paragraph (4) under Order of Ministry of Land, Infrastructure, Transport and Tourism by the inspection under paragraph (1) or (2), deem that it has passed the inspection.

(Spare Part Certification)

- Article 17 (1) Any operator of an aircraft with airworthiness certification may apply for spare part certification by the Minister of Land, Infrastructure, Transport and Tourism with regard to spare parts such as engines, propellers or other devices critical for aircraft performance and safety as may be specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism.
- (2) The Minister of Land, Infrastructure, Transport and Tourism must, upon application for spare part certification under the preceding paragraph, inspect whether the relevant spare parts comply with the standards of Article 10, paragraph (4), item (i) and issue a spare part certificate when the Minister finds that those spare parts meet these standards.
- (3) Parts which satisfy conditions in paragraph (1) and come under any of the following categories are regarded as spare-part-certified with regard to the application of paragraph (1) of the preceding article.
- (i) parts which has been manufactured and inspected with regard to the relevant approval by a person approved for the capability specified by Article 20, paragraph (1), item (vi), and has been certified that they comply with the standards under Article 10, paragraph (4), item (i) as specified by the Order of the Ministry of Land, Infrastructure, Transport and Tourism
  - (ii) parts of an aircraft which has been certified that they comply with standards under Article 10, paragraph (4), item (i), as approved by a person approved for the capability specified by Article 20, paragraph (1), item (ii) in accordance with the Order of the Ministry of Land, Infrastructure, Transport and Tourism.
  - (iii) parts which has been repaired or altered and inspected with regard to the relevant approval by a person approved for the capability specified in Article 20, paragraph (1), item (vii) and has been certified that they comply with the standards under Article 10, paragraph (4), item (i) as specified by the Order of the Ministry of Land, Infrastructure, Transport and Tourism
  - (iv) imported parts specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism
- (4) Spare parts certification (including spare parts certification regarded as spare-part-certified pursuant to the provisions of the preceding paragraph) cease to be effective, in the event that those spare parts are repaired or modified to the extent specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism, or installed on the aircraft.

(Maintenance of Engine)

Article 18 Any operator of an aircraft with airworthiness certification, who intends to use engines or propellers or other parts which are critical for aircraft safety specified in Order of the Ministry of Land, Infrastructure, Transport and Tourism to be installed in the aircraft for a period longer than that specified in the Order of the Ministry of Land, Infrastructure, Transport and Tourism, must perform maintenance on those devices in accordance with the procedures under the Order of the Ministry of Land, Infrastructure, Transport and Tourism.

(Maintenance or Alteration of Aircraft)

Article 19 (1) When any operator of an aircraft with airworthiness certification, which is operated for air transport services as may be specified in Order of the Ministry of Land, Infrastructure, Transport and Tourism, performs maintenance (excluding any minor preventive maintenance as specified in Order of the Ministry of Land, Infrastructure, Transport and Tourism; hereinafter the same applies.) or alteration of that aircraft (excluding any repair or alteration of that aircraft under Article 16, paragraph (1)), the aircraft must not be operated unless a person approved for the capability specified by Article 20, paragraph (1) with regard to capability under item (iv) of the same paragraph performs maintenance or alteration subject to that approval, and certifies that the aircraft conforms to the standards shown under each item of Article 10, paragraph (4), in accordance with Order of the Ministry of Land, Infrastructure, Transport and Tourism.

(2) When any operator of an aircraft with airworthiness certification other than an aircraft described in the preceding paragraph performs maintenance or alteration of the aircraft (excluding any repair or alteration of aircraft under Article 16, paragraph (1)), that aircraft must not be operated, unless the operator certifies that the aircraft complies with the standards specified in Article 10, paragraph (4), item (i).

(3) The proviso of Article 11, paragraph (1) applies *mutatis mutandis* to the preceding two paragraphs.

Article 19-2 Any operator of an aircraft with airworthiness certification may operate the aircraft notwithstanding the provisions of Article 16, paragraph (1) or paragraph (2) of the preceding article, when a person who has been approved for the capability specified by paragraph (1), item (iv) of the following article effects maintenance or alteration to that aircraft and certifies that the aircraft complies with the standards shown under items of Article 10, paragraph (4), in accordance with Order of the Ministry of Land, Infrastructure, Transport and Tourism (excluding where the person who is approved for the capability

specified in paragraph (1), item (iv) of the following article under paragraph (1) of the preceding article must perform maintenance or alteration to the aircraft).

(Approval of Organizations)

Article 20 (1) The Minister of Land, Infrastructure, Transport and Tourism, upon application, approves the organization as having at least one or more of the following capabilities of each facility conform to the technical standards specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism.

(i) capabilities to design aircraft and inspect the completed design

(ii) capabilities to manufacture aircraft and inspect the completed aircraft

(iii) capabilities to perform maintenance on aircraft and inspect the performed maintenance

(iv) capabilities to perform maintenance or alteration on aircraft

(v) capabilities to design components and inspect the completed design

(vi) capabilities to manufacture components and inspect completed components

(vii) capabilities to perform repair or alteration on components

(2) Any person who received approval under the preceding paragraph must establish exposition for the aspects of business implementation specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism at each organization approved under the preceding paragraph (hereinafter referred to as "Approved Organizations"), and must obtain an approval for that approved organization exposition from the Minister of Land, Infrastructure, Transport and Tourism. The same applies where the person intends to change that exposition.

(3) The Minister of Land, Infrastructure, Transport and Tourism must, when the Minister deems that exposition specified in the preceding paragraph complies with the technical standards specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism, approve it under the provisions of the same paragraph.

(4) The necessary particulars concerning the approval under the provisions of paragraph (1) and the approval under the provisions of paragraph (2) are stipulate by Order of the Ministry of Land, Infrastructure, Transport and Tourism.

(5) The Minister of Land, Infrastructure, Transport and Tourism may, when a person approved under the provisions of paragraph (1), with regard to approved organization, violates the provisions of paragraph (2) or the provisions of the preceding paragraph described by Order of the Ministry of Land, Infrastructure, Transport and Tourism, or if the Minister deems that the capabilities of the approved organization fail to comply with the technical standards specified by Order of the Ministry of Land, Infrastructure, Transport

and Tourism, order the approved person to change the exposition for approved organization specified by paragraph (2), or take the necessary measures for other improvement in operational management and to suspend the whole or part of the activities at the approved organization for a certain period no more than six months, or revoke that approval.

(Delegation to Order of the Ministry of Land, Infrastructure, Transport and Tourism)

Article 21 The provisions concerning the format, issuance, reissuance, return, and presentation of an airworthiness certificate or a type certification, the provisions concerning designated airworthiness inspectors, or other detailed provisions concerning implementation of airworthiness certification, type certification, inspection under Article 16, paragraph (1), as well as spare part certification are stipulated by Order of the Ministry of Land, Infrastructure, Transport and Tourism.

#### **Chapter IV Airmen**

(Airmen Competence Certification)

Article 22 The Minister of Land, Infrastructure, Transport and Tourism, upon application, conducts airman competence certification (hereinafter referred to as "competence certification") for a person who will perform air navigation services.

(Airmen Competence Certificate)

Article 23 Competence certification is conducted by issuing an airman competence certificate (hereinafter referred to as "competence certificate") to the applicant.

(Qualifications)

Article 24 (1) Competence certification is required for qualified personnel in the following categories:

Airline transport pilot

Commercial pilot

Private pilot

First class flight navigator

Second class flight navigator

Flight engineer

Flight radiotelephone operator

First class aircraft maintenance technician

Second class aircraft maintenance technician

First class aircraft line maintenance technician  
Second class aircraft line maintenance technician  
Aircraft overhaul technician

(Rating on Competence Certification)

Article 25 (1) The Minister of Land, Infrastructure, Transport and Tourism indicates aircraft categories ratings according to competence certification for airline transport pilots, commercial pilots, private pilots, flight engineers, first class aircraft maintenance technicians, second class aircraft maintenance technicians, first class aircraft line maintenance technicians, or second class aircraft line maintenance technicians under the preceding article, pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism.

(2) The Minister of Land, Infrastructure, Transport and Tourism may indicate class or type ratings of aircraft according to competence certification set forth in the preceding paragraph pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism.

(3) The Minister of Land, Infrastructure, Transport and Tourism may indicate ratings of functions permitted according to competence certification for aircraft overhaul technicians under the preceding article, pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism.

(Requirements for Competence Certification)

Article 26 (1) No person may be issued a competence certificate unless that person is of such age and has such flight, and other aeronautical experience, as specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism according to each qualification listed in Article 24 and each category of aircraft under the provisions of paragraph (1) of the preceding article.

(2) No person may be issued a competence certificate as a flight radiotelephone operator unless that person has complied with the provisions of the preceding paragraph and has been licensed in accordance with Article 41, paragraph (1) of the Radio Act (Act No. 131, 1950) with respect to such qualifications as a radiotelephone operator under Article 40, paragraph (1) of the same law, as may be specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism.

(Reasons for Disqualification)

Article 27 (1) No person whose competence certificate has been revoked pursuant to the provisions of Article 30 is eligible to make an application for competence certification for a period of two years after the date of that revocation.

(2) The Minister of Land, Infrastructure, Transport and Tourism may, within a period of two years, reject an application for competence certification for a person who has committed a dishonest act in the examination under Article 29, paragraph (1).

(Scope of Service)

Article 28 (1) No person must perform the duties listed in the "scope of service" column of the attached table unless that person holds a competence certificate on qualifications listed in the "qualifications" column of that table (for a person who is engaged in aircraft operations on board an aircraft, a competence certificate listed in the "qualifications" column of that table must be accompanied by an aviation medical certificate under Article 31, paragraph (1)); provided, however, that the same does not apply where a person, who has a competence certificate as airline transport pilots, commercial pilots, private pilots, first class flight navigators, second class flight navigators or flight engineers, operates radio equipment for receiving purposes only, or where a person, who has that competence certificate and is qualified as a radio operator under Article 40, paragraph (1) of the Radio Act, operates radio equipment in accordance with paragraph (2) of the same article.

(2) No airman, whose competence certification has ratings under Article 25, may perform the duties listed in the "scope of service" column of the attached table except with respect to the aircraft of that category rating, class rating or type rating, or those ratings of functions.

(3) The provisions of the preceding two paragraphs do not apply to a person who serves on board an aircraft specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism to engage in pilotage (including handling airframe systems and engines on board an aircraft) or a person who is engaged in the on-board operations of aircraft for the purpose of test flights, etc. under permission of the Minister of Land, Infrastructure, Transport and Tourism.

(Conduct of Examination)

Article 29 (1) The Minister of Land, Infrastructure, Transport and Tourism must, when conducting competence certification, hold examinations in order to determine whether a person has the aeronautical knowledge and aeronautical proficiency necessary for performing air navigation services as an airman with a competence certificate for the qualification pertaining to the application.

(2) An examination consists of a paper examination and a practical examination.

(3) No person may take the practical examination unless that person has first passed the paper examination.

(4) Notwithstanding the provisions of the preceding three paragraphs, the

Minister of Land, Infrastructure, Transport and Tourism may, when conducting competence certification with regard to an applicant who holds a qualification certificate pertaining to competence for air navigation services issued by a foreign government, exempt the applicant from the whole or part of the examination pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism. The same applies to an applicant who has completed the course of the Incorporated Administrative Agency Civil Aviation College or an airman training school which is designated, upon application, by the Minister of Land, Infrastructure, Transport and Tourism.

- (5) The procedures for application of exemption set forth in the preceding paragraph, the criteria for exemption, and other detailed requirements with regard to that exemption are stipulated by Order of the Ministry of Land, Infrastructure, Transport and Tourism.
- (6) The Minister of Land, Infrastructure, Transport and Tourism may, when any person subject to exemption under paragraph (4) violates the provisions of the preceding paragraph stipulated by Order of the Ministry of Land, Infrastructure, Transport and Tourism, order the exempted person to take necessary measures for improvement in operational management pertaining to that exemption and to suspend the whole or part of operations pertaining to that exemption for a certain period within six months, or revoke the exemption.

(Change of Rating on Competence Certificate)

Article 29-2 (1) The Minister of Land, Infrastructure, Transport and Tourism may, with respect to a competence certificate pertaining to the rating set forth in paragraphs (2) or (3) of Article 25, change the definition upon application by an airman pertaining to that competence certificate.

- (2) The provisions of the preceding article apply mutatis mutandis to the cases where the ratings are changed pursuant to the provisions of the preceding paragraph.

(Revocation of Competence Certificate)

Article 30 The Minister of Land, Infrastructure, Transport and Tourism may, when an airman falls under any of the following conditions, revoke their competence certificate or suspend that airman from performing air navigation services for a period of not more than one year.

- (i) person who violates this Act or the disposition based on this Act  
(ii) person who commits a misdeed or serious error in performing their duties as an airman

(Aviation Medical Certification)

Article 31 (1) The Minister of Land, Infrastructure, Transport and Tourism or a

designated aviation medical examiner (a medical doctor who conforms to requirements specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism as may be designated by the Minister of Land, Infrastructure, Transport and Tourism upon application; the same applies hereinafter), upon application, grants aviation medical certification to a person who has a competence certificate and is engaged in on-board operations of aircraft.

- (2) Aviation medical certification is granted when an aviation medical certificate is issued to the applicant.
- (3) The Minister of Land, Infrastructure, Transport and Tourism or a designated aviation medical examiner must, upon application under paragraph (1), issue an aviation medical certificate when the Minister recognizes that the applicant conforms to medical standards specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism pertaining to the qualification certified by the competence certificate which the applicant holds.

Article 32 The term of validity of an aviation medical certificate is six months for a person who holds the qualification of an airline transport pilot and one year for all others.

(Aviation English Proficiency Certification)

- Article 33 (1) No person who holds a competence certificate on qualifications of airline transport pilot, commercial pilot, or private pilot (only applied where the aircraft category rated under the relevant competence certificate is specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism) must engage in flight operations between one point within Japan and another point within a foreign country or any other flight operations as stipulated in Order of the Ministry of Land, Infrastructure, Transport and Tourism unless that person obtains an aviation English proficiency certificate issued by the Minister of Land, Infrastructure, Transport and Tourism to certify that the person has the knowledge and proficiency in English necessary for engaging in aviation duties (hereinafter referred to as "aviation English").
- (2) The term of validity of an aviation English proficiency certificate is determined by Order of the Ministry of Land, Infrastructure, Transport and Tourism, according to the degree of knowledge and proficiency of a person who intends to obtain the aviation English proficiency certificate.
  - (3) The provisions of Articles 27, 29, and 30 apply mutatis mutandis to aviation English proficiency certification. In this case, "the Independent Administrative Institution Civil Aviation College or an airman training school which is designated, upon application, by the Minister of Land, Infrastructure, Transport and Tourism" in Article 29, paragraph (4) may be substituted for "an

airman training school which is designated, upon application, by the Independent Administrative Institution Civil Aviation College or the Minister of Land, Infrastructure, Transport and Tourism", and "a person who has completed" may be substituted for "a person who has completed... or who has been identified as having the knowledge and proficiency in aviation English by a domestic air carrier under Article 102, paragraph (1), as may be, upon application, designated by the Minister of Land, Infrastructure, Transport and Tourism".

(Instrument Flight Certification and Flight Instructor Certification)

Article 34 (1) No person who holds a competence certificate as airline transport pilot (only applied where the aircraft category rated under that qualification of an aircraft is specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism; the same applies to Article 35-2, paragraph (1)), commercial pilot, or private pilot must perform instrument flights, etc. unless that person obtains an instrument flight certificate which is issued by the Minister of Land, Infrastructure, Transport and Tourism with respect to the competency for the following flights (hereinafter referred to as "instrument flights, etc.") pertaining to category of aircraft which is used.

(i) instrument flights

(ii) flights other than instrument flights, which rely solely on instruments with respect to the measurement of the position and the course of an aircraft (hereinafter referred to as "instrument navigation flights"), and which exceed the distance or the duration specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism

(iii) flights under instrument flight rules

(2) No person must offer flight instructions for pilots in the following categories of flight training, unless that person holds a competence certificate which qualifies that person for the pilotage of the aircraft used and an aviation medical certificate and, in addition, has obtained a flight instructor certificate issued by the Minister of Land, Infrastructure, Transport and Tourism for flight instructions pertaining to the category of the aircraft used (hereinafter referred to as "flight instructor"):

(i) flight training by a person who does not hold a competence certificate of qualification for airline transport pilot, commercial pilot, or private pilot (hereinafter referred to as "pilot competence certificate") on board an aircraft (except for an aircraft specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism in accordance with Article 28, paragraph (3); the same applies in the following item)

(ii) flight training by a person who holds a pilot competence certificate and aviation medical certificate on board an aircraft of category other than that

indicated on that competence certificate.

- (3) The provisions of Article 26, paragraph (1), Article 27, Article 29, and Article 30 apply *mutatis mutandis* to instrument flight certification and flight instructor certification under the preceding two items.

(Aircraft Flight Training)

Article 35 (1) The provisions of Article 28, paragraphs (1) and (2) do not apply to pilotage for the following flight training:

- (i) flight training listed in paragraph (2), item (i) of the preceding article, which is permitted by the Minister of Land, Infrastructure, Transport and Tourism and is performed under the supervision of a flight instructor
  - (ii) flight training listed in paragraph (2), item (ii) of the preceding article, which is performed under the supervision of a flight instructor
  - (iii) flight training by a person who holds a pilot competence certificate and an aviation medical certificate, conducted on board an aircraft of class or type other than that indicated on that competence certificate, under the supervision of a person who holds a competence certificate and an aviation medical certificate qualifying for pilotage of that aircraft (under the supervision of a person who has been designated by the Minister of Land, Infrastructure, Transport and Tourism in recognition of that person's having adequate knowledge and proficiency to conduct pilotage of that aircraft, when it is difficult to be supervised by a person who holds a competence certificate qualifying for pilotage of that aircraft).
- (2) A person who supervises flight training under each item of the preceding paragraph must conduct the supervision pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism.
- (3) The Minister of Land, Infrastructure, Transport and Tourism must, upon application for permission under paragraph (1), item (i), grant permission when the Minister deems that the applicant has the competency necessary for flight training.
- (4) The permission under paragraph (1), item (i) is granted by issuing a student pilot permit to an applicant.
- (5) The provisions of Article 30 and Article 67, paragraph (1) apply *mutatis mutandis* to a person who has been granted permission under paragraph (1), item (i).

