

Broadcasting Act (Amendment Act of 2023 unenforced (Tentative translation))

(Act No. 132 of May 2, 1950)

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Chapter I General Provisions

(Purpose)

Article 1 The purpose of this Act is to regulate broadcasting so as to conform to standards for public welfare and to facilitate the sound development of broadcasting in accordance with the following principles:

- (i) Guaranteeing that broadcasts reach as much of the general public as possible and that the benefits derived from broadcasts are fully realized;
- (ii) Ensuring freedom of expression in broadcasting by guaranteeing impartiality, truth and autonomy; and
- (iii) Enabling broadcasting to contribute to the development of healthy democracy by clarifying the responsibilities of persons involved in broadcasting.

(Definitions)

Article 2 This Act and the orders pursuant to this Act are to be interpreted in accordance with the following definitions:

- (i) the term "broadcasting" means the act of transmitting (including transmitting using the telecommunications equipment of other persons (meaning the telecommunications equipment provided for in Article 2, item (ii) of the Telecommunications Business Act (Act No. 86 of 1984); the same applies hereinafter)) through telecommunications (meaning telecommunications as provided for in Article 2, item (i) of the Telecommunications Business Act) content intended to be received by the public;
- (ii) the term "basic broadcasting" means broadcasting using radio waves of frequencies allocated either exclusively or preferentially to radio stations broadcasting pursuant to the provisions of the Radio Act (Act No. 131 of 1950);
- (iii) the term "general broadcasting" means broadcasting which does not fall under basic broadcasting;
- (iv) the term "domestic broadcasting" means broadcasting content intended to be received within Japan;
- (v) the term "international broadcasting" means broadcasting other than international relay broadcasting and international satellite broadcasting by NHK intended to be received in foreign countries;
- (vi) the term "international broadcasting for Japanese" means from among international broadcasting, the broadcast programs aimed at Japanese;
- (vii) the term "international broadcasting for foreign nationals" means from among international broadcasting, the broadcast programs aimed at foreign nationals;
- (viii) the term "international relay broadcasting" means broadcasting intended

- to be received in foreign countries, transmitted from a domestic broadcasting station via a foreign broadcaster (meaning persons conducting broadcasting operations in a foreign country; the same applies hereinafter);
- (ix) the term "international satellite broadcasting by NHK" means broadcasting (limited to broadcasts transmitted using a satellite broadcasting station) transmitted from a basic broadcasting station (meaning a radio station which transmits basic broadcasts"; the same applies hereinafter) or a foreign broadcasting station intended to be received in foreign countries, by the Japan Broadcasting Corporation (hereinafter referred to as "NHK");
- (x) the term "international satellite broadcasting by NHK for Japanese" means from among international satellite broadcasting by NHK, the broadcast programs aimed at Japanese;
- (xi) the term "international satellite broadcasting by NHK for foreign nationals" means from among international satellite broadcasting by NHK, the broadcast programs aimed at foreign nationals;
- (xii) the term "domestic and international broadcasting" means broadcasting intended to be received by those in Japan and in foreign countries;
- (xiii) the term "basic satellite broadcasting" means basic broadcasting transmitted using a satellite broadcasting station;
- (xiv) the term "basic terrestrial broadcasting for mobile reception" means basic broadcasting which does not fall under basic satellite broadcasting, which can be received by equipment installed in automobiles or other land-based vehicles, or by mobile equipment;
- (xv) the term "basic terrestrial broadcasting" means basic broadcasting which does not fall under either basic satellite broadcasting or basic terrestrial broadcasting for mobile reception;
- (xvi) the term "AM broadcasting" means broadcasting voices and other sounds using frequencies from 526.5 kHz to 1,606.5 kHz;
- (xvii) the term "FM broadcasting" means broadcasting voices and other sounds using frequencies above 30 MHz (including those transmitted together with characters, figures and other images or signals), which does not fall under television broadcasting and is not superimposed over other broadcast radio waves;
- (xviii) the term "television broadcasting" means broadcasting instantaneous images of still or moving things and accompanying voices and other sounds (including those sent together with characters, figures and other images (including those accompanying voices and other sounds) or signals);
- (xix) the term "multiple broadcasting" means broadcasting voices and other sounds, characters, figures and other images or signals superimposed over radio waves of FM broadcasting or television broadcasting, which does not

- fall under FM broadcasting or television broadcasting;
- (xx) the term "broadcasting station" means a radio station which transmits broadcasts;
- (xxi) the term "approved basic broadcaster" means an entity which has received approval under Article 93, paragraph (1);
- (xxii) the term "specified basic terrestrial broadcasting" means an entity which has obtained a broadcasting station license (hereinafter referred to as a "specified basic terrestrial broadcasting station") to be used in its basic terrestrial broadcasting operations, pursuant to the provisions of the Radio Act;
- (xxiii) the term "basic broadcaster" means an approved basic broadcaster and a specified basic terrestrial broadcasting;
- (xxiv) the term "supplier for basic broadcasting stations" means an entity which has obtained a basic broadcasting station license pursuant to the provisions of the Radio Act and who, out of the radio equipment and other telecommunications equipment of that basic broadcasting station, provides a collection (hereinafter referred to as a "facility for basic broadcasting stations") of the equipment prescribed by Order of the Ministry of Internal Affairs and Communications for use in basic broadcasting operations of an basic broadcaster;
- (xxv) the term "general broadcaster" means an entity which has obtained the registration set forth in Article 126, paragraph (1) and persons who have given notification pursuant to the provisions of Article 133, paragraph (1):
- (xxvi) the term "broadcaster" means basic broadcasters and general broadcasters;
- (xxvii) a "certified broadcasting holding company" means a company that has been approved pursuant to Article 159, paragraph (1) or a company that has been established based on an approval granted pursuant to the same paragraph;
- (xxviii) the term "broadcast program" means the type, content, amount and arrangement of material to be broadcast;
- (xxix) the term "educational program" means a broadcast program which is broadcast for the purpose of school education or social education;
- (xxx) the term "cultural program" means a broadcast program which does not fall under educational programs, which is broadcast with the direct aim of promoting a cultured public;
- (xxxi) "specified officers" means officers of a corporation or organization having considerable influence over the execution of the business of the corporation or organization as specified under Order of the Ministry of Internal Affairs and Communications; and
- (xxxii) "relationship of control" means any of the following relationships:

- (a) the relationship between a person and a corporation or organization in which the number of voting rights of the corporation or organization are held by that person or a subsidiary company (meaning a subsidiary company as set out in Article 158 paragraph (1)) of that person or any other person who has a special relationship with that person as specified by Order of the Ministry of Internal Affairs and Communications, at a ratio exceeding the ratio specified by Order of the Ministry of Internal Affairs and Communications which is within one-tenth to one-third of the total voting rights of the corporation or organization.
- (b) the relationship between a corporation or organization and another corporation or organization in which the number of specified officers of that corporation or organization concurrently serving as a specified officer of another corporation or organization exceeds the ratio specified by Order of the Ministry of Internal Affairs and Communications which is within one-fifth to one-third of the total number of specified officers of the other corporation or organization.
- (c) beyond the relationships specified in (a) and (b) above, the relationship between a person and a corporation or organization in which the person is able to substantially control the management of the corporation or organization by holding stocks, concurrently serving as an officer or for any other reason as specified by Order of the Ministry of Internal Affairs and Communications.

Chapter II General Rules Concerning the Editing of and Other Matters Related to Broadcast Programs

(Editorial Freedom of Broadcast Programs)

Article 3 Broadcast Programs must not be interfered with or regulated by any person, except in cases pursuant to the authority provided for in laws.

(Editing and Other Matters Related to the Broadcast Programs in Domestic Broadcasting)

Article 4 (1) A broadcaster must comply with the following when editing domestic broadcast programs or domestic and international broadcast programs (hereinafter referred to as "domestic broadcasts, etc."):

- (i) it must not negatively influence public safety or good morals;
- (ii) it must be politically fair;
- (iii) reporting must not distort the facts; and
- (iv) it must clarify the points at issue from as many angles as possible where there are conflicting opinions concerning an issue.

(2) A broadcaster must establish as many broadcast programs as possible which

enable visually-impaired persons to listen to voices and other sounds which describe still and moving on-screen images, and broadcast programs which enable persons with aural disabilities to see characters or figures which describe voices and other sounds when editing domestically broadcasts, etc.

(Program Standards)

Article 5 (1) A broadcaster must stipulate standards for editing the broadcast programs (hereinafter referred to as "program standards") in accordance with the classification of the broadcast program (meaning categories such as cultural programs, educational programs, news programs, entertainment programs, etc.; the same applies hereinafter) and the target audience of the broadcasts, and must edit the broadcast programs in compliance with those standards.

(2) Where a broadcaster has stipulated program standards pursuant to the provisions of the preceding paragraph with regard to domestic broadcasts, etc., it must publicize the standards pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications. The same applies when making amendments thereto.

(Deliberative Bodies for Broadcast Programs)

Article 6 (1) A broadcaster is to establish a deliberative body for broadcast programs (hereinafter referred to as a "deliberative body") in order to ensure if those programs are appropriate.

(2) A deliberative body may deliberate on particulars necessary for ensuring that broadcast programs are appropriate in accordance with consultations with broadcasters, and in this regard may express opinions to the broadcaster.

(3) A broadcaster must set forth a basic plan relating to the program standards and editing of the broadcast programs and, when it intends to make amendments thereto, must consult the deliberative body.

(4) Where a deliberative body has drawn up a report in accordance with the consultation pursuant to the provisions of paragraph (2) or there is a matter for which an opinion has been expressed, a broadcaster must respect this and take the necessary measures.

(5) A broadcaster must report the particulars given in the following items to the deliberative body pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications:

- (i) the content of the measures taken pursuant to the provisions of the preceding paragraph;
- (ii) the status of implementation of the broadcast which has been corrected or revoked pursuant to the provisions of Article 9, paragraph (1); and
- (iii) a summary of the complaint which was made or other opinions relating to

broadcast programs.

- (6) A broadcaster must endeavor to utilize the functions of the deliberative body in order to reflect the reports or opinions of the deliberative body in their broadcast programs, and must also publicize the particulars given in the following items pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications:
- (i) a summary of the contents of the report drawn up by the deliberative body in response to the consultation by the broadcaster or the opinions expressed to the broadcaster and other proceedings of the deliberative body; and
 - (ii) the contents of measures taken pursuant to the provisions of paragraph (4).

Article 7 (1) The deliberative body of the broadcaster is to consist of seven members or more (in cases of deliberative bodies of a broadcaster other than one which transmits basic broadcasts through television broadcasting, less than seven members, pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications).

- (2) The members of the deliberative body of the broadcaster are to be commissioned by the broadcaster from among persons who have relevant expertise.
- (3) Two or more broadcasters may jointly establish a deliberative body in cases where all of the following requirements have been satisfied. In such a case, the commissioning of the members of the deliberative body pursuant to the provisions of the preceding paragraph are to be jointly conducted by those broadcasters:
- (i) the broadcasters do not include two or more basic broadcasters (excluding those for which the target region for basic broadcasting covers the entire nation (meaning the target regions for broadcasts set out in Article 91 paragraph (2), item (ii), the same definition applies to Article 14)) which are affiliates (meaning an affiliate as set out in Article 158, paragraph (2)) of a single certified broadcasting holding company;
 - (ii) where there is a basic broadcaster among the broadcasters, and there is an overlap in the broadcasting districts (meaning the broadcasting district described in the license of the basic broadcasting station for use in the basic broadcasting operations, pursuant to the provisions of Article 14, paragraph (3), item (ii) of the Radio Act; hereinafter the same applies in this paragraph) or operational districts (meaning the operational districts set forth in Article 126, paragraph (2), item (iv); hereinafter the same applies in this paragraph) between any of the basic broadcasters, and all of the broadcasters other than the basic broadcaster, which satisfies either of the following requirements:
 - (a) the area where the broadcasting district or the operational district overlap is two-thirds or more of the area of the broadcasting district or

- operational district of any of the broadcasters.
- (b) the population within the broadcasting district of the overlapping part of the broadcasting districts or operational districts is two-thirds or more of the total population within the broadcasting district or operational district of any of the broadcasters; and
 - (iii) where there are two or more general broadcasters among the broadcasters, there is a relationship between any two of the general broadcasters among the general broadcasters, which satisfies any of the following requirements:
 - (a) the operational districts overlap, and moreover, the area of the district where the operational districts overlap is two-thirds or more of the area of the operational district of any of the general broadcasters.
 - (b) the operational districts overlap, and moreover, the population within the district where the operational districts overlap is two-thirds or more of the total population within the operational district of any of the general broadcasters.
 - (c) the prefectures of the operational districts of two such general broadcasters are one and the same.

(Exclusions from Application of the Provisions of Program Standards)

Article 8 The provisions of the three preceding Articles do not apply to broadcasters who exclusively broadcast particulars that are related to current affairs concerning the economic climate, nature and sports or other particulars provided for by Order of the Ministry of Internal Affairs and Communications or broadcasts for extraordinary and temporary purposes (limited to those provided for in the provisions of Order of the Ministry of Internal Affairs and Communications).

(Correction of Broadcasts)

- Article 9 (1) In cases where the content of a broadcast is not factual, where a claim is made by an individual who was the subject of an infringement of rights owing to the broadcast or a person directly related to that person within three months of the day of the broadcast, the broadcaster must, without delay, investigate as to whether the matters which were broadcast were not factual and, if it is found that the matters were not factual, it must broadcast a correction or a revocation using an appropriate method through the same broadcasting equipment as the broadcasting equipment as that used in the broadcast within two days of the day of making the finding.
- (2) If a broadcaster discovers particulars which are not factual in its broadcasts, it is also to take the same measures as those in the preceding paragraph.
 - (3) The provisions of the two preceding paragraphs must not preclude demands for compensation of damages pursuant to the provisions of the Civil Code (Act

No. 89 of 1896).

(Retention of Broadcast Programs)

Article 10 A broadcaster must retain the broadcast programs for a period of three months following their transmission (with regard to broadcasts for which a demand for a correction or revocation was made pursuant to the provisions of paragraph (1) of the preceding Article, where the case pertaining to that demand continues for more than three months, the period for which such case continues within a period not exceeding six months) so that the deliberative body or persons related to the broadcast, which was corrected or revoked pursuant to the provisions of the same Article, will be able to check the content of the broadcast program by viewing it or through other methods pursuant to the provisions Order of the Ministry of Internal Affairs and Communications after it has been broadcast.

(Re-transmission)

Article 11 A broadcaster must not receive or re-transmit the programs of other broadcasters without first obtaining their consent.

(Measures for the Identification of Advertisement Broadcasts)

Article 12 A broadcaster, when broadcasting advertisements for a fee, must ensure that recipients of the broadcasts are able to clearly identify them as advertisement broadcasts.

(Candidate Broadcasts)

Article 13 When transmitting a broadcast relating to campaigns and other election campaigns of candidates for positions in public office through elections, if a request is made by another candidate in the election, the broadcaster must transmit the candidate's broadcast under the same conditions regardless of whether or not a fee has been collected.

(Editing of Broadcast Programs for Domestic and International Broadcasting)

Article 14 In editing broadcast programs for domestic and international broadcasting, a broadcaster must insofar as possible, take into consideration the natural, economic, social and cultural affairs of the foreign country that is the target region for broadcasts or the operational district (meaning operational district as set out in Article 126, paragraph (2), item (iv) or Article 133, paragraph (1), item (iv)) of the domestic and international broadcasting so as not to harm international goodwill and exchange with foreign countries.

Chapter III Japan Broadcasting Corporation (NHK)

Section 1 General Rules

(Purpose)

Article 15 NHK aims to transmit domestic basic broadcasts (meaning basic broadcasts which are domestic in nature; hereinafter the same applies) through broadcasting good-quality, rich programs, which can be received throughout the whole of Japan, to conduct operations in connection with broadcasting and the advancement and development of reception thereof as well as to transmit international and international satellite broadcasts for the purpose of public welfare.

(Legal Personality)

Article 16 NHK is to be a corporation established pursuant to the provisions of this Act in order to achieve the purpose given in the preceding Article.

(Offices)

Article 17 (1) NHK is to have its principal place of business in Tokyo.
(2) NHK may have secondary offices in other places as necessary.

(Articles of Incorporation)

Article 18 (1) NHK must stipulate the following in its articles of incorporation:
(i) purpose;
(ii) name;
(iii) location of the offices;
(iv) particulars concerning assets and accounts;
(v) particulars concerning the Board of Governors, the Audit Committee, the Council and officers;
(vi) particulars concerning the operations and execution thereof;
(vii) particulars concerning the issuance of broadcasting bonds; and
(viii) particulars of public notices.
(2) The articles of incorporation may be amended after obtaining authorization from the Minister of Internal Affairs and Communications.

(Registration)

Article 19 (1) NHK must register changes in the principal place of business, the new establishment of secondary offices and other particulars prescribed by Cabinet Order pursuant to the procedures prescribed by Cabinet Order.
(2) Particulars requiring registration pursuant to the provisions of the preceding paragraph may not be asserted against a third party unless after the registration has been made.

Section 2 Operations

(Operations)

Article 20 (1) NHK is to conduct the following operations in order to achieve the purpose set forth in Article 15:

- (i) transmitting domestic basic broadcasts through the following kinds of broadcasting (limited to those that use specified terrestrial basic broadcasting stations or relay basic terrestrial broadcasting stations of subsidiary companies that supply basic broadcasting programs provided for in paragraph (3) of the following Article (meaning basic broadcasting stations that are mainly used in terrestrial basic broadcasting operations to receive broadcasting programs broadcast by other broadcasting stations in broadcasting systems provided for in Article 91, paragraph (2), item (iii) and simultaneously rebroadcast the program without making changes to their contents; the same applies hereinafter)):
 - (a) AM broadcasting
 - (b) FM broadcasting
 - (c) television broadcasting
- (ii) transmitting domestic basic broadcasts (limited to basic satellite broadcasting using basic broadcasting stations pertaining to the license received by a person other than NHK pursuant to the provisions of the Radio Act) through television broadcasting;
- (iii) conducting investigative research necessary for the advancement and development of broadcasting and reception thereof;
- (iv) transmitting international broadcasts for Japanese and international broadcasting for foreign nationals; and
- (v) transmitting international satellite broadcasting by NHK for Japanese and international satellite broadcasting by NHK for foreign nationals.

(2) Beyond the operations set forth in the preceding paragraph, NHK may conduct the following operations in order to achieve the purpose set forth in Article 15:

- (i) when deemed necessary in transmitting broadcast programs in international broadcasting set forth in item (iv) of the preceding paragraph in a foreign country through the use of a broadcasting station of a foreign broadcaster, to use a basic broadcasting station for the operations of international relay broadcasting pursuant to the agreement with the foreign broadcaster;
- (ii) provide broadcast programs that were or will be transmitted by NHK and materials necessary for the editing of the programs, or other information intended to increase the understanding of broadcast programs that were or will be transmitted by NHK (including programs that have been edited; referred to in the following item as "programs, etc.") for general use through

- a telecommunications line (excluding provisions falling under the definition of broadcasting);
- (iii) provide programs, etc. to persons engaged in the business of providing broadcast programs for general use through a telecommunications line (excluding broadcasters and foreign broadcasters) (excluding simultaneous provision of all programs for which the basis of their domestic broadcasting is through NHK's television broadcasting);
 - (iv) provide the foreign broadcaster with broadcast programs and materials necessary for the editing of the programs (excluding those given in the preceding item);
 - (v) supply broadcasters with NHK's international satellite broadcast programs for foreign nationals by television broadcasting and materials necessary for the editing of the programs;
 - (vi) conduct operations incidental to the operations set forth in the preceding paragraph (excluding those given in the preceding items);
 - (vii) lease broadcasting equipment to those persons intending to transmit multiple broadcasting;
 - (viii) through commission, engage in investigative research contributing to broadcasting or the advancement and development of reception thereof, the design of broadcasting equipment, other technical assistance and conduct training for persons engaged in broadcasting; and
 - (ix) beyond the operations given in the preceding items, conduct operations which are especially necessary for broadcasting and the advancement and development of reception thereof.
- (3) Beyond the operations set forth in the two preceding paragraphs, NHK may conduct the following operations to the extent that they do not hinder the smooth running of the operations:
- (i) provide for general use or lease facilities or equipment held by NHK (including those acquired by NHK through termination of a trust with regard to owned land); and
 - (ii) through commission, conduct operations to produce broadcast programs, etc., or other operations conducted through utilization of the equipment and technology held by NHK in order to conduct the operations under the two preceding paragraphs, and which are deemed appropriate to be conducted by NHK.
- (4) NHK must not have the aim of making a profit when conducting the operations under the preceding three paragraphs.
- (5) NHK must take measures to ensure that either AM broadcasting or FM broadcasting and television broadcasting may be received throughout the entire country.
- (6) When conducting the operations under paragraph (1), items (i) and (ii), NHK

must endeavor to provide the cooperation necessary for the smooth implementation of measures taken by other broadcasters in accordance with the responsibilities set forth in Article 4, paragraph (2) and measures taken by other specified basic terrestrial broadcasters and suppliers for basic broadcasting stations (excluding those persons who have obtained a basic broadcasting station license for use in the operations of basic satellite broadcasting pursuant to the provisions of the Radio Act) in accordance with the responsibilities set forth in Article 92, to the extent that it does not hinder the smooth running of the operations.

(7) In conducting the operations under paragraph 1, item (iii), where an opinion is submitted by a person who is related to broadcasting or a person with relevant expertise, NHK must respect the opinion if this contributes to the advancement and development of broadcasting and reception thereof, and moreover, does not hinder the performance of the operations set forth in the same paragraph and paragraph (2), and the results of the operations set forth in the same item are to be, insofar as possible, provided for general use.

(8) In transmitting international satellite broadcasting by NHK for foreign nationals overseas, NHK must ensure that all or part of the broadcasting is through television broadcasting.

(9) The contents of the agreement set forth in paragraph (2), item (i) must include the broadcasting district, the broadcasting hours and other particulars regarding broadcasting equipment pertaining to the international relay broadcasting as provided for in by Order of the Ministry of Internal Affairs and Communications, and if NHK intends to enter into such an agreement or to make amendments thereto, it must obtain authorization from the Minister of Internal Affairs and Communications.

(10) If NHK conducts the operation in paragraph (2), item (ii) or (iii) of this Article, it must establish implementation standards for the matters specified below and obtain authorization for them from the Minister of Internal Affairs and Communications; the same applies for any change therein:

(i) the type, contents and means of implementation of the operation specified in paragraph (2), item (ii) or (iii);

(ii) matters related to the costs necessary for implementing the operation specified in paragraph (2), item (ii) or (iii);

(iii) fees and other terms of provision for the operation specified in paragraph (2), item (ii); and

(iv) other matters specified by Order of the Ministry of Internal Affairs and Communications.

(11) If the Minister of Internal Affairs and Communications determines that the request for authorization in the previous paragraph satisfies all of the following conditions, the Minister is to grant its authorization:

- (i) the operation will contribute to achieving the purpose of Article 15;
 - (ii) the type, contents and means of implementation of the operation in paragraph (2), item (ii) or (iii) are properly and clearly specified;
 - (iii) the type, contents and means of implementation of the operation in paragraph (2), item (ii) or (iii) and matters relating to fees and other terms of provision for the operation set forth in item (ii) of the same paragraph are not inappropriate for persons installing specified reception equipment (meaning specified reception equipment as specified in Article 64, paragraph (1)), in light of the requirement to conclude a reception contract as specified in paragraph (1) of the same Article with NHK pursuant to the provisions of the same paragraph;
 - (iv) the operation specified in paragraph (2), item (ii) or (iii) does not require excessive costs for implementation;
 - (v) the operation specified in paragraph (2), item (ii) does not discriminate against any specific persons; and
 - (vi) the operation specified in paragraph (2), item (ii) does not harm the interests of users (persons who conclude a contract with NHK for the general use specified in the same item.).
- (12) NHK must comply with the matters provided for in the implementation standards for which the authorization set forth in paragraph (10) was obtained, NHK, when conducting the operations under paragraph (2), items (ii) and (iii).
- (13) NHK must publicize its implementation standards without delay if the authorization set forth in paragraph (10) was obtained for them.
- (14) NHK, based on the implementation standards for which the authorization set forth in paragraph (10) was obtained, must establish a plan for operations set forth in paragraph (2), items (ii) and (iii) for each business year and notify the Minister of Internal Affairs and Communications of the plan as well as publicize it before the start of the applicable business year in accordance with the matters prescribed by Order of the Ministry of Internal Affairs and Communications when conducting those operations. The same applies when making amendments thereto.
- (15) When conducting operations under paragraph (2), item (ii), NHK must endeavor to provide not only broadcast programs designed for the entire country but also the programs designed for local regions for general use through a telecommunications line as well as provide the cooperation necessary for the smooth implementation of the equivalent operations conducted by other broadcasters.
- (16) If the Minister of Internal Affairs and Communications determines that any of the cases given in the following items apply, the Minister may make the recommendations provided for in those items to NHK with a deadline designated by the Minister.

- (i) Recommendation to modify the implementation standards for which the authorization set forth in paragraph (10) was obtained in cases where those implementation standards no longer fall under any of the items under paragraph (11); or
 - (ii) Recommendation to conduct operations set forth in paragraph (2), item (ii) or item (iii) in accordance with the implementation standards for which the authorization set forth in paragraph (10) was obtained in cases where when NHK violates the provisions of paragraph (12).
- (17) If NHK does not follow the advice given pursuant to the preceding paragraph, the Minister of Internal Affairs and Communications may revoke the authorization set forth in paragraph (10).
- (18) NHK must conduct an assessment of the implementation status of the operations specified in paragraph (2), item (ii) or (iii), at least once every three years, considering the development of technologies, demand trends and other situations related to the operations, and must endeavor to take the necessary actions to improve the operations based on the result of the assessment.
- (19) NHK must obtain authorization from the Minister of Internal Affairs and Communications if it intends to conduct the operations set forth in paragraph (2), item (ix) or paragraph (3).
- (20) NHK must not certify reception devices used in basic broadcasting or their parts, designate a repair service for the reception devices, or otherwise regulate the operations conducted by the manufacturer, distributor or repair service operator of the radio device for any reason whatsoever, nor may it conduct any acts to interfere with the aforementioned.

(Subsidiary Companies that Supply Basic Broadcasting Stations)

Article 20-2 (1) NHK may invest in companies whose principal aim is to conduct the following operations pursuant to the provisions of the income and expenditure budget, business plan and funding plan for the purpose of the smooth performance of the operations set forth in paragraph (1), item (i) of the preceding Article after obtaining authorization from the Minister of Internal Affairs and Communications. In such a case, NHK must hold the party that it conducts that investment in as a subsidiary (meaning a stock company for which NHK holds the majority of voting rights of all of the shareholders and other corporations prescribed by Order of the Ministry of Internal Affairs and Communications whose management is controlled by NHK; hereinafter the same applies in this Chapter and Article 191, paragraph (2) except for Article 22-2, item(i)) during the period that it is conducting that investment.

