

# Telecommunications Business Act

(Act No. 86 of December 25, 1984)

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## Chapter I General Provisions

(Purpose)

Article 1 The purpose of this Act is to ensure the smooth provision of

telecommunications services and protection of the interests of the users and other persons of those services through ensuring the proper and reasonable operation of telecommunications services and promoting fair competition in consideration of the public nature of telecommunications business, thereby ensuring the sound development of telecommunications, making the lives of the people more convenient and improving public welfare.

(Definitions)

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

- (i) "telecommunication" means transmitting, relaying or receiving codes, sounds or images by utilizing wire, radio or other electronic or magnetic forms;
- (ii) "telecommunications facilities" mean machines, equipment, wires and cables or other electrical facilities for conducting telecommunications;
- (iii) "telecommunications service" means intermediating other persons' communications through the use of telecommunications facilities, or otherwise providing telecommunications facilities for use in other persons' communications;
- (iv) "telecommunications business" means the business involved in providing telecommunications services in order to meet the demands of other persons (except for business involved in service supplying facilities for broadcasting stations as prescribed in Article 118, paragraph (1) of the Broadcasting Act (Act No. 132 of 1950));
- (v) "telecommunications carrier" means the person that has obtained the registration set forth in Article 9 to operate telecommunications business, and the person that has filed a notification under Article 16, paragraph (1) (including as applied pursuant to the provisions of Article 16, paragraph (2) following the deemed replacement of terms);
- (vi) "telecommunications operations" mean operations conducted by a telecommunications carrier to provide telecommunications services; and
- (vii) "users" mean the persons listed in (a) or (b) below:
  - (a) a person who concludes a contract with a telecommunications carrier or a person that conducts telecommunications business listed in Article 164, paragraph (1), item (iii) (hereinafter referred to as "item (iii) business") under which they are provided with telecommunications services, and other persons equivalent to them specified by Order of the Ministry of Internal Affairs and Communications; or
  - (b) a person (except for those listed in (a) above) who receives telecommunications services from a telecommunications carrier or a person conducting the item (iii) business (limited to the telecommunications

services provided through the telecommunications business conducted by the telecommunications carrier or the person conducting the item (iii) business).

(Prohibition of Censorship)

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

(Protection of Secrecy)

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

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

(Treaties on Telecommunications Business)

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

## **Chapter II Telecommunications Business**

### **Section 1 General Provisions**

(Fairness in Use)

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

(Provision of Universal Telecommunications Services)

Article 7 A telecommunications carrier that provides universal telecommunications services (meaning telecommunications services listed below that are to be provided nationwide due to their indispensability to the daily lives of the people; hereinafter the same applies) must make efforts to provide the services in an appropriate, fair and stable manner:

- (i) Telecommunications services specified by Order of the Ministry of Internal Affairs and Communications for telephones (hereinafter referred to as "item (i) universal telecommunications service");
- (ii) high-speed data transmission telecommunications services (meaning telecommunications service that mediates the communication of others utilizing transmission line facilities that are connected at one end with the user's telecommunications facilities and telecommunications facilities that

are installed as their integral part, that are both capable of transmitting and receiving codes, sounds, or images at a high speed (excluding those specified by Order of the Ministry of Internal Affairs and Communications as telecommunications facilities installed exclusively for providing telecommunications services that enable connection to the Internet); the same applies in Article 110-5, paragraph (1)) specified by Order of the Ministry of Internal Affairs and Communications (hereinafter referred to as "item (ii) universal telecommunications service").

(Securing of Essential Communications)

Article 8 (1) If a natural disaster, serious event, or any other emergency occurs or is likely to occur, a telecommunications carrier must give priority to communications regarding matters that are necessary for prevention of a disaster or related relief efforts, for securing transportation, communications or electric power supply, or for maintaining the public order. The same applies to other communications specified by Order of the Ministry of Internal Affairs and Communications that are conducted in an urgent manner for the public interest.

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

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

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

(Registration of Telecommunications Business)

Article 9 A person that intends to conduct telecommunications business must obtain registration from the Minister for Internal Affairs and Communications; provided, however, that this does not apply to the following cases:

(i) the scale of telecommunications line facilities (meaning transmission line facilities that interconnect places of transmission with places of reception, switching facilities installed as an integral part of these, and their adjunct facilities; hereinafter the same applies) installed by the person and the scope

of areas where the telecommunications line facilities are installed do not exceed the standards specified by Order of the Ministry of Internal Affairs and Communications;

- (ii) the telecommunications line facilities installed by the person are wireless broadcasting facilities for a wireless broadcasting station prescribed in Article 7, paragraph (2), item (vi) of the Radio Act (Act No. 131 of 1950) which transmits information in wireless communications other than basic broadcasting in addition to conducting the basic broadcasting (except for the case listed in the preceding item).