(Flight Training for Instrument Flight, etc.)

Article 35-2 (1) The provisions of Article 34, paragraph (1) do not apply to flight training for the instrument flights, etc., which is performed by a person who holds a competence certificate for the qualification of airline transport pilot, commercial pilot or private pilot and an aviation medical certificate but does

not hold an instrument flight certificate with respect to the category of the aircraft used, under the supervision of the following persons:

- (i) any person who holds a competence certificate and an aviation medical certificate qualifying for pilotage of the aircraft, and who holds an instrument flight certificate with respect to the category of that aircraft when the competence certificate for the qualification of airline transport pilot, commercial pilot or private pilot
  - (ii) any person who holds a competence certificate and an aviation medical certificate qualifying for pilotage of the aircraft when flight training for instrument flights or instrument navigation flights are conducted under the circumstances in which the position and course of aircraft may be determined with the aid of landmarks
  - (iii) any person who has been designated by the Minister of Land, Infrastructure, Transport and Tourism as having adequate knowledge and proficiency to conduct instrument flights, etc. using the aircraft concerned when it is difficult for supervision to be performed by a person who holds a competence certificate and an aviation medical certificate qualifying for pilotage of that aircraft
- (2) The provisions of paragraph (2) of the preceding article apply mutatis mutandis to a person who supervises flight training for instrument flight, etc.

(Delegation to Order of the Ministry of Land, Infrastructure, Transport and Tourism)

Article 36 Particulars relating to the form, issuance, reissuance, and return of a competence certificate, an aviation medical certificate and a student pilot permit, as well as other particulars in detail concerning competence certification, aviation medical certification, aviation English proficiency certification, instrument flight certification, flight instructor certification, permission under Article 35, paragraph (1), item (i), designation under item (iii) of the same paragraph and paragraph (1), item (iii) of the preceding article, in addition to implementation details concerning subjects of the examination, procedures for taking the examination, and other particulars on the examination under Article 29, paragraph (1) (including as applied mutatis mutandis to Article 29-2, paragraph (2), Article 33, paragraph (3), and Article 34, paragraph (3)) are stipulated by Ordre of the Ministry of Land, Infrastructure, Transport and Tourism.

## **Chapter V Airways, Aerodromes and Air Navigation Facilities**

(Designation of Airways)

Article 37 (1) The Minister of Land, Infrastructure, Transport and Tourism

designates pathways through airspace, as airways, appropriate for the navigation of aircraft.

- (2) The designation of airways set forth in the preceding paragraph is made by public notice of the location and parameters of their airspace.

(Establishment of Aerodromes or Installation of Air Navigation Facilities)

Article 38 (1) Any person other than the Minister of Land, Infrastructure must obtain permission from the Minister of Land, Infrastructure, Transport and Tourism, when that person plans to establish an aerodrome or install an air navigation facility as specified by Cabinet Order.

- (2) Any person who intends to apply for permission under the preceding paragraph must submit a written application describing particulars concerning that facility, including an establishment plan showing locations and structures, etc., its administration plan, scheduled date of completion of the works, and other items specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism, plus, in the case of an aerodrome, whether the aerodrome is for public use or not.

- (3) The Minister of Land, Infrastructure, Transport and Tourism must, upon application for permission for the establishment of an aerodrome, notify the public of the location and site area, whether it is for public use or not, landing strip, approach area, approach surface, transitional surface, horizontal surface, scheduled starting date of services, and other matters specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism and post the notice thereof at the site.

- (4) The permission under paragraph (1) may be attached with conditions or a validity period, and may be modified.

(Examination of Applications)

Article 39 (1) The Minister of Land, Infrastructure, Transport and Tourism must, upon application for permission under paragraph (1) of the preceding article, examine whether the application meets the requirement shown in each item of the following:

- (i) the establishment plan for the aerodrome or the air navigation facility describing location and structures, etc. conforms to the standards specified by the Order of the Ministry of Land, Infrastructure, Transport and Tourism.
- (ii) the establishment of the aerodrome or the air navigation facility does not seriously harm the interests of any other person.
- (iii) the administration plan of the aerodrome or the air navigation facility meets the technical standards under Article 47, paragraph (1).
- (iv) the applicant is competent enough to establish and administer the aerodrome or the air navigation facility.

- (v) in the case of an aerodrome, the applicant has ownership or any other title to use the aerodrome site, or the applicant is deemed to surely acquire that title or ownership.
- (2) The Minister of Land, Infrastructure, Transport and Tourism must, when the Minister examines the application set forth in the preceding paragraph pertaining to the permission for establishment of an aerodrome, hold a public hearing and give any person who has interest in the establishment of the aerodrome an opportunity to express opinions on the establishment of that aerodrome.

(Public Notice of Public Aerodromes)

Article 40 The Minister of Land, Infrastructure, Transport and Tourism must, when the Minister has granted permission for establishment of an aerodrome for public use, give public notice of the location and site area, landing strip, approach area, approach surface, transitional surface, horizontal surface, and scheduled starting date of the aerodrome concerned, and must also post a notification thereof at the site. The same also applies when there have been any alterations concerning the particulars notified and posted after the start of services (excluding by reason of the provisions under Article 43, paragraph (1)).

(Completion of Aerodrome Construction Work)

- Article 41 (1) Any person who has been granted permission to establish an aerodrome in accordance with the provisions of Article 38, paragraph (1) (hereinafter referred to as "Aerodrome Provider") must complete the construction work by the scheduled completion date mentioned in the application for permission.
- (2) Notwithstanding the provisions of the preceding paragraph, any aerodrome provider may, when construction work cannot be completed by the scheduled completion date mentioned in the application, due to natural disasters or any other unavoidable circumstances, change the scheduled completion date pursuant to the provisions of the same paragraph, upon permission of the Minister of Land, Infrastructure, Transport and Tourism; provided, however, that in the case of any aerodrome other than an aerodrome for public use (hereinafter referred to as "nonpublic aerodrome"), that permission may not be needed when the scheduled completion date has been changed to another date which is within a period designated by Order of the Ministry of Land, Infrastructure, Transport and Tourism reckoning from the scheduled completion date under the same provisions.
- (3) In the case of the proviso in the preceding paragraph, the nonpublic aerodrome provider must submit the revised scheduled date of completion to the Minister of Land, Infrastructure, Transport and Tourism.

(Completion Inspection)

- Article 42 (1) Any aerodrome provider or any person who has been granted permission to install an air navigation facility under the provisions of Article 38, paragraph (1) (hereinafter referred to as "air navigation facility provider") must, when the construction work of the facility pertaining to that permission have been completed, have that facility inspected by the Minister of Land, Infrastructure, Transport and Tourism without delay.
- (2) The Minister of Land, Infrastructure, Transport and Tourism must approve a facility, upon confirming the facility mentioned in the application conforms to the establishment plan, as the result of inspection set forth in the preceding paragraph.
- (3) Any aerodrome provider or any air navigation facility provider must, when the facility concerned has passed the inspection under the paragraph (1), fix the starting date of services, and report it to the Minister of Land, Infrastructure, Transport and Tourism without delay.
- (4) Any aerodrome provider or any air navigation facility provider must not open the facility for public use before the starting date of services as may be reported pursuant to the provisions of the preceding paragraph.

(Alteration of Aerodromes or Air Navigation Facilities)

- Article 43 (1) Any aerodrome provider or any air navigation facility provider must obtain permission from the Minister of Land, Infrastructure, Transport and Tourism, when significant alterations are made to the facility concerned for the purpose of securing air safety as may be specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism (including the case of relocating the reference point at the aerodrome).
- (2) The provisions of Article 38, paragraphs (2) through (4), Article 39, Article 40 and the preceding article apply *mutatis mutandis* to the case of the preceding paragraph; provided, however, that the provisions of Article 38, paragraph (3), Article 39, paragraph (2), and Article 40 apply *mutatis mutandis* only when there are any alterations to the site area, approach surface, transitional surface, or horizontal surface of the aerodrome.

(Suspension of Operations or Closure of Aerodromes)

- Article 44 (1) Any provider of an aerodrome for public use must, in the case of suspending operations or closing the aerodrome concerned, obtain permission from the Minister of Land, Infrastructure, Transport and Tourism.
- (2) The Minister of Land, Infrastructure, Transport and Tourism must, when receiving an application for permission set forth in the preceding paragraph, permit the application thereof, unless the Minister deems that suspension of

operations or closure of that aerodrome is likely to cause severe impedance of public interests.

- (3) The permission for the suspension of operations of an aerodrome in accordance with the paragraph (1) may be attached with a validity period.
- (4) Any aerodrome provider pertaining to permission for suspension of operations of an aerodrome under the provisions of paragraph (1) must, when restarting operations of the aerodrome, have that aerodrome inspected by the Minister of Land, Infrastructure, Transport and Tourism.
- (5) The provisions of Article 42, paragraphs (2) through (4) apply mutatis mutandis to the case of restarting operations set forth in the preceding paragraph.

Article 45 (1) Any nonpublic aerodrome provider or any air navigation facility provider must, when that provider intends to suspend operations or close a facility, notify the Minister of Land, Infrastructure, Transport and Tourism to that effect within seven days prior thereto.

- (2) The provisions of paragraphs (4) and (5) of the preceding article apply mutatis mutandis to the case of restarting operations in a nonpublic aerodrome or an air navigation facility that has been suspended operations.

(Public Notice regarding Public Aerodromes or Air Navigation Facilities)

Article 46 The Minister of Land, Infrastructure, Transport and Tourism must, when the Minister has received public notice under Article 42, paragraph (3) from any public aerodrome provider or any air navigation facility provider (except those stipulated under Order of the Ministry of Land, Infrastructure, Transport and Tourism), give public notice of the name and location of the facility concerned, outline of the installations and any other matters specified under Order of the Ministry of Land, Infrastructure, Transport and Tourism. The same applies when there have been any alterations to the matters notified, or suspension of operations, restart of operations or closure of the facility concerned.

(Administration of Aerodromes or Air Navigation Facilities)

- Article 47 (1) Any aerodrome provider or any air navigation facility provider must administer the facility concerned in accordance with security standards specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism.
- (2) The Minister of Land, Infrastructure, Transport and Tourism must periodically inspect the facility concerned pursuant to the provisions of Cabinet Order, for the purpose of ensuring that the administration of the aerodrome or air navigation facility set forth in the preceding paragraph conforms to the

standards under the same paragraph.

(Revocation of Permission)

Article 48 The Minister of Land, Infrastructure, Transport and Tourism may revoke permission for establishment of an aerodrome or air navigation facility, or may order to suspend operations of the whole or part of an aerodrome for a certain period in the following cases; provided, however, that the Minister of Land, Infrastructure, Transport and Tourism may, in the case of items (ii) through (v) below, revoke permission for establishment only when the Minister has ordered the aerodrome provider or the air navigation facility provider to take the necessary measures to conform the facility to the plan described in the application or to the technical standards under Article 39, paragraph (1), item (i), or to administer the facility concerned in accordance with the security standards under paragraph (1) of the preceding article, within an appropriate period of time, and the aerodrome provider or the air navigation facility provider has failed to obey that order within the specified period.

- (i) in the case where the construction work is not completed by the scheduled completion date specified pursuant to the provisions of Article 41, paragraph (1) (the revised date, in the case where the scheduled date has been altered pursuant to the provisions of paragraph (2) of the same article) without reasonable cause
- (ii) in the case where the facility concerned is recognized to be out of compliance with the establishment or alteration plan as a result of an inspection under Article 42, paragraph (1) (including as applied mutatis mutandis to Article 43, paragraph (2))
- (iii) in the case where the facility concerned is recognized to be out of compliance with the plan described in the application form pertaining the relevant application as a result of an inspection under Article 42, paragraph (1), which applies mutatis mutandis to Article 44, paragraph (5) or Article 45, paragraph (2)
- (iv) in the case where the administration of the aerodrome or the air navigation facility fails to comply with the security standards under paragraph (1) of the preceding article
- (v) in the case where the location, structures, etc. of the aerodrome do not conform to the standards under Article 39, paragraph (1), item (i)
- (vi) in the case where the conditions governing the permission is violated

(Restriction of Objects)

Article 49 (1) No person must, after public notice concerning an aerodrome for public use given under Article 40 (including as applied mutatis mutandis to Article 43, paragraph (2)) install, plant, or leave any structures (except the

part pertaining to the relevant construction in the structures which are under construction at the time of public notice), plants or any other objects which protrude above the approach surface, transitional surface or horizontal surface (The surface taken is the lowest one if overlap of these projected planes occur.) indicated in that public notice; provided, however, that the same does not apply where temporary structures and any other objects (except those pertaining to approach surfaces or transitional surfaces) specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism are installed or left under the approval of the aerodrome provider and are planned for removal before the scheduled starting date of services.

- (2) Any aerodrome provider may, with regard to objects (including plants having grown to protrude above the approach surface, transitional surface or horizontal surface) that have been installed, planted or left in violation of the provisions under the preceding paragraph, request the owner or any other person who has the title thereof to remove those objects.
- (3) Any aerodrome provider may, with regard to objects which protrude above the approach surface, transitional surface or horizontal surface, existing at the time of giving public notice under paragraph (1) (including plants existent at the time of public notice under the same paragraph having grown to protrude above the approach surface, transitional surface or horizontal surface, and structures existent at the time of public notice under the same paragraph having been built to protrude above the surfaces), request the owner or any other person who has the title thereof to compensate for losses which may arise under normal conditions pursuant to the provisions of Cabinet Order, and to remove the part of those objects which protrude above the approach surface, transitional surface or horizontal surface of the facility
- (4) The owner of the objects set forth in the preceding paragraph or land on which those objects exist may, when the removal of the objects under the same paragraph is likely to cause extreme difficulty in using the objects or the land for the purposes for which they had hitherto been utilized, request the aerodrome provider to purchase the objects or the land concerned pursuant to the provision of Cabinet Order.
- (5) The losses to be compensated under paragraph (3) as well as the conditions of the purchase set forth in the preceding paragraph, its purchase price and other matters are determined through consultations between the parties concerned. The Minister of Land, Infrastructure, Transport and Tourism makes a ruling if consultations are not concluded successfully or if the parties are unable to convene for those consultations.
- (6) Any person who is dissatisfied with the losses to be compensated and the purchase price determined by the ruling set forth in the preceding paragraph may litigate a claim to increase or decrease the amount thereof within six

months from the day of receiving the notification of the ruling.

- (7) Any aerodrome provider, any owner of objects or land, or any other person who has the title thereof may be the defendant in case of litigation set forth in the preceding paragraph.
- (8) In the case of filing an objection to the decision under paragraph (5), discontent with the purchase price may not be the reason for dissatisfaction with the decision.

Article 50 (1) Any provider of an aerodrome for public use must, pursuant to the provisions of Cabinet Order, compensate the owner of the land concerned or any other person who has the title thereof for losses ordinarily arising from restrained utilization thereof under the provisions of paragraph (1) of the preceding article with regard to the land corresponding to a projected plane of the approach surface, transitional surface or horizontal surface (restricted only to where the distance from the approach surface, transitional surface or horizontal surface is less than 10 meters) as a result of the establishment of the aerodrome concerned or the alteration of the facility under Article 43, paragraph (1).

- (2) Any owner of the land set forth in the preceding paragraph may, when restrained utilization under the provisions of paragraph (1) of the preceding article is likely to cause extreme difficulty in using the land for the purposes for which it has hitherto been utilized, except under paragraph (4) of the same article, request the aerodrome provider to purchase the land pursuant to the provision of Cabinet Order.
- (3) The provisions of paragraphs (5) through (8) of the preceding article apply *mutatis mutandis* to the cases under the preceding two paragraphs.

(Obstacle Lights)

Article 51 (1) Any owner or any person who has the title to any objects with a height of 60 meters or more above the ground or the water must install obstacle lights on the structures concerned pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism; provided, however, that the same does not apply when permitted by the Minister of Land, Infrastructure, Transport and Tourism.

- (2) Any aerodrome provider must install obstacle lights on the objects (except those on which aeronautical obstacle lights are to be installed pursuant to the provisions of the preceding paragraph) specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism, and which are located in an area corresponding with a projected plane of the approach surface, transitional surface or horizontal surface of the aerodrome concerned pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and

Tourism.

- (3) The Minister of Land, Infrastructure, Transport and Tourism must install obstacle lights on objects which might seriously endanger the safe operation of aircraft, other than those pursuant to the provision of the preceding two paragraphs, pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism.
- (4) The owner or the possessor of any objects under the preceding two paragraphs may not have the right to refuse the installation of obstacle lights by the aerodrome provider or the Minister of Land, Infrastructure, Transport and Tourism pursuant to the provisions of those paragraphs.
- (5) The Minister of Land, Infrastructure, Transport and Tourism and any person who has installed obstacle lights pursuant to the provisions of paragraph (1) or (2) must administer those aeronautical obstacle lights in accordance with the methods specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism.
- (6) The Minister of Land, Infrastructure, Transport and Tourism may, when the Minister deems that any provider of obstacle lights installed pursuant to the provisions of paragraph (1) or (2) fails to administer those lights in the methods complying with Order of the Ministry of Land, Infrastructure, Transport and Tourism set forth in the preceding paragraph, order the provider to take necessary measures for improving the facility and any other measures for the rectification.

(Obstacle Markings)

- Article 51-2 (1) Any person who has installed a chimney, steel tower or any other object specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism, which is considered difficult to be perceived from aircraft in the light of day and is also at the height of 60 meters or more above the ground or the water, must install obstacle markings upon those objects pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism.
- (2) The Minister of Land, Infrastructure, Transport and Tourism must install obstacle markings on objects which might seriously endanger the safe operation of aircraft, other than those on which daytime obstacle markings are to be installed pursuant to the provisions of the preceding paragraph, pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism.
  - (3) The provisions of paragraphs (4) through (6) of the preceding article apply mutatis mutandis to obstacle markings.

(Restrictions on Similar Lights)

Article 52 (1) No person must install such lights which are likely to impede a clear view of aeronautical lights or which are likely to be mistaken for aeronautical lights (hereinafter referred to as "similar lights").