- (i) Hold and manage facilities for basic broadcasting stations in a specified basic terrestrial broadcasting region (meaning a region designated by the Minister of Internal Affairs and Communications as one in which the cost for

NHK to hold all broadcasting equipment necessary to provide terrestrial basic broadcast programs in that region is a considerable amount due to population, geographical conditions and other circumstances and in which the need for NHK to facilitate the greater efficiency of operations by using facilities for basic broadcasting stations provided by a supplier for basic broadcasting stations (limited to that pertaining to relay terrestrial basic broadcasting stations; hereinafter the same applies in this Article)).

- (ii) Provide the facilities for basic broadcasting stations set forth in the preceding item for use in terrestrial basic broadcasting operations of another basic broadcaster in accordance with the contract between NHK and that basic broadcaster in a specified terrestrial basic broadcasting region.
- (2) The designation pursuant to the provisions of item (i) of the preceding paragraph is to be made by public notice.
- (3) NHK may use facilities for basic broadcasting stations provided by a subsidiary company that supplies basic broadcasting programs in accordance with its contract with a subsidiary that it invested in pursuant to the provisions of paragraph (1) (hereinafter referred to in this Article and Article 22 as "subsidiary company that supplies basic broadcasting programs") when conducting basic terrestrial broadcasting operations in a specified basic terrestrial broadcasting region.
- (4) NHK may assign relay terrestrial basic broadcasting stations and broadcasting equipment affiliated thereto used in terrestrial basic broadcasting operations in a specified basic terrestrial broadcasting region to a subsidiary company that supplies basic broadcasting programs pursuant to the provisions of the income and expenditure budget, business plan and funding plan after obtaining authorization from the Minister of Internal Affairs and Communications set forth in Article 85, paragraph (1).

(Method of Operation of International Satellite Broadcasting by NHK for Foreign Nationals Overseas)

Article 21 (1) NHK must have only one subsidiary company (meaning a stock company for which NHK holds the majority of voting rights of all of the shareholders and other corporations prescribed by Order of the Ministry of Internal Affairs and Communications whose management is controlled by NHK; hereinafter the same applies in this Chapter and Article 191, paragraph (2)) as a company whose principal aim is to conduct the following operations pursuant to the provisions of the income and expenditure budget, business plan and funding plan for the purpose of the smooth performance of the operations of the international satellite broadcasting by NHK for foreign nationals overseas through television broadcasting:

- (i) produce broadcast programs for foreign nationals overseas through

- television broadcasting commissioned by NHK; and
- (ii) as commissioned by NHK, provide its broadcasting station to persons other than NHK, who have obtained a basic broadcasting station license pursuant to the provisions of the Radio Act, or to persons managing foreign broadcasting stations for use in the operations of international satellite broadcasting by NHK for foreign nationals through television broadcasting transmitted by NHK.
- (2) In conducting the operations of international satellite broadcasting by NHK for foreign nationals through television broadcasting, NHK must commission some of the operations to the subsidiary company prescribed in the preceding paragraph in accordance with the standards prescribed by NHK in order to enable the smooth performance of the operations.
- (3) When prescribing the standards under the preceding paragraph, NHK must notify the Minister of Internal Affairs and Communications of the standards without delay. The same applies when making amendments thereto.

(Investment in the Japan Aerospace Exploration Agency and National Institute of Information and Communications Technology)

Article 22 Beyond cases of investing in a subsidiary company that supplies basic broadcasting stations or the subsidiary company provided for in paragraph (1) of the preceding Article, where it is necessary in performing the operations under Article 20, paragraph (1) or (2), NHK may invest in the following persons: Japan Aerospace Exploration Agency, the National Institute of Information and Communications Technology, the designated broadcasters for retransmissions provided for in Article 140, paragraph (2) and other persons conducting business prescribed by Cabinet Order which is closely related to the operations under Article 20, paragraph (1) or (2) in accordance with the stipulations in the income and expenditure budget, business plan and funding plan on obtaining authorization from the Minister of Internal Affairs and Communications.

- (i) Japan Aerospace Exploration Agency
- (ii) National Institute of Information and Communications Technology
- (iii) the designated broadcasters for retransmissions provided for in Article 140, paragraph (2)
- (iv) persons conducting business prescribed by Cabinet Order which is closely related to the operations under Article 20, paragraph (1) or (2) other than those given in the preceding three items

(Investment in Related Business Holding Companies)

Article 22-2 Beyond cases set forth in the preceding Article, when it is necessary in order to ensure the efficient performance of operations in the group forming

NHK and its subsidiary company, NHK may invest in related business holding companies (meaning companies that stipulate the following in their articles of incorporation; hereinafter the same applies in this Article and paragraph (1) of the following Article) pursuant to the provisions of the income and expenditure budget, business plan and funding plan after obtaining authorization from the Minister of Internal Affairs and Communications. In such a case, NHK must hold the party that it conducts that investment in as a related business holding companies that is a subsidiary during the period that it is conducting that investment.

- (i) Exclusively aims to hold the person given in item (iv) of the preceding Article as a subsidiary (meaning a subsidiary for which the company holds the majority of voting rights of all of the shareholders and other corporations prescribed by Order of the Ministry of Internal Affairs and Communications whose management is controlled by that company).
- (ii) Investment shall be exclusively conducted in the person given in item (iv) of the preceding Article in accordance with the related business investment plan provided for in paragraph (1) of the following Article pertaining to the approval set forth in that paragraph (If there was an approval of amendments based on the provision of paragraph (3) of that Article, the plan after those amendments; hereinafter referred to as "approved investment plan" in that paragraph and paragraph (5) of that Article).

(Approval of Related Business Investment Plan)

- Article 22-3 (1) If NHK received or intends to receive the approval set forth in the preceding Article, it may create a plan relating to investment in a related business holding company (hereafter referred to "related business investment plan" in this Article and Article 29, paragraph (1), item (i)-y) in collaboration with that related business holding company in accordance with the matters prescribed by Order of the Ministry of Internal Affairs and Communications, submit that plan to the Minister of Internal Affairs and Communications, and receive approval that the related business investment plan is appropriate.
- (2) If the Minister of Internal Affairs and Communications deems that implementation of a related business investment plan pertaining to an application for the approval set forth in the preceding paragraph is necessary in order for NHK to perform the operations set forth in Article 20, paragraph (1) or paragraph (2) when there was an application for that approval, the Minister of Internal Affairs and Communications shall conduct that approval.
 - (3) If NHK intends to modify the approved investment plan when it has received the approval set forth in paragraph (1), it must receive the approval of the Minister of Internal Affairs and Communications in accordance with the matters prescribed by Order of the Ministry of Internal Affairs and

Communications.

- (4) The provisions of paragraph (2) apply mutatis mutandis to the approval set forth in the preceding paragraph.
- (5) If the Minister of Internal Affairs and Communications deems that the investment stated in an approved investment plan is not being conducted in accordance with that approved investment plan, the Minister of Internal Affairs and Communications may revoke that approval.

(Commissioning Operations)

- Article 23 (1) Beyond the cases under Article 21, paragraph (2), NHK may commission some of the operations under Article 20, paragraph (1) or its operations conducted pursuant to the provisions of Article 65, paragraph (1) or Article 66, paragraph (1) (referred to in the following paragraph as "operations, etc. set forth in Article 20, paragraph (1)") limited to cases complying with the standards prescribed by NHK.
- (2) The standards under the preceding paragraph are to be such as to ensure that the commission of operations are efficiently conducted and that obstacles do not arise in the smooth performance of the operations, etc. set forth in Article 20, paragraph (1) based on the commission pursuant to the provisions of the same paragraph.
 - (3) If stipulating the standards under paragraph (1), NHK must notify the Minister of Internal Affairs and Communications of the standards without delay. The same applies when making amendments thereto.

(Special Measures on the Approval and the Like of Basic Broadcasting Operations)

- Article 24 (1) With regard to the application of the provisions of Article 93, paragraph (1) in cases of the Minister of Internal Affairs and Communications conducting an examination on approval pursuant to the provisions of the same paragraph with regard to NHK, the term "the following requirements" in the same paragraph is to be replaced with "the following requirements (excluding item (v), (vi) and (vii) (limited to those parts pertaining to (a) through (c)))."
- (2) With regard to the application of the provisions of Article 96, paragraph (2) in cases of the Minister of Internal Affairs and Communications conducting an examination on the renewal of approval pursuant to the provisions of the same paragraph with regard to NHK, the term "Article 93, paragraph (1), items (iv) and (v)" in the same paragraph is to be replaced with "Article 93, paragraph (1), item (iv)."

(Implementation of International Satellite Broadcasting)

Article 25 Where NHK has commenced international broadcasting or NHK

international satellite broadcasting using a foreign broadcasting station, it must notify the Minister of Internal Affairs and Communications without delay of the broadcasting districts, broadcasting content and other matters prescribed by Order of the Ministry of Internal Affairs and Communications. The same applies when making amendments to these particulars.

Article 26 (1) In conducting international satellite broadcasting by NHK for foreign nationals overseas (including commissioning of the production of broadcast programs to the subsidiary company pursuant to the provisions of Article 21, paragraph (2)) through television broadcasting pursuant to the provisions of Article 20, paragraph (8), if it is deemed especially necessary in implementing the broadcast, NHK may seek the provision of materials necessary in the editing of broadcast programs or other necessary cooperation in accordance with the standards and methods stipulated by NHK from basic broadcasters other than NHK (excluding the Open University of Japan (hereinafter referred to as the "Open University") provided for in Article 3 of the Act on the Open University of Japan (Act No. 156 of 2002); hereinafter the same applies in paragraph (3)).

(2) If NHK intends to stipulate the standards and methods prescribed under the preceding paragraph or to make amendments thereto, it must consult the International Broadcast Programs Council provided for in Article 82, paragraph (1).

(3) When consulted under the provisions of the same paragraph, the International Broadcast Programs Council set forth in the preceding paragraph must hear the opinions of a basic broadcaster other than NHK.

(4) If NHK stipulates the standards and methods prescribed under paragraph (1), it must notify the Minister of Internal Affairs and Communications of the standards and methods without delay. The same applies when making amendments thereto.

(Handling of Complaints)

Article 27 NHK must appropriately and promptly handle complaints and other opinions which are received relating to its operations.

Section 3 Board of Governors

(Establishment of a Board of Governors)

Article 28 NHK will establish a Board of Governors.

(Authority of the Board of Governors)

Article 29 (1) The Board of Governors is to perform the following duties:

- (i) resolutions on the following:
 - (a) the basic policy relating to the management of NHK
 - (b) particulars prescribed by Order of the Ministry of Internal Affairs and Communications as necessary in executing the duties of the Audit Committee
 - (c) development of the following systems as necessary in ensuring the appropriateness of the operations of NHK and the group forming NHK and its subsidiary company
 - 1. A system to ensure that the performance of the duties of the President, Vice-president and the Directors comply with the laws and regulations and the articles of incorporation
 - 2. A system for maintaining and managing information relating to the duties of the President, Vice-president and Directors
 - 3. A system for managing the risk of loss of NHK
 - 4. A system to ensure that the duties of the President, Vice-president and Directors are performed efficiently
 - 5. A system to ensure that the duties of the officials of NHK are performed in compliance with laws and regulations and the articles of incorporation
 - 6. A system to ensure the appropriateness of the operations in the following systems and other group forming NHK and its subsidiary company
 - i. a system to ensure that the execution of duties by a director, executive officer, employee who executes operations (a person who should conduct the duties of an employee who executes operations when that employee is a corporation) or a person equivalent to the foregoing (hereinafter referred to as "directors" in ii. and iv.) of the subsidiary company in question comply with the laws and regulations and the articles of incorporation
 - ii. a system relating to the reporting of matters relating to the execution of duties by directors of the subsidiary company in question
 - iii. a system relating to the management of the risk of losses of the subsidiary company in question
 - iv. a system for ensuring that the execution of duties by directors of the subsidiary company in question is efficiently conducted
 - 7. A system relating to the secretariat of the Board of Governors
 - (d) an income and expenditure budget, business plan and funding plan
 - (e) a medium-term management plan provided for in Article 71-2, paragraph (1) (hereinafter referred to simply as "medium-term management plan" in Article 70, paragraphs (1) and (2))
 - (f) the business report provided for in Article 72, paragraph (1) and the

- financial statements provided for in Article 74, paragraph (1)
- (g) the installation plan of the broadcasting station; the establishment, suspension and termination of the broadcasting station (excluding establishment, suspension and termination of a broadcasting station deemed to be minor by the Board of Governors)
 - (h) the commencement, suspension and termination of basic domestic broadcasting (limited to that transmitted using a basic broadcasting station pertaining to the license obtained by a person other than NHK pursuant to the provisions of the Radio Act), international broadcasting (limited to programs transmitted by foreign broadcasting stations; the same applies in this item (h)) and international satellite broadcasting by NHK (excluding commencement, suspension and termination of international broadcasting and international satellite broadcasting which are deemed to be minor by the Board of Governors)
 - (i) the basic plan for the program standards and for the editing of broadcast programs
 - (j) amendments to the articles of incorporation
 - (k) the terms of the reception contract and the standards for exemption of the fees for receiving broadcasts provided for in Article 64, paragraph (1)
 - (l) the issuance of broadcasting bonds and borrowing of loans
 - (m) land trusts
 - (n) the implementation standards provided for in Article 20, paragraph (10) and the implementation plan provided for in paragraph (14) of the same Article
 - (o) the standards provided for in Article 21, paragraph (2) and Article 23, paragraph (1)
 - (p) the standards and methods provided for in Article 26, paragraph (1)
 - (q) the payment standards for salaries, etc. provided for in Article 61 and the service rules provided for in Article 62
 - (r) the compensation, retirement benefits and social expenses (including those which are similar regardless of the reason) of the officers
 - (s) matters requiring a resolution pursuant to the income and expenditure budget
 - (t) basic matters relating to the acquisition and disposition of important real property
 - (u) basic matters relating to cooperating with foreign broadcasters and their groups
 - (v) conclusion of an agreement after receiving the authorization from the Minister of Internal Affairs and Communications set forth in Article 20, paragraph (9) and amendments thereto
 - (w) conducting of operations after receiving authorization from the Minister

- of Internal Affairs and Communications set out in Article 20, paragraph (19)
- (x) investment after receiving the authorization from the Minister of Internal Affairs and Communications set forth in Article 20-2, paragraph (1), Article 22 or Article 22-2
 - (y) related business investment plan
 - (z) assignment, etc. of broadcasting equipment after receiving the authorization of the Minister of Internal Affairs and Communications set forth in Article 85, paragraph (1)
 - (aa) commissioning of the members of the organization established by NHK in order to conduct deliberations pertaining to information disclosure and the protection of personal information
 - (bb) beyond those matters given in (a) through (aa), matters deemed to be similar by the Board of Governors; and
 - (ii) supervision of the performance of duties of the officers;
- (2) The Board of Governors may not entrust the performance of its duties to the members.
- (3) The Board of Governors are to request broad general opinions in accordance with the provisions of Order of the Ministry of Internal Affairs and Communications in order to contribute to the appropriate exercise of the authority prescribed in paragraph (1).

(Organization of the Board of Governors)

- Article 30 (1) The Board of Governors is to be composed of 12 members.
- (2) The Board of Governors is to have a President appointed by the members from among themselves.
- (3) The President is to preside over the processes of the Committee.
- (4) The Board of Governors must appoint a person from among the members designated in advance to act for the President in their duties in the event of the President being unable to perform their duties.

(Appointment of Committee Members)

- Article 31 (1) Committee members are to be appointed by the Prime Minister, with the consent of both Houses of the National Diet, from among persons capable of making a fair judgment on public welfare and who have extensive knowledge and experience. In such a case, when making the appointment, consideration must be given to the fields of education, culture, science and technology, industry and other fields and to ensure that all regions across the country are fairly represented.
- (2) The Prime Minister may appoint a member without the consent of both Houses of the National Diet notwithstanding the provisions of the preceding

paragraph, if the consent of both Houses of the National Diet cannot be obtained due to the closing of the National Diet or the dissolution of the House of Representatives, in cases where the term of office of a member has expired or a position has become vacant. In such a case, the consent of both Houses of the National Diet must be obtained at the first Diet session after the appointment.

- (3) Any person who falls under any of the following items may not become a member:
- (i) a person who has been sentenced to imprisonment without work or a greater punishment;
 - (ii) a person who has been sentenced to a disposition of disciplinary dismissal as a national public officer and two years have not yet elapsed since the day of that disposition;
 - (iii) a national public officer (excluding members of councils, assemblies or persons in a similar position who are part-time);
 - (iv) an officer of a political party (including those persons who came under this category within one year prior to the date of appointment);
 - (v) where the manufacturer or the distributor of the broadcast transmitter or broadcast reception receiver or a person under the aforementioned is a corporation, its officer (including those persons who have the same level of authority or control or more regardless of the title of this person; hereinafter the same applies in this Article) or a person who holds one-tenth or more of the voting rights of the corporation (including those persons who came under that category within one year prior to the date of appointment);
 - (vi) where the broadcaster, the certified broadcasting holding company, the paid broadcast administrator provided for in Article 152, paragraph (2), or the newspaper publisher, communications agency or other operator who distributes news or information or the operator of the aforementioned is a corporation, its officer or official or a person who holds one-tenth or more of the voting rights of that corporation; or
 - (vii) an officer of the group of operators provided for in the two preceding items.
- (4) With regard to the appointment of the members, five persons or more must not belong to the same political party.

(Authority of the Committee)

Article 32 (1) Committee members may not edit individual broadcast programs or otherwise execute the operations of NHK except where otherwise provided for in this Act or orders pursuant to this Act.

(2) Committee members must not commit acts which contradict the provisions of Article 3 with regard to individual broadcast programs.

(Term of Office)

Article 33 (1) The term of office of committee members is to be for three years; provided, however, that the term of office of members appointed to fill a vacancy is to be for the remaining period of office of the predecessor.

(2) Committee members may be re-appointed.

(3) Even if the term of office has expired, committee members are to remain in office notwithstanding the provisions of paragraph (1) until a member is newly appointed.

(Leaving)

Article 34 A committee member is to automatically leave if the consent of both Houses of the National Diet is not granted pursuant to the provisions of the second sentence of Article 31, paragraph (2).

(Dismissal)

Article 35 The Prime Minister must dismiss a committee member if that member comes to fall under any one of the items of Article 31, paragraph (3).

Article 36 (1) If the Prime Minister deems that a committee member is unable to perform their duties owing to a mental or physical disorder or deems that the member has breached an obligation of their duties or the member has committed some other inappropriate act, they may dismiss the member with the consent of both Houses of the National Diet. In such a case, each House must give the member an opportunity to offer an explanation in accordance with the stipulations of the House.

(2) If five members or more among the committee members come to belong to the same political party, the Prime Minister must dismiss the applicable number of members with the consent of both Houses of the National Diet so that the number of members belonging to the same political party becomes four.

Article 37 Aside from those cases under the two preceding paragraphs, committee members may not be dismissed against their will.

(Prohibition of Committee Members Holding Concurrent Positions)

Article 38 Full-time committee members must not become members of for-profit organizations or engage in commercial business themselves.

(Administration of the Board of Governors)

Article 39 (1) The Board of Governors is to be convened by the President.

(2) The President must regularly convene the Board of Governors pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications.

- (3) If an audit member deems that it must report to the Board of Governors pursuant to the provisions of Article 45, the audit member may convene the Board of Governors.
- (4) The President must report on the status of their duties, the complaints and other opinions set forth in Article 27 and a summary of the results of handling thereof to the Board of Governors at least once every three months.
- (5) If a request is made by the Board of Governors, the President must attend the Board of Governors meeting and must give an explanation of the matters requested by the Board of Governors.
- (6) The audit member who has been appointed by the Audit Committee must report on the status of the performance of duties of the Audit Committee to the Board of Governors.

(Method of Passing Resolutions)

- Article 40 (1) The Board of Governors may not open a meeting and pass a resolution unless the President or the person acting for the President in their duties provided for in Article 30, paragraph (4) and six or more committee members are present.
- (2) A decision on the business of the Board of Governors is to be made through a majority of the members who are present unless otherwise provided for in other provisions. In the event of a tie, the President will make the final decision.
 - (3) The President may attend the Board of Governors meeting and give an opinion.

(Publication of the Minutes)

Article 41 The President must prepare minutes and publish them without delay as prescribed by the Board of Governors following the end of a Board of Governors meeting.

Section 4 Audit Committee

(Establishment of the Audit Committee)

- Article 42 (1) The Audit Committee is to be established within NHK.
- (2) The Audit Committee is to be composed of three audit members or more.
 - (3) The audit members must be appointed by the Board of Governors from among the members of the Board of Governors and at least one member or more must be full-time.

(Authority of the Audit Committee)

Article 43 (1) The Audit Committee is to audit the performance of duties of the

officers.

- (2) When audit members make the following request to NHK with regards to the execution of their duties, NHK may not refuse that request except in cases where the costs or debts pertaining to that request are not necessary in the execution of the duties of the audit member in question:
- (i) Request for the advance payment of costs;
 - (ii) Request for the reimbursement of costs from expenditure and interest after the day of that expenditure; or
 - (iii) Request for the performance of debts assumed to the creditor (provision of equivalent collateral when those debts have not reached their due date)

(Investigations by the Audit Committee)

- Article 44 (1) The audit members appointed by the Audit Committee may, at any time, make a request to the officers or officials for a report on the matters relating to the performance of duties or investigate the status of the operations or the assets of NHK.
- (2) If necessary for auditing the performance of duties of the officers, the audit members appointed by the Audit Committee may make a request to the subsidiary company of NHK for a report on the business or investigate the status of the operations or the assets of the subsidiary company.
- (3) The subsidiary company set forth in the preceding paragraph may refuse to give the report or to comply with the investigation if it has justifiable grounds for doing so.
- (4) If a resolution is passed by the Audit Committee on matters relating to the collection of the report or to the investigation under paragraph (1) and paragraph (2), the audit members set forth in the paragraphs must comply with the resolution.

(Obligation of Reporting to the Board of Governors)

- Article 45 If an audit member deems that an officer has committed or is likely to commit an unlawful act or deems that there is the fact of a violation of laws and regulations or the articles of incorporation or a grossly improper fact, the audit member must report the matter to the Board of Governors without delay.

(Injunction by an Audit Member against the Acts of Officers)

- Article 46 Where an officer has committed or is likely to commit an act which is outside the scope of the purpose of NHK or an act otherwise in violation of laws and regulations or the articles of incorporation, and if NHK is likely to suffer substantial harm through the act, the audit member may demand that the officer cease that act.

(Representative of NHK in Actions between NHK and Officers)

Article 46-2 (1) Notwithstanding the provisions of Article 51, paragraphs (1) through (3) and Article 58, when NHK files an action against officers (includes persons who were officers; hereinafter the same applies in this Article) or officers file an action against NHK, with regards to the action in question, a person provided for in the following items shall represent NHK in accordance with the categories set forth in the cases given in those items:

(i) Cases where an audit member is a party to the litigation that pertains to the action in question: the person determined by the Board of Governors; or

(ii) Cases other than those given in the preceding item: the audit member selected by the Audit Committee

(2) Notwithstanding the provisions of the preceding paragraph, when officers file an action against NHK, the service of the complaint made to audit members (excluding those who are persons who file the action against NHK) shall be effective against NHK.

(Convocation of the Audit Committee)

Article 47 The Audit Committee is to be convened by any of the audit members.

(Method of Passing Resolutions of the Audit Committee)

Article 48 (1) The Audit Committee may not open a meeting and pass a resolution unless a majority of the audit members are present.

(2) Decisions on the business of the Audit Committee are to be made through a majority of the members who are present.

(3) If so requested by the Audit Committee, officers must attend the Audit Committee meeting and give an explanation on the matters requested by the Audit Committee.

(4) Aside from those matters provided for in this Act, business procedures and other necessary matters relating to the management of the Audit Committee are to be determined by the Audit Committee.

Section 5 Officers and Officials

(Officers)

Article 49 Beyond the members of the Board of Governors, one President, one Vice President and seven to ten Directors are to be appointed as officers in NHK.

(Council)

Article 50 (1) The Council is to be composed of a President, Vice President and Directors.

(2) The Council is to discuss the performance of the important operations of NHK pursuant to the provisions of the articles of incorporation.

(President)

Article 51 (1) The President is to represent NHK and preside over its operations in accordance with the decisions of the Board of Governors.

(2) The Vice President is to represent NHK in accordance with the decisions of the President, administer the operations of NHK assisting the President, act for the President if the President is unable to perform their duties and perform the President's duties if their position is vacant.

(3) The Directors are to represent NHK in accordance with the decisions of the President, administer the operations of NHK assisting the President and Vice President, act for the President and the Vice President if they are unable to perform their duties and perform the President and Vice President's duties if their position is vacant.

(4) If the President, Vice President or a Director discovers a fact which is likely to cause substantial harm to NHK, they must immediately report the fact to the Audit Committee.

Article 52 (1) The President is to be appointed by the Board of Governors.

(2) In making the appointment set forth in the preceding paragraph, the resolution of the Board of Governors must be passed by a majority vote of nine members or more.

(3) The Vice President and the Directors are to be appointed by the President with the consent of the Board of Governors.

(4) The provisions of Article 31, paragraph (3) apply mutatis mutandis to the appointment of the President, Vice President and Directors. In such a case, the term "the broadcaster, the certified broadcasting holding company, the paid broadcast administrator provided for in Article 152, paragraph (2), or the newspaper publisher" in item (vi) of the same paragraph is replaced with "newspaper publisher," the term "a person who holds one-tenth or more" is replaced with "a person who holds one-tenth or more (including those persons who came under the category within one year prior to the date of appointment)" and the term "officer" in item (vii) of the same paragraph is replaced with "officer (including those persons who came under the category within one year prior to the date of appointment)."

Article 53 (1) The term of office of the President and the Vice President is three years and the term of office of Directors is two years.

(2) The President, Vice President and Directors may be re-appointed.

(3) Notwithstanding the provisions of paragraph (1), the President will remain in

office even if their term of office has expired, until a new President has been newly appointed.

Article 54 If an officer who was appointed pursuant to any of the provisions of Article 52, paragraphs(1) through (3) inclusive comes to fall under any of the items of Article 31, paragraph (3) as applied mutatis mutandis pursuant to paragraph (4) of the same Article, the Board of Governors or the President must dismiss the officer, except in cases where the officer came to fall under item (vi) or (vii) of the same paragraph through becoming an officer of the operator under item (vi) of the same paragraph or of a group of which NHK is a constituent member.