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

- (i) its name and address and, in cases of a corporation, the name of its representative;
  - (ii) in cases of a foreign corporation, organization, or individual (meaning a corporation or organization based abroad, or an individual with an address abroad; hereinafter the same applies in this Chapter and Article 118, item (iv)), the name and address of their domestic representative or domestic agent;
  - (iii) service areas;
  - (iv) outline of telecommunications facilities; and
  - (v) other particulars specified by Order of the Ministry of Internal Affairs and Communications.
- (2) The written application set forth in the preceding paragraph must be accompanied by a document in which the relevant person pledges that it does not fall under Article 12, paragraph (1), items (i) through (iii), and other documents specified by Order of the Ministry of Internal Affairs and Communications.

#### (Implementation of Registration)

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

- (i) particulars listed in the items of paragraph (1) of the preceding Article; and
  - (ii) registration date and registration number.
- (2) If the Minister for Internal Affairs and Communications has made a

registration under the preceding paragraph, the Minister must notify the applicant to that effect without delay.

(Refusal of Registration)

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

- (i) a person that was sentenced to a fine or heavier punishment (including equivalent punishment by foreign law) pursuant to the provisions of this Act, the Wire Telecommunications Act (Act No. 96 of 1953), the Radio Act, or other equivalent foreign law, if two years have not passed since the date on which the enforcement of the punishment was completed or ceased to be applicable;
- (ii) a person whose registration was revoked pursuant to the provisions of Article 14, paragraph (1), if two years have not passed from the date of revocation; or a person whose similar registration in a foreign country was revoked pursuant to a foreign law equivalent to this Act (including permission or other administrative disposition similar to the relevant registration; hereinafter the same applies to Article 50-3, item (ii)), if two years have not passed from the date of revocation;
- (iii) a corporation or organization for which any of its officers falls under any of the preceding two items;
- (iv) a foreign corporation, organization, or individual that has not designated a domestic representative or domestic agent; or
- (v) a person whose telecommunications business is found to be inappropriate for the sound development of telecommunications.

(2) If the Minister for Internal Affairs and Communications has refused registration pursuant to the provisions of the preceding paragraph, the Minister must notify the applicant to that effect in writing together with the reasons.

(Renewal of Registration).

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

- (i) a telecommunications facility installed by a person registered pursuant to Article 9 newly receives the designation under Article 33, paragraph (1) (excluding cases in which any other telecommunications facility installed by the person has already received the designation under that paragraph), or

- newly receives the designation under Article 34, paragraph (1) (excluding cases in which any other telecommunications facility installed by the person has already received the designation under that paragraph);
- (ii) a person that has been registered pursuant to the provisions of Article 9 (limited to a corporation that is a telecommunications carrier installing Category I designated telecommunications facilities (meaning Category I designated telecommunications facilities as defined in Article 33, paragraph (2); hereinafter the same applies to all Articles through Article 31) or Category II designated telecommunications facilities (meaning Category II designated telecommunications facilities as defined in Article 34, paragraph (2); the same applies to paragraph (4), item (ii), (c) of this Article and Article 30, paragraph (1)); the same applies in this paragraph) falls under any of the following conditions:
    - (a) the relevant person is merged (limited to a merger in which the person registered under Article 9 is the surviving corporation) with another person (limited to a person installing specified telecommunications facilities; the same applies in this paragraph) that is not a corporation with a specific affiliation to the relevant person;
    - (b) upon the split, the relevant person succeeds to all or part of the telecommunications business (limited to telecommunications business to provide telecommunications services using specified telecommunications facilities; hereinafter the same applies in this paragraph) of another person that is not a corporation with a specific affiliation to the relevant person; or
    - (c) the relevant person acquires all or part of the telecommunications business through transfer from another person that is not a corporation with a specific affiliation to the relevant person;
  - (iii) a corporation with a specific affiliation to a person registered under Article 9 falls under any of the following conditions (limited to the cases in which the status as a corporation with a specific affiliation to the person registered under that Article remains the same after the occurrence of the condition):
    - (a) it is merged (limited to a merger in which it is the surviving corporation) with a corporation other than one with a specific affiliation to the person registered under Article 9 (that corporation excludes a person registered under that Article; the same applies in (b) and (c));
    - (b) upon the split, it succeeds to all or part of the telecommunications business of a corporation other than one with a specific affiliation to the person registered under Article 9; or
    - (c) it acquires all or part of the telecommunications business through transfer from a corporation other than one with a specific affiliation to the person registered under Article 9; or

(iv) a person other than a corporation with a specific affiliation to the person registered under Article 9 becomes that corporation with a specific affiliation to the person registered under that Article.

(2) The provisions of the preceding three Articles apply mutatis mutandis to the renewal of registration under the preceding paragraph. In this case, the terms in the middle column of the table below which are used in the provisions in its left column are deemed to be replaced with the terms in its right column.