(2) The Minister of Land, Infrastructure, Transport and Tourism may order the provider of any similar lights to take specific measures within a certain period to shield the lights concerned and to ensure a clear view of the aeronautical lights, or take any other measures which clearly distinguish them from those similar lights.

(3) Under the preceding paragraph, any similar lights already installed at the time of the installation of aeronautical lights, the cost incurred in taking the measures under the same paragraph, are borne by the provider of the aeronautical lights concerned.

(Prohibited Acts)

Article 53 (1) No person must damage runways, taxiways or any other important installations on the aerodrome specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism or air navigation facilities, nor commit such acts that are likely to impede the function thereof.

(2) No person must, within the precincts of an aerodrome, throw any objects at aircrafts, nor commit such acts as may be specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism, which is likely to cause a danger to flight operations.

(3) No person must be admitted to enter landing strips, taxiways, aprons area or hangars without due cause.

(User Fees)

Article 54 (1) Any aerodrome provider or any air navigation facility provider must obtain permission from the Minister of Land, Infrastructure, Transport and Tourism before establishing the user fees for aerodromes or air navigation facilities for public use. The same applies when that provider intends to alter those fees.

(2) The Minister of Land, Infrastructure, Transport and Tourism may, when the minister deems that the user fees set forth in the preceding paragraph fall under any of the following cases, order the aerodrome provider or the air navigation facility provider to alter those fees within a certain period.

(i) in the case of being construed as unfair and discriminatory to particular users

(ii) in the case of being extremely inappropriate in light of social and economic situations and likely to provide users with extreme difficulty in using the aerodrome or the air navigation facility

(Administrative Regulations)

Article 54-2 (1) Any aerodrome provider must enact the administrative regulations regarding the use conditions and other particulars for operations of services in an aerodrome for public use pursuant to the provisions of the Order of the Ministry of Land, Infrastructure, Transport and Tourism, and must display those administrative regulations in a location where they may easily be seen by aerodrome users.

(2) Any aerodrome provider set forth in the preceding paragraph must obtain permission from the Minister of Land, Infrastructure, Transport and Tourism before enacting the administrative regulations under the same paragraph (except the part pertaining to user fees under paragraph (1) of the preceding article) or making alterations thereof.

(Succession in Title of the Aerodrome Provider)

Article 55 (1) Any person does not succeed in title of aerodrome provider or air navigation facility provider under this Act unless the person who intends to succeed in that title obtains permission from the Minister of Land, Infrastructure, Transport and Tourism, except in the case of paragraph (3).

(2) The provisions of Article 39, paragraph (1), item (iv) apply mutatis mutandis to the case where granting permissions set forth in the preceding paragraph.

(3) When an aerodrome provider or an air navigation facility provider has died, the heir (or in the case of two or more heirs, the heir has to be selected among the heirs to succeed in title of a provider after consultations) succeeds in title of the inheritee under the provisions of this Act.

(4) Any heir set forth in the preceding paragraph must, when the heir has succeeded in title of the decedant under this Act, notify the Minister of Land, Infrastructure, Transport and Tourism to that effect without delay.

(Establishment or Administration of Aerodromes by the Minister of Land, Infrastructure, Transport and Tourism)

Article 55-2 (1) The Minister of Land, Infrastructure, Transport and Tourism must, when the Minister establishes an aerodrome or an air navigation facility, or makes any alterations to the facility, comply with the standards under Article 39, paragraph (1) items (i), (ii) and (v).

(2) The provisions of Article 38, paragraph (3), Article 39, paragraph (2), Article 40, Article 46, Article 47, paragraph (1), Article 49, Article 50, Article 51, paragraphs (2), (4) and (5), and Article 54-2, paragraph (1) apply mutatis mutandis when the Minister of Land, Infrastructure, Transport and Tourism establishes an aerodrome or an air navigation facility, or makes any alterations in the facility; provided, however, that the provisions of Article 39, paragraph (2) do not apply mutatis mutandis when the aerodrome site

concerned had previously been provided lawfully for landing and taking off of aircraft and there are no structures, plants and other objects protruding above the approach surfaces, transitional surfaces or horizontal surfaces of the aerodrome concerned.

(Special Exceptions concerning First Class Aerodrome)

Article 56 (1) The Minister of Land, Infrastructure, Transport and Tourism may designate the extended approach surface, conical surface or outer horizontal surface for first class aerodromes and second class aerodromes specified by Cabinet Order.

(2) The extended approach surface is a plane including the approach surface, and is also encircled by the outer base of the approach surface, whose lines extend outward and upward along oblique sides of the approach surface therewith, and parallel to the outer base concerned for a horizontal distance of 15,000 meters from the inner base of the approach surface.

(3) The conical surface is a conical plane, which extends from the periphery of a horizontal surface outward and upward at a slope, specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism, of not less than 50 to 1 to intersect a vertical plane which includes the aerodrome reference point, and is also limited to the area necessary for securing safety of takeoff and landing of aircraft within the projected plane encircled and having a radius of not more than 16,500 meters from the aerodrome reference point as specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism.

(4) The outer horizontal surface is a horizontal plane extending outward from the outer and upper periphery of the conical surface set forth in the preceding paragraph, and is a projected plane with a radius of not more than 24,000 meters, as specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism, from the aerodrome reference point (except the part where the projected plane corresponds with the projected plane of the horizontal surface or conical surface), and is also limited to the area necessary for securing the safety of takeoff and landing of aircraft.

Article 56-2 (1) The Minister of Land, Infrastructure, Transport and Tourism must, in the case of designation under paragraph (1) of the preceding article or alterations to the particulars already designated, give consideration so as not to seriously harm the interests of the owners of land in the vicinity of the aerodrome or other persons who have interests.

(2) The provisions of Article 38, paragraph (3), Article 39, paragraph (2), and Article 40 apply mutatis mutandis to designation under paragraph (1) of the preceding article or alterations to matters already designated.

Article 56-3 (1) No person must, when public notice is given under Article 40 which applies mutatis mutandis to paragraph (2) of the preceding article with regard to aerodromes as specified by the provisions of Article 56, paragraph (1), install, plant or leave any structures (except the part pertaining to the relevant construction in the structures which are under construction at the time of public notice), plants or any other objects which protrude above the extended approach surface, conical surface or outer horizontal surface (the surface taken is the lowest if overlap of these projected surfaces occurs) described in that public notice.

(2) The proviso of Article 49, paragraph (1) apply mutatis mutandis to the conical surface and the outer horizontal surface.

(3) The provisions of Article 49, paragraph (2) apply mutatis mutandis to objects in violation of the provisions of paragraph (1), and the provisions of paragraphs (3) through paragraph (8) of the same article apply mutatis mutandis to objects existing at the time of public notice under paragraph (1), which protrude above the extended approach surface, the conical surface or the outer horizontal surface.

(Designation of Facilities for Public Use)

Article 56-4 (1) The Minister of Land, Infrastructure, Transport and Tourism may, when the Minister deems it necessary in enhancing the public interest, designate landing strips and any other facilities in an aerodrome established by the Self-Defense Forces as facilities for public use.

(2) The designation set forth in the preceding paragraph is conducted by giving public notice of the name and location of the facilities concerned and the outline of the installations and other matters specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism.

(3) The Minister of Land, Infrastructure, Transport and Tourism must, when there have been any modifications to the particulars of which the public notice under the preceding paragraph was given, pertaining to the facilities designated under paragraph (1), notify any particulars pertaining to those modifications without delay.

(4) The Minister of Land, Infrastructure, Transport and Tourism must give public notice of any revocation of the designation under paragraph (1) without delay.

(5) The Minister of Land, Infrastructure, Transport and Tourism must, when the Minister intends to establish that designation under paragraph (1), or to revoke the designation set forth in the preceding paragraph, consult with the Minister of Defense.

(6) The Minister of Defense must open the facilities for public use, when the facilities are designated under paragraph (1); provided, however, that this does

not apply when there are unavoidable reasons.

- (7) The Minister of Defense must not condone any unfair and discriminatory treatment of any users concerning use conditions of the facilities pertaining to the designation under paragraph (1).

## **Chapter VI Operation of Aircraft**

(Display of Nationality Mark)

Article 57 No aircraft must be used for air navigation unless the nationality mark, registration mark and the owner's name are displayed on the aircraft in accordance with Order of the Ministry of Land, Infrastructure, Transport and Tourism; provided, however, that the same does not apply when permitted by the proviso of Article 11, paragraph (1).

(Flight Logbook)

Article 58 (1) Any operator of aircraft must keep a flight logbook.

(2) Any operator of aircraft must, when the aircraft is used for air navigation, or repaired or altered, enter such particulars as specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism in a flight logbook without delay.

(3) The provisions under the preceding two paragraphs do not apply when permitted under the proviso of Article 11, paragraph (1).

(Documents to be Carried in Aircraft)

Article 59 No aircraft (except such aircraft as may be specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism) must be used for air navigation without carrying the following documents; provided, however, that the same does not apply when permitted by the Minister of Land, Infrastructure, Transport and Tourism in accordance with the proviso of Article 11, paragraph (1).

(i) aircraft registration certificate

(ii) airworthiness certificate

(iii) flight logbook

(iv) any other documents necessary for flight safety as may be specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism

(Devices for Ensuring Safety of Aircraft Flight Operations)

Article 60 No aircraft specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism must be used for air navigation unless it is equipped with devices for measuring aircraft attitude, altitude, position or the course to be flown, wireless telephone, and other devices for ensuring the safe flight

operations of aircraft pursuant to the provision of Order of the Ministry of Land, Infrastructure, Transport and Tourism; provided, however, that the same does not apply when permitted by the Minister of Land, Infrastructure, Transport and Tourism.

(Devices for Recording Aircraft Flight Operations)

- Article 61 (1) No aircraft specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism must be used for air navigation unless it is equipped with a flight-data recorder or other devices for recording aircraft flight operations and those devices are activated pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism; provided, however, that the same does not apply when permitted by the Minister of Land, Infrastructure, Transport and Tourism.
- (2) Any operator of aircraft set forth in the preceding paragraph must preserve data obtained from devices mentioned in the same paragraph pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism.

(First-Aid Tools)

Article 62 No aircraft specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism must be used for air navigation unless it is equipped with parachutes, life jackets, emergency signal lights, and other first-aid tools as may be specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism.

(Aircraft Fuel)

Article 63 No aircraft must, when it is used for air transport services or for flights under instrument flight rules, start unless it carries a quantity of fuel specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism.

(Aircraft Lights)

Article 64 Any aircraft must, when it is operated at night (between sunset and sunrise; the same applies hereinafter) or parked on aerodrome used at night, be marked with lights pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism; provided, however, that any aircraft operated or parked on water conforms to the provisions of the Act on Preventing Collision at Sea (Act No.62, 1977).

(Aircrew to be on Board Aircraft)

Article 65 (1) Any aircraft must be boarded by an airman who can pilot the

aircraft pursuant to the provisions of Article 28.

- (2) Any aircraft which is listed in the "Aircraft" column of the following table must be boarded by an airman who can perform functions listed in the "Duties" column of the same table pursuant to the provisions of Article 28, in addition to an airman set forth in the preceding paragraph.

Aircraft	Duties
Any aircraft that falls under any of the following categories: I. Aircraft, because of its structure, which needs two persons for pilotage of aircraft II. Aircraft which needs two persons for pilotage only for the purpose of a flight according to the special methods and rules, and engages in flights according to the special methods and rules III. Aircraft which is used for air transport of passengers and engages in flights under instrument flight rules IV. Aircraft which is used for air transport of passengers and engages in flights, the duration of which exceeds five hours	Pilotage of aircraft
Aircraft for which, because of its structure, complete handling of aircraft engines and systems cannot be provided by the pilot (any person who engages in pilotage of aircraft; the same applies hereinafter) alone.	Handling of aircraft engines and systems to be provided to in-flight aircraft (except controlling of piloting systems)

Article 66 (1) Any aircraft which is listed in the "Aircraft" column of the following table must be boarded by an airman who can perform functions listed in the "Duties" column of the same table pursuant to the provisions of Article 28, in addition to an airman required under the preceding article.

Aircraft	Duties
Aircraft which is equipped with radio apparatus (other than that for receiving purpose only) pursuant to the provisions of Article 60 and is engaged in flights	Operating radio equipment listed in the opposite column

Aircraft (other than that which is recognized to be able to use landmarks or air navigation facilities at all times during flights and which is equipped with inertial navigation equipment and any other devices for measuring position and course to be flown as well as devices for calculation of air navigation data as specified by Order of Ministry of Land, Infrastructure, Transport and Tourism) which is engaged in a non-stop flight over the section of 550 kilometers or more	Measurement of the position and course of aircraft and calculation of air navigation data
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(2) Notwithstanding the provisions of the preceding paragraph, any aircraft may, when an airman who is engaged in other duties can perform the respective duties listed in the "Duties" column of the table under the same paragraph, and the performance of the airman's own duties are not adversely affected by those activities, not be boarded by an airman required under the same paragraph.

(Documents to be Carried by Airman)

Article 67 (1) Any airman must, when performing their air navigation duties, carry a competence certificate.

(2) Any airman must, when performing of thier air navigation duties on board an aircraft, carry both a competence certificate and an aviation medical certificate.

(Standards of Crew Assignment)

Article 68 No person who operates air transport services must permit any airman to engage in air navigation services on board the aircraft used unless the crew assignment schedule is made in accordance with the standards specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism.

(Recent Flight Experience)

Article 69 No member of the aircrew (any person who engages in air navigation services on board an aircraft; the same applies hereinafter ) must engage in the operation of an aircraft used for air transport services, or make an instrument or night flight, or conduct flight instructions under Article 34, paragraph (2), unless that member has the required flight experience within a certain period pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism.

(Intoxicants)

Article 70 No member of the aircrew must engage in air navigation services

while that member is under the influence of alcohol or drugs or other chemical agents which are likely to impair in anyway their ability to perform normal operations of aircraft.

(Physical Disabilities)

Article 71 No member of the aircrew of an aircraft must, when that member becomes physically unfit to the medical examination standards under Article 31, paragraph (3), engage in air navigation services, even if that member's aviation medical certificate issued under Article 32 is still valid.

(Pilot's Obligation for Keeping Watch)

Article 71-2 Any person who is piloting an aircraft (or their on-board supervisor where the pilot is undergoing pilot training or instrument flight training) must, while in flight, keep watch so as not to collide with other aircraft or other objects irrespective of whether that person is engaged in a flight in accordance with the instructions given by the Minister of Land, Infrastructure, Transport and Tourism under the provisions of Article 96, paragraph (1), except under such weather conditions that will not permit that peron to recognize any objects outside their own aircraft.

(Requirements of Pilot in Command on Board an Aircraft Used for Air Transport Services)

Article 72 (1) No person must board, as pilot in command, an aircraft used for air transport services specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism, unless that person has obtained the approval of the Minister of Land, Infrastructure, Transport and Tourism with regard to the required knowledge and skill for pilot in command as may be specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism.

(2) The Minister of Land, Infrastructure, Transport and Tourism must examine on a regular basis whether or not any person who has obtained approval set forth in the preceding paragraph maintains the required level of knowledge and skill under the same paragraph.

(3) The Minister of Land, Infrastructure, Transport and Tourism must, whenever the Minister deems it necessary, examine from time to time whether or not any person who has obtained an approval under paragraph (1), maintains the knowledge and skill under the same paragraph.

(4) Where any person who has obtained approval under paragraph (1) fails to undergo an examination under paragraph (2) or refuses to undergo an examination set forth in the preceding paragraph, or fails to pass that examination set forth in paragraph (2) or the preceding paragraph, the

aforementioned approval ceases to be effective.

- (5) The provisions of paragraph (1) do not apply, when any pilot in command, who falls within the scope provided by the Minister of Land, Infrastructure, Transport and Tourism and acts as an aircrew member of any aircraft operated by a domestic air carrier specified under Article 102, paragraph (1) as may be, upon application, designated by the Minister of Land, Infrastructure, Transport and Tourism (hereinafter referred to as "designated domestic air carrier"), has been approved by the aforementioned designated domestic air carrier regarding having the required knowledge and skill under paragraph (1).
- (6) Any designated domestic air carrier must execute an examination for those who have obtained approval set forth in the preceding paragraph and those who board an aircraft for air transport services as pilot in command and have obtained approval under paragraph (1), in accordance with the provisions of paragraphs (2) and (3) accordingly. In this case, the provisions of paragraphs (2) and (3) do not apply.
- (7) The provisions of paragraph (4) apply mutatis mutandis to the examination set forth in the preceding paragraph.
- (8) The Minister of Land, Infrastructure, Transport and Tourism may, whenever the Minister deems it necessary, also carry out an examination under paragraphs (2) and (3) for persons to be examined by the designated domestic air carrier pursuant to the provisions of paragraph (6). In this case, the provisions of paragraph (4) apply.
- (9) The designated domestic air carrier must, in granting approval under paragraphs (5) and executing examination under paragraph (6), authorize such persons, who have been designated by the Minister of Land, Infrastructure, Transport and Tourism upon application by the designated domestic air carrier and who meet the requirements specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism, to perform the aforementioned duties.
- (10) The detailed particulars necessary for the implementation of the provisions of the preceding paragraphs are stipulated in Order of the Ministry of Land, Infrastructure, Transport and Tourism.
- (11) The Minister of Land, Infrastructure, Transport and Tourism may, when the designated domestic air carrier violates the provisions of paragraph (6) or (9) or the provisions under the preceding paragraph as may be specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism set forth in the preceding paragraph, order that carrier to take necessary measures for improving operations of approval under paragraph (5) or examination under paragraph (6), or to suspend the whole or part of operations of approval or examination for a certain period within six months, or may revoke the designation under paragraph (5).

(Authority of Pilot in Command)

Article 73 The pilot in command (any person who performs duties of a pilot in command, in cases where the pilot in command cannot perform those duties; the same applies hereinafter) directs and supervises those who perform their duties on board the aircraft.

(Confirmation before Departure)

Article 73-2 The pilot in command must not start an aircraft, unless the pilot has confirmed that the aircraft has no problems for flight and the necessary preparation for air navigation has been completed, pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism.