Article 55 (1) If the Board of Governors deems the President, an audit member or accounting auditor to be unsuitable to perform their duties or deems them to have violated an obligation in their duties, or deems that they have otherwise committed an inappropriate act, it may dismiss that person.

(2) If the President deems that the Vice President or a Director is unsuitable to perform their duties or deems the Vice President or Director to have violated an obligation in their duties, or deems that they have otherwise committed an inappropriate act, they may dismiss that person with the consent of the Board of Governors.

(Restrictions on the Right to Represent the President)

Article 56 Restrictions on the right to represent the President, Vice President and Directors may not be asserted against a third party in good faith.

(Provisional Directors)

Article 57 Where there is position of President, Vice President or Director is vacant and it is likely that a delay in business will be damaging, the court must appoint a provisional director upon the request of an interested party or a public prosecutor.

(Conflicts of Interest)

Article 58 The President, Vice President and Directors do not have the right to represent with regard to matters where there is a conflict of interest between NHK and the President, Vice President or Director. In such a case, the court must appoint a special representative upon the request of an interested party or a public prosecutor.

(Jurisdiction of Cases Related to the Appointment of a Provisional Director or Special Representative)

Article 59 Cases relating to the appointment of a provisional director or a special representative fall under the jurisdiction of the district court which has jurisdiction over the location of NHK's principal place of business.

(Prohibition on the President Holding Concurrent Posts)

Article 60 (1) The President, Vice President and Directors must not become members of for-profit organizations or personally engage in commercial business.

(2) The President, Vice President and Directors must not invest in the business of broadcasting operations or in the business of conducting paid broadcast administration operations provided for in Article 152, paragraph (1) or hold shares in a certified broadcasting holding company.

(Duty of Loyalty)

Article 60-2 Officers must comply with laws and regulations and the articles of incorporation as well as the resolutions of the Board of Governors and faithfully conduct their duties for NHK.

(Standards for the Payment of Salaries)

Article 61 NHK must stipulate and publicize standards for the payment of compensation and retirement benefits for its officers and the salaries and retirement benefits of its officials. The same applies when making amendments thereto.

(Rules Concerning Service)

Article 62 NHK must prescribe and publicize rules concerning the obligations of officers and officials to give undivided attention to their duties and other forms of service in order to ensure the appropriate performance of the duties of the officers and officials. The same applies when making amendments thereto.

(Mutatis Mutandis Application of the Act on General Incorporated Associations and General Incorporated Foundations)

Article 63 The provisions of Article 4 and Article 78 of the Act on General Incorporated Associations and General Incorporated Foundations (Act No. 48 of 2006) apply mutatis mutandis to NHK.

Section 6 Fees for Receiving Broadcasts

(Reception Contracts and Fees for Receiving Broadcasts)

Article 64 (1) Persons who installed reception equipment capable of receiving NHK broadcasts (excluding the following equipments; hereinafter referred to

as "specified reception equipment" in this paragraph and paragraph (3), item (ii) must conclude a reception contract with NHK pursuant to the provisions of the terms (hereinafter referred to as "approved contract terms" in this paragraph) of the reception contract for which the approval set forth in paragraph (3) was received (meaning a contract for receiving NHK broadcasts; hereinafter the same applies in this Article and Article 70, paragraph (4)); provided, however, that this does not apply to the case in which specified reception equipment is installed in a residence (including a location prescribed in the approved contract terms as a location deemed to be a residence) and another person who shares the residence and livelihood has already executed a reception contract pursuant to the main text of this paragraph for other specified reception equipment installed in the residence, and the cases prescribed in the approved contract terms as cases where it is not necessary to execute another reception contract pursuant to the provisions of the main text of this paragraph:

- (i) Reception equipment not intended for the reception of broadcasts; or
 - (ii) Reception equipment only capable of receiving radio broadcasts (meaning broadcasts comprising of sounds such as voices, that do not fall under television broadcasting or multiple broadcasting; the same applies in Article 126, paragraph (1)) or multiple broadcasting
- (2) NHK must not exempt the fees for receiving broadcasts to be collected from persons who have concluded a reception contract pursuant to the provisions of the main text of the preceding paragraph unless the exemption is pursuant to the standards for exemption of fees for receiving broadcasts which have been authorized by the Minister of Internal Affairs and Communications in advance.
- (3) NHK must stipulate the following and obtain authorization from the Minister of Internal Affairs and Communications in advance with regard to the terms of the reception contract. The same applies when making amendments thereto:
- (i) Matters relating to units of reception contracts;
 - (ii) Matters relating to methods and deadlines for applying for reception contracts (including matters that NHK should be notified of on upon that application, such as the day of installation of specified reception equipment);
 - (iii) Matters related to the timing and methods of the payment of fees for receiving broadcasts;
 - (iv) Amount of fees for receiving broadcasts and surcharges that NHK can collect in the below cases and other matters relating to the collection of those fees for receiving broadcasts and those surcharges:
 - (a) Cases where the payment of fees for receiving broadcasts is avoided through illicit means; or
 - (b) Cases where an application for a reception contract is not made by the deadline specified in item (ii) without a legitimate reason; and

- (v) Other matters prescribed by Order of the Ministry of Internal Affairs and Communications
- (4) The amount of fees for receiving broadcasts specified in item (iv) of the preceding paragraph shall be the amount individually provided for in the following items in accordance with the cases set forth in the cases given in those items. The amount of surcharges specified in item (iv) of the same paragraph shall be an amount to not exceed the amount individually provided for in the same items in accordance with the cases set forth in the cases given in those items multiplied by the multiple prescribed by Order of the Ministry of Internal Affairs and Communications:
 - (i) Cases that come to fall under cases provided for in item (iv) (a) of the preceding paragraph: Amount of fees for receiving broadcasts for which payment was avoided; or
 - (ii) Cases that come to fall under cases provided for in item (iv) (b) of the preceding paragraph: Amount equivalent to the amount of fees for receiving broadcasts that should be paid by the day prior the date when the reception contract was actually executed if reception contract was executed on the day on which the deadline specified in item (ii) of the same paragraph arrived
- (5) Broadcasts which are simultaneous un-edited re-transmissions of NHK broadcasts are deemed to be NHK broadcasts, and the provisions of the preceding paragraphs apply to the broadcasts.

(Requests for the Implementation of International Broadcasting)

- Article 65 (1) The Minister of Internal Affairs and Communications may stipulate broadcasting district, broadcasting content (limited to content relating to protecting the physical well-being and property of Japanese, content regarding important State policies, important content relating to the culture, traditions, society and economy of Japan), and other important matters, and request NHK to provide international broadcasting or international satellite broadcasting by NHK.
- (2) The Minister of Internal Affairs and Communications must take into consideration NHK's freedom to edit the broadcast programs when making the request under the preceding paragraph.
 - (3) NHK is to endeavor to comply with the requests if the Minister of Internal Affairs and Communications makes the request set forth in paragraph (1).
 - (4) Where international broadcasting under paragraph (1) is made using the broadcasting station of a foreign broadcaster, if NHK deems it to be necessary, it may provide a basic broadcasting station for use for the operations of international relay broadcasting, pursuant to an agreement concluded with the foreign broadcaster.
 - (5) The provisions of Article 20, paragraph (9) applies mutatis mutandis to the

agreement under the preceding paragraph. In such a case, the term "or to make amendments thereto" in paragraph (9) of the same Article is to be replaced with "or to make amendments thereto or terminate it."

(Research Relating to Broadcasting)

Article 66 (1) If the Minister of Internal Affairs and Communications deems it to be necessary for broadcasting and the advancement and development of reception thereof, they may prescribe particulars and order NHK to conduct research on such matters.

(2) The results of the research conducted pursuant to the provisions of the preceding paragraph must be used for the advancement and development of broadcasting operations and for other public interests.

(Bearing of the Costs of International Broadcasting)

Article 67 (1) The costs required for international broadcasting or international satellite broadcasting conducted by NHK in accordance with the request under Article 65, paragraph (1) and the costs required for the research conducted by NHK on receiving the order under paragraph (1) of the preceding Article are to be borne by the national government.

(2) The request under Article 65, paragraph (1) and the order under paragraph (1) of the preceding Article must be within an extent not exceeding the amount to be borne by the national government under the provisions of the preceding paragraph as the amount of the budget passed by a resolution of the National Diet.

Section 7 Finance and Accounting

(Business Year)

Article 68 The business year of NHK commences in April of each year and ends in March of the following year.

(Enterprise Accounting Rules)

Article 69 The accounts of NHK are to, in principle, be in accordance with the Enterprise Accounting Rules as prescribed in the provisions of Order of the Ministry of Internal Affairs and Communications.

(Income and Expenditure Budgets, Business Plans and Funding Plans)

Article 70 (1) NHK must prepare an income and expenditure budget, business plan and funding plan for each year with a medium-term management plan pertaining to that year attached thereto and submit them to the Minister of Internal Affairs and Communications. The same applies when making

amendments thereto.

- (2) When the Minister of Internal Affairs and Communications has received the income and expenditure budget, business plan and funding plan set forth in the preceding paragraph, the Minister of Internal Affairs and Communications must review it and attach an opinion as well as attach the medium-term management plan set forth in the preceding paragraph thereto, submit it to the National Diet through the Cabinet, and obtain its approval.
- (3) If an opinion has been attached to the effect that amendments should be made pursuant to the provisions of the preceding paragraph to the income and expenditure budget, business plan and funding plan set forth in the same paragraph, a committee of the National Diet is to ask for the opinion of NHK.
- (4) The amount of fees for receiving broadcasts to be collected from those persons who have concluded a reception contract pursuant to the provisions of Article 64, paragraph (1) are to be established through the National Diet approving the income and expenditure budget set forth in paragraph (1).

Article 71 (1) If NHK is unable to obtain approval of the income and expenditure budget, business plan and funding plan of the business year due to the closing of the National Diet or other unavoidable reason by the date of commencement of the business year, it may prepare an income and expenditure budget, business plan and funding plan within the extent necessary for the economic administration of the operations and the work of construction or repair of the facilities (limited to those pertaining to the continuation of construction to be implemented pursuant to the business plan of the preceding business year which has been approved by the National Diet) for a limited period within three months and may implement them having obtained authorization from the Minister of Internal Affairs and Communications. In such a case, the monthly fees for receiving broadcasts provided for in paragraph (4) of the preceding Article are the amount of fees for receiving broadcasts upon the day of the end of the preceding business year notwithstanding the provisions of the preceding paragraph.

- (2) If the income and expenditure budget, business plan and funding plan of the business year is approved by the National Diet, the income and expenditure budget, business plan and funding plan pursuant to the provisions of the preceding paragraph will lose their effect and the income, expenditure, implementation of business and procurement and repayment of the funds based on the income and expenditure budget, business plan and funding plan pursuant to the provisions of the same paragraph must be deemed to be based on the income and expenditure budget, business plan and funding plan of that year.
- (3) When the Minister of Internal Affairs and Communications has given the

authorization under paragraph (1), the Minister must report as such to the National Diet after the fact.

(Medium-Term Management Plan)

Article 71-2 (1) NHK must stipulate and publicize a plan relating to the management of NHK (hereinafter referred to as "medium-term management plan" in the following paragraph) for each period three years or longer but no longer than five years. The same applies when making amendments thereto.

(2) The medium-term management plan must describe the following matters:

- (i) The period of the medium-term management plan (meaning the period determined by the Board of Governors within the period set forth in the preceding paragraph; the same applies in Article 73-2, paragraph (3) and paragraph (5), item (ii));
- (ii) The basic direction relating to management of NHK;
- (iii) The types and content of operations conducted by NHK;
- (iv) Matters relating to the systems to ensure the appropriateness of operations by NHK and operations by the group forming NHK and its subsidiary company;
- (v) Matters relating to the structure and level of fees for receiving broadcasts and other matters related to fees for receiving broadcasts;
- (vi) Income and expenditure forecast; and
- (vii) Other important matters relating to management of NHK

(Submission of Business Reports)

Article 72 (1) NHK must prepare a business report for each business year, attach it to the written opinion of the Audit Committee and submit it to the Minister of Internal Affairs and Communications within three months of the end of the business year.

(2) Upon receiving the business report set forth in the preceding paragraph, the Minister of Internal Affairs and Communications must add their opinion, attach the written opinion of the Audit Committee set forth in the preceding paragraph, and give a report to the National Diet through the Cabinet.

(3) When NHK has made the submission pursuant to the provisions of paragraph (1), it must furnish each office with the documents under the same paragraph without delay and make them available for public inspection for the period stipulated by Order of the Ministry of Internal Affairs and Communications.

(Restrictions on Expenditure)

Article 73 (1) The income of NHK must not be spent on a purpose other than the execution of the operations from Article 20, paragraphs (1) through (3).

(2) NHK must separate the accounting pertaining to the operations specified

below from other accounting and must organize them by establishing separate accounts for each pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications:

- (i) the operations specified in Article 20, paragraph (2), items (ii) and (iii) (excluding those entirely funded with fees for receiving broadcasts); and
- (ii) the operations specified in Article 20, paragraph (3)

(Reserve Intended for Return)

Article 73-2 (1) If the difference in income and expenditure that arises from the operations set forth in Article 20, paragraphs (1) and (2) (excluding the operations provided for in paragraph (2), item (i) of the preceding Article) exceed zero in the calculation of profit and loss for each business year, NHK must lay aside an amount calculated pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications out of that excess amount as a reserve intended for return.

(2) The reserve intended for return must not be reversed except in cases where, if the difference in income and expenditure prescribed in the preceding paragraph is less than zero in the calculation of profit and loss for the business year that pertains to the income and expenditure budget in cases where NHK prepares an income and expenditure budget and receives approval from the National Diet pursuant to the provisions of the following paragraph, that amount less than zero is supplemented up to the expected difference in income and expenditure (meaning the amount less than zero when that difference in income and expenditure stipulated in that income and expenditure budget is less than zero; the same applies in the following paragraph); provided, however, that the approval of the Minister of Internal Affairs and Communications has been received.

(3) If the amount resulting from the subtraction of the expected difference in income and expenditure for the last business year of the period of the medium-term management plan (referred to as "expected reserve amount" in paragraph (5), item (ii)) from the reserve intended for return after accounting has been performed for the difference in income and expenditure pertaining to the business year before that last business year exceeds zero, with regard to the business years in the period of the medium-term management plan following the period of that medium-term management plan (referred to "return implementation period" in the same paragraph), NHK must prepare an income and expenditure budget with calculations of the expected amount of income from fees for receiving broadcasts (meaning income based on NHK's fees for receiving broadcasts; the same applies in this paragraph) based on the amount of fees for receiving broadcasts to be returned; provided, however, that there are reasonable grounds for not preparing that income and expenditure budget.

- (4) With regards to the application of the provisions of Article 70, paragraphs (1) and (2) when the income and expenditure budget prescribed in the preceding paragraph is not prepared in cases prescribed in the proviso to that paragraph, "medium-term management plan" in paragraphs (1) and (2) of that Article is to be replaced with "medium-term management plan and documents describing the grounds provided for in the proviso to Article 73-2, paragraph (3)."
- (5) "Fees for receiving broadcasts to be returned" prescribed in paragraph (3) means the fees for receiving broadcasts calculated so that the total expected amount of income from fees for receiving broadcasts for the return implementation period does not exceed the amount obtained after subtracting the amount provided for in item (ii) from the amount provided for in item (i).
- (i) Total expected amount of income from fees for receiving broadcasts for the return implementation period calculated based on the amount of basic fees for receiving broadcasts (meaning the amount of fees for receiving broadcasts calculated so that the total expected amount of income pertaining to the operations prescribed in paragraph (1) and the total expected amount of expenditure pertaining to those operations are the same amount for that return implementation period)
- (ii) Expected reserve amount calculated during the period of the medium-term management plan directly before that return implementation period

(Submission of Financial Statements)

- Article 74 (1) NHK must prepare an inventory of assets, balance sheets, profit and loss statements and other documents prescribed by Order of the Ministry of Internal Affairs and Communications and a written explanation for the aforementioned (hereinafter referred to as "financial statements") for the business year, must attach the written opinions of the Audit Committee and the accounting auditors thereto, and must submit them to the Minister of Internal Affairs and Communications within three months of the end of the business year.
- (2) Where the Minister of Internal Affairs and Communications has received the documents set forth in the preceding paragraph, the Minister of Internal Affairs and Communications must submit them to the Cabinet.
- (3) The Cabinet must submit the documents under the preceding paragraph to the National Diet after they have been audited by the Board of Audit.
- (4) Where NHK has made the submission pursuant to the provisions of paragraph (1), it must give public notice of the balance sheets and the profit and loss statements in the Official Gazette, and moreover, must furnish each office with the documents set forth in the same paragraph and make them available for public inspection for the period stipulated by Order of the Ministry of Internal Affairs and Communications.

(Audits by Accounting Auditors)

Article 75 Beyond the audit of the Audit Committee, with regard to the financial statements, NHK must undergo an audit from accounting auditors.

(Appointment of Accounting Auditors)

Article 76 (1) Accounting auditors are to be appointed by the Board of Governors.

(2) Accounting auditors must be certified public accountants (including the foreign certified public accountants provided for in Article 16-2, paragraph (5) of the Certified Public Accountants Act (Act No. 103 of 1948)) or an auditing firm.

(3) The following persons may not become accounting auditors:

- (i) a person unable to audit financial statements pursuant to the provisions of the Certified Public Accountants Act;
- (ii) a person or their spouse who is receiving ongoing compensation from a subsidiary company of NHK or its director, accounting advisor, auditor or executive officer owing to operations other than the operations of a certified public accountant or accounting firm; or
- (iii) an accounting firm for whom half or more of its partners are persons given in the preceding items.

(Authority of Accounting Auditors)

Article 77 (1) Accounting auditors may inspect and copy accounting books or the materials relating to such at any time or may request a report relating to the accounting from the officers and officials.

(2) If it is necessary in the performance of their duties, accounting auditors may request a report relating to the accounting from the subsidiary company of NHK or may investigate the state of the operations and assets of NHK or its subsidiary company.

(3) If there are justifiable grounds, the subsidiary company under the preceding paragraph may refuse the investigation or report under the same paragraph.

(4) If an accounting auditor detects, during the performance of their duties, any misconduct or material facts in violation of laws and regulations or the articles of incorporation in connection with the execution of duties of an officer, the accounting auditor must notify the Audit Committee of such without delay.

(5) When necessary in order to audit the performance of the duties of the officers, the members of the Audit Committee, who have been appointed by the Audit Committee, may request a report relating to the accounting audit from the accounting auditors.

(Term of Office of Accounting Auditors)

Article 78 The term of office of accounting auditors is to be until the time of submission to the Minister of Internal Affairs and Communications of the financial statements pursuant to the provisions of Article 74, paragraph (1) of the first business year ending after the date of their appointment.

(Audits by the Board of Audit)

Article 79 The accounts of NHK are to be audited by the Board of Audit.

(Broadcasting Bonds)

Article 80 (1) NHK may issue broadcasting bonds in order to allocate funds to the construction or repair of broadcasting equipment.

(2) The amount of broadcasting bonds issued as set forth in the preceding paragraph may not exceed three times the amount of the net assets of NHK according to the balance sheet of the most recent business year which has been audited by the Board of Audit.

(3) NHK may temporarily issue broadcasting bonds in excess of the limit prescribed in the provisions of the preceding paragraph in order to refinance the issued broadcasting bonds. In such a case, it must redeem issued broadcasting bonds of an amount equivalent to their issued amount within six months of the deadline for the payment of the issued broadcasting bonds (if payment is to be made in installments, the deadline for the first payment).

(4) If NHK has issued broadcasting bonds pursuant to the provisions of paragraph (1), it must reserve an amount equivalent to one-tenth of the present unredeemed issued bonds at the end of the business year as a redemption reserve.

(5) NHK may appropriate funds from the redemption reserve prescribed in the preceding paragraph limited to cases of depreciating broadcasting bonds.

(6) The creditors of the NHK broadcasting bonds have the right to receive performance of their own claims ahead of other creditors with regard to the assets of NHK.

(7) The order of the statutory lien as set forth in the preceding paragraph is to follow the first subordinate position of priority to a general statutory lien pursuant to the provisions of the Civil Code.

(8) Beyond those matters provided for in each of the preceding paragraphs, the provisions relating to bonds of the Companies Act (Act No. 86 of 2005) and the Act on Book-Entry Transfer of Company Bonds, Shares, etc. (Act No. 75 of 2001; hereinafter referred to as "Company Bonds, etc. Book-Entry Transfer Act") applies mutatis mutandis to the necessary matters relating to broadcasting bonds pursuant to the Cabinet Order provisions.

Section 8 Special Measures Relating to the Editing of Broadcast

Programs

(Editing of Broadcast Programs)

Article 81 (1) Beyond the matters provided for in Article 4, paragraph (1), NHK must comply with the provisions in each of the following items in the editing and broadcasting of domestic basic broadcast programs:

- (i) make maximum effort to satisfy the needs of the public and to contribute to the improvement of cultural standards by broadcasting good-quality, rich programs;
 - (ii) beyond broadcast programs targeting the entire country, provide broadcast programs designed for local regions; and
 - (iii) assist in the preservation of the distinguished cultural legacy of Japan and development and spreading of emerging culture.
- (2) NHK must conduct scientific public opinion polls on a regular basis in order to identify the needs of the public and publicize the results.
- (3) The provisions of Article 106, paragraph (1) apply mutatis mutandis to the editing of the broadcast programs of NHK AM and FM broadcasts, and the provisions of Article 107 apply mutatis mutandis to NHK in cases of transmitting AM and FM broadcasts.
- (4) In transmitting or editing the broadcast programs of international broadcasts for Japanese or NHK international satellite broadcasts for Japanese or editing broadcast programs for Japanese provided to foreign broadcasters, NHK must endeavor to provide appropriate news programs and entertainment programs aimed at fellow citizens overseas.
- (5) In editing and transmitting broadcast programs of international broadcasts for foreign nationals overseas or NHK international satellite broadcasts for foreign nationals overseas or the editing of broadcast programs for foreign nationals overseas provided to foreign broadcasters, NHK must contribute to the enhancement of international goodwill and the development of economic exchange with foreign countries by promoting and disseminating accurate information on Japan through introducing the culture, industry and other factors surrounding Japan.
- (6) The provisions of Article 5, paragraph (1), Article 6, Articles 8 through 11, Article 13, 110, Articles 174 and 175 apply mutatis mutandis to cases of NHK conducting international broadcasting or international satellite broadcasting using a foreign broadcasting station.

(Broadcast Programs Council)

Article 82 (1) NHK is to establish a Central Broadcast Programs Council (hereinafter referred to as the "Central Council") and a Regional Broadcast Programs Council (hereinafter referred to as the "Regional Council") for affairs

regarding domestic basic broadcasting and an International Broadcast Programs Council (hereinafter referred to as the "International Council") for affairs regarding international broadcasting and international satellite broadcasting by NHK as the council bodies under Article 6, paragraph (1) (including cases to which this provisions applies mutatis mutandis pursuant to paragraph (6) of the preceding Article).

- (2) A Regional Council is to be established in each region provided for by Cabinet Order.
- (3) The Central Council is to be composed of 15 members or more, the Regional Council is to be composed of 7 members or more and the International Council is to be composed of 10 members or more.
- (4) The President is to commission the members of the Central Council and the International Council from persons with relevant expertise after obtaining the consent of the Board of Governors.
- (5) The President is to commission the members of the Regional Council from persons with relevant expertise who have an address in the region provided for in paragraph (2) regarding the Regional Council.
- (6) The matters to be deliberated in accordance with consultation with NHK pursuant to the provisions of Article 6, paragraph (2) (including cases to which this provisions applies mutatis mutandis pursuant to paragraph (6) of the preceding Article; the same applies in paragraph (8)) are to be those matters provided for in Article 6, paragraph (3) pertaining to domestic basic broadcasting and those matters pertaining to broadcast programs aimed at the entire country with regard to the Central Council, those matters pertaining to broadcast programs aimed at the regions provided for in paragraph (2) with regard to the Regional Council and those matters provided for in paragraph (3) of the same Article pertaining to international broadcasting, etc. and those matters pertaining to the broadcast programs of international broadcasting, etc. with regard to the International Council.
- (7) If NHK intends to establish a plan for the editing and broadcasting of broadcast programs aimed at regions pursuant to the provisions of paragraph (2) or to make amendments thereto, it must consult with the Regional Council.
- (8) Matters for which an opinion may be given to NHK pursuant to the provisions of Article 6, paragraph (2) are those pertaining to the broadcast programs of domestic basic broadcasts with regard to the Central Council and the Regional Council and those pertaining to the broadcast programs of international broadcasts, etc. with regard to the International Council.

(Prohibition of Advertisements)

Article 83 (1) NHK must not broadcast advertisements for sales of other businesses.

(2) The provisions of the preceding paragraph does not preclude the broadcasting of the name or other details of authors or business operators where this is deemed necessary when editing broadcast programs, and broadcasting this information is not for the purpose of advertisements for sales of other businesses.

(Application of General Rules Regarding the Editing of Broadcast Programs)
Article 84 The provisions of Article 7, 12, 14, Article 95, paragraph (2), Article 98, 100, 109 and 116-2 do not apply to NHK.

Section 9 Miscellaneous Provisions

(Provision of Information)

Article 84-2 (1) NHK shall prepare documents, drawings or electromagnetic records (meaning records prepared using electronic methods, magnetic methods or other methods that cannot be recognized by human perception) used to record the following information held by NHK that is specified by Order of the Ministry of Internal Affairs and Communications and provide them on a timely basis and through methods that are easy to use:

- (i) Basic information relating to NHK's organization, operations and finances;
- (ii) Information relating to evaluations and audits of NHK's organization, operations and finances; and
- (iii) Basic information relating to corporations pertaining to investments or contributions by NHK and other corporations specified by Order of the Ministry of Internal Affairs and Communications

(2) Beyond those matters provided for in the preceding paragraph, NHK shall endeavor to enhance measures relating to the publicizing of information that it holds in order to deepen general understanding of its various activities.

(Restrictions on the Assignment of Broadcasting Equipment)

Article 85 (1) Unless authorization has been given by the Minister of Internal Affairs and Communications, NHK may not assign, lease, provide as security, or entrust for utilization all or part of its broadcasting equipment, and may not place it under the control of another person in any way whatsoever.

(2) If the Minister of Internal Affairs and Communications intends to give the authorization set out in the preceding paragraph, the Minister of Internal Affairs and Communications must obtain the consent of both Houses of the National Diet; provided, however, that this does not apply when NHK conducts the operations set out in Article 20, paragraph (2), item (vii) or paragraph (3), item (i) and when NHK assigns the relay basic terrestrial broadcasting stations and broadcasting equipment affiliated thereto pursuant to the

provisions of Article 20-2, paragraph (4).