Article 11, paragraph (1), item (ii)	Registration date and	Registration date and its renewal date, and
paragraph (1) of the preceding Article	each item	each item (item (ii) is limited to parts related to provisions of foreign laws equivalent to this Act.)
	(v) any person whose telecommunications business is found to not be appropriate for the sound development of telecommunications	(v) any person who is found to not have sufficient financial basis to conduct telecommunications businesses properly (vi) any person who is found to not perform sufficient maintenance of systems necessary for conducting telecommunications businesses properly (including maintenance of systems stipulated in Article 31 paragraph (6), for a telecommunications carrier installing Category I designated telecommunications facilities defined in Article 33, paragraph (2)) (vii) any person whose telecommunications business is found to not be appropriate for the sound development of telecommunications

(3) If a request for the renewal of the registration is filed pursuant to paragraph



- (1), and the processing of the requested renewal is not completed by the end of the period specified in that paragraph, the registration under Article 9 remains in force until the process is completed, even after the expiration of that period.
- (4) In paragraph (1), the meanings of the following terms are as prescribed in those items:
- (i) a corporation with a specific affiliation: a corporation that has any of the following relationships to another corporation which is a telecommunications carrier:
    - (a) it is a subsidiary or equivalent (a subsidiary or equivalent as prescribed in Article 2, item (iii)-2 of the Companies Act (Act No.86 of 2005); the same applies in (b) and (c) below) of that other corporation which is a telecommunications carrier;
    - (b) that other corporation which is a telecommunications carrier is its subsidiary or equivalent;
    - (c) it is a subsidiary or equivalent of a corporation which holds that other corporation which is a telecommunications carrier as a subsidiary or equivalent (excluding that other corporation which is a telecommunications carrier, and a corporation which has either of the relationships prescribed in (a) and (b) with that other corporation which is a telecommunications carrier); or
    - (d) beyond what is set forth in (a) through (c), the relevant corporation has any special relationship as specified by Cabinet Order; and
  - (ii) specified telecommunications facilities: any of the following facilities:
    - (a) Category I designated telecommunications facilities;
    - (b) telecommunications facilities designated by the Minister for Internal Affairs and Communications pursuant to the provisions of Order of the Ministry of the Internal Affairs and Communications among the aggregates (excluding those prescribed in (a) above) of the following: transmission line facilities which are installed by a single telecommunications carrier and are interconnected to the user's telecommunications facilities (excluding mobile terminal facilities (meaning user's telecommunications facilities that are the wireless broadcasting facilities of moving wireless broadcasting stations; the same applies hereinafter)) at one end, and whose telecommunication lines come to account for a proportion that is calculated by the method specified by Order of the Ministry of Internal Affairs and Communications as prescribed in Article 33, paragraph (1) as the proportion of the number of telecommunications lines of all transmission line facilities of the same type installed within the prefecture in which those transmission line facilities are to be installed, and that exceeds the proportion specified by Order of the Ministry of Internal Affairs and Communications within a range not

exceeding the proportion specified by Order of the Ministry of Internal Affairs and Communications in Article 33, paragraph (1); and telecommunications facilities specified by Order of the Ministry of Internal Affairs and Communications as prescribed in Article 33, paragraph (1) which are installed by the telecommunications carrier to provide telecommunications services using those transmission line facilities;

(c) Category II designated telecommunications facilities; or

(d) telecommunications facilities designated by the Minister for Internal Affairs and Communications pursuant to the provisions of Order of the Ministry of the Internal Affairs and Communications among aggregates (excluding those prescribed in (c) above) of the following: transmission line facilities which are installed by a single telecommunications carrier and are interconnected to specified mobile terminal facilities (meaning mobile terminal facilities specified by Order of the Ministry of Internal Affairs and Communications; the same applies in this (d) and Article 34, paragraph (1)) at one end, and whose specified mobile terminal facilities represent a proportion exceeding the proportion specified by Order of the Ministry of Internal Affairs and Communications within a range not exceeding the proportion specified by Order of the Ministry of Internal Affairs and Communications in Article 34, paragraph (1) of the total number of specified mobile terminal facilities interconnected to all transmission line facilities of the same type installed within the same service area for the telecommunications services provided by using the relevant transmission line facilities; and telecommunications facilities specified by Order of the Ministry of Internal Affairs and Communications as prescribed in Article 34, paragraph (1) which are installed by the telecommunications carrier in order to provide the telecommunications services.

(Registration of Changes)

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

(2) With regard to the application of the provision of the preceding paragraph in the case in which a person registered under Article 9 has been newly designated pursuant to the provision of Article 164, paragraph (1), item (iii) and a change has occurred in the matters set forth in Article 10, paragraph (1), item (iii) due to that designation, the phrase "If a person that has obtained the registration set forth in Article 9 intends to change any of the particulars set

forth in Article 10, paragraph (1), item (iii) or (iv), the person must obtain a registration of the change from the Minister for Internal Affairs and Communications" in the preceding paragraph is deemed to be replaced with "If there is any change to the particulars set forth in Article 10, paragraph (1), item (iii) or (iv), the person must obtain a registration of the change from the Minister for Internal Affairs and Communications within one month from the date newly designated pursuant to the provision of Article 164, paragraph (1), item (iii)".