(Prohibition of Safety Impeding Acts)

Article 73-3 No person on board an aircraft must commit an act which impedes safety of the aircraft, inflicts damage on any other person or property therein, disturbs the order on board, or violates discipline on board (hereinafter referred to as "safety impeding acts")

Article 73-4 (1) The pilot in command may, from the moment when all external doors of the aircraft are closed for takeoff until the moment when any that door is opened for disembarkation after landing, in the case where that pilot has reasonable grounds sufficient to believe that a person on board the aircraft has committed or is about to commit any safety impeding act, impose upon that person restraint or other necessary measures (except the order to be issued pursuant to the provisions of paragraph (5)) to deter the act, or disembark the offending person, within the limit necessary for the preservation of safety of the aircraft, protection of any other person or property therein, or maintenance of order or discipline on board.

(2) The pilot in command must not, after landing, in the case where that pilot has imposed restraint upon a person pursuant to the provisions of the preceding paragraph, except when that person agrees to onward carriage under restraint, or when there exists unavoidable circumstances with regard to not disembarking the offending person, take off the aircraft with that person on board under any form of consecutive restraint.

(3) Any person on board the aircraft may, upon request or approval of the pilot in command, provide the necessary assistance for that pilot to implement the measures set forth in the paragraph (1).

(4) The pilot in command must, in landing the aircraft with a person on board who has been placed under restraint pursuant to the provisions of paragraph (1), or with a person on board to be disembarked pursuant to the provisions of the same paragraph, notify the nearest air traffic control unit of the fact that

the person is on board with the reason for restraint or disembarkation, if possible prior to landing.

- (5) The pilot in command may, when a person on board an aircraft has committed any of the following safety impeding acts, order the person not to repeat or continue that act, pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism: An act of operating an opening and closing device of an external door or an emergency exit without reasonable cause, An act of smoking in a lavatory, An act of interfering with the execution of the duties of the crew on board the aircraft and An act as specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism to be prohibited for the preservation of safety of the aircraft, protection of any other person or property therein, or maintenance of order or discipline on board.

(Measures in Danger)

Article 74 The pilot in command may, when a danger occurs or that pilot deems to a danger to be likely to occur, to the aircraft or passengers, order the passengers on board regarding the procedures for evacuation or other particulars necessary for safety (excluding assistance necessary for the pilot in command to take measures under paragraph (1) of the preceding article.)

Article 75 The pilot in command must, when an imminent danger occurs to the aircraft during flight, employ every possible means necessary for rescuing passengers and preventing injury or damage to persons or objects on the land or water.

(Obligation to Report)

Article 76 (1) The pilot in command must, in the event of any of the following accidents, report to the Minister of Land, Infrastructure, Transport and Tourism in accordance with Order of the Ministry of Land, Infrastructure, Transport and Tourism; provided, however, that if the pilot in command is unable to report, the operator of the aircraft must report.

(i) crash, collision, or fire of aircraft

(ii) injury or death of any person, or damage of any object caused by aircraft

(iii) death (except those specified in Order of the Ministry of Land,

Infrastructure, Transport and Tourism) or disappearance of any person on board the aircraft

(iv) contact with other aircraft

(v) other accidents relating to aircraft specified in Order of the Ministry of Land, Infrastructure, Transport and Tourism

- (2) The pilot in command must, when that pilot has learnt that any accident specified in the item (i) of the preceding paragraph has occurred to any other

aircraft, report such to the Minister of Land, Infrastructure, Transport and Tourism, except when that pilot has learnt of that accident through radio telegraph or radio telecommunication, in accordance with Order of the Ministry of Land, Infrastructure, Transport and Tourism.

- (3) The pilot in command must, when that pilot has directly learnt during flight that any malfunction of any air navigation facility or any other incident which is deemed to be likely to affect the safe operation of aircraft specified in Order of the Ministry of Land, Infrastructure, Transport and Tourism, have occurred, except when that pilot has learnt of that incident through other sources, report such to the Minister of Land, Infrastructure, Transport and Tourism, in accordance with Order of the Ministry of Land, Infrastructure, Transport and Tourism.

Article 76-2 The pilot in command must, when that pilot has recognized during flight that there was a danger of collision or contact with any other aircraft, or there is a danger of causing any of accidents listed in each item of paragraph (1) of the preceding article, specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism report such to the Minister of Land, Infrastructure, Transport and Tourism pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism.

(Flight Dispatcher)

Article 77 No aircraft used for air transport services specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism must be started or its flight plan must not be altered unless the pilot in command has obtained approval from a flight dispatcher provided by a domestic air carrier under Article 102, paragraph (1).

Article 78 (1) A flight dispatcher under the preceding article must be a person who has passed a competence examination for a flight dispatcher, which is administered by the Minister of Land, Infrastructure, Transport and Tourism.

(2) A competence examination for a flight dispatcher will be executed to determine whether or not an applicant possesses such knowledge and competence with regard to aircraft, air navigation facilities, radio communications and meteorology that are necessary for performing his/her duties under the preceding article.

(3) No person may be eligible for a competence test for an aircraft dispatcher unless that person is of such age and has such experience in navigation of aircraft as may be specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism

(4) The provisions of Articles 27, 29 and 30 apply mutatis mutandis to a

competence test for an aircraft dispatcher.

- (5) Application procedures for a competence test for an aircraft dispatcher and other detailed matters thereof are stipulated in Ordre of the Ministry of Land, Infrastructure, Transport and Tourism.

(Places for Landing and Takeoff)

Article 79 No aircraft (other than those specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism) must take off or land, on land, at places other than aerodromes, and on water, at places other than those specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism; provided, however, that the same does not apply when permitted by the Minister of Land, Infrastructure, Transport and Tourism.

(No-Fly Zone)

Article 80 No aircraft must be flown over such area as is likely to endanger the safe navigation of other aircraft specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism; provided, however, that the same does not apply when permitted by the Minister of Land, Infrastructure, Transport and Tourism.

(Minimum Safety Altitude)

Article 81 No aircraft must be flown, except during taking off or landing, at an altitude lower than that specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism, taking into consideration the safety of persons or objects on land or water as well as the safety of aircraft; provided, however, that the same does not apply when permitted by the Minister of Land, Infrastructure, Transport and Tourism.

(Special Exceptions for Search or Rescue)

Article 81-2 The provisions of the preceding three articles do not apply to flights conducted by an aircraft specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism for search and rescue operations in case of aircraft accidents, maritime accidents, and other accidents.

(Cruising Altitude)

Article 82 (1) Any aircraft must, when flying at an altitude of 900 meters (300 meters, in case of flying under instrument flight rules) or higher above the surface of land or water, cruise at an altitude specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism.

- (2) No aircraft must, when flying without relying on instrument flight rules in an airspace congested with air traffic as may be designated by the Minister of

Land, Infrastructure, Transport and Tourism in the public notice within airways in an air traffic control area (except the positive control airspace as stipulated in Article 94-2, paragraph (1)), change its cruising altitude; provided, however, that the same does not apply in the following cases:

- (i) when climbing steadily after takeoff
  - (ii) when descending for landing
  - (iii) when it is necessary to avoid bad weather and time constraints do not allow departure from the designated airspace, or it is necessary to stay within the designated airspace for flight safety
  - (iv) when there are other compelling reasons
- (3) The Minister of Land, Infrastructure, Transport and Tourism may, in each airspace area set forth in the preceding paragraph (hereinafter referred to as "altitude change prohibited airspace"), designate in the public notice the occasion during which the restrictions under the provisions of the preceding paragraph are applied.

(Speed Limitation in Air traffic Control Zone)

Article 82-2 No aircraft must be flown at a speed faster than that specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism within the following airspace categories; provided, however, that the same does not apply when permitted by the Minister of Land, Infrastructure, Transport and Tourism.

- (i) air traffic control zone
- (ii) such airspace as designated in the public notice by the Minister of Land, Infrastructure, Transport and Tourism, which adjoins to an air traffic control zone within approach control area stipulated in Article 96, paragraph (3), item (iv)

(Collision Avoidance)

Article 83 All aircraft must navigate in accordance with the course, route, speed and other navigation methods as may be specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism, for the purpose of preventing collision with other aircraft or ships and securing the safety of takeoffs and landings of aircraft at an aerodrome; provided, however, that the Act on Preventing Collisions at Sea applies when an aircraft is over water.

(Air Navigation under Particular Flight Rules)

Article 83-2 No aircraft must, unless permitted by the Minister of Land, Infrastructure, Transport and Tourism, be navigated under flight rules that reduce the vertical separation from any other aircraft in a vertical direction or any other particular flight rules specified by Order of the Ministry of Land,

Infrastructure, Transport and Tourism.

(Formation Flights)

Article 84 (1) No aircraft used for air transport services must, unless permitted by the Minister of Land, Infrastructure, Transport and Tourism, engage in formation flights.

(2) The pilot in command of the aircraft must, in executing formation flight, make arrangements, prior to that flight, on the methods of formation, the methods of signal between aircraft and other matters specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism.

(Prohibition of Reckless Operation)

Article 85 No aircraft must engage in a flight at a low-altitude, generate buzz-saw noise, or dive to a low altitude without operational necessity, or must be piloted in such a manner as is annoying to other persons.

(Prohibition for Carriage of Explosives)

Article 86 (1) An aircraft must not carry any items of an explosive or highly combustible nature, or any other items which are liable to injure persons or to damage items, as may be specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism.

(2) No person must carry into an aircraft any items set forth in under the preceding paragraph.

Article 86-2 (1) Any person who operates an air transport services may, when that person has any reason sufficient for suspecting that any cargo, baggage or personal effects carried by passengers or any other items which have been carried or are about to be carried into an aircraft, judging from their shape, weight or other circumstances, constitute the items referred to in paragraph (1) of the preceding article, refuse carriage of these items in an aircraft and require the consignor or the possessor of these items to unload them, or unload them by themselves; provided, however, that the person who operates air transport services may unload those items by themselves only when the consignor or the possessor of those items is not present there.

(2) The Minister of Land, Infrastructure, Transport and Tourism may, when considering it particularly necessary for securing the safety of air navigation, order those who operate air transport services to take measures specified in the provisions of the preceding paragraph.

(Pilotless Aircraft)

Article 87 (1) Notwithstanding the provisions of Articles 65 and 66, any aircraft

equipped with apparatus which enables it to fly without being boarded by a pilot may, when permitted by the Minister of Land, Infrastructure, Transport and Tourism, engage in flight without being boarded by any pilot under the provisions of those Articles.

(2) The Minister of Land, Infrastructure, Transport and Tourism may, in granting permission set forth in the preceding paragraph, impose flying restrictions on that aircraft, when the Minister deems it necessary to prevent any dangerous effects on other aircraft.

(Towing of Objects)

Article 88 Towing of objects by an aircraft must be carried out in accordance with the safety standards specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism.

(Dropping of Objects)

Article 89 No person must drop any object from an aircraft; provided, however, that this does not apply where there exists no danger of causing injury or damage to persons or objects on land or water and where the intentions for that action have been reported to the Minister of Land, Infrastructure, Transport and Tourism.

(Parachute Descent)

Article 90 No person other than those who have obtained permission from the Minister of Land, Infrastructure, Transport and Tourism must engage in a parachute descent from an aircraft.

(Acrobatic Flights, etc.)

Article 91 (1) No aircraft must make loops, rolls, or any other acrobatic flights specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism, and engage in aircraft test flights or any other extremely high speed flights specified by the Order of the Ministry of Land, Infrastructure, Transport and Tourism (hereinafter referred to as "acrobatic flights, etc."), except when those flights are conducted outside the following airspace categories and in the airspace above the height specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism, and furthermore when flight visibility is greater than the minimum specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism; provided, however, that the same does not apply when permitted by the Minister of Land, Infrastructure, Transport and Tourism.

(i) airspace over a densely populated area

(ii) air traffic control area

(iii) air traffic control zone

(2) When an aircraft is to engage in acrobatic flights, etc., a person piloting the aircraft (or the on-board supervisor when the pilot is undergoing pilot training) must, before flying, ensure that the intended flight would not endanger the safe operation of any aircraft flying in the vicinity.

(Pilot Training Flights)

Article 92 (1) No aircraft must engage in any of the following flight categories (other than the acrobatic flights, etc.) in an air traffic control area or air traffic control zone; provided, however, that the same does not apply when permitted by the Minister of Land, Infrastructure, Transport and Tourism.

(i) flight for the purpose of on-board pilot training for any person who does not hold a pilot competence certificate (including a certificate which is equivalent to a pilot competence certificate in accordance with the standards regarding competence for those who engage in piloting aircraft used by the Self-Defense Forces specified in the provisions of Article 107, paragraph (5) of the Self-Defense Forces Act (Act No.165, 1954); the same applied to the following item).

(ii) flight for the purpose of on-board pilot training by a person who holds a pilot competence certificate, using an aircraft other than that specified in that person's pilot competence certificate

(iii) flight involving frequent changes in aircraft attitude or any other flight which might interfere with the safety of air traffic, as may be specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism

(2) The provisions of paragraph (2) of the preceding article apply mutatis mutandis when any aircraft engages in a flight listed in item (iii) of the preceding paragraph (including flights that falls under the item listed in items (i) or (ii) of the same paragraph).

(Instrument Flights and Instrument Navigation Flights)

Article 93 No aircraft must, when it is possible to determine its position and course by utilizing ground references, engage in an instrument flight or an instrument navigation flight.

(Flights under Instrument Meteorological Conditions)

Article 94 Any aircraft under instrument meteorological conditions must be navigated in accordance with instrument flight rules within an air traffic control area, air traffic control zone or air traffic information zone, and must not fly in any other airspace; provided, however, that the same does not apply when there is an unforeseeable rapid deterioration in weather conditions or other compelling reasons, or when permitted by the Minister of Land,

Infrastructure, Transport and Tourism.

(Flights under Instrument Flight Rules)

Article 94-2 (1) Any aircraft must be navigated under instrument flight rules within an airspace designated in the public notice by the Minister of Land, Infrastructure, Transport and Tourism in an air traffic control area or an air traffic control zone (hereinafter referred to as "positive control airspace"), or an airspace above the height specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism; provided, however, that the same does not apply when permitted by the Minister of Land, Infrastructure, Transport and Tourism.

(2) The Minister of Land, Infrastructure, Transport and Tourism may, in each positive control airspace, designate in the public notice the occasion during which the restrictions under provisions of the preceding paragraph are applied.

(Flights in Air Traffic Control Zone)

Article 95 No aircraft must, in a air traffic control zone, engage in a flight other than those listed below; provided, however, that the same does not apply when permitted by the Minister of Land, Infrastructure, Transport and Tourism.

- (i) takeoff from an aerodrome pertaining to an air traffic control zone, and its subsequent flight (other than a flight which is made in the same air traffic control zone again after leaving the air traffic control zone)
- (ii) landing at an aerodrome pertaining to an air traffic control zone, and a flight for the landing

(Air Traffic Management)

Article 95-2 (1) The Minister of Land, Infrastructure, Transport and Tourism is, for the purpose of ensuring appropriate use of airspace as well as safe and smooth air traffic, to establish flight routes in consideration of air traffic and weather conditions in airspace, monitor and adjust traffic volume, provide information on the above conditions to operators of domestic scheduled air transport services and other air transport services as may be specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism (hereinafter referred to as "domestic scheduled air transport service operators, etc."), and take any other necessary measures in addition to what are provided for in Articles 96 and 97.

(2) The Minister of Land, Infrastructure, Transport and Tourism is, in taking those measures set forth in the preceding paragraph, to maintain close contact and coordination with heads of relevant administrative organ and domestic scheduled air transport service operators, etc.

(3) No domestic scheduled air transport service operators, etc. provided

information by the Minister of Land, Infrastructure, Transport and Tourism pursuant to the provisions of paragraph (1) must disclose without due cause to others or use for any unauthorized purpose such information on a flight plan of other aircraft or other details which may affect the safe navigation of other aircraft as may be specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism.

- (4) The Minister of Land, Infrastructure, Transport and Tourism may, when the Minister finds that any of domestic scheduled air transport services operators, etc. violates or might violate the provisions of the preceding paragraph, stop providing those domestic scheduled air transport services operators, etc. with information under paragraph (1).

Article 95-3 When an aircraft is to engage in a flight specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism in airspace designated in the public notice by the Minister of Land, Infrastructure, Transport and Tourism as airspace in which aircraft specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism engage exclusively in an acrobatic flights, etc. or flights listed in each item of Article 92, paragraph (1) (hereinafter referred to as "civil training and testing area"), a plan for training, test, etc. must be notified to the Minister of Land, Infrastructure, Transport and Tourism pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism, and approved by the Minister. The same applies to any intended changes to the approved plan for training and test, etc.

(Air Traffic Instructions)

- Article 96 (1) Any aircraft must, in an air traffic control area or an air traffic control zone, be navigated in accordance with instructions which are given by the Minister of Land, Infrastructure, Transport and Tourism, in consideration of ensuring safe and smooth air traffic, with regard to the order, time or method of takeoff or landing, or the flight method.
- (2) Any person who engages in works at an aerodrome designated by the Minister of Land, Infrastructure, Transport and Tourism set forth in Article 2, paragraph (12) (including any person who engages in works relating to construction at the aerodrome specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism) must comply with instructions given for the safety of air traffic at the aerodrome by the Minister of Land, Infrastructure, Transport and Tourism with regard to that person's works.
- (3) Any aircraft must, when engaging in any of the following flights, engage in that flight after having communicated with the Minister of Land, Infrastructure, Transport and Tourism pursuant to the provisions of Order of

the Ministry of Land, Infrastructure, Transport and Tourism in order to receive instructions from the Minister of Land, Infrastructure, Transport and Tourism under provisions of paragraph (1).