(Suspension and Termination of Broadcasting)

Article 86 (1) If authorization is not given by the Minister of Internal Affairs and Communications, NHK may not terminate its basic broadcasting stations or its broadcasting operations, or suspend its broadcasting for 12 hours or more (in the case of international satellite broadcasting by NHK, 24 hours or more); provided, however, that this does not apply in the following cases:

- (i) termination or suspension due to force majeure;
 - (ii) termination or suspension of the operation of NHK international satellite broadcasting transmitted by a foreign broadcasting station (excluding broadcasts specified by Order of the Ministry of Internal Affairs and Communications, taking account of the number of persons who are able to receive NHK international satellite broadcasts) in the case where all of the broadcasting districts covered by NHK international satellite broadcasting transmitted by a foreign broadcasting station are included in the broadcasting districts of NHK international satellite broadcasting transmitted by a broadcasting station other than a foreign broadcasting station; or any other case which is specified by Order of the Ministry of Internal Affairs and Communications as similar to the above case; or
 - (iii) termination or suspension of international broadcasting transmitted by a foreign broadcasting station
- (2) If NHK terminates its broadcasting, it must notify the Minister of Internal Affairs and Communications to that effect without delay except in cases where authorization has been given as set out in the preceding paragraph.
- (3) If NHK suspends its broadcasting, it must notify the Minister of Internal Affairs and Communications to that effect without delay except in cases where authorization has been given as set out in paragraph (1) or a report is required pursuant to the provisions in Article 113.
- (4) Where the Minister of Internal Affairs and Communications has given the authorization for the termination set forth in paragraph (1) with regard to the broadcasting operations of NHK which have been approved pursuant to the provisions of Article 93, paragraph (1), the term "has received a notification of termination of the operations pursuant to the provisions of Article 100" in the text of Article 105 is to be replaced with "has given the authorization for termination set forth in Article 86, paragraph (1)" and "the notification" is to be replaced with "the authorization," and the provisions of the same Article applies.
- (5) Where the Minister of Internal Affairs and Communications has received a notification of termination pursuant to paragraph (2) above for the operation of broadcasting by NHK which was approved pursuant to Article 93, paragraph

(1), Article 105 is to be applied by replacing the reference to "Article 100" in the same Article with "Article 86, paragraph (2)."

(Dissolution)

Article 87 (1) The dissolution of NHK is to be separately provided for in other laws.

(2) In the event that NHK is dissolved, the residual assets of NHK are to belong to the State.

Chapter IV The Open University of Japan

(Application of General Rules Relating to the Editing of Broadcast Programs)

Article 88 The provisions of Articles 5 through 8, Article 12, Article 13, Article 93, paragraph (1), item (vii) (limited to the part pertaining to (a) through (c)), Article 95, paragraph (2), Article 98, paragraph (1), Article 100, Article 106, paragraph (1) and Articles 107 through 109 does not apply to the Open University.

(Suspension and Termination of Broadcasting)

Article 89 (1) If authorization is not given by the Minister of Internal Affairs and Communications, the Open University may not terminate its basic broadcasting station or the operations of its broadcasting, or suspend its broadcasting for 12 hours or more; provided, however, that this does not apply in cases due to force majeure.

(2) If the Open University suspends its broadcasting, it must notify the Minister of Internal Affairs and Communications to the effect without delay except in cases where the authorization set forth in the preceding paragraph has been given or a report is required pursuant to the provisions of Article 113.

(3) Where the Minister of Internal Affairs and Communications has given the approval for termination set forth in paragraph (1) with regard to the broadcasting operations of the Open University which have been approved pursuant to the provisions of Article 93, paragraph (1), the term "has received a notification of termination of the operations pursuant to the provisions of Article 100" in the text of Article 105 is to be replaced with "has given the authorization for termination set forth in Article 89, paragraph (1)" and "the notification" is to be replaced with "the authorization," and the provisions of the same Article applies.

(Prohibition of Advertisements)

Article 90 (1) The Open University must not broadcast advertisements for sales of other businesses.

- (2) The provisions of the preceding paragraph does not preclude the broadcasting of the name or other details of authors or business operators where this is deemed necessary when editing broadcast programs, and broadcasting this information is not for the purpose of advertisements for sales of other businesses.

Chapter V Basic Broadcasting

Section 1 General Rules

(Plans to Dissemination Plan for Basic Broadcasting)

Article 91 (1) The Minister of Internal Affairs and Communications is to establish a dissemination plan for basic broadcasting in order to achieve the systematic spread and sound development of basic broadcasting, and is to take necessary measures based on this.

(2) Dissemination plans for basic broadcasting are to stipulate the following:

(i) guidelines to disseminate basic broadcasts to the greatest extent possible to the general public, guidelines for the purpose of enabling as many people as possible to enjoy freedom of expression through basic broadcasting by ensuring that they are given opportunities to transmit basic broadcasts and other basic matters for the purpose of achieving the systematic spread and sound development of basic broadcasting;

(ii) specified zones (hereinafter referred to as "target regions for broadcasts") deemed to be appropriate for simultaneous reception of the same broadcast program for each category of broadcasting of the Open University, or other broadcasting categories, each category of domestic broadcasts, international broadcasts, international relay broadcasts, international satellite broadcasts by NHK or domestic and international broadcasts, each category of AM broadcasts, FM broadcasts, television broadcasts and other types of broadcast, and each category of the basic broadcasts provided for by Order of the Ministry of Internal Affairs and Communications; and

(iii) goals for the number (the number of broadcast programs capable of being broadcast through broadcasting systems in cases of the target regions for broadcasts pertaining to basic satellite broadcasting and basic terrestrial broadcasting for mobile reception) of broadcasting systems (meaning the grouping of basic broadcasting stations capable of simultaneously broadcasting the same broadcast program; hereinafter the same applies in this item) for each target regions for broadcasts.

(3) Dissemination plans for basic broadcasting are to be stipulated taking into consideration the particulars provided for in Article 20, paragraph (1), paragraph (2), item (i) and paragraph (5), assignable frequencies for basic broadcasting set forth in Article 5, paragraph (4) of the Radio Act, the

development of technology and trends in demand relating to broadcasting, the natural, economic, social and cultural circumstances of the region and other circumstances.

- (4) If the Minister of Internal Affairs and Communications deems it to be necessary owing to changes in the circumstances set forth in the preceding paragraph, the Minister of Internal Affairs and Communications may amend the dissemination plan for basic broadcasting.
- (5) If the Minister of Internal Affairs and Communications has stipulated or made amendments to the dissemination plan for basic broadcasting, the Minister of Internal Affairs and Communications must make this public without delay.

(Responsibilities of Those Involved in Basic Broadcasting)

Article 92 The specified basic terrestrial broadcaster and the supplier for basic broadcasting stations (excluding those persons who have obtained a basic broadcasting station license for use in the operations of basic satellite broadcasting pursuant to the provisions of the Radio Act) are to endeavor to ensure that the basic broadcasting may be received far and wide in the target regions for broadcasts pertaining to the basic broadcasting to be transmitted using the basic broadcasting stations.

Section 2 Basic Broadcasters

Subsection 1 Approval

(Approval)

- Article 93 (1) Persons intending to conduct basic broadcasting operations must obtain the approval of the Minister of Internal Affairs and Communications with regard to falling under all of the following requirements:
- (i) it is possible to secure the facilities for basic broadcasting stations to be used in the operations;
 - (ii) there is a sufficient financial base and technical capability to maintain the operations;
 - (iii) the telecommunications equipment (excluding facilities for basic broadcasting stations; hereinafter referred to as "facilities for basic broadcasting") to be used in the operations conform to the technical standards prescribed by Order of the Ministry of Internal Affairs and Communications set forth in Article 111, paragraph (1);
 - (iv) the frequency to be used in basic satellite broadcasting conforms to the technical standards pertaining to basic satellite broadcasting prescribed by Order of the Ministry of Internal Affairs and Communications taking into account the development and state of dissemination of technology relating to

- basic satellite broadcasting when the person intends to conduct operations for that basic satellite broadcasting;
- (v) the person who intends to conduct the operations does not fall under any of the following; provided, however, that this does not apply in cases provided for by Order of the Ministry of Internal Affairs and Communications as those cases deemed not to preclude the enjoyment of freedom of expression through basic broadcasting by as many people as possible in light of the type, broadcasting target areas and other matters pertaining to the operations:
 - (a) a basic broadcaster
 - (b) a person who has a relationship of control over the person given in (a)
 - (c) in cases where the person given in (a) or (b) has a relationship of control over a certain person, such person
 - (vi) granting that approval conforms to the dissemination plan for basic broadcasting and is otherwise appropriate for the dissemination and sound development of broadcasting;
 - (vii) the person intending to conduct those operations does not come under any of the following of (a) through (k) inclusive (excluding (e) in cases of intending to conduct the operations of basic satellite broadcasting, basic terrestrial broadcasting for mobile reception, or community broadcasting (meaning basic terrestrial broadcasting using FM broadcasting that is conducted with the intention of being received in all or certain districts of a single municipality or those provided for by Order of the Ministry of Internal Affairs and Communications as districts equivalent thereto; hereinafter the same applies)):
 - (a) a person who does not have Japanese nationality
 - (b) a foreign government or its representative
 - (c) € a foreign corporation or organization
 - (d) a corporation or organization where the person given in (a) through (c) is a specified officer or where the person holds one-fifth or more of the voting rights
 - (e) a corporation or organization where the ratio obtained by adding the ratio of the voting rights directly held by the person given in 1. (hereinafter referred to "ratio of voting rights directly held by foreign nationals" in 2. and item (xi) in the following paragraph) and the ratio provided for by Order of the Ministry of Internal Affairs and Communications as the ratio of the voting rights indirectly held by the person given in 2. through the person (hereinafter referred to "ratio of voting rights indirectly held by foreign nationals" in item (xi) (c) and Article 116, paragraph (3)) is one-fifth or more of the voting rights (excluding cases falling under (d)).
 1. The person given in (a) through (c)
 2. A corporation or organization where the ratio of voting rights directly

held by foreign nationals is the same as or more than the ratio stipulated by Order of the Ministry of Internal Affairs and Communications

- (f) a person who has committed a crime stipulated in this Act or the Radio Act and who was punished by a fine or greater punishment and for whom two years have not elapsed since the day on which the execution of the sentence was completed or the sentence no longer applied
 - (g) a person who has had the approval pursuant to the provisions of Article 103, paragraph (1) or Article 104 (excluding item (v)) revoked, and two years have not elapsed since the day of such revocation
 - (h) a person who has had the registration pursuant to the provisions of Article 131 revoked, and two years have not elapsed since the day of the revocation
 - (i) a person who has had a basic broadcasting station license pursuant to the provisions of Article 75, paragraph (1) or Article 76, paragraph (4) (excluding item (iv)) of the Radio Act revoked, and two years have not elapsed since the day of the revocation;
 - (j) a person who has had the approval of the establishment plan provided for in Article 27-14, paragraph (1) of the Radio Act pertaining to the radio station conducting basic terrestrial broadcasting for mobile reception pursuant to the provisions of Article 27-16, paragraph (1) or (6) (excluding item (iv)) of the same Act revoked, and for whom two years have not elapsed since the day of such revocation
 - (k) a corporation or organization whose officer is a person who comes under any of (f) through (j):
- (2) A person who intends to receive approval under the preceding paragraph must submit an application form which describes the following particulars to the Minister of Internal Affairs and Communications pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications:
- (i) name and address
 - (ii) the type of basic broadcasting
 - (iii) the name of the person who intends to receive or has already received a license pursuant to the provisions of the Radio Act with regard to the basic broadcasting station for use in the operations of the basic broadcasting
 - (iv) the desired target regions for broadcasts;
 - (v) the desired frequency relating to the basic broadcasting;
 - (vi) the scheduled commencement date of the operations;
 - (vii) content to be broadcast;
 - (viii) an outline of the telecommunications equipment to be used in the operations of the basic broadcasting;
 - (ix) an outline of equipment that makes up part of basic broadcasting

- equipment and name of the commissionee when the person intends to commission the operation of that equipment to another person;
- (x) the trajectory or position of manmade satellites pertaining to basic satellite broadcasting when the person intends to receive approval for operations for that broadcasting;
- (xi) the following matters in cases involving a corporation or organization:
- (a) the names of specified officers;
 - (b) the ratio of voting rights directly held by foreign nationals; and
 - (c) the grouping of the ratio of voting rights directly held by foreign nationals and the ratio of voting rights indirectly held by foreign nationals when the person intends to receive approval for basic terrestrial broadcasting (excluding community broadcasting)
- (3) A business plan, an estimate of the business income and expenditure and other documents stipulated by Order of the Ministry of Internal Affairs and Communications is to be attached to the application form set forth in the preceding paragraph.
- (4) The application for the approval set forth in paragraph (1) (excluding that pertaining to the operations of the basic broadcasting of NHK or the Open University and other operations of special basic broadcasting provided for by Order of the Ministry of Internal Affairs and Communications) is to be made within the period publicly notified by the Minister of Internal Affairs and Communications. The same applies to the application for renewal (limited to that pertaining to the operations of basic terrestrial broadcasting) of the approval set forth in Article 96, paragraph (1).
- (5) The period under the preceding paragraph is to be the period stipulated for each frequency (the same period as the period of public notice set forth in Article 6, paragraph (8) of the Radio Act pertaining to basic broadcasting stations using such frequency in cases of basic terrestrial broadcasting) to be used in the basic broadcasting pertaining to the application within not less than one month, and the public notice of the period stipulated in the preceding paragraph is to be in conjunction with the public notice of the type of basic broadcasting, target regions for broadcasts and other matters contributing to the application for approval.

(Designation Matters and Certificate of Approval)

Article 94 (1) The approval set forth in paragraph (1) of the preceding Article is to be carried out designating the following particulars (the following particulars and the trajectory and position of the satellite pertaining to the operations of basic satellite broadcasting in cases of basic satellite broadcasting):

- (i) the name of the person who received the license of the basic broadcasting

- station for use in the operations of the basic broadcasting pursuant to the provisions of the Radio Act;
- (ii) the target regions for broadcasts; and
 - (iii) the frequency pertaining to the basic broadcasting.
- (2) The Minister of Internal Affairs and Communication is to issue a certificate of approval when the Minister of Internal Affairs and Communications give the approval set forth in paragraph (1) of the preceding Article.
- (3) The certificate of approval must describe the following particulars (the following particulars and trajectory and position of the satellite used in basic satellite broadcasting operations):
- (i) the date of the approval and number of the approval;
 - (ii) the name of the person who received the approval;
 - (iii) the type of basic broadcasting;
 - (iv) the name of the person who received the basic broadcasting station license for use in the operations of the basic broadcasting pursuant to the provisions of the Radio Act;
 - (v) the target regions for broadcasts;
 - (vi) the frequency pertaining to the basic broadcasting; and
 - (vii) content to be broadcast.

(Notification of the Commencement and Suspension of Operations)

- Article 95 (1) If an approved basic broadcaster has received the approval set forth in Article 93, paragraph (1), it must notify the Minister of Internal Affairs and Communications of the date of commencement of such operations without delay.
- (2) If the operations of the basic broadcasting are to be suspended for one month or more, the approved basic broadcaster must notify the Minister of Internal Affairs and Communications of the suspension period. The same applies when making amendments to the suspension period.

(Renewal of Approval)

- Article 96 (1) Unless the approval set forth in Article 93, paragraph (1) is renewed every five years (the same period as the valid period of the basic broadcasting station license for use in the operations of basic terrestrial broadcasting pursuant to the provisions of the Radio Act in cases of approval of the operations of basic terrestrial broadcasting), it will lose its effect.
- (2) If an application for the renewal set forth in the preceding paragraph has been made with regard to approval of basic satellite broadcasting operations or basic terrestrial broadcasting for mobile reception, the Minister of Internal Affairs and Communications must grant the renewal except in cases deemed not to conform to Article 93, paragraph (1), item (iv) for the approval of basic

satellite broadcasting operations or to item (v) of the same paragraph for the approval of basic terrestrial broadcasting for mobile reception.

(Amendments to Content to be Broadcast)

Article 97 (1) If an approved basic broadcaster intends to make amendments to the matters specified in Article 93, paragraph (2), item (vii) to (ix), it must obtain permission from the Minister of Internal Affairs and Communications in advance; provided, however, that this does not apply when making minor amendments provided for by Order of the Ministry of Internal Affairs and Communications.

(2) If a change was made to the matters specified in Article 93, paragraph (2), item (i), item (iii) or item (xi) or an approved basic broadcaster intends to make the minor amendments provided for by Order of the Ministry of Internal Affairs and Communications set forth in the proviso to the preceding paragraph, the approved basic broadcaster must notify the Minister of Internal Affairs and Communications to that effect without delay not apply to the following changes:

(i) minor amendments provided for by Order of the Ministry of Internal Affairs and Communications set forth in the proviso to the preceding paragraph (limited to amendments to matters specified in Article 93, paragraph (2), item (viii) or item (ix)) that are provided for by Order of the Ministry of Internal Affairs and Communications as especially minor; and

(ii) Amendments to matters specified in Article 93, paragraph (2), item (xi) that are provided for by Order of the Ministry of Internal Affairs and Communications as not being very likely to fall under paragraph (1), item (vii) (d) or (e) due to that amendment

(3) When falling under any of the following items, the Minister of Internal Affairs and Communications is to make amendments to the designation of the matters given in each of the items of Article 94, paragraph (1) upon application by an approved basic broadcaster:

(i) in cases of conducting basic satellite broadcasting, a person other than the person who received a basic broadcasting station license for use in the operations of such basic satellite broadcasting pursuant to the provisions of the Radio Act, has received a license of a basic broadcasting station in which the trajectory or position of the satellite and the frequency pertaining to such basic satellite broadcasting must be described in such license or a person, who received a basic broadcasting station license for use in the operations of such basic satellite broadcasting, has received amendments to the designation with regard to the permission for amendments to the trajectory or position of the satellite pertaining to such basic satellite broadcasting or with regard to the frequency pertaining to such basic satellite broadcasting;

- (ii) in cases of conducting basic terrestrial broadcasting for mobile reception, a person other than the person who received a basic broadcasting station license for use in the operations of the basic terrestrial broadcasting for mobile reception pursuant to the provisions of the Radio Act, has received a license of a basic broadcasting station in which the broadcasting district and the frequency within the target regions for broadcasts pertaining to that basic terrestrial broadcasting for mobile reception must be described in the license or a person who received a license of a basic broadcasting station for use in the operations of the basic terrestrial broadcasting for mobile reception, has received amendments to the designation with regard to the frequency pertaining to the basic terrestrial broadcasting for mobile reception or amendments have been made with regard to the target regions for broadcasts pertaining to such basic terrestrial broadcasting for mobile reception in cases of the Minister of Internal Affairs and Communications making amendments to dissemination plan for basic broadcasting pursuant to the provisions of Article 91, paragraph (4); or
- (iii) those matters stipulated by Order of the Ministry of Internal Affairs and Communications as equivalent to the two preceding items.

(Succession)

- Article 98 (1) If there has been a succession of an approved basic broadcaster, the successor takes on the position of the approved basic broadcaster. In such a case, the successor must attach a document proving the fact without delay and notify the Minister of Internal Affairs and Communications to the effect.
- (2) Where the approved basic broadcaster assigns the business of conducting basic broadcasting operations or where the corporation, which is the approved basic broadcaster, has merged or been split (limited to where the business of conducting basic broadcasting operations is inherited), the person who has been assigned the operations or the corporation, which continues to exist after the merger or the corporation, which was formed through the merger or the corporation, or which has inherited such business through a split, may succeed to the position of an approved basic broadcaster on receiving authorization from the Minister of Internal Affairs and Communications.
 - (3) In cases of application of the provisions of the first sentence of Article 20, paragraph (4) of the Radio Act, a corporation, which has inherited the business of conducting the operations of basic terrestrial broadcasting owing to a split and which has received authorization from the Minister of Internal Affairs and Communications, is to be deemed to have received approval pertaining to the operations. When applying the provisions of the second sentence of the same paragraph, the same applies to the assigner in cases of the licensee of a specified basic terrestrial broadcasting station (excluding relay basic

terrestrial broadcasting stations) assigning the basic broadcasting station and the assignee conducting operations, providing its basic broadcasting station for use in the operations of basic terrestrial broadcasting of the assigner or to the assignee in cases of the licensee of the specified basic terrestrial broadcasting station assigning the business of conducting the operations of basic terrestrial broadcasting, and the assigner intending to conduct operations, providing its basic broadcasting station for the use of the operations of the basic terrestrial broadcasting of the assignee.

- (4) The valid period of the approval deemed to have been received pursuant to the provisions of the preceding paragraph is to be the same period as the remainder of the valid period of the basic broadcasting station license for use in the operations of the basic terrestrial broadcasting pertaining to the approval.
- (5) Where a corporation which continues to exist after a merger, or a corporation formed through a merger or the assignee, succeeds to the position of the licensee of the specified basic terrestrial broadcasting stations (excluding relay basic terrestrial broadcasting stations) for use in the operations of basic terrestrial broadcasting pertaining to the merger or the assignment of business pursuant to the provisions of Article 20, paragraph (5) of the Radio Act, the approval of Article 93, paragraph (1) with regard to the operations of the basic terrestrial broadcasting will lose its effect.
- (6) The provisions of Article 93, paragraph (1) applies mutatis mutandis to the approval set forth in paragraph (2) and (3) of this Article.

(Correction of a Certificate of Approval)

Article 99 If an amendment has arisen in the particulars described in the certificate of approval, the approved basic broadcaster must submit the certificate of approval to the Minister of Internal Affairs and Communications and receive a correction.

(Termination of Operations)

Article 100 If an approved basic broadcaster intends to terminate its operations, it must notify the Minister of Internal Affairs and Communications to the effect.

Article 101 If an approved basic broadcaster terminates the operations of its basic broadcasting, the approval set forth in Article 93, paragraph (1) loses its effect.

(Return of the Certificate of Approval)

Article 102 If the approval under Article 93, paragraph (1) has lost its effect, the

person who was an approved basic broadcaster must return its certificate of approval within one month.

(Revocation of Approval)

Article 103 (1) If the approved basic broadcaster comes not to fulfill the requirements given in Article 93, paragraph (1), item (vii) (excluding (g)) or the basic broadcasting station license for use in the operations of the basic terrestrial broadcasting conducted by the approved basic broadcaster loses its effect, the Minister of Internal Affairs and Communications must revoke the approval.

(2) Notwithstanding the provisions of the preceding paragraph, where the approved basic broadcaster comes to fall under the provisions of Article 93, paragraph (1), item (vii) (d) or (e), if it is deemed necessary taking into account the following matters, the Minister of Internal Affairs and Communications may set a period and not revoke that approval limited to within the remainder of the valid period of the approval of the approved basic broadcaster.

(i) the situation in which the approved basic broadcaster has come to fall under the provisions of Article 93, paragraph (1), item (vii) (d) or (e);

(ii) the impact that revoking that approval pursuant to the provision of the preceding paragraph or not revoking that approval pursuant to the provisions of this paragraph would have on the interests of the recipients of basic broadcasting that pertains to that approval; and

(iii) other matters provided for by Order of the Ministry of Internal Affairs and Communications

(3) If the Minister of Internal Affairs and Communications deems that an approved basic broadcaster has come to fall under the provisions of Article 93, paragraph (1), item (vii) (d) or (e), the Minister of Internal Affairs and Communications must decide whether to not revoke the approval of that approved basic broadcaster pursuant to the provision of the preceding paragraph.

(4) If the Minister of Internal Affairs and Communications intends to make the decision set forth in the preceding paragraph, the Minister of Internal Affairs and Communications must hear the opinions of the approved basic broadcaster that pertains to that decision.

(5) If the Minister of Internal Affairs and Communications made the decision set forth in paragraph (3), the Minister of Internal Affairs and Communications must notify the approved basic broadcaster that pertains to that decision to that effect (when that decision is to not revoke the approval of that approved basic broadcaster pursuant to the provisions of paragraph (2), a notice to that effect and the period stipulated pursuant to the provisions of that paragraph) accompanied by the reason without delay.

Article 104 If the approved basic broadcaster falls under any of the following items, the Minister of Internal Affairs and Communications may revoke the approval:

- (i) it has continuously suspended basic broadcasting operations for six months or more without justifiable grounds;
- (ii) it has received the approval set forth in Article 93, paragraph (1), the renewal of approval set forth in Article 96, paragraph (1), or the permission set forth in Article 97, paragraph (1) through unfair means;
- (iii) it no longer meets the requirements given in Article 93, paragraph (1), item (v);
- (iv) it has not complied with an order pursuant to the provisions of Article 174;
or
- (v) the basic broadcasting station license for use in the operations of the basic satellite broadcasting or the basic terrestrial broadcasting for mobile reception has lost its effect.

(Notification)

Article 105 If the Minister of Internal Affairs and Communications has received a notification of termination of the operations pursuant to the provisions of Article 100 or has revoked the approval pursuant to the provisions of Article 103, paragraph (1) or the provisions of the preceding Article or given an order for suspension of operations pursuant to the provisions of Article 174, they are to notify the person who received the basic broadcasting station license for use in the operations pertaining to the notification, revocation or order to the effect.

(Special Provisions on Specified Basic Terrestrial Broadcasters)

Article 105-2 (1) Notwithstanding the provisions of Article 93, paragraph (1), specified basic terrestrial broadcasters may conduct terrestrial basic broadcasting through the following methods without receiving the approval set forth in the same paragraph:

- (i) Method of using specified basic terrestrial broadcasting stations; or
 - (ii) Method of executing an agreement of supplying facilities for broadcasting stations prescribed in Article 117, paragraph (1) with a supplier for basic broadcasting stations in the same target regions for broadcasts as the target regions for broadcasts where basic terrestrial broadcasting operations are conducted in accordance with the methods set forth in the preceding item and using a relay basic terrestrial broadcasting station of that supplier for basic broadcasting stations
- (2) If specified basic terrestrial broadcasters intend to conduct terrestrial basic broadcasting operations in accordance with the methods set forth in item (ii) of

the preceding paragraph, with regards to the conformance of telecommunications equipment used in those operations (excluding basic broadcasting station equipment of suppliers for basic broadcasting stations; the same applies in paragraph (4)) and the operation management system for the administration thereof (including the operation management system at commissionees when specified terrestrial basic broadcasters intend to commission the administration of equipment that makes up part of that telecommunications equipment; hereinafter referred to as "equipment" in paragraph (4) and Article 187, item (ii)) with the standards provided for by Order of the Ministry of Internal Affairs and Communications set forth in Article 111, paragraph (1) pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications, they must receive the confirmation of the Minister of Internal Affairs and Communications.