- (3) A person that intends to obtain the registration of the change set forth in the paragraph (1) (including as applied pursuant to the provisions of the preceding paragraph following the deemed replacement of terms; the same applies hereinafter except for Article 186, item (i)) must file a written application describing the particulars subject to the change with the Minister for Internal Affairs and Communications, pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications.
- (4) The provisions of Article 10, paragraph (2), Article 11, and Article 12 apply mutatis mutandis to the registration of the change as set forth in paragraph (1). In this case, the term "the following particulars" in Article 11, paragraph (1) is deemed to be replaced with "the particulars subject to the change"; and the term "If a person that has filed a written application set forth in Article 10, paragraph (1) falls under any of the following items" in Article 12, paragraph (1) is deemed to be replaced with "If a person that has filed a written application for registration of a change falls under any of the following items (item (ii) is limited to parts related to provisions for foreign laws equivalent to this Act)".
- (5) If a person that has obtained the registration as set forth in Article 9 has changed any of the particulars set forth in Article 10, paragraph (1), item (i), (ii), or (v), or has made any minor changes specified by Order of the Ministry of Internal Affairs and Communications as set forth in the proviso of paragraph (1), the person must notify the Minister for Internal Affairs and Communications to that effect without delay. If that notification is filed, the Minister is to change the registration without delay.

(Revocation of Registration)

- Article 14 (1) If a person that has obtained the registration as set forth in Article 9 falls under any of the following items, the Minister for Internal Affairs and Communications may revoke the registration set forth in that Article:
- (i) if the person that has obtained the registration set forth in Article 9 violates this Act or any order or disposition made under this Act, and is found to impair the public interest;
  - (ii) if the person has obtained the registration as set forth in Article 9, the

- renewal of the registration set forth in Article 12-2, paragraph (1), or the registration of the change set forth in paragraph (1) of the preceding Article, through wrongful means; or
- (iii) if the person falls under any of Article 12, paragraph (1), items (i) through (iv) (item (ii) is limited to parts related to provisions of foreign laws equivalent to this Act).
- (2) The provisions of Article 12, paragraph (2) apply mutatis mutandis to cases set forth in the preceding paragraph.

(Deletion of Registration)

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

(Notification of Telecommunications Business)

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

- (i) its name and address and, in cases of a corporation, the name of its representative;
- (ii) in cases of a foreign corporation, organization, or individual, the name and address of their domestic representative or domestic agent;
- (iii) service areas;
- (iv) outline of telecommunications facilities (limited to the cases in which the person installs telecommunications facilities for the use of telecommunications business set forth in Article 44, paragraph (1)); and
- (v) other particulars specified by Order of the Ministry of Internal Affairs and Communications.
- (2) With regard to the application of the provisions of the preceding paragraph in the case in which a person other than a telecommunications carrier has been newly designated pursuant to the provisions of Article 164, paragraph (1), item (iii), the phrase "to that effect" in the preceding paragraph is deemed to be replaced with "to that effect, within one month from the date of the new

designation under Article 164, paragraph (1), item (iii)".

- (3) If a person that has filed the notification set forth in paragraph (1) (including as applied pursuant to the provisions of the preceding paragraph following the deemed replacement of terms; the same applies hereinafter except for Article 185, item (i)) has changed any of the particulars specified in item (i), (ii) or (v) of that paragraph, the person must notify the Minister for Internal Affairs and Communications to that effect without delay.
- (4) If a person that has filed the notification set forth in paragraph (1) intends to change any of the particulars set forth in item (iii) or (iv) of that paragraph, the person must notify the Minister for Internal Affairs and Communications to that effect; provided, however, that this does not apply to minor changes specified by Order of the Ministry of Internal Affairs and Communications.
- (5) If a person that has filed the notification as set forth in paragraph (1) is newly designated pursuant to Article 41, paragraph (4), the person must notify the Minister for Internal Affairs and Communications of the particulars set forth in paragraph (1), item (iv) within one month from that date of designation, pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications.
- (6) With regard to the application of the provision of paragraph (4) in the case in which a person that has filed the notification set forth in paragraph (1) has been newly designated pursuant to the provision of Article 164, paragraph (1), item (iii) and a change has occurred in the matters set forth in paragraph (1), item (iii) due to that designation, the phrase "intends to change" in paragraph (4) is deemed to be replaced with "for when a change has occurred, within one month from the date of the new designation pursuant to the provision of Article 164, paragraph (1), item (iii)".

(Succession)

Article 17 (1) If all of telecommunications business has been transferred, or a telecommunications carrier has merged or split (this split is limited to a split resulting in the succession to all of telecommunications business), or inheritance from that carrier has occurred, the person that has acquired all of the telecommunications business through the transfer, the corporation surviving after the merger or newly established upon the merger, the corporation that has succeeded all of the telecommunications business upon the split, or the heir (or if one particular heir has been selected from among two or more heirs as the successor to the telecommunications business by agreement among the heirs, the selected heir; hereinafter the same applies in this paragraph) succeeds to the status of the telecommunications carrier; provided, however, that this does not apply if the telecommunications carrier has obtained the registration set forth in Article 9; and the person that has

acquired all of the telecommunications business through the transfer, the corporation surviving after the merger or newly established upon the merger, the corporation that has succeeded to all of the telecommunications business upon the split, or the heir falls under any of Article 12, paragraph (1), items (i) through (iv).

- (2) A person that has succeeded to the status of telecommunications carrier pursuant to the provisions of the preceding paragraph must notify the Minister for Internal Affairs and Communications to that effect without delay.