- (i) takeoff from an aerodrome pertaining to an air traffic control zone, and a climb in the control zone after takeoff
  - (ii) landing at an aerodrome pertaining to an air traffic control zone, and a descent in the air traffic control zone for the landing
  - (iii) flight in an air traffic control zone, other than those listed in the preceding two paragraphs
  - (iv) flight under instrument flight rules in an airspace designated in the public notice by the Minister of Land, Infrastructure, Transport and Tourism within an air traffic control area for a climb following the flight listed in paragraph (1) or a descent preceding the flight listed in paragraph (2) (hereinafter referred to as "approach control area")
  - (v) flight under instrument flight rules in an air traffic control area, other than those listed in the preceding paragraph
  - (vi) flight not under instrument flight rules under the proviso of Article 94-2, paragraph (1) in a positive control airspace within an air traffic control area or in an airspace above the height set forth in the same paragraph specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism (except flights specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism)
- (4) Any aircraft must, during a flight listed in each item under the preceding paragraph, listen to instructions from the Minister of Land, Infrastructure, Transport and Tourism under provisions of paragraph (1).
- (5) The Minister of Land, Infrastructure, Transport and Tourism may, with regard to each air traffic control zone, designate in the public notice the occasion during which the restrictions under provisions of the preceding two paragraphs are applied.
- (6) In the case of a flight listed in paragraph (3), items (i) through (iii) during the occasion designated in the public notice by the Minister of Land, Infrastructure, Transport and Tourism in occasions other than those pursuant to the provisions of the preceding paragraph, the provisions of paragraphs (1) and (2) (limited to those pertaining to item (i)) of the succeeding article apply *mutatis mutandis*.

(Communication to Obtain Air Traffic Information)

Article 96-2 (1) Any aircraft must, in a flight in an air traffic information zone or a civil training and testing area, engage in that flight after having communicated with the Minister of Land, Infrastructure, Transport and Tourism pursuant to the provisions of Order of the Ministry of Land,

Infrastructure, Transport and Tourism in order to obtain information on navigation of other aircraft in that airspace; provided, however, that the same does not apply where the aircraft is navigated in accordance with instructions under the provisions of paragraph (1) of the preceding article or it is difficult to communicate as may be specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism.

- (2) Any aircraft must, during any of the following flights, listen to information under the provisions of the preceding paragraph; provided, however, that the same does not apply where the aircraft is navigated in accordance with instructions under the provisions of paragraph (1) of the preceding article or it is difficult to receive information as may be specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism.
  - (i) flight under instrument flight rules in an air traffic information zone
  - (ii) flight in a civil training and testing area specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism set forth in Article 95-3
- (3) The Minister of Land, Infrastructure, Transport and Tourism may, with regard to each air traffic information zone or civil training and testing area, designate in the public notice the occasion during which the restrictions under the provisions of the preceding two paragraphs are applied.

(Flight Plan and Approval Thereof)

- Article 97 (1) An aircraft must, when departing from an aerodrome pertaining to an air traffic control zone or an air traffic information zone, or flying in an air traffic control area, an air traffic control zone, or an air traffic information zone, under instrument flight rules, report its flight plan to the Minister of Land, Infrastructure, Transport and Tourism, pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism, and obtain the Minister's approval. The same applies to any intended changes to the approved flight plan.
- (2) Any aircraft must, before engaging in a flight (except such cases as may be specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism), except the case under the preceding paragraph, report its flight plan to the Minister of Land, Infrastructure, Transport and Tourism pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism; provided, however, that an aircraft may, when it is difficult to report a flight plan in advance as may be specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism, report the flight plan to the Minister of Land, Infrastructure, Transport and Tourism even after starting flight, pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism.
  - (3) Any aircraft for which its flight plan has been approved or has been reported

pursuant to the provisions of paragraph (1) or (2), must be navigated in accordance with the flight plan in addition to instructions from the Minister of Land, Infrastructure, Transport and Tourism under Article 96, paragraph (1); provided, however, that the same does not apply to navigate in accordance with the procedures specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism in the case of telecommunication device failure.

- (4) Any aircraft for which its flight plan has been approved or has been reported pursuant to the provisions of paragraph (1) or (2) must, while it is flying in an air traffic control area, an air traffic control zone, or an air traffic information zone, report to the Minister of Land, Infrastructure, Transport and Tourism the aircraft position, flight conditions, and other particulars as may be specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism.

(Notice of Arrival)

Article 98 The pilot in command of aircraft for which its flight plan has been approved or its flight plan has been reported pursuant to the provisions of the preceding article must, when the aircraft has completed the flight described in the flight plan, notify the Minister of Land, Infrastructure, Transport and Tourism to that effect without delay.

(Provision of Information)

Article 99 The Minister of Land, Infrastructure, Transport and Tourism must provide aircrews with necessary information for the navigation of aircraft pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism.

(Actions Likely to Affect Flight)

Article 99-2 (1) No person must launch rockets or perform any action (except installation of objects and planting of trees), as may be specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism, which might affect the flights of aircraft in an air traffic control zone, an air traffic information zone, an altitude change prohibited airspace or a positive control airspace within an air traffic control area; provided, however, that the same does not apply when the Minister of Land, Infrastructure, Transport and Tourism deems that the action poses no danger to the flights of aircraft or is necessary in the public interest and transitory and permits that action.

- (2) Any person who intends to perform actions which might affect flights of aircraft (except installation of objects and planting of trees) in an airspace other than that set forth in the preceding paragraph, as may be specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism, must

make a prior report to that effect to the Minister of Land, Infrastructure, Transport and Tourism pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism.

## **Chapter VII Air Transport Services**

(License)

- Article 100 (1) Any person who operates air transport services must obtain a license from the Minister of Land, Infrastructure, Transport and Tourism.
- (2) Any person who intends to obtain a license set forth in the preceding paragraph must submit an application to the Minister of Land, Infrastructure, Transport and Tourism, describing the following particulars:
- (i) applicant's name and address, and in case of a corporation, the name of its representative
  - (ii) operation plan concerning operations of aircraft and maintenance necessary thereof, whether or not intending to engage in international air transport services, and other particulars specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism
- (3) Any applicant for a license under paragraph (1) must, when intends to engage in international air transport services, state, in the operation plan, the particulars regarding international air transport services as may be specified by the Order of the Ministry of Land, Infrastructure, Transport and Tourism, in addition to those listed in item (ii) of the preceding paragraph.
- (4) An application under paragraph (2) must be attached by a financial plan and other documents stating particulars as may be specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism.

(Licensing Standards)

- Article 101 (1) The Minister of Land, Infrastructure, Transport and Tourism must, when there has been an application for the license under the preceding article, examine whether it conforms to each of the following:
- (i) the operation plan is suitable for ensuring transport safety.
  - (ii) any applicant has other appropriate plans for operations of the relevant services in addition to that listed in the preceding item.
  - (iii) any applicant is able to conduct the relevant services properly.
  - (iv) any applicant pertaining to international air transport services is, when there is an agreement on air navigation or any other international agreement with a foreign country, with regard to air navigation pertaining to the relevant services, to have a plan conforming to the contents of that international agreement.
  - (v) any applicant is not to fall under any of the following categories:

- (a) any person listed in any item of Article 4, paragraph (1)
  - (b) any person whose license for air transport services or aerial work services was revoked, and less than two years have passed since the date of that revocation
  - (c) any person who has been sentenced to a penalty of imprisonment without work or more severe punishment for violation of any provisions of this Act, and less than two years have passed since completion of the sentence or since it was suspended
  - (d) any juridical person whose officer(s) come under any of the provisions of (b) or (c).
  - (e) any company whose holding company (any holding company under Article 9, paragraph (5), item (i) of the Act on Prohibition of Private Monopolization and Maintenance of Fair Trade (Act No.54, 1947) or affiliated company which is deemed to have effective control over the operations of that company, as may be specified by Order of Ministry of Land, Infrastructure, Transport and Tourism (hereinafter referred to as "holding company, etc.") falls under Article 4, paragraph (1), item (iv)
- (2) The Minister of Land, Infrastructure, Transport and Tourism must, when the Minister deems that the application conforms to the standards pursuant to the provisions of the preceding paragraph as a result of examination under the provisions of the same paragraph, issue a license for air transport services.

(Inspection of Operating Facilities, etc.)

Article 102 (1) No person who has obtained a license under Article 100, paragraph (1) (hereinafter referred to as "domestic air carrier") must, unless facilities for air navigation management of aircraft used for the services pertaining to that license, facilities for maintenance of aircraft, and other facilities necessary to ensure safe navigation of aircraft as may be specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism (hereinafter referred to as "operating facilities, etc.") have undergone and passed an inspection by the Minister of Land, Infrastructure, Transport and Tourism, perform operation or maintenance of aircraft in those facilities. The same applies to any significant changes to those operating facilities, etc. as may be specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism.

- (2) The Minister of Land, Infrastructure, Transport and Tourism must, when the Minister finds that any domestic air carrier is capable of performing its services safely and properly in accordance with this Act as a result of an inspection set forth in the preceding paragraph, pass the facility.

(Improvement in Transportation Safety)

Article 103 Any domestic air carrier must realize that it is most important to ensure transportation safety and continue to make efforts for improvement in transportation safety.

(Safety Management Rules)

Article 103-2 (1) Any domestic air carrier (except those whose management scale is less than that specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism; hereinafter the same applies in this article) must establish the safety management rules and notify the Minister of Land, Infrastructure, Transport and Tourism to that effect pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism. The same applies to any changes thereof.

- (2) The safety management rules must contain necessary particulars pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism, with regard to the following particulars to be complied by a domestic air carrier for ensuring transportation safety.
  - (i) particulars concerning policies for operations of services for ensuring transportation safety
  - (ii) particulars concerning implementation of operations and its management system for ensuring transportation safety
  - (iii) particulars concerning implementation of operations and its management method for ensuring transportation safety
  - (iv) particulars concerning appointment of a safety manager (any person who is, for management of business concerning particulars listed in preceding three items, appointed by a domestic air carrier from those who serve in an administrative position participating in important decisions on business operations and have a certain level of practical experience for air transport services and meet other requirements specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism; the same applies hereinafter)
- (3) The Minister of Land, Infrastructure, Transport and Tourism may, when the Minister finds that the safety management rules do not conform to the provisions under the preceding paragraph, order the relevant domestic air carrier to modify those rules.
- (4) Any domestic air carrier must appoint a safety manager.
- (5) Any domestic air carrier must, when that carrier has appointed or have dismissed a safety manager, notify the Minister of Land, Infrastructure, Transport and Tourism to that effect without delay pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism.
- (6) Any domestic air carrier must respect the opinions of a safety manager in performing their duties with regard to ensuring transportation safety.
- (7) The Minister of Land, Infrastructure, Transport and Tourism may, when the

Minister finds that a safety manager has neglected their duties and their continuing engagement in those duties might significantly affect operations to ensure transportation safety, order the domestic air carrier to dismiss the safety manager.

(Approval of Operation Rules and Maintenance Rules)

Article 104 (1) Any domestic air carrier must issue operation rules and maintenance rules with regard to the particulars concerning the operation and maintenance of aircraft specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism and obtain approval from the Minister of Land, Infrastructure, Transport and Tourism. The same applies to any changes thereof.

(2) The Minister of Land, Infrastructure, Transport and Tourism must, when the Minister finds the operation rules and the maintenance rules set forth in the preceding paragraph conforms to the technical standards specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism, grant approval under the same paragraph.

(Tariffs and Charges)

Article 105 (1) Any domestic air carrier must fix tariffs and charges for passenger and cargo (except mail pertaining to international air transport services; the same applies to paragraph (3)), and notify the Minister of Land, Infrastructure, Transport and Tourism to that effect in advance. The same applies to any charges thereof.

(2) The Minister of Land, Infrastructure, Transport and Tourism may, when the Minister finds that tariffs and charges set forth in the preceding paragraph falls under any of the following categories, order the domestic air carrier to change tariffs and charges within a certain time limit.

(i) those which lead to any unfair and discriminatory treatment against specific passengers or consigners

(ii) those which are extremely inappropriate according to social and economic situations and might make it extremely difficult for passengers or consigners to use its services

(iii) those which might create unfair competition against other domestic air carriers

(3) Any domestic air carrier who intends to operate international air transport services must, notwithstanding the provisions of paragraph (1), fix tariffs and charges for passenger and cargo pertaining to the relevant services, and obtain prior approval from the Minister of Land, Infrastructure, Transport and Tourism. The same applies to any charges thereof.

(4) The Minister of Land, Infrastructure, Transport and Tourism must, when the

tariffs and charges set forth in the preceding paragraph fall under none of the items of paragraph (2) and conform to the contents of the concerned international agreement if there is an agreement on air navigation or any other international agreement pertaining to the relevant international air transport services with a foreign country, grant approval set forth in the preceding approval.

(Approval of Conditions of Carriage)

Article 106 (1) Any domestic air carrier must establish conditions of carriage and obtain approval from the Minister of Land, Infrastructure, Transport and Tourism. The same applies to any changes thereof.

(2) The Minister of Land, Infrastructure, Transport and Tourism must, when the Minister intends to grant an approval set forth in the preceding paragraph, comply with the following standards:

(i) the conditions of carriage have no possibility of harm the legitimate public interest.

(ii) the conditions of carriage include the provisions at least defining the carrier's liability relating to fare and charge collection as well as transportation.

(Notification about Tariffs and Charges, etc.)

Article 107 Any domestic air carrier must post a notification about tariffs and charges and the conditions of carriage, legible to the public, at its business offices and at other places of business.

(Flight Plan)

Article 107-2 (1) Any domestic air carrier who intends to start domestic scheduled air transport services must prepare a flight plan (a plan describing aerodromes, number of flights, arrival/departure times for each route and other particulars specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism; the same applies hereinafter), and submit the flight plan to the Minister of Land, Infrastructure, Transport and Tourism in advance.

(2) Any domestic air carrier who has submitted its flight plan under the preceding paragraph must, when that carrier intends to make any changes to that flight plan, notify the Minister of Land, Infrastructure, Transport and Tourism to that effect in advance.

(3) Any domestic air carrier set forth in the preceding paragraph must, when that carrier intends to make any changes to its flight plan pertaining to abandonment of a route, notwithstanding the provisions of the preceding paragraph, notify the Minister of Land, Infrastructure, Transport and Tourism

to that effect six months before those changes (two months before, in the case where the Minister deems that those changes would not hamper convenience of users as may be specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism).

- (4) Any domestic air carrier under the paragraph (2) must, when that carrier intends to close down its domestic scheduled air transport services, notify the Minister of Land, Infrastructure, Transport and Tourism to that effect six months before that closedown (two months before, in the case where that carrier deems that that closedown would not hamper convenience of users as may be specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism).

(Special Exceptions pertaining to Congested Aerodrome)

Article 107-3 (1) Any domestic air carrier who intends to start domestic air transport services using a congested aerodrome (an aerodrome where the number of takeoff and landing per day or hour needs to be restricted in light of its use status for ensuring safe operation of aircraft, as may be designated in Order of the Ministry of Land, Infrastructure, Transport and Tourism; the same applies hereinafter) must obtain a license for each congested aerodrome from the Minister of Land, Infrastructure, Transport and Tourism with regard to flight operations using that congested aerodromes.

- (2) Any domestic air carrier who intends to obtain a license set forth in the preceding paragraph must submit an application containing a flight plan pertaining to a route using the relevant congested aerodrome to the Minister of Land, Infrastructure, Transport and Tourism.
- (3) The Minister of Land, Infrastructure, Transport and Tourism must, when the Minister intends to grant a license under paragraph (1), comply with the following standards:
- (i) the flight plan is appropriate for safe operation of aircraft.
  - (ii) the relevant congested aerodrome is used for proper and reasonable purposes, including offering of transport services that meet convenience of users through promotion of competition and formulation of diversified transport networks, etc.
- (4) The Minister of Land, Infrastructure, Transport and Tourism must, when the Minister intends to grant a license under paragraph (1), consider the prior and existing use status of the relevant congested aerodrome of the domestic air carrier under the same paragraph.
- (5) The validity period of a license under paragraph (1) is the end of the unit period (each period divided by years specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism within five years after the designation pertaining to the relevant aerodrome as a congested aerodrome under the same

paragraph) including the approval date.

- (6) Any domestic air carrier who has obtained a license under paragraph (1) must, when that carrier intends to make any changes to its flight plan under paragraph (2), obtain approval from the Minister of Land, Infrastructure, Transport and Tourism.
- (7) The provisions under paragraph (3) apply mutatis mutandis to the approval set forth in the preceding paragraph.
- (8) Any domestic air carrier under paragraph (6) must, when that carrier intends to close down its domestic scheduled air transport services using the relevant congested aerodrome, notify the Minister of Land, Infrastructure, Transport and Tourism to that effect six months before that closedown (two months before, in the case where the Minister deems that that closedown would not hamper convenience of users as may be specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism).
- (9) With regard to the application of the provisions of the preceding article to an domestic air carrier under paragraph (1), the term "flight plan" in paragraphs (1) through (3) of the same article is deemed to be replaced with "flight plan pertaining to routes that do not use the congested aerodrome under paragraph (1) of the following article", and the term "domestic scheduled air transport services" in paragraph (4) of the same article is deemed to be replaced with "domestic air transport services (except those using the congested aerodrome under paragraph (1) of the following article)".
- (10) In the event of designation as a congested aerodrome under paragraph (1), any domestic air carrier who operates domestic scheduled air transport services using the relevant congested aerodrome at the time of the designation is deemed to have obtained approval under the same paragraph on the day of the designation pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism.
- (11) In the event of revocation of the designation as a congested aerodrome under paragraph (1), an domestic air carrier who operates domestic scheduled air transport services using the relevant congested aerodrome at the time of the revocation is deemed to have submitted a notification under the provisions of paragraph (1) or (2) of the preceding article pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism.

(Observance of Operation plan)

- Article 108 (1) Any domestic air carrier must, in conducting its business operations, comply with the operation plan and flight plan, except when weather conditions or other unavoidable circumstances do not permit.
- (2) The Minister of Land, Infrastructure, Transport and Tourism may, when the Minister finds any domestic air carrier in violation of the provisions of the

preceding paragraph, order that domestic air carrier to conduct its business operations in compliance with the business plan and flight plan.