- (3) If the Minister of Internal Affairs and Communications conducted the verification set forth in the preceding paragraph, the Minister of Internal Affairs and Communication shall append the following matters to the license set forth in Article 14, paragraph (1) of the Radio Act that pertains to specified basic terrestrial broadcasting stations of the specified basic terrestrial broadcaster that received that confirmation:
 - (i) The date and number of confirmation;
 - (ii) The name of the supplier for basic broadcasting stations supplying the basic broadcasting station equipment to be used in the basic terrestrial broadcasting operations that pertains to the confirmation; and
 - (iii) The target regions for broadcasts where basic terrestrial broadcasting operations are conducted
- (4) If the specified basic terrestrial broadcaster that received the confirmation set forth in paragraph (2) intends to change the telecommunications equipment used in the basic terrestrial broadcasting operations that pertains to that confirmation (limited to cases accompanying changes to the telecommunications equipment used in those operations or to the commissionee for the administration of equipment that makes up part of that telecommunications equipment), with regards to the conformance of the telecommunications equipment following the change with the standards provided for by Order of the Ministry of Internal Affairs and Communications set forth in Article 111, paragraph (1), the specified terrestrial basic broadcaster that received the confirmation set forth in paragraph (2) must receive the approval of the Minister of Internal Affairs and Communications not apply to minor changes provided for by Order of the Ministry of Internal Affairs and Communications.
- (5) If the specified basic terrestrial broadcaster that received the confirmation set forth in paragraph (2) made a minor change provided for by Order of the

Ministry of Internal Affairs and Communications, it must notify the Minister of Internal Affairs and Communications without delay; not apply to minor changes provided for by Order of the Ministry of Internal Affairs and Communications.

Subsection 2 Operations

(Editing of Broadcast Programs of Domestic Basic Broadcasts)

- Article 106 (1) In editing the broadcast programs of television domestic basic broadcasts and domestic and international broadcasts (meaning basic broadcasts which are domestic and international broadcasting) (hereinafter referred to as "domestic basic broadcasts, etc."), excluding those based on special business plans, the basic broadcaster must establish cultural programs or educational programs and news programs, and entertainment programs and must maintain mutual consistency between the broadcast programs.
- (2) In editing or broadcasting educational programs of domestic basic broadcasts, etc., the basic broadcaster must ensure that the target audience of the broadcast is clear, that the content is appropriate and beneficial for such audience, and that the broadcasting is systematic and continuous, and must also ensure that the public is aware of the plans and contents for the broadcasting in advance. In such a case, if those programs are aimed at schools, it must ensure that the content conforms to the standards of the courses of study prescribed in the laws and regulations relating to school education.

Article 107 With regard to applying the provisions of Article 6 to the basic broadcaster conducting the television broadcasting to which paragraph (1) of the preceding Article is to be applied, the term "a basic plan relating to the [program standards and] editing of the broadcast programs" in paragraph (3) of the same Article is to be replaced with "a basic plan relating to the editing of broadcast programs and the standards for the types of broadcast programs" and the term "the matters given in the following items" in paragraph (5) and (6) of the same Article is to be replaced with "the matters given in the following items and the types of broadcast programs and the broadcasting hours for each type of broadcast program."

(Broadcasting in Cases of Disasters)

Article 108 In conducting domestic basic broadcasts, etc., if a windstorm, heavy rain, flood, earthquake, large-scale fire or other disaster occurs or is likely to occur, the basic broadcaster must transmit broadcasts which will serve to prevent such occurrence or mitigate such damage thereto.

(Restrictions on Advertisements in Broadcasting Aimed at Schools)

Article 109 In cases of broadcasting educational programs aimed at schools, the basic broadcaster does not include advertisements in the broadcast programs which it is deemed would impede school education.

(Restrictions on Agreements Relating to the Supply of Broadcast Programs)

Article 110 The basic broadcaster does not conclude agreements relating to the supply of broadcast programs which include terms of only receiving the supply of broadcast programs from specific persons.

(Publicizing Relating to Temporary Suspension or Termination of Basic Broadcasting)

Article 110-2 If basic broadcasters (excluding paid broadcasters prescribed in Article 147, paragraph (1)) intend to suspend their basic broadcasting, or, terminate those basic broadcasting operations or those basic broadcasting stations, they must publicize that to such effect pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications; provided, however, that this does not apply to cases where the time for which basic broadcasters attempt to keep suspending basic broadcasting is within an extent that does not exceed twenty-four hours and is within the time provided for by Order of the Ministry of Internal Affairs and Communications or other cases provided for by Order of the Ministry of Internal Affairs and Communications.

(Maintenance of Facilities for Basic Broadcasting and the Like)

Article 111 (1) The approved basic broadcaster must maintain facilities for basic broadcasting and the operation management system for the administration thereof (including the operation management system at commissionees when that approved basic broadcaster is commissioning the administration of equipment that makes up part of facilities for basic broadcasting; hereinafter referred to as "facilities for basic broadcasting and the like") which conform to the standards stipulated by Order of the Ministry of Internal Affairs and Communications.

(2) The standards set forth in the preceding paragraph are to be prescribed so as to secure the following:

- (i) to ensure that the operations of the basic broadcasting do not suffer substantial detriment through damage or malfunction in, or, inappropriate administration of the facilities for basic broadcasting; and
- (ii) to ensure that the quality of the basic broadcasting transmitted by using the facilities for basic broadcasting and the like is appropriate.

Article 112 The specified basic terrestrial broadcaster must maintain the telecommunications equipment to be used in the operations of its own basic terrestrial broadcasting (excluding facilities for basic broadcasting of suppliers for basic broadcasting stations used in those operations when those operations are conducted based on the method given in Article 105-2, paragraph (1), item (ii); hereinafter referred to as "facilities for specified basic terrestrial broadcasting stations") and the operation management system for the administration thereof (including the operation management system at consignees when specified basic terrestrial broadcasters are commissioning the administration of equipment that makes up part of basic terrestrial broadcasting station equipment; hereinafter referred to as "facilities for specified basic terrestrial broadcasting stations and the like") so as to conform to the technical standards provided for by the Ministry of Internal Affairs and Communications set forth in paragraph (1) of the preceding Article and the technical standards provided for by the Ministry of Internal Affairs and Communications set forth in Article 121, paragraph (1).

(Reporting of Major Accidents)

Article 113 (1) If the suspension of broadcasting caused by the facilities for basic broadcasting and the like or other major accident which is stipulated in the provisions of Order of the Ministry of Internal Affairs and Communications occurs, the approved basic broadcaster must report such matter as well as the reason or cause without delay to the Minister of Internal Affairs and Communications.

(2) If the suspension of broadcasting caused by the facilities for specified basic terrestrial broadcasting stations and the like or other major accident which is stipulated in the provisions of Order of the Ministry of Internal Affairs and Communications occurs, the specified basic terrestrial broadcaster must report the matter as well as the reason or cause without delay to the Minister of Internal Affairs and Communications.

(Order for Improvement of facilities for basic broadcasting and the like)

Article 114 (1) If the Minister of Internal Affairs and Communications deems that the facilities for basic broadcasting and the like does not conform to the technical standards prescribed by Order of the Ministry of Internal Affairs and Communications set forth in Article 111, paragraph (1), the Minister of Internal Affairs and Communications may order the approved basic broadcaster to improve the facilities for basic broadcasting and the like so as to conform to the technical standards.

(2) If the Minister of Internal Affairs and Communications deems that the facilities for specified basic terrestrial broadcasting stations and the like does

not conform to the technical standards prescribed by Order of the Ministry of Internal Affairs and Communications set forth in Article 111, paragraph (1) or the technical standards prescribed by Order of the Ministry of Internal Affairs and Communications set forth in Article 121, paragraph (1), the Minister of Internal Affairs and Communications may order the specified basic terrestrial broadcaster to improve the facilities for specified basic terrestrial broadcasting stations and the like so as to conform to the technical standards.

(Reporting and Inspection Relating to Equipment)

- Article 115 (1) The Minister of Internal Affairs and Communications may request a report on the status of the facilities for basic broadcasting and the like from the approved basic broadcaster or have its official enter the location where the facilities for basic broadcasting are installed in order to inspect the facilities for basic broadcasting within the extent necessary to implement the provisions of Article 111, paragraph (1), Article 113, paragraph (1) and paragraph (1) of the preceding Article.
- (2) The Minister of Internal Affairs and Communications may request a report on the status of the facilities for specified basic terrestrial broadcasting stations and the like from the specified basic terrestrial broadcaster or have its official enter the location where the facilities for basic specified terrestrial broadcasting stations is installed in order to inspect the facilities for specified basic terrestrial broadcasting stations within the extent necessary to implement the provisions of Article 112, Article 113, paragraph (2) and paragraph (2) of the preceding Article.
- (3) The official who enters and conducts the inspection pursuant to the provisions of the two preceding paragraphs must carry a certificate proving their identity and present it to the relevant persons.
- (4) The authority to enter and conduct the inspection pursuant to the provisions of paragraph (1) and (2) is not to be interpreted as being allowed for the purpose of a criminal investigation.

(Treatment of Shares Acquired by Foreign Nationals)

- Article 116 (1) A basic broadcaster, which is a company that has issued shares which are listed on a financial instruments exchange (meaning the financial instruments exchange provided for in Article 2, paragraph (16) of the Financial Instruments and Exchange Act (Act No. 25 of 1948); the same applies in Article 125, paragraph (1) and Article 161, paragraph (1)) or shares which are provided for by Order of the Ministry of Internal Affairs and Communications as being equivalent to such, which has received a request from the person given in Article 93, paragraph (1), items (vii) (a) through (c) or the person given in (e) 2. of the same item (the person given in Article 5, paragraph (1), items (i)

through (iii) or the person given in paragraph (4), item (iii) (b) of the same Article of the Radio Act in cases of specified basic terrestrial broadcasters: hereinafter referred to as "foreign nationals, etc." in this Article) who acquired its shares that their name and address be listed or recorded in the shareholder registry, if by complying with such request, this falls under the categories set forth in the cases given in the following items and falls under the grounds provide for in the items (referred to in the following paragraph as "grounds for disqualification"), it may refuse to list or record the name and address in the shareholder registry:

- (i) the grounds provided for in Article 93, paragraph (1), item (vii) (d) in cases where such basic broadcaster is an approved basic broadcaster conducting basic satellite broadcasting, basic terrestrial broadcasting for mobile reception or community broadcasting;
 - (ii) the grounds provided for in Article 93, paragraph (1), item (vii) (d) or (e) in cases where the basic broadcaster is an approved basic broadcaster conducting basic terrestrial broadcasting (excluding community broadcasting);
 - (iii) the grounds provided for in Article 5, paragraph (4), item (ii) of the Radio Act in cases where that basic broadcaster is a specified basic terrestrial broadcaster that conducts community broadcasting; or
 - (iv) the grounds provided for in Article 5, paragraph (4), item (ii) or (iii) of the Radio Act in cases where the basic broadcaster is a specified basic terrestrial broadcaster that conducts basic terrestrial broadcasting (excluding community broadcasting)
- (2) Of the shareholders pertaining to the notification pursuant to the provisions of Article 151, paragraph (1) or (8) of the Company Bonds, Etc. Book-Entry Transfer Act, if by listing or recording all of the shares held by a foreign national, etc. in the shareholder registry pursuant to the provisions of Article 152, paragraph (1) of the Company Bonds, Etc. Book-Entry Transfer Act, this will fall under the grounds for disqualification, notwithstanding the provisions of the same paragraph, the basic broadcaster under the preceding paragraph may refuse to list or record the designated foreign shares (meaning shares other than the shares that may be listed or recorded in accordance with the method provided for by Order of the Ministry of Internal Affairs and Communications as the method for listing or recording in the shareholder registry limited to some of the shares so as not to fall under the grounds for disqualification) in the shareholder registry.
- (3) Except for cases where listing or recording in the shareholder registry may be refused pursuant to the provisions of the two preceding paragraphs, if, through the ratio of voting rights directly held by foreign nationals voting rights held indirectly by the person given in Article 93, paragraph (1), item (vi) (e) 1. via

the person given in 2. of the same item increasing, the approved basic broadcaster conducting the basic terrestrial broadcasting (excluding community broadcasting), which is a stock company, comes to fall under the grounds stipulated in Article 93, paragraph (1), item (vii) (e) in cases of voting rights being held for all of the shares held by the person given in 2. of the same item listed or recorded in the shareholder registry, the designated foreign shareholder (meaning a shareholder who holds shares other than the shares which have voting rights pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications so as not to fall under the grounds stipulated in sub-item (e) of the same item out of the shares held by the person given in (e) 1. and 2. listed or recorded in the shareholder registry) does not hold voting rights with regard to such shares.

- (4) Except for cases where listing or recording in the shareholder registry may be refused pursuant to the provisions of paragraph (1) and (2), if through the ratio of voting rights indirectly held by foreign nationals given in Article 5, paragraph (4), item (iii) (a) via the person given in (b) of the same item increasing, the specified basic terrestrial broadcaster conducting the basic terrestrial broadcasting (excluding community broadcasting), which is a stock company, comes to fall under the grounds stipulated in the same item in cases of voting rights being held for all of the shares held by the person given in (b) of the same item listed or recorded in the shareholder registry, the designated foreign shareholder (meaning a shareholder who holds shares other than the shares which have voting rights pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications so as not to fall under the grounds stipulated in the same item out of the shares held by the person given in (a) and (b) of the same item listed or recorded in the shareholder registry) does not hold voting rights with regard to such shares.
- (5) The basic broadcaster set forth in paragraph (1) must make public the ratio of its voting rights held by the foreign national, etc. pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications; provided, however, that this does not apply when such ratio does not reach the ratio prescribed by the Order of the Ministry of Internal Affairs and Communications.

(Reporting of Status of Compliance with Provisions that Pertain to Restricted Ownership of Voting Rights by Foreign Nationals)

Article 116-2 Approved basic broadcasters (limited to those that are corporations or organizations) must report the following matters in the applicable period to the Minister of Internal Affairs and Communications for each period provided for by Order of the Ministry of Internal Affairs and Communications pursuant to the provisions of Order of the Ministry of Internal Affairs and

Communications:

- (i) the status of implementation of measures taken so that approved basic broadcasters do not come to fall under Article 93, paragraph (1), item (vii) (d) (when they are approved basic broadcasters that conduct basic terrestrial broadcasting (excluding community broadcasting), item (vii) (d) or (e));
- (ii) the content of changes provided for by Order of the Ministry of Internal Affairs and Communications that are set forth in Article 97, paragraph (2), item (ii) when those changes are made; and
- (iii) other matters provided for by Order of the Ministry of Internal Affairs and Communications as matters relating to ensuring that approved basic broadcasters do not come to fall under Article 93, paragraph (1), item (vii) (d) or (e).

Subsection 3 Approval of the Implementation Policy for the Simultaneous Broadcasting of Specific Broadcast Programs

(Designation of Broadcasting Regions)

Article 116-3 (1) The Minister of Internal Affairs and Communications may designate certain target regions for broadcasts as designated broadcasting regions if such target regions for broadcasts pertain to basic domestic broadcasting (excluding broadcasting by NHK and the Open University; the same applies in this subsection) and if there is a possibility that achievement of the goal set out in Article 91, paragraph (2), item (iii) may become difficult due to a decline in the demand for the basic domestic broadcasting service in such target regions for broadcasts or any other change in the economic conditions, and if changing such goal is deemed inappropriate considering the disparities among target regions for broadcasts in relation to the number of broadcasting ranges specified in Article 91, paragraph (2), item (iii) or any other circumstances.

- (2) If the Minister of Internal Affairs and Communications determines that the reason for designating a broadcasting region as set out in the preceding paragraph has disappeared, the Minister is to cancel the designation of that broadcasting region that was specified pursuant to the same paragraph.
- (3) Designations pursuant to paragraph (1) and cancellation of designations pursuant to the preceding paragraph are to be made by public notice.

(Approval of the Implementation Policy for the Simultaneous Broadcasting of Specific Broadcast Programs)

Article 116-4 (1) A basic broadcaster conducting basic domestic broadcasting pertaining to designated broadcasting regions may, independently or in collaboration with other basic domestic broadcasters (meaning basic

broadcasters who transmit domestic broadcasts; the same applies in this subsection), prepare a policy relating to the implementation of the simultaneous broadcasting of specific broadcast programs (meaning where a single broadcast program is broadcast simultaneously while measures are taken to satisfy the unique broadcasting demand of each target region for broadcasts pertaining to two or more basic domestic broadcasts in all or part of the broadcasting hours for those two or more basic domestic broadcasts; provided, however, when a single broadcast program is broadcast simultaneously in part of the broadcasting hours, for any of those two or more domestic broadcasts, this is limited to cases where the ratio of the broadcasting hours for the single broadcast program broadcast simultaneously to the total broadcasting hours for those domestic broadcasts exceed the ratio specified by Order of the Ministry of Internal Affairs and Communications; the same definition applies in this Article and Article 116-6)(hereinafter referred to as "implementation policy for the simultaneous broadcasting of specific broadcast programs" in this Article and the following Article), and submit it to the Minister of Internal Affairs and Communications and receive approval for it pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications.

- (2) The Implementation Policy for the Simultaneous Broadcasting of Specific Broadcast Programs must describe the following matters:
 - (i) Categories of the two or more basic domestic broadcasts and the target regions for broadcast that pertain to those two or more basic domestic broadcasts that are included in the simultaneous broadcasting of specific broadcast programs;
 - (ii) the contents of locality measures (meaning measures taken to satisfy the unique broadcasting demand of each target region for broadcasts pertaining to two or more basic domestic broadcasts that will be included in the simultaneous broadcasting of specific broadcast programs; the same definition applies to the following paragraph, item (ii));and
 - (iii) other matters specified under Order of the Ministry of Internal Affairs and Communications.
- (3) If a request for approval as in paragraph (1) is received, and if the Minister of Internal Affairs and Communications determines that such Implementation Policy for the Simultaneous Broadcasting of Specific Broadcast Programs satisfies all of the following conditions, the Minister is to grant approval for the plan:
 - (i) The target regions of broadcast that pertains to the two or more basic domestic broadcasts that are included in the simultaneous broadcasting of specific broadcast programs conform to all of the following:
 - (a) Those target regions of broadcast do not overlap with each other;

- (b) Any or all of those target regions of broadcast are designated broadcasting regions;
 - (c) The target regions of broadcast are deemed to have common natural, social, economic and cultural circumstances to a considerable degree; and
 - (d) The number of target regions of broadcast do not exceed the number specified by Order of the Ministry of Internal Affairs and Communications
 - (ii) The content of locality measures are appropriate in order to satisfy the unique broadcasting demand of each target region for broadcasts pertaining to two or more basic domestic broadcasts that will be included in the simultaneous broadcasting of specific broadcast programs.
- (4) When the Minister of Internal Affairs and Communications has granted approval as specified in paragraph (1), the Minister publicizes the name of the basic domestic broadcaster who submitted the Implementation Policy for the Simultaneous Broadcasting of Specific Broadcast Programs that has been approved and other matters specified by Order of the Ministry of Internal Affairs and Communications.

(Changes to Approved Implementation Policy for the Simultaneous Broadcasting of Specific Broadcast Programs)

- Article 116-5 (1) If the basic domestic broadcaster who has submitted the Implementation Policy for the Simultaneous Broadcasting of Specific Broadcast Programs approved under paragraph (1) of the preceding Article plans to make any change to that Implementation Policy for the Simultaneous Broadcasting of Specific Broadcast Programs, it must submit a revised Implementation Policy for the Simultaneous Broadcasting of Specific Broadcast Programs to the Minister of Internal Affairs and Communications and obtain the Minister's approval: provided, however, that this does not apply to minor changes as specified by Order of the Ministry of Internal Affairs and Communications.
- (2) If the basic domestic broadcaster who submitted the Implementation Policy for the Simultaneous Broadcasting of Specific Broadcast Programs approved under paragraph (1) of the preceding Article has made any minor change to the Business Infrastructure Reinforcement Plan, it must report that change without delay to the Minister of Internal Affairs and Communications.
- (3) The provisions in the preceding Article, paragraph (3) applies mutatis mutandis to approval of a change pursuant to paragraph (1) above and the provisions of the preceding Article, paragraph (4) applies mutatis mutandis to approval of a change pursuant to paragraph (1) above and the reporting of a change pursuant to the preceding paragraph.
- (4) The Minister of Internal Affairs and Communications may demand that the basic domestic broadcaster who submitted the Implementation Policy for the Simultaneous Broadcasting of Specific Broadcast Programs approved under the

provisions of the preceding Article, paragraph (1) (or the revised Business Infrastructure Reinforcement Plan if any change has been approved pursuant to paragraph (1) or reported pursuant to paragraph (2); referred to as an "approved Implementation Policy for the Simultaneous Broadcasting of Specific Broadcast Programs" in this and the following Article) submits a report on the implementation status of the approved Implementation Policy for the Simultaneous Broadcasting of Specific Broadcast Programs.

- (5) If the Minister of Internal Affairs and Communications determines that an approved Implementation Policy for the Simultaneous Broadcasting of Specific Broadcast Programs has not satisfied any of the items in the preceding Article, paragraph (3) or that the basic domestic broadcaster who submitted an approved Implementation Policy for the Simultaneous Broadcasting of Specific Broadcast Programs has not implemented the operations contained in that approved Implementation Policy for the Simultaneous Broadcasting of Specific Broadcast Programs, the Minister may revoke approval for that Business Infrastructure Reinforcement Plan.
- (6) The Minister of Internal Affairs and Communications is to publicize any revocation of approval under the preceding paragraph.

(Special Provisions for Installation of a Deliberative Body)

Article 116-6 (1) If two or more basic domestic broadcasters who submitted an approved Implementation Policy for the Simultaneous Broadcasting of Specific Broadcast Programs implement simultaneous broadcasting of specific broadcast programs pursuant to that approved Implementation Policy for the Simultaneous Broadcasting of Specific Broadcast Programs, the two or more basic domestic broadcasters may jointly establish a deliberative body. In such a case, the commissioning of the members of the deliberative body pursuant to the provisions in Article 7, paragraph (2) is to be conducted jointly by those domestic broadcasters.

- (2) If a basic domestic broadcaster who submitted an approved Implementation Policy for the Simultaneous Broadcasting of Specific Broadcast Programs implements simultaneous broadcasting of specific broadcast programs pursuant to that approved Implementation Policy for the Simultaneous Broadcasting of Specific Broadcast Programs, the provisions in Article 92 applies to the basic domestic broadcaster (or the provider of the basic broadcasting station that is used for the broadcasting operations of the domestic broadcaster, if the basic domestic broadcaster is not a specified basic terrestrial broadcaster) by replacing the term "the target broadcast regions for basic broadcasts to be transmitted using such basic broadcasting stations" with the term "the deemed target regions for broadcasts, deemed to be the respective target regions for broadcasts of the two or more basic domestic

broadcasts to be included in the simultaneous broadcasting of specific broadcast programs as stipulated in Article 116-4, paragraph (1) collectively constitute a single target regions for broadcasts," and by replacing the term "those basic broadcasts" with the term "any of those two or more basic domestic broadcasts."

- (3) If a basic domestic broadcaster who submitted an approved Implementation Policy for the Simultaneous Broadcasting of Specific Broadcast Programs and who is an affiliate of a certified broadcasting holding company (meaning an affiliate as specified in Article 158, paragraph (2)), implements simultaneous broadcasting of specific broadcast programs pursuant to that approved Implementation Policy for the Simultaneous Broadcasting of Specific Broadcast Programs, the provisions in Article 163 applies to the basic domestic broadcaster by replacing the term "its target regions for broadcasts" with the term "the deemed target regions for broadcasts, deemed to be the respective target regions for broadcasts of two or more basic domestic broadcasts to be included in the simultaneous broadcasting of specific programs as stipulated in Article 116-4, paragraph (1) collectively constitute a single target regions for broadcasts," and by replacing the term "the basic target regions for broadcasts" with the term "the deemed target regions for broadcasts."

Section 3 Supplier for Basic Broadcasting Stations

(Obligation of Provision)

Article 117 Where a supplier for basic broadcasting stations has received an offer from the persons given in the following items for a contract relating to the provision of facilities for basic broadcasting stations in accordance with the matters provided for in each of those items (hereinafter referred to as "agreement of supplying facilities for broadcasting stations"), it must not refuse the offer unless there are justifiable grounds for doing so:

- (i) approved basic broadcaster: Matters given in Article 94, paragraph (3), item (iii) to (vi) described in the certificate of approval set forth in in paragraph (2) of the same Article pertaining to the approved basic broadcaster (including the trajectory and the position of the satellite pertaining to the operations of the basic satellite broadcasting in cases pertaining to the basic satellite broadcasting; hereinafter referred to as "matters described in the certificate of approval" in item (iii) of the following paragraph);
- (ii) Specified basic terrestrial broadcaster (limited to that which received the confirmation set forth in Article 105-2, paragraph (2); the same applies in item (iv) of the following paragraph): Frequency described on the license set forth in Article 14, paragraph (1) of the Radio Act that pertains to the specified terrestrial basic broadcasting stations of that specified basic

terrestrial broadcaster and matters given in Article 105-2, paragraph (3), item (ii) and (iii) that are appended to that license (referred to as "matters described on the license" in item (iv) of the following paragraph):

- (i) offer for an agreement of supplying facilities for broadcasting stations from a person other than a basic broadcaster;
- (ii) offer for an agreement of supplying facilities for broadcasting stations from a specified basic terrestrial broadcaster that has not received the confirmation set forth in Article 105-2, paragraph (2);
- (iii) offer for an agreement of supplying facilities for broadcasting stations that is not in accordance with the matters described in the certificate of approval from an approved basic broadcaster; or
- (iv) offer for an agreement of supplying facilities for broadcasting stations that is not in accordance with the matters described on the license from a specified basic terrestrial broadcaster

(Terms of the Provision of Services)

Article 118 (1) The supplier for basic broadcasting stations must stipulate the fees for the services to provide facilities for basic broadcasting stations (hereinafter referred to as "service supplying facilities for broadcasting stations") for the use of basic broadcasting operations of a basic broadcaster and the other terms of provision provided for by Order of the Ministry of Internal Affairs and Communications, and must notify the Minister of Internal Affairs and Communications before its implementation. The same applies when making amendments thereto.

(2) The supplier for basic broadcasting stations does not provide service supplying facilities for broadcasting stations on terms of provision other than the terms of provision notified pursuant to the provisions of the preceding paragraph.