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

Article 18 (1) If a telecommunications carrier suspends or discontinues all or part of its telecommunications business, it must notify the Minister for Internal Affairs and Communications to that effect without delay.

- (2) If a corporation that is a telecommunications carrier dissolves due to reasons other than a merger, the liquidator in charge (or in cases of dissolution due to an order commencing bankruptcy proceedings, the bankruptcy trustee) or an equivalent person set forth in foreign law must notify the Minister for Internal Affairs and Communications to that effect without delay.

### **Section 3 Operations of Telecommunications Carriers**

(Notified Contract Conditions for Universal Telecommunications Services)

Article 19 (1) A telecommunications carrier that provides universal telecommunications services must establish general conditions of contracts concerning charges and other terms and conditions for the provision of its universal telecommunications services (except for particulars concerning technical conditions to be authorized pursuant to the provisions of Article 52, paragraph (1) or Article 70, paragraph (1), item (i), and particulars specified by Order of the Ministry of Internal Affairs and Communications; the same applies in paragraph (3) of this Article and Article 25, paragraph (2)) and notify the Minister for Internal Affairs and Communications of those general conditions of contracts before their implementation, pursuant to Order of the Ministry of Internal Affairs and Communication. The same applies if it intends to change them.

- (2) If the Minister for Internal Affairs and Communications finds that the general conditions of contracts for which notification has been filed (hereinafter referred to as "notified contract conditions") pursuant to the provisions of the preceding paragraph fall under any of the following items, the Minister may order the telecommunications carrier that has given the notification and is providing the universal telecommunications services to

change the notified contract conditions within a reasonable period designated by the Minister:

- (i) if the general conditions of contracts do not properly and explicitly specify the methods of calculating charges;
  - (ii) if the general conditions of contracts do not properly and explicitly specify particulars concerning the responsibilities of the telecommunications carrier and its users and the method of sharing the costs of installation and other works of telecommunications facilities;
  - (iii) if the general conditions of contracts unreasonably restrict the way the telecommunications line facilities are used;
  - (iv) if the general conditions of contracts treat certain persons in an unfair and discriminatory manner;
  - (v) if the general conditions of contracts do not include proper consideration to particulars related to essential communications; or
  - (vi) if the general conditions of contracts lead to unfair competition with other telecommunications carriers or are extremely inappropriate in light of social and economic circumstances, and thereby impair the interests of users.
- (3) A telecommunications carrier that provides universal telecommunications services must not do so except in accordance with the charges and other terms and conditions set forth in the notified contract conditions, other than in cases falling under any of the following items:
- (i) if the charges for universal telecommunications services specified in the notified contract conditions are reduced or exempted pursuant to the following paragraph; or
  - (ii) if it is otherwise provided by an agreement with the party receiving the universal telecommunications services (limited to item (ii) universal telecommunications services) concerning charges and other terms and conditions for the provision of those services.
- (4) In accordance with the standards specified by Order of the Ministry of Internal Affairs and Communications, a telecommunications carrier that provides universal telecommunications services may reduce or exempt charges for those services specified in the notified contract conditions.

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

Article 20 (1) A telecommunications carrier that provides designated telecommunications services (telecommunications services which a telecommunications carrier installing Category I designated telecommunications facilities provides by using those facilities, and which are specified by Order of the Ministry of Internal Affairs and Communications as those particularly necessary to be designated in order that the interests of

users are protected by efforts of the relevant telecommunications carrier to ensure that the carrier provides those services using those facilities based on proper charges or other proper terms and conditions, considering the circumstances such as those in which substitute telecommunications services are not sufficiently provided by other carriers; hereinafter the same applies) must establish general conditions of contracts concerning charges and other terms and conditions for the provision of its designated telecommunications services (except for particulars on technical conditions to be authorized pursuant to the provisions of Article 52, paragraph (1) or Article 70, paragraph (1), item (i), and particulars specified by Order of the Ministry of Internal Affairs and Communications; the same applies in paragraph (5) of this Article, and Article 25, paragraph (3)) and must notify the Minister for Internal Affairs and Communications of those general conditions of contracts before their implementation, pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications. The same applies if it intends to change them.

(2) The provisions of the preceding paragraph (including as applied pursuant to the provisions of paragraph (4) following the deemed replacement of terms; the same applies in the following paragraph of this Article, paragraph (2) of the following Article and Article 188, item (ii)) do not apply to telecommunications services which are both designated telecommunications services and universal telecommunications services.