(Alteration of Operation plan)

- Article 109 (1) Any domestic air carrier must, when intending to alter its operation plan (excluding alterations specified under the provisions of paragraphs (3) and (4)), obtain approval from the Minister of Land, Infrastructure, Transport and Tourism.
- (2) The provisions of Article 101 (except those pertaining to paragraph (1), item (v)) apply mutatis mutandis to approval set forth in the preceding paragraph.
- (3) Any domestic air carrier must, when intending to alter its operation in accordance with Order of the Ministry of Land, Infrastructure, Transport and Tourism, notify the Minister of Land, Infrastructure, Transport and Tourism to that effect in advance.
- (4) Any domestic air carrier must, when intending to alter the minor part of its operation in accordance with Ordre of the Ministry of Land, Infrastructure, Transport and Tourism, notify the Minister of Land, Infrastructure, Transport and Tourism to that effect without delay.

(Exception from Application of the Act on Prohibition of Private Monopolization and Maintenance of Fair Trade)

- Article 110 The provisions of the Act on the Prohibition of Private Monopolization and Maintenance of Fair Trade do not apply to any of the following action effected upon approval under paragraph (1) of the following article; provided, however, that the same does not apply in case where unfair business practices are used or substantive limitations in competition in the specific field of trade unfairly harm the interests of users, or where one month has passed since a public announcement under the provisions of Article 111-3, paragraph (4) was made (except where the Minister of Land, Infrastructure, Transport and Tourism has made a decision under the provisions of Article 111-2 upon request under paragraph (3) of the same article).
- (i) in the case where any domestic air carrier concludes an agreement on joint management with another air carrier, when two or more domestic air carriers operate air transport services in order to ensure passenger transport necessary for local residents' life in a route between points within the country where it is expected to be difficult to continue the services due to decreased demand for air transport services.
- (ii) in the case where any domestic air carrier concludes an agreement on joint carriage, fare agreement and other agreements relating to transportation with another air carrier in order to promote public convenience in a route between a point within Japan and another point within a foreign country, or

between one point and another in foreign countries.

(Approval of Agreement)

Article 111 (1) Any domestic air carrier must, when intending to conclude any agreement under each item of the preceding article, or to alter the contents of the agreement, obtain approval from the Minister of Land, Infrastructure, Transport and Tourism.

(2) The Minister of Land, Infrastructure, Transport and Tourism must not grant approval set forth in the preceding paragraph unless the contents of the agreement pertaining to the application for approval under the same paragraph conform to the following standards:

- (i) the contents of the agreement do not unfairly impair the benefits of users.
- (ii) the contents of the agreement are not unfairly discriminatory.
- (iii) the contents of the agreement do not unfairly restrict participation and withdrawal.
- (iv) the contents of the agreement are kept to the minimum necessary in the light of the purpose of the agreement.

(Order for Alteration of Agreement and Revocation of Approval for Agreement)

Article 111-2 The Minister of Land, Infrastructure, Transport and Tourism must, when the Minister finds that the contents of the agreement pertaining to the approval under paragraph (1) of the preceding article become unbecomable to the provisions of each item of paragraph (2) of the same article, order the domestic air carrier to alter the contents of the agreement, or revoke the approval.

(Relationship with Fair Trade Commission)

Article 111-3 (1) The Minister of Land, Infrastructure, Transport and Tourism must, when the Minister intends to grant approval under Article 111, paragraph (1) with regard to the agreement under Article 110, paragraph (1), consult with the Fair Trade Commission.

(2) The Minister of Land, Infrastructure, Transport and Tourism must, when the Minister grants approval under Article 111, paragraph (1) with regard to the agreement under Article 110, paragraph (2) or takes any actions under the provisions of the preceding article with regard to the agreement under any of the items of Article 110, notify the Fair Trade Commission to that effect without delay.

(3) The Fair Trade Commission may, when it finds that the contents of the agreement under any of the items of Article 110, which are approved under Article 111, paragraph (1), become unbecomable to the standards under each item of Article 111, paragraph (2), call for the Minister of Land, Infrastructure,

Transport and Tourism to take any actions under the provisions of the preceding article.

- (4) The Fair Trade Commission must, when it makes a demand under the provisions of the preceding paragraph, give a public notice to that effect in the official gazette.

(Report of Events which Affect Safety)

Article 111-4 Any domestic air carrier must, when an event which affects normal flight operations of any aircraft specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism, occurs, report the Minister of Land, Infrastructure, Transport and Tourism to that effect pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism.

(Release of Information on Transportation Safety by the Minister of Land, Infrastructure, Transport and Tourism)

Article 111-5 The Minister of Land, Infrastructure, Transport and Tourism is to organize particulars pertaining on reports under the provisions of the preceding article and an order under the provisions of Article 112, or any other information on transport safety specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism, and make that information available to the public every business year.

(Release of Safety Report by domestic air carrier)

Article 111-6 Any domestic air carrier must prepare a safety report (a document or electronic or magnetic records (a record made by an electronic form, a magnetic form, or any other form not recognizable to human perception, which is used in information processing by computers), which describes or records measures taken or to be taken for ensuring transportation safety and other information on transportation safety specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism) pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism and make that report available to the public every business year.

(Business Improvement Order)

Article 112 The Minister of Land, Infrastructure, Transport and Tourism may, when the Minister finds that the business of any domestic air carrier adversely affects transportation safety, user-friendliness, and other public interests, order the domestic air carrier to do any of the following acts:

- (i) to improve its business scheme or flight plan
- (ii) to improve its safety management rules, operation rules, or maintenance rules

- (iii) to improve fares and charges (limited only to those pertaining to international air transport services) or conditions of carriage
- (iv) to improve aircraft and operational control facilities
- (v) to take necessary measures for ensuring transportation safety in addition to those listed in item (i), (ii), and (iv)
- (vi) to conclude an insurance contract compensating for damage or injury due to aircraft accidents

(Use of Name and Lending of Business)

- Article 113 (1) No domestic air carrier must allow another person to utilize its name for air transport services.
- (2) No domestic air carrier must allow another person to operate its business under its name regardless of by lending the business or by other means.

(Entrusted/Entrusting Operational Control)

- Article 113-2 (1) With regard to flight operations or maintenance of aircraft used for the services of any domestic air carrier, entrusting/entrusted operational control must be granted a license by the Minister of Land, Infrastructure, Transport and Tourism.
- (2) The Minister of Land, Infrastructure, Transport and Tourism must, when the Minister grants a license under the preceding paragraph, comply with the following standards:
- (i) the trustee is eligible to manage operations of the domestic air carrier and other concerned operations.
  - (ii) it is recognized that the scope of responsibility of the entruster and the trustee is clear and entrusting/entrusted control is appropriate for ensuring transportation safety.
- (3) The Minister of Land, Infrastructure, Transport and Tourism may, when the Minister finds that entrusting/entrusted operational control under paragraph (1) no longer complies with any of the standards listed in items of the preceding paragraph, order the trustee to take necessary measures for improvement in entrusted operational control for flight operations and maintenance, or revoke the license granted under paragraph (1).

(Transfer and Acquisition of Business)

- Article 114 (1) In the case where any domestic air carrier transfers its air transport services, the transferee may succeed to the transferor's title under this Act after both the transferor and the transferee have obtained the approval for that transfer and acquisition from the Minister of Land, Infrastructure, Transport and Tourism.
- (2) The provisions of Article 101 apply mutatis mutandis to the approval set forth

in the preceding paragraph.

(Corporate Merger and Demerger)

Article 115 (1) In the case of a merger of a juridical person who is a domestic air carrier (except when any juridical person who is a domestic air carrier continues to exist after a juridical person who is a domestic air carrier conducts a merger with a juridical person who is not engaged in air transport services), or in the case of demerger of that juridical person (only in the case where a divided corporation succeeds to its air transport services), the juridical person who continues to exist after the merger or is established by the merger, or the juridical person succeeds to air transport services upon demerger, may succeed to the title as a domestic air carrier under this Act, when the merger or demerger has been approved by the Minister of Land, Infrastructure, Transport and Tourism.

(2) The provisions of Article 101 apply mutatis mutandis to the approval set forth in the preceding paragraph.

(Inheritance)

Article 116 (1) In the case of the death of a domestic air carrier, the heir (or an heir who is considered suitable for succeeding to the business after consultation between two or more heirs) succeeds to the title under this Act of that domestic air carrier who constitutes the decedent.

(2) When the heir set forth in the preceding paragraph fails to apply to the Minister of Land, Infrastructure, Transport and Tourism for approval of their inheritance within sixty days subsequent to the death of the decedent, the license for air transport services ceases to be effective after the expiration of that period. The same applies on and after the day on which the disposition on an application for approval has been rendered and that application has been rejected.

(3) The provisions of Article 101 apply mutatis mutandis to the approval set forth in the preceding paragraph.

Article 117 Deleted

(Closure of Business)

Article 118 Any domestic air carrier must, when it has closed its business, notify the Minister of Land, Infrastructure, Transport and Tourism to that effect without delay.

(Suspension of Business and Revocation of License)

Article 119 The Minister of Land, Infrastructure, Transport and Tourism may,

when any domestic air carrier falls under any of the following cases, order the domestic air carrier to suspend the whole or part of business for a certain period within six months or revoke the license granted under Article 100, paragraph (1).

(i) in the case where a domestic air carrier violates this Act or the conditions attached to any disposition, license or approval under this Act

(ii) In the case where a domestic air carrier fails to perform, without just cause, any matters licensed or approved pursuant to the provision of this chapter.

(Lapse of License)

Article 120 In the case where any domestic air carrier has come to fall under any of the categories listed in item of Article 4, paragraph (1) or any holding company of a domestic air carrier as a corporation has come to fall under any of the categories listed in item (iv) of the same paragraph, the license pertaining to the domestic air carrier under Article 100, paragraph (1) cease to be effective.

(Handling of Shares Acquired by Foreign Nationals, etc.)

Article 120-2 (1) Any domestic air carrier, which is a corporation issuing shares listed on a stock exchange or those specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism as equivalent to them, and its holding companies, etc. may, when it is requested by a person who has obtained its shares and falls under any of the categories listed in Article 4, paragraph (1), items (i) through (iii) (hereinafter referred to as "foreigner nationals, etc.") to enroll or register that person's name and address in the shareholders' list, refuse to enroll or register that name and address if the domestic air carrier has come to fall under item (iv) of the same paragraph by accepting that request.

(2) Any domestic air carrier, and its holding companies, etc. set forth in the preceding paragraph must give the public notice of the percentage of foreign nationals, etc. in shareholder voting rights pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism; provided, however, that the same does not apply where the percentage falls short of the level specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism.

Article 121 and Article 122 Deleted

(Aerial Work Services)

Article 123 (1) Any person who intends to operate aerial work services must obtain a license from the Minister of Land, Infrastructure, Transport and

Tourism.

- (2) The provisions of Article 100, paragraphs (2) and (4) as well as Article 101 (except for those pertaining to paragraph (1), item (iv)) apply mutatis mutandis to license set forth in the preceding paragraph. In this case, the term "whether or not intending to engage in international air transport services, and other matters" in Article 100, paragraph (2), item (ii) is deemed to be replaced with "other matters".

Article 124 The provisions of Articles 102, 103, 108, 109, 111-4, and 112 (except those pertaining to item (ii) and (iii)), 113, 114-116 (except those pertaining to Article 114, paragraph (2), Article 115, paragraph (2), or Article 116, paragraph (3), which apply mutatis mutandis to Article 101, paragraph (1), item (iv)), and 118-120 apply mutatis mutandis to aerial work services. In this case, the term "operation plan and flight operation plan" in Article 108 and the term "operation plan or flight operation plan" in Article 112, item (i) are deemed to be replaced with "operation plan".

(Conditions of License)

- Article 125 (1) License or approval under this chapter may be attached with conditions or validity period, and the attached conditions and validity period may be modified.
- (2) The conditions or validity period set forth in the preceding paragraph must be limited to the minimum necessary to promote the public interest, or to secure the practice of particulars pertaining to license or approval, and must not be of such a nature as to impose an undue burden upon a domestic air carrier or an aerial work service operator (a person who has been licensed under Article 123, paragraph (1); the same applies hereinafter).

## **Chapter VIII Foreign Aircraft**

(Flights of Foreign Aircraft)

Article 126 (1) Any aircraft having the nationality of any foreign state, which is a Contracting State to the Convention on International Civil Aviation (hereinafter referred to briefly as "Contracting State") (except any aircraft which is used for the concerned services by any person who has obtained permission under Article 129, paragraph (1) (hereinafter referred to as "foreign international air carrier"), any aircraft which is used for the concerned transportation by any person who has obtained permission under Article 130-2, and any aircraft which is used by any foreign state, any public entity or any equivalent of a foreign state) must, when it engages in any of the following flights, obtain permission from the Minister of Land, Infrastructure, Transport

and Tourism; provided, however, that the same does not apply to any flights operated along designated airways.

- (i) flight departing from outside of Japan and arriving in Japan
  - (ii) flight departing from Japan and arriving at outside of Japan
  - (iii) flight departing from outside of Japan through Japanese airspace without landing in Japan and arriving at outside of Japan
- (2) Any aircraft having the nationality of a Contracting State, which is used by any foreign state, any public entity or any equivalent of a foreign state, and any aircraft having the nationality of any foreign state other than a Contracting State (except any aircraft which is used for the concerned services by any foreign international carrier or any aircraft which is used for the concerned transportation by any person who has obtained permission under Article 130-2) must, when it engages in a flight listed in any item of the preceding paragraph, obtain permission from the Minister of Land, Infrastructure, Transport and Tourism.
- (3) Any aircraft used for military, customs or police operations are regarded as aircraft used by a state with regard to application of the provisions of the preceding two paragraphs.
- (4) Any aircraft having the nationality of any foreign state must, upon request by the Minister of Land, Infrastructure, Transport and Tourism, when it engages a flight listed in each item of paragraph (1), land at the designated aerodrome without delay.
- (5) Any aircraft having the nationality of any foreign state must, when it engages in a navigation listed to in paragraph (1), item (i) or (ii), land at or take off from an aerodrome designated by the Minister of Land, Infrastructure, Transport and Tourism, except in very unfavorable weather conditions or other unavoidable circumstances; provided, however, that the same does not apply when permitted by the Minister of Land, Infrastructure, Transport and Tourism.

(Use of Foreign Aircraft within Japan)

Article 127 No aircraft having the nationality of any foreign state (except for any aircraft which is used for the concerned services of any foreign international carrier or any aircraft which is used for the concerned transportation by any person who has obtained permission under Article 130-2) must be used for any flights between points within Japan; provided, however, that the same does not apply when permitted by the Minister of Land, Infrastructure, Transport and Tourism.

(Prohibition of Carriage of Munitions)

Article 128 No aircraft having the nationality of any foreign state must, unless

permitted by the Minister of Land, Infrastructure, Transport and Tourism, carry munitions specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism on a flight listed to in each item of Article 126, paragraph (1).

(International Air Transport Services by Foreign Nationals)

Article 129 (1) Notwithstanding the provisions of Article 100, paragraph (1), any person listed to in (a) or (e) of Article 101, paragraph (1), item (v) may, upon permission by the Minister of Land, Infrastructure, Transport and Tourism, operate services for passenger or cargo transport through any flight listed in each item of Article 126, paragraph (1) (including flights between points in Japan which are made in connection thereof) for remuneration in response to demand of other persons.

(2) Any person who intends to obtain permission set forth in the preceding paragraph must submit an application to the Minister of Land, Infrastructure, Transport and Tourism, describing the operation plan, the proposed commencement date of operation, and other particulars specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism.

(3) The Minister of Land, Infrastructure, Transport and Tourism may request an applicant to submit other documents in addition to those prescribed in the preceding paragraph.

(Approval of Tariffs and Charges)

Article 129-2 Any foreign international air carrier must fix tariffs and charges for passenger and cargo (except postal items) and obtain approval from the Minister of Land, Infrastructure, Transport and Tourism. The same applies in case of any alteration thereof.

(Operation plan)

Article 129-3 (1) Any foreign international air carrier must, in performing its business, comply with the submitted operation plan except when weather conditions or other unavoidable circumstances do not permit.

(2) Any foreign international air carrier must, when intending to alter its operation plan, obtain approval from the Minister of Land, Infrastructure, Transport and Tourism; provided, however, that the same does not apply in case of alterations pertaining to minor matters specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism.

(3) Any foreign international air carrier must, when it has altered its operation plan with regard to particulars under the proviso of the preceding paragraph, notify the Minister of Land, Infrastructure, Transport and Tourism to that effect without delay.

(Order for Alteration of Operation plan)

Article 129-4 The Minister of Land, Infrastructure, Transport and Tourism may, when the Minister finds it necessary, order any foreign international air carrier to take the following action:

- (i) to alter its operation plan
- (ii) to alter tariffs or charges

(Suspension of Services and Revocation of License)

Article 129-5 The Minister of Land, Infrastructure, Transport and Tourism may, when any foreign international air carrier falls under any of the following cases, order the foreign international air carrier to suspend its services for a certain period or revoke the license.

- (i) when any foreign international air carrier has violated any law or regulation, any disposition under relevant laws and regulations, or any conditions attached to any license or approval under relevant laws and regulations
- (ii) when the substantial ownership of shares or equity of any foreign international air carrier or the substantial control of air transport services operated by any foreign international air carrier is no longer vested in the state to which that foreign international air carrier belongs or its nationals.
- (iii) when there is an agreement on air services between Japan and a foreign state to which any foreign international air carrier belongs, and that foreign state or foreign international air carrier has violated the provisions of the agreement, or that agreement has become invalid
- (iv) when deemed necessary in the public interest, in addition to those cases listed in the preceding three items

(Cabotage)

Article 130 No aircraft pertaining to the permission under the proviso of Article 127, or used for the concerned services by any foreign intentional air carrier or the concerned transportation by any person who has obtained permission under the following article, must be used for passenger or cargo transport for remuneration between points in Japan; provided, however, that the same does not apply where permitted by the Minister of Land, Infrastructure, Transport and Tourism.

(Transport of Passenger and Cargo Departing from or Arriving in Japan)

Article 130-2 Any aircraft having the nationality of any foreign state (except any aircraft which is used for the concerned services of any foreign international air carrier) must obtain permission from the Minister of Land, Infrastructure,

Transport and Tourism, when it engages in passenger or cargo transport for remuneration arriving in Japan by a flight referred to in Article 126, paragraph (1), item (i) (including flights between points in Japan which is made in connection thereof) or departing from Japan by a flight referred to in item (ii) of the same paragraph (including flights between points in Japan which is made in connection thereof).