(Accounting)

Article 119 A supplier for basic broadcasting stations, which concurrently acts as basic broadcaster, pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications, must keep accounts relating to the operations of providing the facilities for basic broadcasting stations or the facilities for specified basic terrestrial broadcasting stations for the use of basic broadcasting operations and must make public the status of the income and expenditure relating to the operations based on the matters and other matters provided for by Order of the Ministry of Internal Affairs and Communications.

(Order for Amendments)

Article 120 Where the Minister of Internal Affairs and Communications deems

that, owing to the fact of the terms of provision notified by the supplier for basic broadcasting stations pursuant to the provisions of Article 118, paragraph (1) falling under any of the following items, the provision of the service supplying facilities for broadcasting stations pursuant to the terms of provision hinder the management of the operations of the basic broadcasting, the Minister of Internal Affairs and Communications may order the supplier for basic broadcasting stations to amend the terms of provision:

- (i) the fees of the service supplying facilities for broadcasting stations unfairly discriminate against a particular basic broadcaster;
- (ii) matters relating to the conclusion or cancellation of the agreement of supplying facilities for broadcasting stations, the suspension of provision of service supplying facilities for broadcasting stations or the responsibilities of the supplier for basic broadcasting stations or the basic broadcaster have not been appropriately and clearly stipulated;
- (iii) unfair obligations are imposed on the basic broadcaster; or
- (iv) the fees relating to service supplying facilities for broadcasting stations to be provided by a supplier for basic broadcasting stations which concurrently acts as a basic broadcaster or other terms of provision are disadvantageous compared to the terms in cases of the facilities for basic broadcasting stations or facilities for specified basic terrestrial broadcasting stations being provided for operations of its own basic broadcasting.

(Maintenance of facilities for basic broadcasting and the like)

- Article 121 (1) The supplier for basic broadcasting stations and the operation management system for the administration thereof (including the operation management system at commissionees when that supplier for basic broadcasting stations is commissioning the administration of equipment that makes up part of facilities for basic broadcasting; hereinafter referred to as "facilities for basic broadcasting and the like") must maintain the facilities for basic broadcasting stations so as to conform to the technical standards provided for by Order of the Ministry of Internal Affairs and Communications.
- (2) The standards under the preceding paragraph must be stipulated so as to secure the matters given in the following items:
- (i) damage or malfunction in, or, inappropriate administration of the facilities for basic broadcasting stations does not cause substantial detriment to the management of the basic broadcasting station; and
 - (ii) the quality of the basic broadcast transmitted using the facilities for basic broadcasting and the like are appropriate.

(Reporting on Major Accidents)

Article 122 If suspension of broadcasting caused by a facilities for basic

broadcasting and the like or another major accident provided for by Order of the Ministry of Internal Affairs and Communications occurs, the supplier for basic broadcasting stations must report the matter together with the reason or cause of such without delay to the Minister of Internal Affairs and Communications.

(Order to Improve facilities for basic broadcasting and the like)

Article 123 Where the Minister of Internal Affairs and Communications deems that a facilities for basic broadcasting and the like does not conform to the standards provided for by Order of the Ministry of Internal Affairs and Communications set forth in Article 121, paragraph (1), the Minister of Internal Affairs and Communications may order the supplier for basic broadcasting stations to improve such facilities for basic broadcasting and the like so as to conform to such standards.

(Reports and Inspections Relating to facilities for basic broadcasting and the like)

Article 124 (1) The Minister of Internal Affairs and Communications may request the supplier for basic broadcasting stations to give a report on the status of the facilities for basic broadcasting and the like and other necessary matters or may have its official enter the location where such facilities for basic broadcasting stations are installed and inspect such facilities for basic broadcasting stations within the extent necessary for the implementation set forth in the provisions of the three preceding paragraphs.

(2) The official who enters and conducts the inspection pursuant to the provisions of the preceding paragraph must carry a certificate proving their identity and must present it to the relevant persons.

(3) The authority to enter and conduct the inspection pursuant to the provisions of paragraph (1) must not be interpreted as being allowed for the purpose of a criminal investigation.

(Handling of Shares Acquired by Foreign Nationals)

Article 125 (1) A supplier for basic broadcasting stations, which is a company that has issued shares which are listed on a financial instruments exchange or shares which are provided for by Order of the Ministry of Internal Affairs and Communications as being equivalent to such, which has received a request from a foreign national, etc. (meaning the person given in Article 5, paragraph (1), items (i) through(iii) of the Radio Act or the person given in paragraph (4), item (iii) (b) of the same Article) who acquired its shares that their name and address be listed or recorded in the shareholder registry, if by complying with such request, this falls under the categories set forth in the cases given in the

following items and falls under the grounds provided for in each item, it may refuse to list or record such name and address in the shareholder registry:

- (i) the grounds provided for in Article 5, paragraph (1), item (iv) of the Radio Act in cases where such supplier for basic broadcasting stations is a person who has received a radio station license to transmit basic satellite broadcasts or basic terrestrial broadcasts for mobile reception;
 - (ii) the grounds provided for in Article 5, paragraph (4), item (ii) of the Radio Act in cases where such supplier for basic broadcasting stations is a person who has received a radio station license to conduct community broadcasting; or
 - (iii) the grounds provided for in Article 5, paragraph (4), item (ii) or (iii) of the Radio Act in cases where such supplier for basic broadcasting stations is a person who has received a radio station license to transmit basic terrestrial broadcasts (excluding community broadcasting)
- (2) The provisions of Article 116, paragraph (2), (4) and (5) applies mutatis mutandis to supplier for basic broadcasting stations. In such a case, the term "the preceding paragraph" in the text of paragraph (2) of the same Article is to be replaced with "Article 125, paragraph (1)," the term "foreign nationals, etc." with "the foreign nationals, etc. provided for in Article 125, paragraph (1)," the term "the grounds for disqualification" with "the grounds provided for in each of the items of Article 125, paragraph (1)," the term "same paragraph" with "Article 152, paragraph (1) of the Company Bonds, etc. Book-Entry Transfer Act," the term "paragraph (1) and paragraph (2)" in the text of paragraph (4) of the same Article with "Article 116, paragraph (2) as applied mutatis mutandis pursuant to Article 125, paragraph (1) and (2) of the same Article," the term "specified basic terrestrial broadcaster that conducts" with "supplier for basic broadcasting stations who has received a radio station license to conduct," the term "paragraph (1)" in the text of paragraph (5) of the same Article with "Article 125, paragraph(1)"and "foreign national, etc." with "foreign national, etc. provided for in the same paragraph."

Chapter VI General Broadcasting

Section 1 Registration

(Registration of General Broadcasting Operations)

Article 126 (1) A person who intends to conduct general broadcasting operations must obtain a registration from the Minister of Internal Affairs and Communications; provided, however, that this does not apply to the general broadcasting provided for by Order of the Ministry of Internal Affairs and Communications as having a comparatively small impact on the interests of the recipients and the sound development of broadcasting in light of the radio

broadcasting and other types of general broadcasting transmitted using wire telecommunications equipment and the scale of the telecommunications equipment to be used in general broadcasting operations.

- (2) A person who intends to obtain the registration set forth in the preceding paragraph must submit an application form which describes the following particulars to the Minister of Internal Affairs and Communications pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications:
- (i) name and address and in the case of a corporation, the name of its representative;
 - (ii) the type of general broadcasting provided for in Order of the Ministry of Internal Affairs and Communications;
 - (iii) an outline of the telecommunications equipment to be used in general broadcasting operations; and
 - (iv) the operational district.
- (3) A document pledging that the person does not come under any of the provisions of Article 128, items (i) through (v) and other documents provided for by Order of the Ministry of Internal Affairs and Communications is to be attached to the application form under the preceding paragraph.

(Implementation of Registration)

- Article 127 (1) If an application for the registration under paragraph (1) of the preceding Article is made, the Minister of Internal Affairs and Communications must register the following particulars in the registry of general broadcasters except in cases where the registration has been denied pursuant to the provisions of the following Article:
- (i) the particulars given in each of the items of paragraph (2) of the preceding Article; and
 - (ii) the date of the registration and registration number.
- (2) Where the Minister of Internal Affairs and Communications has made a registration pursuant to the provisions of the preceding paragraph, the Minister of Internal Affairs and Communications must notify the applicant to such effect without delay.

(Denial of Registration)

- Article 128 If the person who submitted the application form set forth in Article 126, paragraph (2) comes under any of the following items or a false entry has been made with regard to important particulars in such application form or attached documents or important particulars have not been entered, the Minister of Internal Affairs and Communications must deny such registration:
- (i) the person committed a crime stipulated in this Act and was punished by a

- fine or a greater punishment and for whom two years have not elapsed since the day on which the execution of the sentence was completed or the sentence no longer applied;
- (ii) the person is subject to revocation of the approval pursuant to the provisions of Article 103, paragraph (1) or Article 104 (excluding item (v)) and for whom two years have not elapsed since the date of such revocation;
 - (iii) the person is subject to revocation of the registration pursuant to the provisions of Article 131 and for whom two years have not elapsed since the date of such revocation;
 - (iv) the person is subject to revocation of a basic broadcasting station license pursuant to the provisions of Article 75, paragraph (1) or Article 76, paragraph (4) (excluding item (iv)) of the Radio Act and for whom two years have not elapsed since the date of such revocation;
 - (v) a corporation or organization whose officer is a person who falls under any of the preceding items;
 - (vi) the person lacks the technical capability to appropriately execute general broadcasting operations; or
 - (vii) the person is unable to utilize the telecommunications equipment, acquired through authority, to be used in general broadcasting operations in conformity with the technical standards provided for by Order of the Ministry of Internal Affairs and Communications set forth in Article 136, paragraph (1).

(Notification of the Commencement and Suspension of Operations)

Article 129 (1) Where the registered general broadcaster (meaning the person who has obtained the registration set forth in Article 126, paragraph (1); hereinafter the same applies) has obtained the registration under the preceding paragraph, the registered general broadcaster must notify the Minister of Internal Affairs and Communications of the date of commencement of its operations without delay.

(2) When suspending general broadcasting operations for one month or more, the registered general broadcaster must notify the Minister of Internal Affairs and Communications of the period of suspension. The same applies when making amendments to the period of suspension.

(Registration of Amendments)

Article 130 (1) If the registered general broadcaster intends to make amendments to the matters given in Article 126, paragraph (2), items (ii) through (iv), it must obtain a registration of amendments from the Minister of Internal Affairs and Communications; provided, however, that this does not apply when making the minor amendments provided for by Order of the

Ministry of Internal Affairs and Communications.

- (2) A person who intends to obtain the registration of amendments set forth in the preceding paragraph must submit an application form describing the matters pertaining to the amendments to the Minister of Internal Affairs and Communications pursuant to the provisions by Order of the Ministry of Internal Affairs and Communications.
- (3) The provisions of Article 126, paragraph (3), Article 127 and 128 applies mutatis mutandis to the registration of amendments set forth in paragraph (1). In such a case, the term "the following matters" in the text of Article 127, paragraph (1) is to be replaced with "matters pertaining to amendments" and the term "the person who submitted the application form set forth in Article 126, paragraph (2) falls under any of the following items" in the text of Article 128 with "the person who submitted the application form pertaining to the registration of amendments falls under any of the following items (excluding item (iii))."
- (4) Where a registered general broadcaster has made amendments to the particulars given in Article 126, paragraph (2), item (i) or has made amendments falling under the minor amendments provided for by Order of the Ministry of Internal Affairs and Communications set forth in the proviso of paragraph (1), it must notify the Minister of Internal Affairs and Communications to such effect without delay. When such a notification has been made, the Minister of Internal Affairs and Communications must amend such registration without delay.

(Cancellation of Registration)

Article 131 If a registered general broadcaster falls under any of the following items, the Minister of Internal Affairs and Communications may revoke its registration:

- (i) it continuously suspended general broadcasting operations for one year or more without justifiable grounds;
- (ii) it obtained the registration set forth in Article 126, paragraph (1) or the registration of amendments set forth in paragraph (1) of the preceding Article through unfair means;
- (iii) it came to fall under any of the provisions of Article 128, item (i), (ii), (iv) or (v); or
- (iv) in cases where the registered general broadcaster violated the order pursuant to the provisions of Article 174, the interests of the recipients of the general broadcasting are deemed to have been hindered.

(Cancellation of Registration)

Article 132 Where the notification pursuant to the provisions of Article 135,

paragraph (1) or (2) has been made or the registration has been revoked pursuant to the provisions of the preceding Article, the Minister of Internal Affairs and Communications must cancel the registration of such registered general broadcaster.

(Notification of General Broadcasting Operations)

Article 133 (1) A person who intends to conduct general broadcasting operations (excluding those persons who are required to have obtained the registration set forth in Article 126, paragraph (1)) must attach documents describing the following particulars pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications and must notify the Minister of Internal Affairs and Communications (or the prefectural governor with jurisdiction over the district where the person is intending to conduct the operations for general broadcasting (limited to that which does not include paid broadcasting prescribed in Article 147, paragraph (1)) that receives basic broadcasting by basic broadcasters and only simultaneously rebroadcasts it in target regions for broadcasts that pertain to that basic broadcasting without adding changes to its content and that is conducted with the use of wire telecommunications equipment with a size equal to or less that provided for by Order of the Ministry of Internal Affairs and Communications (limited to that for which the location where the person is intending to install the telecommunications equipment to be used in those general broadcasting operations and the district where the person is intending to conduct those general broadcasting operations is limited to single prefectural district; referred to as "small-scale facility specified wire general broadcasting" in paragraph (2) of the following Article)) to such effect:

- (i) name and address and in the case of a corporation, the name of its representative;
- (ii) the type of general broadcasting provided for by Order of the Ministry of Internal Affairs and Communications;
- (iii) an outline of the telecommunications equipment to be used in general broadcasting operations;
- (iv) the operational district; and
- (v) other particulars provided for by Order of the Ministry of Internal Affairs and Communications.

(2) If the person who made the notification pursuant to the provisions of the preceding paragraph intends to make an amendment to the matters given in the items of the same paragraph, they must notify the Minister of Internal Affairs and Communications or the prefectural Governor to whom they made that notification to such effect; provided, however, that this does not apply to minor matters provided for by Order of the Ministry of Internal Affairs and

Communications.

(Succession)

Article 134 (1) Where general broadcaster have assigned all general broadcasting operations or a succession, merger or split has taken place with regard to the general broadcaster (limited to inheriting all general broadcasting operations), the person who has received the assignment of all of the business or the successor (where there are two or more successors and the successor who is to succeed to the general broadcasting operations pursuant to the agreement of all of the successors has been stipulated, the person; hereinafter the same applies in this paragraph), the corporation existing after the merger or the corporation formed through the merger or the corporation which inherited all of the business through a split, must succeed to the status of the general broadcaster; provided, however, that this does not apply in cases where the general broadcaster is a registered general broadcaster and the person who received the assignment of all of the business, the corporation existing after the merger or the corporation formed through the merger or the corporation which inherited all of the business through a split falls under any of the provisions of Article 128, items (i) through (v).

(2) The person who succeeded to the status of general broadcaster pursuant to the provisions of the preceding paragraph must notify the Minister of Internal Affairs and Communications (or to the prefectural governor to whom they made the notification pursuant to the provisions of paragraph (1) of the previous Article that pertains to small-scale facility specified wire general broadcasting operations when the person is someone who succeeded the status of a general broadcaster for which made that notification) to such effect without delay. In such a case, if the general broadcaster that is the successee is a registered general broadcaster, the Minister of Internal Affairs and Communications must make amendments to the registration without delay.

(Notification of the Termination and the like of Operations)

Article 135 (1) Where a general broadcaster has terminated general broadcasting operations, it must notify the Minister of Internal Affairs and Communications (or the prefectural governor to whom they made the notification pursuant to the provisions of Article 133, paragraph (1) when the person is a small-scale facility specified wire general broadcaster) to such effect without delay.

(2) If a general broadcaster, which is a corporation, has dissolved owing to grounds other than a merger, its liquidator (in cases where the dissolution was owing to a decision on the commencement of bankruptcy proceedings, the bankruptcy trustee), must notify the Minister of Internal Affairs and

Communications (or the prefectural governor to whom they made the notification pursuant to the provisions of Article 133, paragraph (1) when the person is the liquidator of a small-scale facility specified wire general broadcaster) to such effect without delay.

Section 2 Operations

(Maintenance of Equipment)

Article 136 (1) A registered general broadcaster must maintain telecommunications equipment regarding the registration under Article 126, paragraph (1) so as to conform to the technical standards provided for in Order of the Ministry of Internal Affairs and Communications.

(2) The technical standards under the preceding paragraph must be stipulated so as to ensure the following:

- (i) that substantial detriment is not caused to general broadcasting operations due to damage or malfunction in the telecommunications equipment used in general broadcasting; and
- (ii) that the quality of the general broadcasts transmitted through the telecommunications equipment used in the general broadcasting is appropriate.

(Reporting on Major Accidents)

Article 137 If a suspension of broadcasting or other major accidents arising from telecommunications equipment regarding the registration under Article 126, paragraph (1) as provided for by Order of the Ministry of Internal Affairs and Communications occur, the registered general broadcaster must report such matter and the reason or cause thereof to the Minister of Internal Affairs and Communications without delay.

(Order for Improvement of Equipment)

Article 138 Where the Minister of Internal Affairs and Communications deems that the telecommunications equipment mentioned in the registration set forth in Article 126, paragraph (1) does not conform to the technical standards provided for by Order of the Ministry of Internal Affairs and Communications set forth in Article 136, paragraph (1), the Minister of Internal Affairs and Communications may order the registered general broadcaster to make improvements to such telecommunications equipment so as to conform to the technical standards.

(Equipment Reports and Inspections)

Article 139 (1) The Minister of Internal Affairs and Communications may make

a request to a registered general broadcaster to give a report on the state of the telecommunications equipment mentioned in the registration set forth in Article 126, paragraph (1) or on other necessary particulars within the extent necessary for the implementation under the provisions of the three preceding Articles, or may have an official enter the location where such telecommunications equipment is installed and inspect such telecommunications equipment.

- (2) The official who enters and conducts the inspection pursuant to the provisions of the preceding paragraph must carry a certificate proving their identity and must present it to the relevant persons.
- (3) The authority to enter and conduct the inspection pursuant to the provisions of paragraph (1) must not be interpreted as being allowed for the purpose of a criminal investigation.

(Re-transmitting in Areas with Poor Reception)

Article 140 (1) If there is a district in which an impediment occurs in the reception of the basic terrestrial broadcasting (limited to television broadcasting; the same applies in this Article, Article 142 and 144) in the operational district pertaining to the registration, the registered general broadcaster designated by the Minister of Internal Affairs and Communications to transmit television broadcasting using wire telecommunications equipment in all or most of the districts provided for by Order of the Ministry of Internal Affairs and Communications in consideration of the districts of the municipalities, must receive all of the basic terrestrial broadcasting which are required to be transmitted based on dissemination plan for basic broadcasting and must simultaneously re-transmit all of the broadcast programs in the districts where the impediment of such reception occurred without making any changes, except in those cases provided in the Order of the Ministry of Internal Affairs and Communications as having justifiable grounds.

- (2) The person receiving the designation pursuant to the provisions of the preceding paragraph (hereinafter referred to as "designated broadcasters for retransmission") must establish contractual terms and conditions with regard to the conditions for provision of the services of re-transmitting pursuant to the provisions of the preceding paragraph and must notify the Minister of Internal Affairs before its implementation. The same applies when making amendments thereto.
- (3) If the designated broadcasters for retransmission re-transmits pursuant to the provisions of paragraph (1) in conjunction with broadcasting other than such re-transmission, it must endeavor to take necessary measures to stipulate the conditions for the provision under the preceding paragraph and to

otherwise secure the interests of the recipients so that a contract for only the provision of the services of such re-transmission may be concluded.

- (4) The provisions of Article 11 do not apply to the re-conducting of the basic terrestrial broadcasting pursuant to the provisions of paragraph (1).
- (5) The national and local governments are to give due consideration so that necessary measures are taken in order for the wire telecommunications equipment used in general broadcasting operations by designated broadcasters for retransmission may be smoothly installed.
- (6) The necessary matters relating to the designation under paragraph (1) are to be stipulated by Order of the Ministry of Internal Affairs and Communications.

(Order for Improvement)

Article 141 Where the Minister of Internal Affairs and Communications deems that the interests of the recipients are being hindered owing to the lack of proper management of the operations of the re-transmission provided for in paragraph (1) of the preceding Article, the Minister of Internal Affairs and Communications may order the designated broadcasters for re-transmission to make amendments to the conditions for provision of the services of such re-transmission or other methods of operation of such re-transmission.

(Mediation and Arbitration by the Telecommunications Dispute Resolution Committee)

- Article 142 (1) In the event of a general broadcaster conducting television broadcasting operations using wire telecommunications equipment (limited to designated broadcasters for retransmission in cases of registered general broadcasters) making a proposal for consultation with regard to the consent set forth in Article 11 pertaining to the re-transmitting through basic terrestrial broadcasting (hereinafter referred to simply as "consent" in this Section) to the basic broadcaster conducting basic terrestrial broadcasting, and the basic broadcaster does not respond to the consultation or where the consultation does not reach an agreement, the party concerned may apply for mediation to the Telecommunications Dispute Resolution Committee (hereinafter referred to as "Dispute Resolution Committee"); provided, however, that this does not apply if the party has applied for arbitration pursuant to the provisions of paragraph (3) or after the general broadcaster has applied for a ruling pursuant to the provisions of Article 144, paragraph (1).
- (2) The provisions of Article 154, paragraphs (2) through (6) of the Telecommunications Business Act apply mutatis mutandis to the mediation under the preceding paragraph. In such a case, the term "the petition under Article 35, paragraph (1) or (2), the application for a ruling pursuant to the provisions of paragraph (3) of the same Article or the application for

arbitration pursuant to the provisions of paragraph (1) of the following Article" in the text of paragraph (6) of the same Article is to be replaced with "the application for arbitration pursuant to the provisions of Article 142, paragraph (3) of the Broadcasting Act or the application for a ruling pursuant to the provisions of Article 144, paragraph (1) of the same Act by the general broadcaster set forth in paragraph (1) of the same Article."

- (3) If the consultation set forth in the provisions of paragraph (1) does not end in an agreement, either party may apply to the Dispute Resolution Committee for arbitration; provided, however, that this does not apply after the general broadcaster set forth in the same paragraph has applied for a ruling pursuant to the provisions of Article 144, paragraph (1).
- (4) The provisions of Article 155, paragraphs (2) through (4) of the Telecommunications Business Act apply mutatis mutandis to the arbitration under the preceding paragraph.
- (5) The application for the mediation or arbitration to the Dispute Resolution Committee pursuant to the provisions of paragraph (1) or (3) is to be made via the Minister of Internal Affairs and Communications.

(Delegation to a Cabinet Order)

Article 143 Beyond those matters provided for in the preceding Article, the necessary matters relating to the procedures for mediation or arbitration is to be provided for in a Cabinet Order.

(Rulings)

- Article 144 (1) In the event of the general broadcaster set forth in Article 142, paragraph (1) making a proposal for consultations with regard to the consent pertaining to the re-transmitting through basic terrestrial broadcasting to the basic broadcaster conducting the basic terrestrial broadcasting, and the basic broadcaster does not respond to the consultation or where the consultation does not end in an agreement, the general broadcaster may apply for a ruling to the Minister of Internal Affairs and Communications; provided, however, that this does not apply after the party has applied for arbitration pursuant to the provisions of paragraph (3) of the same Article.
- (2) If an application for a ruling is made pursuant to the provisions of the preceding paragraph, the Minister of Internal Affairs and Communications must notify the basic broadcaster pertaining to such application to such effect and, designating an appropriate period, must give it an opportunity to submit a written opinion.
 - (3) The Minister of Internal Affairs and Communications is to make a ruling to the effect that such consent should be given except in cases where the basic broadcaster set forth in the preceding paragraph has justifiable grounds for not

giving the consent pertaining to the re-transmitting of its basic terrestrial broadcasting.

- (4) The ruling to the effect of giving consent must stipulate the basic terrestrial broadcasting which the person who made the application set forth in paragraph (1) is able to re-transmit, the district in which such person is able to conduct re-transmission and the method of implementing such re-transmission.
- (5) The Minister of Internal Affairs and Communications must consult with the Dispute Resolution Committee when making the ruling set forth in paragraph (1).
- (6) When the Minister of Internal Affairs and Communications has made the ruling set forth in paragraph (1), the Minister of Internal Affairs and Communications must notify the parties to such effect without delay.
- (7) Where the ruling under paragraph (4) has been notified to the parties pursuant to the provisions of the preceding paragraph, this is to be deemed as meaning that the parties have come to an agreement for the consultation pursuant to the stipulations of such ruling.

(Use of Wire Telecommunications Equipment)

- Article 145 (1) A general broadcaster (limited to persons conducting general broadcasting operations using wire telecommunications equipment) must not transmit general broadcasts using wire telecommunications equipment which has been installed without obtaining the permission set forth in Article 32, paragraph (1) or (3) of the Road Act (Act No. 180 of 1952) (including cases to which this provisions applies mutatis mutandis pursuant to Article 91, paragraph (2) of the same Act) necessary for the installation or without obtaining a disposition pursuant to other laws and regulations or wire telecommunications equipment which has been installed on the land, utility poles or other structures of other persons without acquiring the consent of the owner, etc.
- (2) The Minister of Internal Affairs and Communications (or the prefectural governor to whom notification was made pursuant to the provisions of Article 133, paragraph (1) for cases that pertain to a small-scale facility specified wire general broadcaster; the same applies to the next paragraph, paragraph (4) and Article 174, and, Article 175) may request the provision of documents or other cooperation from the road administrator (meaning the road administrator provided for in Article 18, paragraph (1) of the Road Act) or other relevant administrative organ or other relevant persons with regard to the status or other matters of the installation of the wire telecommunications equipment pertaining to the violation set forth in the preceding paragraph.
 - (3) Where the Minister of Internal Affairs and Communications intends to carry out the disposition pursuant to the provisions of Article 174 with regard to an

act of violation of the provisions of paragraph (1) which is a violation of the Road Act, the Minister of Internal Affairs and Communications are to notify the Minister of Land, Infrastructure, Transport and Tourism to such effect in advance. In such a case, the Minister of Land, Infrastructure, Transport and Tourism may give an opinion on the violation of the Road Act to the Minister of Internal Affairs and Communications.

- (4) The Minister of Internal Affairs and Communications may request a report on the status of the operations from the general broadcaster or have its official enter the business office, office or other workplace of the general broadcaster to inspect the installation, books, documents or other buildings within the extent necessary to implement the provisions of paragraph (1).
- (5) The official who enters and conducts the inspection pursuant to the provisions of the preceding paragraph must carry a certificate proving their identity and must present it to the relevant persons.
- (6) The authority to enter and conduct the inspection pursuant to the provisions of paragraph (4) must not be interpreted as being allowed for the purpose of a criminal investigation.