(3) If the Minister for Internal Affairs and Communications finds that the general conditions of contracts for which notification has been made pursuant to the provisions of paragraph (1) (hereinafter referred to as "general conditions of contracts for securing the provision of the telecommunications services") fall under any of the following items, the Minister may order the telecommunications carrier that has given the notification and is providing the designated telecommunications services to change those general conditions within a reasonable period designated by the Minister:

- (i) if the general conditions of contracts for securing the provision of the telecommunications services do not properly and explicitly specify the methods of calculating charges;
- (ii) if the general conditions of contracts for securing the provision of the telecommunications services do not properly and explicitly specify particulars concerning the responsibilities of the telecommunications carrier and its users and the methods of sharing the costs of installation and other works of telecommunications facilities;
- (iii) if the general conditions of contracts for securing the provision of the telecommunications services unreasonably restrict the way the telecommunications line facilities are used;
- (iv) if the general conditions of contracts for securing the provision of the



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

(Charges for Specified Telecommunications Services)

Article 21 (1) Pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications, at least once a year, the Minister for Internal Affairs and Communications must determine the level of charges that is generally found feasible for designated telecommunications services specified by Order of the Ministry of Internal Affairs and Communications as those having a significant influence on the interests of users in light of their content, the scope of users, and other factors (hereinafter referred to as "specified telecommunications services"), in consideration of reasonable costs under efficient management, commodity prices, and other economic circumstances, for each type of specified telecommunications services specified by Order of the Ministry of Internal Affairs and Communications, by using a charge index (meaning figures to represent the level of charges for each type of telecommunications service, which are calculated by using the methods specified by Order of the Ministry of Internal Affairs and Communications considering charges based on the distance and speed of communications and other classifications as well as the amount of traffic, the number of circuits, and other factors to which the charges are applied; hereinafter the same applies), and must notify the telecommunications carrier that provides the specified telecommunications services of the charge index (hereinafter referred to as "the standard charge index") by the period before the date on which the standard charge index becomes applicable as specified by Order of the Ministry of Internal Affairs and Communications.

(2) Notwithstanding the provisions of Article 19, paragraph (1) or paragraph (1) of the preceding Article, if a telecommunications carrier that provides specified telecommunications services intends to change charges for those services, and the charge index after the change exceeds the standard charge index for those services, it must obtain authorization from the Minister for Internal Affairs and Communications.

(3) The Minister for Internal Affairs and Communications must grant the authorization as set forth in the preceding paragraph, if an application for the authorization set forth in the preceding paragraph is filed, and the Minister finds that there are special circumstances making it difficult to offer charges based on a charge index that is equivalent to or less than the standard charge index and that the charges after the change requested in the application do not fall under any of the following items:

- (i) the methods of calculating charges are not properly and explicitly specified;
- (ii) the charges after the change treat certain persons in an unfair and discriminatory manner; and
- (iii) the charges after the change lead to unfair competition with other telecommunications carriers or are extremely inappropriate in light of social and economic circumstances, and thereby impair the interests of users.

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

(Records of Traffic Volume)

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

(Posting of the General Conditions of Contracts)

Article 23 (1) Pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications, a telecommunications carrier that provides universal telecommunications services, designated telecommunications services, or specified telecommunications services must make public the notified contract conditions or the general conditions of contracts for securing the provision of the telecommunications services (including the technical

conditions authorized pursuant to the provisions of Article 52, paragraph (1) or Article 70, paragraph (1), item (i) or the charges authorized pursuant to the provisions of Article 21, paragraph (2), and must post those general conditions or charges at its business offices or other places of business in a manner in which the public can easily see them.

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

(Keeping of Accounts)

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

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

(Obligation to Provide Services)

Article 25 (1) A telecommunications carrier that provides item (i) universal telecommunications services must not refuse to do so within its service areas without justifiable grounds.

- (2) Without justifiable grounds, a telecommunications carrier that provides item (i) universal telecommunications services must not refuse to do so under the charges and other terms and conditions set forth in the notified contract conditions in its service area, except as otherwise provided by an agreement with the party receiving the item (ii) universal telecommunications services concerning charges and other terms and conditions for the provision of those

services.

- (3) Without justifiable grounds, a telecommunications carrier that provides designated telecommunications services must not refuse to do so under the charges and under other terms and conditions for the provision of those services, as specified in the general conditions of contracts for securing the provision of the telecommunications services, within its service areas, except as otherwise provided by an agreement with the party receiving the designated telecommunications services concerning charges and other terms and conditions for the provision of those services.

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

Article 26 (1) If a telecommunications carrier intends to conclude a contract for the provision of the telecommunications services listed below, with a user (including a person that intends to receive telecommunications services, but excluding a telecommunications carrier; the same applies in this paragraph, Article 27 and Article 27-2), the carrier must explain an outline of the charges and other terms and conditions for the provision of those services to the user pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications; provided, however, that this does not apply to the cases that are specified by Order of the Ministry of Internal Affairs and Communications as those in which it is found that the protection of the interests of users would not be compromised even if the outline of the charges and other terms and conditions for service provision were not explained to the user, in consideration of the contents of the contract and other circumstances:

- (i) telecommunications services which are provided by using transmission line facilities interconnected to mobile terminal facilities at one end, and which the Minister for Internal Affairs and Communications designates as those that are particularly necessary in order to protect their interests of users, in consideration of their content, the charges and other terms and conditions for the provision, the scope of users, and their usage;
- (ii) telecommunications services which are other than those provided by using transmission line facilities interconnected to mobile terminal facilities at one end, and which the Minister for Internal Affairs and Communications designates as those that are particularly necessary in order to protect the interests of the users, in consideration of their contents, the charges and other terms and conditions for the provision, the scope of the users, and their usage; or
- (iii) beyond what is provided for in the preceding two items, telecommunications services that the Minister for Internal Affairs and Communications designates as those having non-negligible effects on the interests of users, in consideration of their content, the charges and other

terms and conditions for the provision, the scope of the users, and other conditions.