(Approval of Certificates)

Article 131 With regard to airworthiness, noise level, engine emissions and aircrew qualification for the following aircraft, any certification, license, or other act, as well as any qualification certificate or other document thereof made by any foreign state to which the nationality of the aircraft belongs (including any contracting state in cases where there is an agreement under Article 83-2 of the Convention on International Civil Aviation between that foreign state and any contracting state in which the owner of that aircraft has the address), is regarded as aircraft registration certificate under Article 6, airworthiness certification under Article 10, paragraph (1), airworthiness certificate under paragraph (7) of the same article, competence certification under Article 22, competence certificate under Article 23, aviation medical certification under Article 31, paragraph (1), and aviation medical certificate under paragraph (2) of the same article, aviation English proficiency certification under Article 33, paragraph (1), or instrument flight certification under Article 34, paragraph (1), pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism, with regard to application of the provisions of Article 11, paragraph (1) or (2), Article 28, paragraph (1) or (2), Article 33, paragraph (1), Article 34, paragraph (1), Article 59, Articles 65 through 67, Article 92, paragraph (1), Article 134, paragraph (1), Article 143, or Article 150.

- (i) any aircraft under paragraph (1) or (2) of Article 126, which engages in any flight listed in each item of Article 126, paragraph (1)
- (ii) any aircraft pertaining to the permission under the proviso of Article 127 as may be specified by Cabinet Order
- (iii) any aircraft used for the concerned services by any foreign international air carrier
- (iv) any aircraft used for the concerned transportation by any person who has obtained permission under the preceding article

(Conditions of License)

Article 131-2 Any license or approval under this chapter may be attached with conditions or validity period, which may be changed, and may also attached with further conditions or revised validity period after that permission or

approval has been granted.

## **Chapter IX Miscellaneous Provisions**

### Article 132 Deleted

(Report on Establishment of Air Transport Agent)

Article 133 (1) Any person who intends to operate air transport agency business (agency business to make contracts for transport by aircraft on behalf of an air carrier; the same applies hereinafter), must submit notification on the particulars specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism to the Minister of Land, Infrastructure, Transport and Tourism. The same applies when that person intends to alter any particulars which have been reported.

(2) Any person who operates air transport agency business must, when that person terminates the business, inform the Minister of Land, Infrastructure, Transport and Tourism to that effect within 30 days reckoning from the termination day.

(Collection of Reports and On-Site Inspections)

Article 134 (1) The Minister of Land, Infrastructure, Transport and Tourism may, when the Minister deems it necessary to secure enforcement of this Act, request any person who falls under any of the following categories to submit reports on design, manufacturing, maintenance, alteration or inspection of aircraft or its components, training of airmen or determination of knowledge and capability of airman, aviation medical examination certification, construction work or administration or utilization of aerodrome or air navigation facilities, use of aircraft, air navigation services, air transport services, aerial work services, or air transport agency business

(i) any person who engages in design, manufacturing, maintenance, alteration or inspection of aircraft or its parts

(ii) any provider of a training institute for airmen designated by the Minister of Land, Infrastructure, Transport and Tourism

(iii) any designated aviation medical examiner

(iv) any provider of an aerodrome or air navigation facility

(v) any airman

(vi) any person who operates air transport services or aerial work services

(vii) any person other than listed in the preceding items, who uses aircraft

(viii) any person who operates air transport agency business

(2) The Minister of Land, Infrastructure, Transport and Tourism may, when the Minister deems it necessary to secure enforcement of this Act, have a right to

order that Minister's officials to enter offices, factories or any other business premises, aerodromes, any places where air navigation facilities are installed, any places where construction work on an aerodrome or air navigation facility is performed, any places where aircrafts are parked, or any aircraft, which belong to any person listed in each item of the preceding paragraph, and inspect aircraft, air navigation facilities, ledgers, documents, or any other items, or interrogate any person concerned.

- (3) In the case of the preceding paragraph, the pertinent officials must carry their identification cards and produce them upon requested by any person concerned.
- (4) The authority under paragraph (2) must not be construed as being granted for the purpose of criminal investigation.

(Basic Principles Pertaining to Collection of Reports or Implementation of On-Site Inspection Pertaining to Safety Management Rules)

Article 134-2 The Minister of Land, Infrastructure, Transport and Tourism is to formulate basic principles for proper implementation of those pertaining to the safety management rules (limited to the part pertaining to Article 103-2, paragraph (2), item (i)), with regard to collection of reports under paragraph (1) of the preceding article or on-site inspection under paragraph (2) of the same article.

(Payment of Fees)

Article 135 Any person (except any state government or independent administrative agency (limited to those specified in Article 2, paragraph (2) of the Act on General Rules for Incorporated Administrative Agencies (Act No.103, 1999) as may be specified by Cabinet Order in consideration of the business contents and other circumstances of those incorporated administrative agencies)) listed in the following categories must pay fees, the amount of which may be specified by Cabinet Order in consideration of the actual costs.

- (i) any person who requests a copy or an abstract of the aircraft register or inspecting of the aircraft register
- (ii) any person who applies for airworthiness certification under Article 10, paragraph (1)
- (iii) any person who applies for type certification under Article 12, paragraph (1)
- (iv) any person who intends to have an inspection of repair or alteration under Article 16, paragraph (1)
- (v) any person who applies for spare -parts certification under Article 17, paragraph (1)
- (vi) any person who applies for approval under Article 20, paragraph (1)

- (vii) any person who applies for competence certification under Article 22
- (viii) any person who applies for alteration of definitions by competence certification under Article 29-2, paragraph (1)
- (ix) any person who applies for aviation medical examination certification by the Minister of Land, Infrastructure, Transport and Tourism under Article 31, paragraph (1)
- (ix)-2 any person who applies for aviation English proficiency certification under Article 33, paragraph (1)
- (x) any person who applies for instrument flight certification under Article 34, paragraph (1) or aircraft pilotage training certification under paragraph (2) of the same article
- (xi) any person who intends to obtain permission for aircraft pilotage training under Article 35, paragraph (1), item (i)
- (xii) any person who applies for reissuance of an aircraft registration certificate, airworthiness certificate, competence certificate, aviation medical examination certificate, or aircraft pilotage training permit
- (xiii) any person who applies for permission to establish an aerodrome or air navigation facility under Article 38, paragraph (1)
- (xiv) any person who intends to have a completion inspection on an aerodrome under Article 42, paragraph (1)
- (xv) any person who intends to have a completion inspection on an air navigation facility under Article 42, paragraph (1)
- (xvi) any person who intends to have an inspection on an aerodrome under Article 42, paragraph (1), which applies mutatis mutandis to Article 43, paragraph (2)
- (xvii) any person who intends to have an inspection on an air navigation facility under Article 42, paragraph (1), which applies mutatis mutandis to Article 43, paragraph (2)
- (xviii) any person who intends to have an inspection on an aerodrome under Article 44, paragraph (4) (including as applied mutatis mutandis to Article 45, paragraph (2))
- (xix) any person who intends to have an inspection under Article 44, paragraph (4) which applies mutatis mutandis to Article 45, paragraph (2)
- (xx) any person who has an inspection on an aerodrome under Article 47, paragraph (2)
- (xxi) any person who has an inspection on an air navigation facility under Article 47, paragraph (2)
- (xxii) any person who intends to take a competence examination for aircraft dispatcher under Article 78, paragraph (2)

(Consultation with Transport Council)

Article 136 The Minister of Land, Infrastructure, Transport and Tourism must consult with the Transport Council when the Minister intends to take the following actions:

- (i) to order to alter tariffs and charges under the provisions of Article 105, paragraph (2) or Article 112
- (ii) to grant permission for flights using a congested aerodrome under the provisions of Article 107-3, paragraph (1)
- (iii) to order to suspend the business or revoke license under the provisions of Article 119
- (iv) to formulate a basic policy under the provisions of Article 134-2

(Delegation of Authority)

Article 137 (1) Particulars under the authority of the Minister of Land, Infrastructure, Transport and Tourism pursuant to the provisions of this Act may be delegated to the director of the Regional Civil Aviation Bureau or the director of the Air Traffic Control Center pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism.

(2) The director of the Regional Civil Aviation Bureau or the Director of the Air Traffic Control Center may delegate those particulars, which have been delegated to their authority pursuant to the provisions of the preceding paragraph, to the chief of a branch office of the Regional Civil Aviation Bureau, pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism.

(3) Particulars under the authority of the Minister of Land, Infrastructure, Transport and Tourism pursuant to the provisions of this Act, which are listed in the following items, are to be delegated to the Minister of Defense pursuant to the provisions of Cabinet Order.

(i) particulars specified in the proviso of Article 94, proviso of Article 94-2, paragraph (1), proviso of Article 95, Article 96, paragraph (1) and (3), and Article 97, paragraph (1), pertaining to an air traffic control zone of an aerodrome specified by Cabinet Order, and an approach control area specified by Cabinet Order which connecting to that air traffic control zone and an air traffic information zone of an aerodrome specified by Cabinet Order

(ii) particulars specified in Article 96, paragraph (2) pertaining to an aerodrome specified under Cabinet Order

(iii) particulars specified in Article 97, paragraph (2) pertaining to aircraft departing from an aerodrome specified under Cabinet Order

(iv) particulars specified in Article 98 pertaining to aircraft which has arrived at an aerodrome specified under Cabinet Order

(4) The Minister of Land, Infrastructure, Transport and Tourism is to control the

particulars concerning the administration of operations by the Minister of Defense due to the delegation under the provisions of the preceding paragraph.

(Transitional Measures)

Article 137-2 In the case of establishment, amendment or repeal of Order of the Ministry of Land, Infrastructure, Transport and Tourism in accordance with the provisions of this Act, any necessary transitional measures (including transitional measures concerning penal provisions) may be stipulated by Order of the Ministry of Land, Infrastructure, Transport and Tourism, to the extent deemed reasonably necessary due to that establishment, amendment or repeal.

(Exclusion from Application of Administrative Procedures Act)

Article 137-3 (1) The provisions of Chapter II and III of the Administrative Procedure Act (Act No. 88, 1993) do not apply to the disposition with regard to the registration of aircraft or the disposition under the provisions of Article 96, paragraph (1) or (2).

(2) The provisions of Chapter II of the Administrative Procedure Act do not apply to the disposition with regard to the provisions of the proviso of Article 94, proviso of Article 94-2, paragraph (1), proviso of Article 95, or Article 97, paragraph (1).

(3) The provisions of Chapter III of the Administrative Procedure Act do not apply to the disposition with regard the provisions of Article 126, paragraph (4), Article 129-4, Article 129-5 or Article 131-2.

(Delegation to Order of Ministry of Land, Infrastructure, Transport and Tourism)

Article 137-4 The procedures necessary for the enforcement of this Act and other particulars, in addition to those specified by this Act, are stipulated by Order of the Ministry of Land, Infrastructure, Transport and Tourism.

## **Chapter X Penal Provisions**

Articles 138 to 142 Deleted

(Offences of Operation of Aircraft without Airworthiness Certification)

Article 143 Any operator of aircraft who falls under any of the following cases is liable to imprisonment sentence of up to three years or a fine of up to one million yen, or both.

(i) in the case of operation of aircraft without airworthiness certification, or beyond the categories or the operating limitations as designated in the airworthiness certificate, in violation of the provisions of Article 11,

- paragraph (1) or (2)
- (ii) in the case of operation of aircraft without having the aircraft passed an inspection under the provisions of paragraph (1) or (2) of Article 16, in violation of the provisions of paragraph (1) of the same article
  - (iii) in the case of operation of aircraft without maintenance or alteration under Article 19, paragraph (1) or without making confirmation under the same paragraph by a person approved for the capability specified by Article 20, paragraph (1), item (iv), in violation of the provisions of paragraph (1) of the same article
  - (iv) in the case of operation of aircraft without confirmation under Article 19, paragraph (2), and receiving that confirmation, in violation of the provisions the same paragraph

(Offences of Designated Airworthiness Inspector)

Article 143-2 Any designated airworthiness inspector, when that inspector falls under any of the following cases, is liable to imprisonment sentence of up to three years or a fine of up to one million yen, or both.

- (i) in the case of granting airworthiness certificate for glider which does not comply with the standards under Article 10, paragraph (4)
- (ii) in the case of having a glider, which does not conform to the standards under Article 10, paragraph (4), passed an inspection under Article 16, paragraph (2)

(Offences of Non-Display)

Article 144 Any operator of aircraft, who uses an aircraft for air navigation without displaying information required under the provisions of Article 57 or makes a false display thereon, is liable to imprisonment sentence of up to one year or a fine of up to 500,000 yen.

(Offences of Failure to Board Prescribed Airmen)

Article 145 Any operator of aircraft, when that operator falls under any of the following cases, is liable to a fine of up to one million yen.

- (i) in the case of violating any order under the provisions of Article 14-2, paragraph (1)
- (ii) in the case of failing to provide a flight logbook in violation of the provisions of Article 58, paragraph (1)
- (iii) in the case of failing to enter in the flight logbook such particulars as are required pursuant to the provisions of Article 58, paragraph (2), or making a false entry therein
- (iv) in the case of using an aircraft for air navigation without carrying the prescribed documents therein, in violation of the provisions of Article 59

- (v) in the case of using an aircraft for air navigation without equipping the aircraft with the devices required for securing safe flight, in violation of the provisions of Article 60
- (vi) in the case of using an aircraft for air navigation without equipping the aircraft with devices necessary to record flight conditions of aircraft or without activating those devices, in violation of the provisions of Article 61, paragraph (1)
- (vi)-2 in the case of failing to preserve data from devices to record flight conditions of aircraft, in violation of the provisions of Article 61, paragraph (2)
- (vii) in the case of using an aircraft for air navigation without equipping the aircraft with first-aid tools, in violation of the provisions of Article 62
- (viii) in the case of starting an aircraft which does not carry the prescribed amount of fuel, in violation of the provisions of Article 63
- (ix) in the case of failing to mark aircraft with lights, in violation of the provisions of Article 64
- (x) in the case of failing to have the prescribed airmen on board an aircraft, in violation of the provisions of Article 65, paragraph (1) or (2), or Article 66, paragraph (1)
- (xi) in the case of employing an airman for air navigation services, in violation of the provisions of Article 68
- (xii) in the case of failing to make a report under the proviso of Article 76, paragraph (1), or fabricating a false report
- (xii)-2 in the case of operating air navigation under particular flight rules under Article 83-2, in violation of the provisions of the same article
- (xiii) in the case of carrying items under Article 86, paragraph (1) in an aircraft, in violation of the provisions of the same article
- (xiv) in the case of navigating an aircraft, in violation of the flying restrictions under Article 87, paragraph (2)
- (xv) in the case of making an aircraft tow an object, in violation of the provisions of Article 88
- (xvi) in the case of using an aircraft for air navigation between points in Japan, in violation of the provisions of Article 127
- (xvii) in the case of transporting munitions under Article 128, in violation of the provisions of the same article

(Offences related to Operations at Certified Facilities)

Article 145-2 Any person who has been certified under Article 20, paragraph (1), when that person falls under any of the following cases, is liable to a fine of up to one million yen.

- (i) in the case of conducting operations pertaining to approval under Article 20,

paragraph (1) without obtaining approval under the provisions of paragraph (2) of the same article, or without complying with the approved operating rules

- (ii) in the case of violating an order under the provisions of Article 20, paragraph (5)

(Offences of Violation of Design Modification Order)

Article 145-3 Any person who falls under any of the following cases is liable to a fine of up to one million yen.

- (i) in the case of violating an order under the provisions of Article 13-3, paragraph (1)
- (ii) in the case of violating an order under the provisions of Article 29, paragraph (6) (including as applied mutatis mutandis to Article 29-2, paragraph (2), Article 33, paragraph (3), Article 34, paragraph (3), or Article 78, paragraph (4)) or Article 72, paragraph (11)

(Offences of Establishment of Aerodromes or Air Navigation Facilities)

Article 146 Any person falling under one of the following itmes is liable to a fine of up to two million yen.

- (i) in the case of establishing an aerodrome without permission, in violation of the provisions of Article 38, paragraph (1)
- (ii) in the case of making a significant alteration to an aerodrome, in violation of the provisions of Article 43, paragraph (1)
- (iii) in the case of violating an order to suspend the use of the whole or part of an aerodrome under the provisions of Article 48

Article 147 (1) Any person who has established an air navigation facility without permission, in violation of the provisions of Article 38, paragraph (1), is liable to a fine of up to one million yen.

- (2) The same penalty set forth in the preceding paragraph is applied to any person who has made a significant alteration to any air navigation facility, in violation of the provisions of Article 43, paragraph (1).

Article 148 Any person falling under one of the following itmes is liable to a fine of up to one million yen.

- (i) in the case of commencing operations of any aerodrome or air navigation facility, in violation of the provisions of Article 42, paragraph (4) (including as applied mutatis mutandis to Article 43, paragraph (2) or Article 44, paragraph (5) (including as applied mutatis mutandis to Article 45, paragraph (2)))
- (ii) in the case of suspending or discontinuing the use of an aerodrome for

public use without permission, in violation of the provisions of Article 44, paragraph (1)

(iii) in the case of suspending or discontinuing the use of a nonpublic aerodrome or an air navigation facility without submitting a notification, in violation of the provisions of Article 45, paragraph (1)

Article 148-2 (1) Any provider of an aerodrome or air navigation facility, when that provider falls under any of the following cases, is liable to a fine of up to 500,000 yen.

(i) in the case of levying charges for the use of that aerodrome or air navigation facility for public use without submitting a report on those charges under the provisions of Article 54, paragraph (1) or without complying with reported charges

(ii) in the case of levying charges for the use of that aerodrome or air navigation facility for public use in violation of orders under the provisions of Article 54, paragraph (2)

(2) Any provider of an aerodrome who has established administrative rules or altered those rules, without permission under the provisions of Article 54-2, paragraph (2), is liable to a fine of up to 500,000 yen.

(Offences of Operations of Air Navigation Services without Prescribed Qualifications)

Article 149 Any person falling under one of the following items is liable to imprisonment sentence of up to one year or a fine of up to 300,000 yen.