(Application Relating to the Editing of the Broadcast Programs to General Broadcasters Submitting Notifications)

Article 146 The provisions of Articles 5 through 8, Article 10 and Article 12 do not apply to the general broadcasters submitting notifications pursuant to the provisions of Article 133, paragraph (1).

Chapter VII Paid Broadcasts

(Notification and Public Announcement of Agreement Clauses for Paid Basic Broadcasts)

Article 147 (1) In cases where the broadcaster (hereinafter referred to as "paid broadcaster") who transmits paid broadcasts (meaning broadcasts, based on a contract, where reception equipment which can receive broadcasts is installed and reception is only possible for those persons who have paid relevant fees; hereinafter the same applies) provides domestic recipients (meaning persons who have entered into a contract with the paid broadcaster to receive paid broadcasts through reception equipment installed domestically; hereinafter the same applies) with the services of paid broadcasts (hereinafter referred to as "paid basic broadcasting") which is the subject of the contract of basic broadcasting, it must stipulate the contract terms and conditions with regard to the fees relating to the services of such paid basic broadcasting and other conditions for provision (hereinafter referred to as "agreement clauses for paid basic broadcasting") and must notify the Minister of Internal Affairs and

Communications prior to implementation of such. The same applies when making amendments to agreement clauses for paid basic broadcasting.

- (2) The paid broadcaster providing paid basic broadcasting services must not provide paid basic broadcasting to domestic recipients through conditions for provision other than the agreement clauses for paid basic broadcasting notified pursuant to the provisions of the preceding paragraph.
- (3) The paid broadcaster providing paid basic broadcasting services must publicly announce agreement clauses for paid basic broadcasting notified pursuant to the provisions of paragraph (1) as provided for by Order of the Ministry of Internal Affairs and Communications, and must post them in its business office in Japan or another office where they can be easily viewed by the public.

(Obligation to Provide Services)

Article 148 The paid broadcaster must not refuse to provide paid broadcast services to persons intending to receive its paid broadcasts through telecommunications equipment installed domestically unless there are justifiable grounds for not doing so.

(Publicity Relating to the Suspension or Termination of Paid Broadcasts)

Article 149 If the paid broadcaster intends to suspend or terminate all or part of the operations of provision of the services of paid broadcasts, it must publicly inform the domestic recipients of the pay broadcasting which is intended for suspension or termination pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications of such matters.

(Explanation of Provision Conditions)

Article 150 If a paid broadcaster or a person who undertakes brokerage, intermediation or representation operations for the conclusion of a contract relating to the provision of the services of paid broadcasts (hereinafter referred to as "intermediation") and operations incidental thereto on commission from a paid broadcaster (includes persons who undertake operations on commission from those persons (including consignment across two or more stages; hereinafter referred to as "intermediation operations commissionee")) intends to conclude a contract relating to the provision of the services of paid broadcasts or conduct the intermediation thereof for domestic recipients (including persons intending to receive the provision of the services of paid broadcasts; hereinafter the same applies in this Article, Article 151, Article 151-2 and Article 156, paragraph (4)) it must explain to such person the fees relating to the services of such paid broadcasts and a summary of the other conditions of provision; provided, however, that this does not apply to cases provided for by Order of the Ministry of Internal Affairs and Communications

as cases in which it is deemed that not explaining that summary of the conditions of provision to domestic recipients will not impede the protection of the interests of domestic recipients in consideration of the content of that contract and other circumstances.

(Delivery of Documents)

Article 150-2 (1) If a contract relating to the provision of the services of paid broadcasts has been established, the paid broadcaster must prepare documents pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications and deliver it to domestic recipients without delay. However, this may not apply in cases provided for by Order of the Ministry of Internal Affairs and Communications as cases in which it is deemed that not delivering those documents to domestic recipients will not impede the protection of the interests of domestic recipients in consideration of the content of that contract and other circumstances.

(2) Paid broadcasters may provide particulars that must be described in the documents in place of the delivery of those documents pursuant to the provisions of the preceding paragraph through the method of using an electronic information processing system or another method provided for by Order of the Ministry of Internal Affairs and Communications that uses information communications technology with the consent of domestic recipients pursuant to the provisions of Cabinet Order. In such a case, the paid broadcasters shall be deemed to have delivered the documents.

(3) The provision of particulars that must be described in the documents pursuant to the provisions of paragraph (1) through the methods pursuant to the provisions of the preceding paragraph (excluding methods provided for by Order of the Ministry of Internal Affairs and Communications) conduct in place of the delivery of those documents shall be deemed to have reached domestic recipients at the time that a record has been made in a file prepared in a computer that pertains to use by those domestic recipients.

(Cancellation in Writing)

Article 150-3 (1) Except in cases provided in the Order of the Ministry of Internal Affairs and Communications, domestic recipients who concluded a contract relating to the provision of the following services of paid broadcasts with a paid broadcaster may cancel that contract in writing up to eight days counting from the day on which they received the documents set forth in paragraph (1) of the preceding Article (if the day on which the provision of those services of paid broadcasts (limited to services of paid broadcasts given in item (i)) commenced is later than that day of receipt, that day of commencement) (when paid broadcasters or intermediation operations

consignees conduct an act of notifying misrepresentations with regard to matters relating to the cancellation of that contract under this paragraph in violation of the provisions of Article 151-2, item (i) and this causes domestic recipients to mistake that information they were notified of as fact and, in turn, causes them to not cancel that agreement pursuant to the provisions of this paragraph by the time that period has passed, up to eight days counting from the day that those domestic recipients received documents delivered by those paid broadcasters with a statement to the effect that the cancellation of that contract pursuant to the provisions of this paragraph may be conducted pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications):

- (i) services of paid broadcasts for which basic terrestrial broadcasting for mobile reception are the subject of the contract and that are designated by the Minister of Internal Affairs and Communications as especially necessary to protect the interests of domestic receivers in consideration of fees and other conditions of provision and usage status; or
 - (ii) services of paid broadcasts other than of services of paid broadcasts for which basic terrestrial broadcasting for mobile reception are the subject of the contract and that are designated by the Minister of Internal Affairs and Communications as especially necessary to protect the interests of domestic receivers in consideration of fees and other conditions of provision and usage status
- (2) The designation pursuant to the provisions of the items of the preceding paragraph is to be made by public notice.
 - (3) The cancellation of contracts relating to the provision of the following services of paid broadcasts pursuant to the provisions of paragraph (1) shall take effect at the time that the documents to the effect that cancellation of that contract will be conducted are issued.
 - (4) When there was a cancellation of a contract relating to the provision of services of paid broadcasts pursuant to the provisions of paragraph (1), paid broadcasters may not claim the compensation of damages or penalties against domestic recipients in line with the cancellation of that contract or request to domestic recipients that they pay or deliver other monies, etc. (meaning monies or other property; the same applies in the following paragraph). However, this may not apply to amounts provided for by Order of the Ministry of Internal Affairs and Communications as amounts that recipients should pay with respect to services of paid broadcasts provided to them during the period up to the cancellation of that contract or other amounts that domestic recipients should pay in connection to that contract.
 - (5) If paid broadcasters receive monies, etc. in connection with a contract relating to the provision of the following services of paid broadcasts in cases where

there was a cancellation of that contract pursuant to the provisions of paragraph (1), they must promptly return those monies, etc. to the domestic recipients not apply to amounts received in connection with that contract that provided for by Order of the Ministry of Internal Affairs and Communications and set forth in the proviso to the preceding paragraph.

(6) Special provisions in violation to the provisions of paragraph (1) and the preceding three paragraphs that are disadvantageous to domestic recipients shall be null and void.

(Handling of Complaints)

Article 151 The paid broadcaster and the paid broadcast administrator provided for in paragraph(2) of the Article 152 must quickly and appropriately handle complaints and inquiries from domestic recipients with regard to the means, fees or other conditions of provision relating to the provision of the services of paid broadcasts.

(Prohibited Acts by Paid Broadcasters)

Article 151-2 Paid broadcasters or intermediation operations consignees must not conduct the following acts:

- (i) act of intentionally not reporting facts or reporting misrepresentations to domestic recipients with regard to matters relating to contracts relating to the provision of the services of paid broadcasts that will impact the judgment of domestic recipients; and
- (ii) Act of continuing solicitation of the conclusion of contracts relating to the provision of the services of paid broadcasts (excluding those provided for by Order of the Ministry of Internal Affairs and Communications as acts that are not very likely to impede the protection of the interests of domestic recipients) despite persons who were solicited to conclude a contract relating to the provision of the services of paid broadcasts expressing their will not to conclude that contract (includes the will to not request to continue receiving that solicitation)

(Guidance for Intermediation Operations Commissionees)

Article 151-3 Paid broadcasters must take measures necessary to ensure the proper and definite performance of guidance for intermediation operations Commissionees that pertain to the commission of intermediation operations for the conclusion of a contract relating to the provision of the services of paid broadcasts or operations incidental thereto or other operations that pertain to that commission when they commission those operations pursuant to the provisions Order of the Ministry of Internal Affairs and Communications.

(Notification of Paid Broadcast Administrators)

Article 152 (1) Persons intending to broker, intermediate or represent in the conclusion of a contract and the like (hereinafter referred to as "paid broadcast administrators") relating to the provision of the services of paid broadcasts and conduct the operations of ensuring that the reception of such paid broadcasts is not possible unless through the reception equipment installed based on such contract (limited to persons conducting paid broadcast administration for the number of paid broadcasters or more provided for by Order of the Ministry of Internal Affairs and Communications) must attach documents describing the following matters pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications and must notify the Minister of Internal Affairs and Communications to such effect:

- (i) name and address and in the case of a corporation, the name of its representative;
- (ii) a summary of the operations; and
- (iii) other particulars provided for by Order of the Ministry of Internal Affairs and Communications.

(2) If amendments are made relating to the particulars pertaining to the notification, the person giving the notification set forth in the provisions of the preceding paragraph (hereinafter referred to as "paid broadcast administrator") must notify the Minister of Internal Affairs and Communications to such effect without delay.

(Succession)

Article 153 (1) Where a paid broadcast administrator assigns the whole of the business of conducting paid broadcast administration or where there has been a succession, merger or split with regard to the paid broadcast administrator (limited to when the whole of the business of the paid broadcast administration has been succeeded to), the person who has received the assignment of all of the business or successor (where there are two or more successors and the successor who is to inherit the business of conducting paid broadcast administration has been stipulated pursuant to the agreement of all of the successors, such person) or the corporation which continues to exist after the merger, the corporation which has been formed through the merger, or the corporation which has inherited all of such business through a split must succeed to the status of the paid broadcast administrator.

(2) The person who has succeeded to the status of the paid broadcast administrator pursuant to the provisions of the preceding paragraph must notify the Minister of Internal Affairs and Communications to such effect without delay.

(Notification of the Termination and the like of Operations)

Article 154 (1) If a paid broadcast administrator has terminated paid broadcast administration, it must notify the Minister of Internal Affairs and Communications to such effect without delay.

(2) If a paid broadcast administrator which is a corporation has dissolved owing to grounds other than a merger, its liquidator (in cases where the dissolution was owing to a decision on the commencement of bankruptcy proceedings, the bankruptcy trustee) must notify the Minister of Internal Affairs and Communications to such effect without delay.

(Obligations Relating to the Implementation of Paid Broadcast Administration)

Article 155 A paid broadcast administrator must formulate and publicly announce the policy for implementation of the operations relating to paid broadcast administration (including operations closely related to such) and must take other measures to ensure appropriate and stable management pursuant to provisions of Order of the Ministry of Internal Affairs and Communications.

(Order on Amendments)

Article 156 (1) Where the Minister of Internal Affairs and Communications deems that the fees relating to paid broadcast services provided for in agreement clauses for paid basic broadcasting pursuant to the provisions of Article 147, paragraph (1) or other conditions of provision impede the interests of the domestic recipients, the Minister of Internal Affairs and Communications may order the paid broadcaster providing such services to make amendments to the agreement clauses for paid basic broadcasting.

(2) If the the Minister of Internal Affairs and Communications deems that the paid broadcaster falls under any of the following items, the Minister of Internal Affairs and Communications may order the paid broadcaster to improve the operations pertaining to the provision of the services of paid broadcasts or to take other measures within the extent necessary to secure the interests of the domestic recipients:

(i) the paid broadcaster has conducted unfair and discriminatory treatment towards a specific person;

(ii) the interests of the domestic recipients are being impeded owing to the fees or other conditions of provision relating to the services of a paid broadcaster (excluding paid broadcast services; the same applies in the following item), which are significantly unfair in light of social and economic conditions; or

(iii) the matters relating to the responsibilities of the paid broadcaster and the domestic recipients have not been clearly and properly stipulated in the conditions of provision (excluding the fees) relating to the services of the paid

- broadcasting provided by the paid broadcaster.
- (3) When falling under any of the following items, the Minister of Internal Affairs and Communications may order the person provided for in each of those items to take necessary measures to rectify such violation:
- (i) if a paid broadcaster or an intermediation operations commissionee violates the provisions of Article 150 or Article 151-2: That paid broadcaster or intermediation operations commissionee;
 - (ii) if a paid broadcaster or a paid broadcast administrator violates the provisions of Article 151: That paid broadcaster or paid broadcast administrator; or
 - (iii) if a paid broadcaster violates the provisions of 150-2, paragraph (1) or Article 151-3: That paid broadcaster
- (4) If the paid broadcast administrator has violated the provisions of the preceding Article, the Minister of Internal Affairs and Communications may order such paid broadcast administrator to improve the method of operations or to take other measures within the extent necessary to secure the interests of the domestic recipients.

(Prohibition of Reception Not through a Contract)

Article 157 No person may receive paid broadcasts through reception equipment capable of domestically receiving such paid broadcasts unless they have entered into a contract with the paid broadcaster to receive the provision of the services of paid broadcasts.

Chapter VIII Certified Broadcasting Holding Companies

(Definitions)

- Article 158 (1) The term "subsidiary company" as used in this Chapter means a company for which voting rights exceeding fifty hundredths of the voting rights held by all of the shareholders or all of the investors, etc. are held by another company. In such a case, a company for which voting rights exceeding fifty hundredths of the voting rights held by all of the shareholders or all of investors, etc. are held by another company and one or more of the other company's subsidiary companies is to be deemed to be a subsidiary company of that company, or one or more such another company's subsidiary company is to be deemed to be a subsidiary company of such company.
- (2) In this Chapter, an "affiliate" refers to a company with which another company has a relationship of control.

(Approval)

Article 159 (1) A person falling under either of the following conditions may

obtain approval from the Minister of Internal Affairs and Communications:

- (i) a company that has or is going to have a subsidiary company conducting one or more basic terrestrial broadcasting operations and has or is going to have two or more basic broadcasters as its affiliates; or
 - (ii) a company that has a subsidiary company conducting one or more basic terrestrial broadcasting operations and is going to have two or more basic broadcasters as its affiliates.
- (2) Unless the Minister of Internal Affairs and Communications deems that the application for approval set forth in the preceding paragraph conforms to all of the following items, the Minister of Internal Affairs and Communications must not grant the approval under the same paragraph:
- (i) the company which made the application for the approval or the company formed having received the approval (hereinafter referred to in this Article as "the subject company of the application") is a stock company;
 - (ii) the subject company of the application is not a basic broadcaster;
 - (iii) the ratio of the total acquisition value (where there is some other value listed on the latest balance sheet, such value) of the shares of the basic broadcaster (including those provided for in Order of the Ministry of Internal Affairs and Communications as being equivalent to such) which is a subsidiary company of the subject company in the application (including companies that are to become subsidiary companies; hereinafter the same applies in this Article) and the value of other assets provided for in Order of the Ministry of Internal Affairs and Communications as necessary for proper business management of such basic broadcaster to the total assets (meaning the total assets based on the method provided for in Order of the Ministry of Internal Affairs and Communications) of the subject company in the application is estimated to definitely exceed fifty hundredths at all times;
 - (iv) the prospects for the income of the subject company of the application and its subsidiary company are good; and
 - (v) the subject company of the application does not fall under any of the following (a) through (j):
 - (a) a stock company where the person given in 1. or 2. is a specified officer or a stock company where the person given in 1. through 3. holds one-fifth or more of the voting rights:
 - 1. A person who does not have Japanese nationality
 - 2. A foreign government or its representative
 - 3. A foreign corporation or organization
 - (b) a stock company (excluding cases falling under sub-item (a)) where the grouping of the ratio of voting rights held directly by the persons given in 1. (referred to as "ratio of voting rights directly held by foreign nationals" in (2) and the following paragraph) and the ratio of voting rights held

indirectly via the persons given in 2. by these persons as the ratio provided for by Order of the Ministry of Internal Affairs and Communications (referred to as "ratio of voting rights indirectly held by foreign nationals" in item (vii) of the same paragraph) is one-fifth or more:

1. Persons given in (a) 1. through 3.
 2. A corporation or organization where the ratio of voting rights directly held by foreign nationals is equal to or more than the ratio provided for by Order of the Ministry of Internal Affairs and Communications
- (c) a stock company where a person has committed a crime stipulated in this Act or the Radio Act and has been punished by a fine and for whom two years have not elapsed since the day on which the execution of the sentence was completed or the sentence no longer applied;
- (d) a person who has received a revocation of approval pursuant to the provisions of Article 103, paragraph (1) or Article 104 (excluding item (v)) and for whom two years have not elapsed since the day of revocation;
- (e) a person who has received a revocation of registration pursuant to the provisions of Article 131 and for whom two years have not elapsed since the day of revocation;
- (f) a person who has received a revocation of approval pursuant to the provisions of Article 166, paragraph (1) (excluding item (ii)) or paragraph (6) and for whom two years have not elapsed since the day of revocation;
- (g) a person who has received a revocation of its license pursuant to the provisions of Article 75, paragraph (1) or Article 76, paragraph (4) (excluding item (iv)) or paragraph (5) (excluding item (v)) of the Radio Act and for whom two years have not elapsed since the day of revocation;
- (h) a person who has received a revocation of approval pursuant to the provisions of Article 27-16, paragraph (1) or (6) (excluding item (iv)) of the Radio Act and for whom two years have not elapsed since the day of revocation;
- (i) a person who has received a revocation of registration pursuant to the provisions of Article 76, paragraph (6) (excluding item (iii)) of the Radio Act and for whom two years have not elapsed since the day of revocation;
- (j) a stock company whose officer is a person falling under any one of the following:
1. A person who committed a crime stipulated in the provisions of (c) and who has been punished by a fine and for whom two years have not elapsed since the day on which the execution of the sentence was completed or the sentence no longer applied
 2. A person falling under any of (d) through (i)
- (3) The person filing the application for the approval set forth in paragraph (1) must submit an application describing the following particulars to the Minister

of Internal Affairs and Communications pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications:

- (i) the name and address of the person filing the application for the approval (excluding cases where the person filing the application for the approval is the subject company for the application) and where it is a corporation, the name of its representative
 - (ii) the name and address of the subject company for the application
 - (iii) the name and address of the basic broadcaster conducting basic terrestrial broadcasting operations, which is a subsidiary company of the subject company in the application, and the name of its representative;
 - (iv) the name and address of the basic broadcaster which is a subsidiary company of the subject company in the application (excluding basic broadcasters conducting basic terrestrial broadcasting, which is a subsidiary company of the subject company in the application) and the name of its representative;
 - (v) the names of specified officers of the subject company in the application;
 - (vi) the ratio of voting rights directly held by foreign nationals of the subject company in the application;
 - (vii) the grouping of the ratio of voting rights directly held by foreign nationals and the ratio of voting rights indirectly held by foreign nationals of the subject company in the application; and
 - (viii) other matters specified under Order of the Ministry of Internal Affairs and Communications.
- (4) A business plan and other documents provided for by Order of the Ministry of Internal Affairs and Communications must be attached to the application form set forth in the preceding paragraph.

(Notifications)

Article 160 If a certified broadcasting holding company falls under any of the following items, it must notify the Minister of Internal Affairs and Communications to that effect without delay pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications:

- (i) it has satisfied both of the following conditions (excluding satisfying these conditions at the time it acquired approval as a certified broadcasting holding company):
 - (a) it has a subsidiary that is a basic broadcaster conducting one or more basic terrestrial broadcasting operations.
 - (b) it has two or more affiliates that are basic broadcasters; and
- (ii) amendments have been made for the matters given in paragraph (3), items (i) through (viii) of the preceding Article (excluding those provided by Order of the Ministry of Internal Affairs and Communications as matters that are

not very likely to fall under paragraph (2), item (v) (a) or (b) due to that amendment in cases of matters given in item (v) to (vii) of the same paragraph).

(Handling of Shares Acquired by Foreign Nationals)

Article 161 (1) A certified broadcasting holding company, which is a company that has issued shares which are listed on a financial instruments exchange or shares which are provided for by Order of the Ministry of Internal Affairs and Communications as being equivalent to such, which has received a request from a foreign national, etc. (meaning the person given in Article 159, paragraph (2), item (v), (a) 1. through 3. or the person given in (b), 2. of the same item) who acquired its shares that their name and address be listed or recorded in the shareholder registry, if by complying with such request, this falls under the stock companies provided for in sub-item (a) or (b) of the same item, it may refuse to list or record such name and address in the shareholder registry.

(2) The provisions of Article 116, paragraph (2), (3) and (5) apply mutatis mutandis to certified broadcasting holding companies. In such a case, the term "preceding paragraph" in the text of paragraph (2) of the same Article is to be replaced with "Article 161, paragraph (1), "foreign national, etc." with "foreign national, etc. provided for in Article 161, paragraph (1), "grounds for disqualification [in cases of]" with "stock companies provided for in Article 159, paragraph (2), item (v) (a) or (b) [in cases of]," "the same paragraph [when]" with "Article 152, paragraph (1) of the Company Bonds, etc. Book-Entry Transfer Act [when]," "grounds for disqualification" with "stock companies provided for in (a) or (b) of the same item," "the two preceding paragraphs" in the text of paragraph (3) of the same Article with "Article 116, paragraph(2) as applied mutatis mutandis pursuant to Article 161, paragraph (1) and (2)," "ratio of voting rights indirectly held by foreign nationals" with "ratio of voting rights indirectly held by foreign nationals prescribed in Article 159, paragraph (2), item (v) (b) 1.," "Article 93, paragraph (1), item (vii) (e) 2." with "(b) 2. of the same item," "the approved basic broadcaster conducting the basic terrestrial broadcasting (excluding community broadcasts), which is a stock company" with "certified broadcasting holding company," "grounds stipulated in (e) of the same item" with "stock companies provided for in (b) of the same item," "(e) 1. or 2. of the same item" with "(b) 1. or 2. of the same item," "paragraph (1)" in the text of paragraph (5) of the same Article with "Article 161, paragraph (1)" and "foreign national, etc." with "foreign national, etc. provided for in the same paragraph."

(Reporting of Status of Compliance with Provisions that Pertain to Restricted

Ownership of Voting Rights by Foreign Nationals)

Article 161-2 A certified broadcasting holding company must report the following matters in the applicable period to the Minister of Internal Affairs and Communications for each period provided for by Order of the Ministry of Internal Affairs and Communications pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications:

- (i) the status of implementation of measures taken so that approved basic broadcasters do not come to fall under Article 159, paragraph (2), item (v) (a) or (b);
- (ii) the content of changes provided for by Order of the Ministry of Internal Affairs and Communications that are set forth in Article 160, item (ii) when those changes are made; and
- (iii) other matters provided for by Order of the Ministry of Internal Affairs and Communications as matters relating to ensuring that approved basic broadcasters do not come to fall under Article 159, paragraph (2), item (v) (a) or (b)

(Special Provisions on Approval of Basic Broadcasting Operations)

Article 162 (1) In cases where the Minister of Internal Affairs and Communications conducts an examination of approval pursuant to the provisions of Article 93, paragraph (1) for the affiliate of a certified broadcasting holding company, with regard to the applicability of the provisions of item (v) of the same paragraph, the term "pertaining to the operations" in the proviso to the same item is to be replaced with "pertaining to the operations taking into account the characteristics of it being the affiliate of a certified broadcasting holding company" and "the person given in (b)" in(c) of the same item with "the person given in (b) (excluding certified broadcasting holding companies provided for by Order of the Ministry of Internal Affairs and Communications in cases where the person filing for the application is its affiliate.)"

- (2) With regard to the applicability of the provisions of item (iii) of the same Article in cases where the Minister of Internal Affairs and Communications has revoked the approval pursuant to the provisions of Article 104 with regard to an affiliate of the certified broadcasting holding company, the term "Article 93, paragraph (1), item (v)" in the same item is to be replaced with "Article 93, paragraph (1) item (v) to be applied through replacement pursuant to the provisions of Article 162, paragraph (1)."
- (3) With regard to the applicability of the provisions of item (iv) (b) of the same paragraph in cases where the Minister of Internal Affairs and Communications is conducting an examination pursuant to the provisions of Article 7, paragraph (2) of the Radio Act with regard to the affiliate of a certified

broadcasting holding company, the term "Article 93, paragraph (1), item (v) of the Broadcasting Act" in (b) of the same item is to be replaced with "Article 93, paragraph (1), item (v) of the Broadcasting Act applied through replacement pursuant to the provisions of Article 162, paragraph (1) of the same Act."

- (4) In cases where the Minister of Internal Affairs and Communications revokes a license pursuant to the provisions of Article 76, paragraph (4) of the Radio Act with regard to the affiliate of a certified broadcasting holding company, with regard to the applicability of the provisions of item (v) of the same paragraph, the term "Article 7, paragraph (2), item (iv) (b)" in the same item is to be replaced with "Article 93, paragraph (1), item (v) of the Broadcasting Act applied through replacement pursuant to the provisions of Article 162, paragraph (1) of the same Act."

(Obligations of Subsidiary Companies)

Article 163 In editing the broadcast programs for basic domestic broadcasting, affiliates of basic terrestrial broadcasters of certified broadcasting holding companies (excluding broadcasters whose target regions for basic broadcasts is the whole of the country) are to endeavor to ensure that the broadcast programs it produces itself are aimed at its target regions for broadcasts in order to meet the demands for diverse broadcast programs in those target regions.

(Restricted Ownership of Voting Rights)

Article 164 (1) In cases where voting rights are to be held for all of the shares held by any one person listed or recorded in the shareholder registry of the certified broadcasting holding company (including the shares of the certified broadcasting holding company held by a subsidiary and a person who has any special relationship provided for by Order of the Ministry of Internal Affairs and Communications, who is listed or recorded in the shareholder registry; hereinafter referred to as "specified shares" in this paragraph) and the ratio of the voting rights held by such person to the voting rights of all of the shareholders of such certified broadcasting holding company exceeds the holding ratio threshold, the specified shareholders (meaning shareholders who, out of the specified shares, hold shares other than the shares for which voting rights are held pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications for which the ratio of its voting rights to the voting rights of all of the shareholders of such certified broadcasting holding company does not exceed the holding ratio threshold) does not have voting rights with regard to such shares.