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

(Delivery of Documents)

Article 26-2 (1) If a telecommunications carrier effects a contract for provision of telecommunications services as listed in the items of paragraph (1) of the preceding Article, the telecommunications carrier must prepare a document and deliver it to the user (excluding telecommunications carriers; hereinafter the same applies in this Article and paragraphs (1) and (5) of the following Article) without delay pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications; provided, however, that this does not apply to the cases that are specified by Order of the Ministry of Internal Affairs and Communications as those in which it is found that the protection of the interests of users would not be compromised even if the document were not delivered to the user, in consideration of the contents of the contract and other circumstances.

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

- (3) If a telecommunications carrier has provided the particulars that are required to be included in a document under paragraph (1) by the methods referred to in the preceding paragraph (excluding the methods specified by Order of the Ministry of Internal Affairs and Communications), in lieu of delivering the document, those particulars are deemed to be delivered to a user when those particulars are recorded in a file stored on a computer used by that user.

(Written Cancellations)

Article 26-3 (1) Except as otherwise provided by Order of the Ministry of Internal Affairs and Communications, a user that has concluded a contract with a telecommunications carrier under which they are provided with telecommunications services listed in Article 26, paragraph (1), item (i) or (ii) may cancel that contract in writing unless eight days have elapsed since the day on which the customer received the document set forth in paragraph (1) of the preceding Article (or until eight days have elapsed since the date of

commencement of the telecommunications services, if the provision of the telecommunications services (limited to telecommunications services set forth in Article 26, paragraph (1), item (i)) commences after the receipt date of the document; or unless eight days have elapsed since the date on which the user received a document in which, pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications, the telecommunications carrier has described that the user may cancel that contract pursuant to the provisions of this paragraph, and which the telecommunications carrier has delivered to the user, if the telecommunications carrier or a person entrusted with intermediation or other similar actions that conducts notification (meaning a person entrusted with intermediation or other similar actions that conducts notification as defined in Article 73-2, paragraph (2); the same applies in Article 27-3, paragraph (2), item (ii)) misrepresented the information on cancellation of that contract under this paragraph, in violation of the provisions in Article 27-2 (limited to the part relating to item (i); hereinafter the same applies in this paragraph), or the provisions of Article 27-2 as applied mutatis mutandis pursuant to Article 73-3, respectively, and as a result of that false explanation, the user misconstrued that the explanation was correct, and did not cancel that contract under this paragraph within that period).

- (2) The cancellation of a contract for the provision of telecommunications services under the preceding paragraph becomes effective when a document indicating that the contract for the provision of telecommunications services is cancelled is issued.
- (3) If a contract for the provision of telecommunications services becomes subject to a cancellation under paragraph (1), the telecommunications carrier may not demand that the person who cancelled the contract pay any compensation or penalty for that cancellation, or pay or deliver other monies (meaning money and other property; the same applies in the following paragraph); provided, however, that this does not apply to the amount of money specified by Order of the Ministry of Internal Affairs and Communications as the amount of money payable by the person who cancelled that contract for services received in the period up until the cancellation of that contract, or any other amount of money payable regarding the contract by the person who cancelled it.
- (4) If a contract for the provision of telecommunications services becomes subject to a cancellation under paragraph (1), and the telecommunications carrier has received monies in connection with the contract, the carrier must promptly return them to the person who cancelled that contract; provided, however, that this does not apply to the amount of money specified by Order of the Ministry of Internal Affairs and Communications as prescribed in the proviso to the preceding paragraph, among the monies received in connection with that contract.

(5) A special provision that is contrary to the provisions of the preceding paragraphs and disadvantageous to a user is void.

(Making the Suspension and Discontinuation of Telecommunications Operations Widely Known)

Article 26-4 (1) When suspending or discontinuing all or part of telecommunications operations, in advance, a telecommunications carrier must make the particulars specified by Order of the Ministry of Internal Affairs and Communications as those necessary to protect the interests of users known to users concerned with the operations that the carrier intends to suspend or discontinue, pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications; provided, however, that this does not apply to suspension or discontinuation of telecommunications operations related to telecommunications services specified by Order of the Ministry of Internal Affairs and Communications as those having relatively little effect on the interests of users.

(2) In the case of the main clause in the preceding paragraph, a telecommunications carrier must notify the Minister for Internal Affairs and Communications of the particulars specified by Order of the Ministry of Internal Affairs and Communications in that paragraph in advance, pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications, with regard to suspension or discontinuation of telecommunications operations related to telecommunications services specified by Order of the Ministry of Internal Affairs and Communications as having a significant influence on the interests of users.

(Making the Information Related to Suspension and Discontinuation of Telecommunications Operations Public)

Article 26-5 The Minister for Internal Affairs and Communications is to organize the following information that the Minister possesses regarding suspension or discontinuation of telecommunications operations for telecommunications services specified by Order of the Ministry of Internal Affairs and Communications as prescribed in paragraph (2) of the preceding Article, and make the relevant information public using the Internet and other appropriate methods:

- (i) information created or obtained in relation to the notification under Article 18, paragraph (1) and paragraph (2) of the preceding Article; and
- (ii) other information specified by Order of the Ministry of Internal Affairs and Communications.