(i) in the case of committing any act listed in the "Scope of Duties" column of the attached table, in violation of the provisions of Article 28, paragraph (1) or (2)

(ii) in the case of receiving an aviation medical certificate through deception or other wrongful means

(iii) in the case of engaging in air navigation services in violation of the provisions of Article 70

(Offences of Designated Aviation Medical Examiner)

Article 149-2 Any designated aviation medical examiner, when that examiner has issued an aviation medical certificate to a person who failed to comply with the medical standards under Article 31, paragraph (3), is liable to imprisonment sentence of up to one year or a fine of up to 300,000 yen.

(Offences of Failure to Carry Competence Certificate)

Article 150 Any person who falls under any of the following cases is liable to a fine of up to 500,000 yen.

- (i) in the case of failing to present their aircraft, in violation of the provisions of Article 8-3, paragraph (2)
- (i)-2 in the case of damaging registration mark on aircraft, in violation of the provisions of Article 8-3, paragraph (3)
- (i)-3 in the case of engaging in air navigation under Article 33, paragraph (1) as may be specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism, in violation of the provisions of the same paragraph
- (i)-4 in the case of engaging in instrument flights or giving flight instructions, in violation of the provisions of Article 34, paragraph (1) or (2)
- (i)-5 in the case of supervising pilot training or other training including instrument flights, in violation of the provisions of Article 35, paragraph (2) (including as applied mutatis mutandis to Article 35-2, paragraph (2));
- (ii) in the case of installing, or planting or leaving any structures, plants or other objects, in violation of the provisions of Article 49, paragraph (1) (including as applied mutatis mutandis to Article 55-2, paragraph (2)) or Article 56-3, paragraph (1)
- (ii)-2 in the case of failing to comply with an order under the provisions of Article 51, paragraph (6) (including as applied mutatis mutandis to Article 51-2, paragraph (3))
- (iii) in the case of having, in any way, damaged, or causing to be damaged, runways, taxiways, other facilities of an aerodrome or air navigation facility specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism, in violation of the provisions of Article 53, paragraph (1)
- (iii)-2 in the case of throwing any object at an aircraft on an aerodrome, or committing any other act specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism, in violation of the provisions of Article 53, paragraph (2)
- (iii)-3 in the case of entering landing strips, taxiways, apron area, or hangars, in violation of the provisions of Article 53, paragraph (3)
- (iv) in the case of performing air navigation services without carrying a competence certificate, aviation medical certificate, or permission for aircraft pilotage training, in violation of the provisions of Article 67, paragraph (1) (including as applied mutatis mutandis to Article 35, paragraph (5)) or (2)
- (v) in the case of engaging in operations of aircraft, instrument or night flights, or flight instructions, in violation of the provisions of Article 69
- (v)-2 in the case of boarding an aircraft used for air transport services as pilot in command, in violation of the provisions of Article 72, paragraph (1)
- (v)-3 in the case of violating an order under the provisions of Article 73-4, paragraph (5)
- (vi) in the case of carrying any items under Article 86, paragraph (1) in an aircraft, in violation of the provisions of paragraph (2) of the same Article

- (vii) in the case of dropping any object from an aircraft, in violation of the provisions of Article 89
- (viii) in the case of making a parachute descent from an aircraft, in violation of the provisions of Article 90
- (ix) in the case of failing to comply with the instructions under the provisions of Article 96, paragraph (2), in violation of the same paragraph
- (x) in the case of committing any act which might adversely affect the flights of an aircraft as may be specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism, in violation of the provisions of Article 99-2, paragraph (1)

(Offences concerning Duties of Pilot in Command)

Article 151 The pilot in command, when that pilot has, by abusing their authority, compelled any other person on board an aircraft to do anything beyond the scope of the person's duties or obstructed any other person from exercising the person's rights, is liable to imprisonment sentence of up to two years.

Article 152 The pilot in command, when that pilot has, in violation of the provisions of Article 75, failed to take every possible means necessary to rescue passengers or to prevent injury or damage to persons or objects, is liable to imprisonment sentence of up to five years.

Article 153 The pilot in command, when that pilot falls under any of the following cases, is liable to a fine of up to 500,000 yen.

- (i) in the case of starting an aircraft, in violation of the provisions of Article 73-2
- (ii) in the case of failing to make a report under Article 76, paragraphs (1) through (3), or fabricating a false report
- (iii) in the case of starting an aircraft or changing its flight plan, in violation of the provisions of Article 77
- (iv) in the case of engaging in a formation flight, in violation of the provisions of Article 84, paragraph (2)
- (v) in the case of failing to give a notice under the provisions of Article 98, or giving a false notice

Article 154 (1) Any member of aircrew, when that member falls under any of the following cases, is liable to a fine of up to 500,000 yen.

- (i) in the case of starting or landing an aircraft in violation of the provisions of Article 79
- (ii) in the case of operating an aircraft in violation of the provisions of Article

- 80, Article 81, Article 82, paragraph (1) or (2), Article 82-2, or Article 83
- (iii) in the case of engaging in a formation flight in violation of the provisions of Article 84, paragraph (1)
  - (iv) in the case of navigating an aircraft in violation of the provisions of Article 85
  - (v) in the case of engaging in an acrobatic flight, etc. in violation of the provisions of Article 91, paragraph (1)
  - (v)-2 in the case of failing to make confirmation in violation of the provisions of Article 91, paragraph (2) (including as applied mutatis mutandis to Article 92, paragraph (2))
  - (v)-3 in the case of operating an aircraft in violation of the provisions of Article 92, paragraph (1)
  - (vi) in the case of engaging in an instrument flight or instrument navigational flight in violation of the provisions of Article 93
  - (vi)-2 in the case of operating an aircraft under instrument meteorological conditions in violation of the provisions of Article 94
  - (vi)-3 in the case of operating an aircraft without complying with instrument flight rules in violation of the provisions of Article 94-2, paragraph (1)
  - (vii) in the case of operating an aircraft in an air traffic control zone in violation of the provisions of Article 95
  - (vii)-2 in the case of performing any particulars without obtaining approval, which must be performed after obtaining approval pursuant to the provisions of Article 95, paragraph (3) or Article 97, paragraph (1)
  - (viii) in the case of operating an aircraft without complying with the instructions under the provisions of Article 96, paragraph (1)
  - (viii)-2 in the case of failing to communicate under the provisions of Article 96, paragraph (3) or Article 96-2, paragraph (1) (including as applied mutatis mutandis to Article 96, paragraph (6)) or making false communications
  - (ix) in the case of failing to hold the hearing under the provisions of Article 96, paragraph (4) or Article 96-2, paragraph (2) (including as applied mutatis mutandis to Article 96, paragraph (6))
  - (ix)-2 in the case of operating an aircraft without reporting, in violation of the provisions of Article 97, paragraph (2)
  - (x) in the case of operating an aircraft without complying with its flight plan, in violation of the provisions of Article 97, paragraph (3)
  - (xi) in the case of failing to make a report under the provisions of Article 97, paragraph (4) or fabricating a false report
  - (xii) in the case of operating an aircraft without permission, in violation of the provisions of Article 126, paragraph (1) or (2)
  - (xiii) in the case of failing to comply with a request for landing under the provisions of Article 126, paragraph (4)

(xiv) in the case of landing or taking off an aircraft in an aerodrome other than those designated by the Minister of Land, Infrastructure, Transport and Tourism, in violation of Article 126, paragraph (5)

(2) Any member of aircrew other than the pilot in command, when that member falls under any of the cases referred to in the preceding paragraph, is punished, and the pilot in command is also liable to punishment under the same paragraph; provided, however, that the same does not apply to the pilot in command where it has been proven that due care and supervision had been exercised to avoid that violation by any member of aircrew other than the pilot in command.

(Offences concerning Services of Air Carrier)

Article 155 Any person falling under one of the following items is liable to imprisonment sentence of up to three years or a fine of up to three million yen, or both.

- (i) in the case of engaging, without obtaining a license, in activities to be engaged in after obtaining a license under the provisions of Article 100, paragraph (1) or Article 123, paragraph (1)
- (ii) in the case of allowing another person to utilize their name, in violation of the provisions of Article 113, paragraph (1) (including as applied *mutatis mutandis* to Article 124)
- (iii) in the case of allowing another person to perform their services in their name, in violation of the provisions of Article 113, paragraph (2) (including as applied *mutatis mutandis* to Article 124)
- (iv) in the case of engaging, without a license, in activities to be engaged after obtaining a license pursuant to the provisions of Article 129, paragraph (1)
- (v) in the case of using an aircraft under Article 130 for air transport services, in violation of the provisions of the same article
- (vi) in the case of engaging, without a license, in activities to be engaged in after obtaining a license pursuant to the provisions of Article 130-2

Article 156 (1) Any domestic air carrier or aerial work service operator, when that carrier falls under any of the following cases, is liable to imprisonment sentence of up to one year or a fine of up to 1,500,000 yen, or both.

- (i) in the case of operating or performing maintenance on an aircraft to be used through the relevant air navigation management facility, etc. without having an inspection under the provisions of Article 102, paragraph (1) (including as applied *mutatis mutandis* to Article 124) or without having the aircraft passed that inspection
- (ii) in the case of violating an order under the provisions of Article 112 (limited to orders given with regard to transport safety)

- (iii) in the case of violating an order to suspend operations under the provisions of Article 119 (including as applied mutatis mutandis to Article 124)
- (2) Any person who conducted activities under Article 113-2, paragraph (1) without obtaining a license which is required is liable to imprisonment sentence of up to one year or a fine of up to 1,500,000 yen, or both.

Article 157 (1) Any domestic air carrier or aerial work service operator, when that carrier or operator falls under any of the following cases, is liable to a fine of up to one million yen.

- (i) in the case of performing services without making a report under the provisions of Article 103-2, paragraph (1) or without complying with the reported safety management rules (limited to the part pertaining to paragraph (2), item (ii) or (iii) of the same article)
- (ii) in the case of violating an order under the provisions of Article 103-2, paragraph (3) or (7), Article 108, paragraph (2) or Article 112 (including when those provisions apply mutatis mutandis to Article 124), or Article 111-2 (except the case when an order falls under paragraph (1), item (ii) of the preceding article)
- (iii) in the case of failing to appoint a safety controlling manager, in violation of the provisions of Article 103-2, paragraph (4)
- (iv) in the case of failing to make a report under the provisions of Article 103-2, paragraph (5) or fabricating a false report
- (v) in the case of operating or performing maintenance on an aircraft without obtaining approval under the provisions of Article 104, paragraph (1) or without complying with the approved operation rules or maintenance rules
- (vi) in the case of levying tariffs or charges without making a report under the provisions of Article 105, paragraph (1) or without complying with the reported fares or charges
- (vii) in the case of levying tariffs or charges, in violation of an order under the provisions of Article 105, paragraph (2)
- (viii) in the case of levying tariffs or charges without obtaining approval under the provisions of Article 105, paragraph (3) or without complying with the approved tariffs or charges
- (ix) in the case of concluding a transportation contract without obtaining approval under the provisions of Article 106, paragraph (1) or without complying with the approved conditions of carriage
- (x) in the case of operating domestic air transport services without making a report under the provisions of Article 107-2, paragraph (1)
- (xi) in the case of altering the flight plan without making a report under the provisions of Article 107-2, paragraph (2) or (3)
- (xii) in the case of discontinuing domestic air transport services without

- making a report under the provisions of Article 107-2, paragraph (4) or Article 107-3, paragraph (8), or by fabricating a false report
- (xiii) in the case of operating air navigation services using a congested aerodrome without obtaining a license under the provisions of Article 107-3, paragraph (1)
  - (xiv) in the case of altering the flight plan without obtaining approval under the provisions of Article 107-3, paragraph (6)
  - (xv) in the case of altering the operation plan without obtaining approval under the provisions of Article 109, paragraph (1) (including as applied *mutatis mutandis* to Article 124)
  - (xvi) in the case of altering the operation plan without making a report under the provisions of Article 109, paragraph (3) (including as applied according *mutatis mutandis* to Article 124)
  - (xvii) in the case of concluding an agreement or altering the contents of that agreement, without obtaining approval under the provisions of Article 111, paragraph (1)
- (2) Any trustee who has obtained a license under Article 113-2, paragraph (1), when that trustee violates an order under the provisions of paragraph (3) of the same article, is liable to a fine of up to one million yen.

Article 157-2 Any foreign international air carrier, when that carrier violates an order to suspend operations under the provisions of Article 129-5, is liable to imprisonment sentence of up to one year or a fine of up to 1,500,000 yen, or both.

Article 157-3 Any foreign international air carrier, when that carrier falls under any of the following cases, is liable to a fine of up to one million yen.

- (i) in the case of levying tariffs or charges without obtaining approval under the provisions of Article 129-2 or without complying with the approved tariffs or charges
- (ii) in the case of altering the operation plan without obtaining approval under the provisions of Article 129-3, paragraph (2)
- (iii) in the case of violating an order under the provisions of Article 129-4

(Offences of Refusal of On-Site Inspection)

Article 158 Any person who falls under any of the following cases is liable to a fine of up to one million yen.

- (i) in the case of refusing, obstructing, or evading an inspection under the provisions of Article 47, paragraph (2) or Article 134, paragraph (2)
- (ii) in the case of failing to make a report under the provisions of Article 134, paragraph (1) or fabricating a false report

(iii) in the case of making a false statement in response to any question under the provisions of Article 134, paragraph (2)

(Dual Criminal Liability Provisions)

Article 159 When any representative of a juridical person or an agent, employee or any other worker of a juridical person or an individual has violated the provisions listed in the following items, that offender is punished, and at the same time, that juridical person is liable to a fine stipulated in each item of this article and the offender is liable to a fine stipulated in each relevant article.

(i) Article 156, paragraph (1) (limited to the part pertaining to item (ii)): a fine of up to 100 million yen

(ii) Article 143, Articles 144 through 148-2, Article 150, Article 155, Article 156 (excluding the part pertaining to paragraph (1), item (ii)), and Article 157 through the preceding article: a fine stipulated in each relevant article

(Civil Fine)

Article 160 Any person who falls under any of the following cases is liable to a civil fine of up to 500,000 yen.

(i) in the case of failing to make a report under the provisions of Article 13, paragraph (5), (including as applied mutatis mutandis to Article 13-2, paragraph (5)), Article 109, paragraph (4) or Article 118 (including as applied mutatis mutandis to Article 124), or Article 129-3, paragraph (3), or fabricating a false report

(ii) in the case of failing to post a notice under the provisions of Article 54-2, paragraph (1) or Article 107, or posting a false notice

(iii) in the case of failing to make a report under the provisions of Article 111-4 (including as applied mutatis mutandis to Article 124), or fabricating a false report

(iv) in the case of failing to make public announcement under the provisions of Article 111-6 or making a false announcement

Article 161 Any person falling under one of the following items is liable to a civil fine of up to 300,000 yen.

(i) in the case of failing to submit an application under the provisions of Article 7, Article 7-2 or Article 8, paragraph (1)

(ii) in the case of failing to making a report under the provisions of Article 55, paragraph (4) or Article 133 or fabricating a false report

(iii) in the case of failing to make a report under the provisions of Article 99-2, paragraph (2) or fabricating a false report

Article 162 Any person who has violated any provisions of any orders under the provisions of Article 9, Article 21 or Article 36 is liable to a civil fine of up to 100,000 yen.

Appended Table (In relation to Article 28)

Qualifications	Scope of service
Airline transport pilot	To perform the following activities on board an aircraft  (1) Activities that those qualified as commercial pilots can perform (2) Pilotage of an aircraft as pilot in command, which is used for air transport services and needs two persons for pilotage (3) Pilotage of an aircraft as pilot in command, which is used for air transport services and needs two persons for pilotage only for the purpose of a flight according to special methods and rules (limited to an aircraft that engages in flights according to special methods and rules)
Commercial pilot	To perform the following activities on board an aircraft  (1) Activities that those qualified as private pilot can perform (2) Pilotage of an aircraft for free flight services, receiving remuneration (3) Pilotage of an aircraft used for aerial work services (4) Pilotage of an aircraft as pilot other than pilot in command, which is used for air transport services (5) Pilotage of an aircraft as pilot in command, which is used for air transport services and can be piloted by one person because of its structure (in the case of an aircraft that needs two persons for pilotage only for the purpose of a flight according to special methods and rules, an aircraft which engages in flights according to special methods and rules is excluded.)
Private pilot	Pilotage of an aircraft engaged in non-revenue flights, without receiving remuneration
First class flight navigator	Measurement of the position and course of an aircraft and calculation of air navigation data on board an aircraft
Second class flight navigator	Measurement of the position and course of an aircraft and calculation of air navigation data in a method other than celestial observation on board an aircraft (except in the case of engaging the above measurement and calculation on board an aircraft which engages in a flight over the section of more than 1,300 kilometer long, where ground references or air navigation facilities cannot be fully used because of navigational conditions)
Flight engineer	Handling of aircraft engines and systems (except operation of the pilot system) on board an aircraft

Flight radiotelephone operator	Handling of radio equipment on board an aircraft
First class aircraft maintenance technician	Confirmation under the provisions of Article 19 paragraph (2) with regard to an aircraft on which repair has been performed
Second class aircraft maintenance technician	Confirmation under the provisions of Article 19 paragraph (2) with regard to an aircraft on which repair has been performed (except those which require advanced knowledge and skills for repair, and are used for purposes specified in Order of the Ministry of Land, Infrastructure, Transport and Tourism)
First class aircraft line maintenance technician	Confirmation under the provisions of Article 19 paragraph (2) with regard to an aircraft on which repair (limited to preventive repair, and minor repair specified in Order of the Ministry of Land, Infrastructure, Transport and Tourism) has been performed
Second class aircraft maintenance technician	line Confirmation under the provisions of Article 19 paragraph (2) with regard to an aircraft (except those which require advanced knowledge and skills for repair and are used for purposes specified in Order of the Ministry of Land, Infrastructure, Transport and Tourism) on which maintenance (limited to preventive repair, and minor repair specified in Order of Land, Infrastructure, Transport and Tourism) has been performed
Aircraft overhaul technician	Confirmation under the provisions of Article 19 paragraph (2) with regard to an aircraft on which repair or alteration has been performed