- (2) The holding ratio threshold set out in the preceding paragraph refers to the ratio provided for by Order of the Ministry of Internal Affairs and

Communications within a range equal to or more than one-tenth and up to and including one-third taking into account the matters given in the items of Article 91, paragraph (2).

(Succession)

Article 165 (1) Where a certified broadcasting holding company assigns all of its business or where the certified broadcasting holding company has merged or become subject to a company split (limited to where all of its business is inherited), the stock company which has received the assignment of all of such business or the stock company which continues to exist after the merger or the stock company which has been formed through the merger or the stock company which has inherited all of the business through a company split may succeed to the status of a certified basic broadcasting holding company on receiving authorization from the Minister of Internal Affairs and Communications.

(2) The provisions of Article 159, paragraph (2) applies mutatis mutandis to the authorization set forth in the preceding paragraph.

(Revocation and the like of Approval)

Article 166 (1) The Minister of Internal Affairs and Communications must revoke the approval if the certified broadcasting holding company falls under any of the following items:

(i) it has come to fall under any of the provisions of Article 159, paragraph (2), item (v), (a) through (j) (excluding (f)); or

(ii) the certified broadcasting holding company filed an application for revocation of the approval.

(2) Notwithstanding the provisions of the preceding paragraph (limited to the portion that pertains to item (i)), if the Minister of Internal Affairs and Communications deems that it is necessary in consideration of the following matters in cases where the certified broadcasting holding company came to fall under Article 159, paragraph (2), item (v) (a) or (b), the Minister of Internal Affairs and Communications may set a period and opt to not revoke that approval:

(i) the situation in which the certified broadcasting holding company came to fall under Article 159, paragraph (2), item (v) (a) or (b);

(ii) the impact that revoking that approval pursuant to the provisions of the preceding paragraph or not revoking that approval pursuant to the provisions of this paragraph have on the interests of basic broadcasters that are subsidiary companies or affiliate of that certified broadcasting holding company and on recipients of basic broadcasting conducted by those basic broadcasters; and

- (iii) other matters provided for by Order of the Ministry of Internal Affairs and Communications
- (3) If the Minister of Internal Affairs and Communications deem that a certified broadcasting holding company came to fall under Article 159, paragraph (2), item (v) (a) or (b), the Minister of Internal Affairs and Communications must decide whether to not revoke the approval of that certified broadcasting holding company pursuant to the provisions of the preceding paragraph.
- (4) If the Minister of Internal Affairs and Communications attempts to make the decision set forth in the preceding paragraph, the Minister of Internal Affairs and Communications must hear the opinions of the certified broadcasting holding company that pertains to that decision.
- (5) If the Minister of Internal Affairs and Communications made the decision set forth in paragraph (3), the Minister of Internal Affairs and Communications must notify the certified broadcasting holding company that pertains to that decision to that effect (when that decision is to not revoke the approval of that certified broadcasting holding company pursuant to the provisions of paragraph (2), a notice to that effect and the period stipulated pursuant to the provisions of that paragraph) accompanied by the reason without delay.
- (6) The Minister of Internal Affairs and Communications may revoke the approval if the certified broadcasting holding company falls under any of the following items:
- (i) it has not become a stock company satisfying either of the following conditions within six months of receiving approval:
 - (a) it has a subsidiary that is a basic broadcaster conducting one or more basic terrestrial broadcasting operations.
 - (b) it has two or more affiliates that are basic broadcasters.
 - (ii) it has ceased to be a company falling under both of (a) and (b) in the preceding item;
 - (iii) it received the approval through unfair means; or
 - (iv) it no longer complies with any of the items of Article 159, paragraph (2) (excluding item (v)).

Chapter IX Broadcast Program Center

(Designation)

Article 167 (1) The Minister of Internal Affairs and Communications may designate a general incorporated association or general incorporated foundation which has the aim of achieving the sound development of broadcasting and is deemed capable of appropriately and steadily conducting the operations provided for in the following Article as a Broadcast Program Center (hereinafter referred to as "Center") limited to one throughout the

country upon its request.

- (2) The Minister of Internal Affairs and Communications must not make the designation pursuant to the provisions of the preceding paragraph if the person making the request under the preceding paragraph falls under any of the following items:
 - (i) a person who has had its designation revoked pursuant to the provisions of Article 173, paragraph (1) and for whom two years have not elapsed since the day of such revocation; or
 - (ii) one of its officers has committed a crime stipulated in this Act and has been sentenced to a punishment and for whom two years have not elapsed since the day on which the sentence was completed or no longer applied.
- (3) Where the Minister of Internal Affairs and Communications has made the designation pursuant to the provisions of paragraph (1), the Minister of Internal Affairs and Communications must publicly announce the name, address and location of the office of the Center which has received the designation.
- (4) If the Center intends to make amendments to its name, address or the location of its office, it must notify the Minister of Internal Affairs and Communications to the effect at least two weeks before making the amendment.
- (5) If the notification pursuant to the provisions of the preceding paragraph has been made, the Minister of Internal Affairs and Communications must make a public announcement to the effect.

(Operations)

Article 168 The Center must conduct the following operations:

- (i) it is to collect and retain broadcast programs and make them available to the public for viewing and listening;
- (ii) it is to collect, categorize, organize, and retain information relating to the broadcast programs;
- (iii) it is to provide information relating to broadcast programs on a regular basis or at appropriate times or in response to a request; and
- (iv) it is to conduct operations incidental to the operations listed in the three preceding items.

(Standards for Collection)

- Article 169 (1) The Center is to establish standards for the collection of the broadcast programs and is to collect the broadcast programs in accordance with those standards.
- (2) The Center may request basic broadcasters to submit information relating to broadcast programs in accordance with the established standards and method within the extent necessary for the Center to collect the broadcast programs.

- (3) The Center does not provide the information submitted in response to the request pursuant to the provisions of the preceding paragraph for any use other than for the operations provided for in the preceding Article.
- (4) In cases where the Center has established standards for collection of the broadcast programs provided for in paragraph (1) or standards and methods relating to the submission of information relating to the broadcast programs provided for in paragraph (2) (hereinafter referred to as "standards, etc. for collection"), it must make these public pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications. The same applies when making amendments thereto.

(Broadcast Program Collection Advisory Committee)

- Article 170 (1) The Center is to establish a Broadcast Program Collection Advisory Committee (hereinafter referred to as an "Advisory Committee").
- (2) The Advisory Committee is to discuss matters relating to the standards, etc. for collection in response to consultations from the Center.
 - (3) When the Center establishes standards, etc. for collection or intends to make amendments thereto, it must consult the Advisory Committee.
 - (4) If the Advisory Committee has made a recommendation in response to the consultation pursuant to the provisions of paragraph (2), the Center must take necessary measures respecting such recommendation.
 - (5) The members of the Advisory Committee are to be commissioned by the representative of the Center from among persons recommended by NHK, persons recommended by the Open University, persons recommended by an organization composed of basic broadcasters and persons with relevant expertise.

(Submission of Business Plans)

- Article 171 (1) The Center must prepare a business plan and an income and expenditure budget for each business year and must submit them to the Minister of Internal Affairs and Communications prior to the commencement of such business year (in the case of the business year containing the day on which the designation was received pursuant to the provisions of Article 167, paragraph (1), without delay after receiving such designation). The same applies when making amendments thereto.
- (2) The Center must prepare a business report and a settlement of income and expenditure for each business year and must submit them to the Minister of Internal Affairs and Communications within three months of the end of such business year.

(Supervisory Orders)

Article 172 The Minister of Internal Affairs and Communications may give an order to the Center necessary in terms of supervision relating to the operations provided for in Article 168 within the extent necessary to implement the provisions of this Chapter.

(Revocation of Designation)

Article 173 (1) The Minister of Internal Affairs and Communications may revoke the designation in cases where the Center comes under any of the following items:

- (i) it is deemed unable to appropriately and steadily implement the operations provided for in Article 168;
- (ii) it has violated the provisions of this Chapter;
- (iii) it has come to fall under the provisions of Article 167, paragraph (2), item (ii);
- (iv) it has violated the order provided for in the provisions of the preceding Article; or
- (v) it received the designation through unfair means.

(2) Where the Minister of Internal Affairs and Communications has revoked the designation pursuant to the provisions of the preceding paragraph, it must make a public announcement to such effect.

Chapter X Miscellaneous Provisions

(Suspension of Operations)

Article 174 If the broadcaster (excluding basic terrestrial broadcasters) has violated this Act or an order or disposition based on this Act, the Minister of Internal Affairs and Communications may set a period within three months and may order the suspension of broadcasting operations.

(Submission of Materials)

Article 175 The Minister of Internal Affairs and Communications may request the broadcaster, the supplier for basic broadcasting stations, intermediation operations commissionees, the paid broadcast administrator or the certified broadcasting holding company to submit materials relating to the operations pursuant to Cabinet Order provisions within the extent necessary for implementation of this Act.

(Exemptions from Applicability)

Article 176 (1) The provisions of this Act does not apply to relay broadcasting for measures against poor reception (meaning the relay broadcasting for measures against poor reception provided for in Article 5, paragraph (5) of the Radio Act;

hereinafter the same applies in this Article), broadcasting using wire telecommunications equipment inside vehicles, vessels or aircraft and other broadcasting provided for by Order of the Ministry of Internal Affairs and Communications as not likely to impede the interests of the recipients or the sound development of broadcasting when seen in the light of the extent of provision and conditions of provision, etc. of the services.

- (2) Notwithstanding the provisions of the preceding paragraph, the provisions of Article 91 apply to relay broadcasting for measures against poor reception.
- (3) Notwithstanding the provisions of paragraph (1), the relay broadcasting for measures against poor reception failure is to be deemed to be the broadcasting of basic broadcasters received by persons conducting the relay broadcasting for measures against poor reception and the provisions of Article 9, paragraph (1), Article 11, 12, Article 147, paragraph (1) and Article 157 applies.
- (4) Notwithstanding the provisions of paragraph (1), the provisions of Article 64 must also apply to the broadcasting to which the provisions of the same paragraph apply which, having received the broadcasting of NHK, simultaneously re-transmits its contents without making any changes.
- (5) The provisions of Articles 4 through 10, Articles 12 through 14 and Articles 106 through 110 do not apply to the broadcasting which, having received the basic broadcasting of other basic broadcasters, simultaneously re-transmits its content without making any changes (excluding the broadcasting to which paragraph (1) applies).

(Consulting the Radio Regulatory Council)

Article 177 (1) The Minister of Internal Affairs and Communications must consult the Radio Regulatory Council with regard to the following:

- (i) the designation of a designated basic terrestrial broadcasting region pursuant to the provisions of Article 20-2, paragraph (1), item (i), the establishment of a dissemination plan for basic broadcasting or amendments thereto pursuant to the provisions of Article 91, paragraph (1) or (4); or designation of a broadcasting region pursuant to Article 116-3, paragraph (i) or the designation of paid broadcasting services pursuant to the provisions of the items of Article 150-3, paragraph (1);
- (ii) a disposition pursuant to the provisions of Article 18, paragraph (2) (authorization of amendments to the Articles of Incorporation), Article 20, paragraph (9) (including cases to which this provision applies *mutatis mutandis* pursuant to Article 65, paragraph (5)) (authorization of an agreement on international relay broadcasting), Article 20, paragraph (10) (authorization of standards for implementation), paragraph (19) of the same Article (authorization of optional operations), Article 20-2, paragraph 1 (authorization of investment in subsidiary companies of suppliers of basic

broadcasting stations), Article 22 (authorization of investment in the Japan Aerospace Exploration Agency and others), Article 22-2 (authorization of investment in related business holding companies), Article 22-3, paragraph (1) or (3) (approval of related business investment plan), Article 64, paragraph (2) and (3) (authorization of standards for exemption from fees for receiving broadcasts and contract terms and conditions for reception), Article 65, paragraph (1) (requests for implementation of international broadcasting, etc.), Article 66, paragraph (1) (implementation order for research relating to broadcasting), Article 71, paragraph (1) (authorization of the income and expenditure budget, etc.), proviso to Article 73-2, paragraph (2) (authorization that pertains to reversal for reserve intended for return) Article 85, paragraph (1) (authorization for the assignment, etc. of broadcasting equipment), Article 86, paragraph (1) (authorization for the termination or suspension of broadcasting), Article 89, paragraph (1) (authorization for the termination or suspension of broadcasting), Article 93, paragraph (1) (approval of basic broadcasting operations), Article 96, paragraph (1) (limited to cases of operations of basic terrestrial broadcasting) (renewal of approval), the main text of Article 97, paragraph (1) (authorization of amendments to the content to be broadcast for basic broadcasting and the like), Article 116-4, paragraph (1) (approval of the Implementation Policy for the Simultaneous Broadcasting of Specific Broadcast Programs), Article 120 (order for amendments to the conditions for the provision of the supply of a broadcasting station equipment), Article 141 (order on improvement relating to the method of operations of re-conducting in areas with poor reception), Article 156, paragraph (1), (2) or (4) (order for amendments to the terms and conditions of the contract for paid basic broadcasting or order on improvement of the method of operations of paid broadcasters or paid broadcast administrators), Article 159, paragraph (1) (approval relating to certified broadcasting holding companies) or Article 167, paragraph (1) (designation of a Center);

(iii) an opinion on the income and expenditure budget, business plan and funding plan of NHK pursuant to the provisions of Article 70, paragraph (2);

(iv) a disposition pursuant to the provisions of Article 20, paragraph (17) (revocation of authorization for implementation standards), Article 22-3, paragraph (5) (revocation of approval of related business investment plan), Article 104 (revocation of approval of basic broadcasting operations), Article 116-5, paragraph (5) (revocation of approval for the Implementation Policy for the Simultaneous Broadcasting of Specific Broadcast Programs), Article 131 (revocation of registration of general broadcasting operations), Article 166, paragraph (6) (revocation of approval for certified broadcasting holding companies) or Article 173, paragraph (1) (revocation of the designation of a

Center); and

- (v) an enactment, revision or discontinuation by Order of the Ministry of Internal Affairs and Communications pursuant to the provisions of Article 2, item (xxiv) (facilities for basic broadcasting stations), item (xxxii) of the same Article (specified officers), item (xxxii) of the same Article (relationship of control), Article 64, paragraph (4) (multiple that pertains to surcharge amount), Article 93, paragraph (1), item (iv) (standards relating to use of frequencies that pertain to basic satellite broadcasting), the proviso to item (v) of the same paragraph (standards for freedom of expression based on basic broadcasting), paragraph (4) of the same Article (application period for approval of basic broadcasting operations), the proviso to Article 97, paragraph (1) (minor changes pertaining to basic broadcasting), Article 103, paragraph (2), item (iii) (matters to take into account that pertain to revocation reprieve for approval relating to basic broadcasting operations), Article 111, paragraph (1) (technical standards of facilities for basic broadcasting and the like), Article 113, paragraph (1) or (2), Article 122 or 137 (standards on major accidents requiring reports), Article 121, paragraph (1) (technical standards for facilities for basic broadcasting and the like), the proviso to Article 126, paragraph (1) (general broadcasting requiring registration), Article 136, paragraph (1) (technical standards for telecommunications equipment for the registration of general broadcasting operations), Article 150 (explanation of the conditions governing the provision of the services of paid broadcasts), Article 150-2, paragraph (1) (delivery of documents), Article 150-3, paragraph (1) or the proviso to paragraph (4) (cancellation in writing), Article 151-2, item (ii) (prohibited acts by paid broadcasters), the proviso to Article 93, paragraph (1), item (v) to be applied replacing the wording of the provisions of Article 162, paragraph (1) (special provisions on the standards for freedom of expression based on basic broadcasting), Article 93, paragraph (1), item (v) (c) to be applied replacing the wording of the provisions of Article 162, paragraph (1) (special provisions pertaining to certified broadcasting holding companies) or Article 164, paragraph (2) (holding ratio threshold), or Article 166, paragraph (2), item (iii) (matters to take into account that pertain to revocation reprieve for approval relating to certified broadcasting holding company).
- (2) Of the matters set in the items of the preceding paragraph (excluding item (iv)), the Minister of Internal Affairs and Communications may take measures without consulting with the Radio Regulatory Council for matters that the Radio Regulatory Council deems to be minor.

(Hearing of Opinions)

Article 178 (1) The Radio Regulatory Council must hear opinions in cases of receiving a consultation pursuant to the provisions of paragraph (1), item (iv) of the preceding Article.

(2) Beyond the cases set forth in the preceding paragraph, the Radio Regulatory Council may hear opinions when it deems so necessary in cases of receiving a consultation pursuant to the provisions of the items of paragraph (1) of the preceding Article (excluding item (iv)).

(3) The provisions of Article 99-12, paragraphs (3) through (8) of the Radio Act apply mutatis mutandis to the opinion set forth in the two preceding paragraphs.

(Recommendations)

Article 179 (1) The Radio Regulatory Council may make necessary recommendations to the Minister of Internal Affairs and Communications relating to the matters set forth in any of the items given in Article 177, paragraph (1).

(2) If the Minister of Internal Affairs and Communications receives the recommendations set forth in the preceding paragraph, they must make the content public.

(3) The Minister of Internal Affairs and Communications must report measures taken in accordance with the recommendations set forth in paragraph (1) to the Radio Regulatory Council.

(Requests for administrative review and Litigation)

Article 180 The provisions of Chapter VII and Article 115 of the Radio Act applies mutatis mutandis to requests for review and litigation with regard to the dispositions of the Minister of Internal Affairs and Communication pursuant to the provisions of this Act or orders based on this Act.

(Delegation to Order of the Ministry of Internal Affairs and Communications)

Article 181 Beyond the matters provided for in this Act, the matters necessary to implement this Act are to be provided for by Order of the Ministry of Internal Affairs and Communications.

(Interim Measures)

Article 182 Where orders pursuant to the provisions of this Act are to be enacted, revised or terminated, prescribed interim measures (including interim measures relating to penal provisions) may be established within the extent judged to be rationally necessary for the enactment or discontinuation through the orders.

Chapter XI Penal Provisions

Article 183 (1) If an officer of NHK accepts, solicits or promises to accept a bribe in connection with their duties, they are subject to imprisonment for not more than three years.

(2) If a person who intends to become an officer of NHK accepts, solicits or promises to accept a bribe in connection with a duty to be assumed with agreement to perform an act in response to a request, they are subject to the same punishment as set forth in the preceding paragraph in the event of becoming an officer of NHK.

(3) If a person who was an officer of NHK accepts, solicits or promises to accept a bribe relating to misconduct conducted in the performance of duties or relating to an appropriate act not committed having been so requested during their term of office, they are subject to the same punishment as set forth in paragraph (1).

(4) A person who has given, offered or promised the bribe provided for in the three preceding paragraphs is subject to imprisonment with work for not more than three years or a fine of not more than 2,500,000 yen.

(5) Any bribe accepted by an officer of NHK in the cases of paragraphs (1) through (3) is to be confiscated. If all or part of the bribe cannot be confiscated, an equivalent amount is to be collected.

Article 184 When falling under any of the following items, the person who committed that act of violation is subject to imprisonment of not more than six months or a fine of not more than 500,000 yen:

(i) if a person conducted general broadcasting operations in violation of the provisions of Article 126, paragraph (1); or

(ii) if a person violated an order pursuant to the provisions of Article 174 (including cases to which this provision applies *mutatis mutandis* pursuant to Article 81, paragraph (6));

Article 185 When falling under any of the following items, the officer of NHK or the Open University who committed that act of violation is subject to a fine of not more than 1,000,000 yen:

(i) they conducted operations other than the operations set forth in Article 20, paragraphs (1) through (3) and Article 65, paragraph (4);

(ii) they did not receive authorization in cases where authorization should have been received pursuant to the provisions of Article 18, paragraph (2), Article 20, paragraph (9) (including cases to which this provision applies *mutatis mutandis* pursuant to Article 65, paragraph (5)), Article 20, paragraph (10) or (19), Article 20-2, paragraph (1), Article 22, Article 22-2, Article 64,

paragraph (2) or (3), Article 71, paragraph (1), Article 85, paragraph (1), Article 86, paragraph (1) or Article 89, paragraph (1); or
(iii) they violated the provisions of Article 38, Article 60, paragraph (1), Article 70, paragraph (1), Article 72, paragraph (1), Article 73, paragraph (1) or Article 74, paragraph (1).

Article 186 (1) If a person violated the provisions of Article 9, paragraph (1) (including cases to which this provision applies *mutatis mutandis* pursuant to Article 81, paragraph (6)), the person who committed that act of violation is subject to a fine of not more than 500,000 yen.
(2) Prosecution may not be instituted for the crime set forth in the preceding paragraph when relating to a private matter unless a complaint is filed.

Article 187 When a person falls under any of the following items, the person who committed that act of violation is subject to a fine of not more than 500,000 yen:

- (i) if a person made amendments to the matters in Article 93, paragraph (2), items (vii) through (ix) in violation of the provisions of Article 97, paragraph (1);
- (ii) if a person made changes to telecommunications equipment and the like used in basic terrestrial broadcasting operations in violation of the provisions of Article 105-2, paragraph (4);
- (iii) if a person violated orders pursuant to the provisions of Article 114 or Article 123;
- (iv) if a person refused an offer for an agreement of supplying facilities for broadcasting stations in violation of the provisions of Article 117, paragraph (1);
- (v) if a person has accepted an offer for an agreement of supplying facilities for broadcasting stations equipment in violation of Article 117, paragraph (2);
- (vi) if a person has provided the services of supplying broadcasting station equipment not based on the conditions for provision notified pursuant to the provisions of Article 118, paragraph (1);
- (vii) if a person has violated an order pursuant to the provisions of Article 120;
- (viii) if a person has made amendments to the matters given in Article 126, paragraph (2), items (ii) through (iv) inclusive in violation of Article 130, paragraph (1);
- (ix) if a person who has violated an order pursuant to the provisions of Article 138 or 141;
- (x) if a person has provided the services of re-transmitting pursuant to the provisions of paragraph (1) of the same Article not based on the terms and conditions of the contract notified pursuant to the provisions of Article 140,

- paragraph (2);
- (xi) if a person has provided paid broadcast services not based on the terms and conditions of the contract for paid basic broadcasting notified pursuant to the provisions of Article 147, paragraph (1);
 - (xii) if a person has refused to provide the services of paid broadcasts in violation of the provisions of Article 148;
 - (xiii) if a person has conducted paid broadcast administration operations in violation of Article 152, paragraph (1); or
 - (xiv) if a person has violated an order pursuant to the provisions of Article 156.

Article 188 When falling under any of the following items, the person who committed that act of violation is subject to a fine of not more than 300,000 yen:

- (i) if a person did not make a report pursuant to the provisions of Article 113, 122 or 137 or made a false report;
- (ii) if a person did not make a report pursuant to the provisions of Article 115, paragraph (1) or (2), Article 124, paragraph (1), Article 139, paragraph (1) or Article 145, paragraph (4) or make a false report or refused, hindered or evaded an inspection by an official;
- (iii) if a person did not make a notification pursuant to the provisions of Article 133 or made a false notification; or
- (iv) if a person did not post the terms and conditions of the contract for paid basic broadcasting in violation of the provisions of Article 147, paragraph (3).

Article 189 (1) If a representative of a corporation or the agent, employee or other worker of a corporation or individual commits an act of violation set forth in Article 184 to the preceding Article (excluding Article 185) inclusive relating to the operations of such corporation or individual, beyond punishing the person committing the act, the pecuniary punishment set forth in each Article is to be imposed on such corporation or individual.

(2) In cases of the preceding paragraph, the complaint set forth in Article 186, paragraph (2) against such person committing the act must also take effect against such corporation or individual and a complaint against such corporation or individual must take effect against such person committing the act.

Article 190 A person who fails to make a public announcement in violation of the provisions of Article 119 or makes a false public announcement is subject to a non-criminal fine of not more than 1,000,000 yen.

Article 191 (1) If they fall under any of the following items, the officer of NHK or

the Open University who committed the act of violation is subject to a non-criminal fine of not more than 200,000 yen:

- (i) they failed to make a registration in violation of the provisions of this Act or an order based on this Act;
 - (ii) they did not give notification in violation of the provisions of Article 20, paragraph (14), Article 21, paragraph (3), Article 23, paragraph (3), Article 25, Article 26, paragraph (4), Article 86, paragraph (2) or (3), or Article 89, paragraph (2);
 - (iii) they did not make a public announcement in violation of the provisions of Article 20, paragraph (13) or (14), Article 41, Article 61, Article 62 or Article 71-2, paragraph (1) or made a false public announcement;
 - (iv) they impeded an investigation pursuant to the provisions of Article 44, paragraph (1) or Article 77, paragraph (2); or
 - (v) they did not keep documents in violation of Article 72, paragraph (3) or Article 74, paragraph (4) or did not furnish them for inspection.
 - (vi) they did not lay aside the reserve intended for return or reversed it in violation of the provisions of Article 73-2, paragraph (1) or paragraph (2).
 - (vii) they did not prepare the income and expenditure budget prescribed in Article 73-2, paragraph (3) in violation of the provisions of that paragraph.
- (2) If an officer of the subsidiary company of NHK impedes an investigation pursuant to the provisions of Article 44, paragraph (2) or Article 77, paragraph (2), they are subject to a non-criminal fine of not more than 200,000 yen.

Article 192 A person who falls under any of the following items is subject to a non-criminal fine of not more than 200,000 yen:

- (i) they did not make a notification pursuant to the provisions of Article 95, paragraph (1) or (2), Article 97, paragraph (2), Article 98, paragraph (1), Article 100, Article 105-2, paragraph (5), Article 129, paragraph (1) or (2), Article 130, paragraph (4), Article 134, paragraph (2), Article 135, paragraph (1) or (2), Article 152, paragraph (2), Article 153, paragraph (2), Article 154, paragraph (1) or (2) or Article 160, or made a false notification; or
- (ii) a person who did not return the certificate of approval in violation of the provisions of Article 102;

Article 193 A person who falls under any of the following conditions is subject to a civil fine of not more than 200,000 yen:

- (i) a person who fails to make the report provided for in Article 116-2, Article 116-5, paragraph (4) or Article 161-2, or makes a false report; or
- (ii) a person who fails to submit the materials provided for in Article 175 (including cases that Article 81, paragraph (6) applies to *mutatis mutandis*) or that submits false materials.

Supplementary Provisions [Extract]