(Procedure for Processing Complaints)



Article 27 A telecommunications carrier must properly and promptly process complaints or inquiries from users regarding the telecommunications carrier's methods of conducting its operations in relation to the telecommunications services set forth in the items of Article 26, paragraph (1), or regarding the telecommunications services as set forth in the items of that paragraph which the telecommunications carrier provides.

(Conduct Prohibited for Telecommunications Carriers)

Article 27-2 Telecommunications carriers must not engage in any of the following:

- (i) intentionally failing to disclose or misrepresenting important particulars that would affect the decision of users regarding the contract for the provision of telecommunications services set forth in the items of Article 26, paragraph (1); or
- (ii) before conducting solicitation for conclusion of a contract for the provision of telecommunications services set forth in the items of Article 26, paragraph (1), soliciting a person (excluding telecommunications carriers) without indicating the telecommunications carrier's own name or without indicating that the telecommunications carrier is conducting solicitation for conclusion of the relevant contract (excluding solicitations specified by Order of the Ministry of Internal Affairs and Communications as not being likely to compromise the protection of the interest of users);
- (iii) continuing to solicit a person (except for telecommunications carriers) for conclusion of a contract under which they would be provided with telecommunications services set forth in the items of Article 26, paragraph (1) after the person that receives the solicitation manifests the intention not to conclude that contract (including a refusal to receive the solicitation thereafter) (except for solicitations specified by Order of the Ministry of Internal Affairs and Communications as not being likely to compromise the protection of the interests of users); or
- (iv) beyond what is provided for in the preceding three items, any conduct specified by Order of the Ministry of Internal Affairs and Communications as being likely to compromise the protection of the interests of users.

(Conduct Prohibited for Telecommunications Carriers Providing Mobile Telecommunications Services)

Article 27-3 (1) The Minister for Internal Affairs and Communications may designate a telecommunications carrier that provides mobile telecommunications services (meaning telecommunications services set forth in Article 26, paragraph (1), item (i) or telecommunications services set forth in item (iii) in that paragraph (limited to services provided by using transmission

line facilities interconnected to mobile terminal facilities at one end), which are designated by the Minister for Internal Affairs and Communications as those for which it is necessary to keep appropriate competitive relationships among telecommunications carriers, in consideration of their conditions for the provision of telecommunications services, or other circumstances; hereinafter the same applies) (the relevant telecommunications carrier excludes a carrier whose proportion of the number of users who they provide with mobile telecommunications services to the total number of users of mobile telecommunications services (limited to the same type of services as those provided by the telecommunications carriers) does not exceed the proportion specified by Order of the Ministry of Internal Affairs and Communications as having little impact on appropriate competitive relationships among telecommunications carriers) as a telecommunications carrier to which the provisions of the following paragraph apply.

- (2) Telecommunications carriers designated pursuant to the provisions of the preceding paragraph must not engage in any of the following:
  - (i) when concluding a contract for sales or other activities (meaning sales, rental, and other similar activities) on telecommunications facilities that serve as mobile terminal facilities required to receive their mobile telecommunications services, promising to provide users of the services under that contract (including persons seeking to receive telecommunications services; the same applies in the following item, Article 27-12, Article 29, paragraph (2), Article 39-3, paragraph (2), Article 73-4, Article 121, paragraph (2), and Article 167-2) with benefits specified by Order of the Ministry of Internal Affairs and Communications as those which could possibly impair appropriate competitive relationships among telecommunications carriers, such as charges for those services that are more favorable than if the relevant contract is not concluded; or having a third party promise to provide those users with the relevant benefits; or
  - (ii) when concluding a contract related to the provision of their mobile telecommunications services, promising to provide the users of those services with charges and other terms and conditions for the services specified by Order of the Ministry of Internal Affairs and Communications as those which could possibly impair appropriate competitive relationships between telecommunications carriers, by unfairly preventing the users from cancelling the contract; or having a person entrusted with intermediation or other similar actions that conducts notification promise to provide the user with the relevant charges or other terms and conditions.
- (3) The designation of mobile telecommunications services and telecommunications carriers under paragraph (1) is made by issuing a public notice.

(Guidance to Persons Entrusted with Intermediation or Other Similar Actions)

Article 27-4 If a telecommunications carrier entrusts a person to conclude a contract for the provision of telecommunications services as an intermediary, broker or agent (hereinafter referred to as "intermediation or other similar actions"), or conduct any other associated operations, the telecommunications carrier must provide guidance to any person entrusted with those operations (including other persons that are entrusted with those operations by the relevant person (including cases in which the relevant operations are entrusted two or more times); hereinafter referred to as a "person entrusted with intermediation or other similar actions") or take other measures necessary for ensuring that the operations related to that entrustment are conducted in a proper and secure manner, pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications.

(Designation of Telecommunications Carriers that Should Handle Specified User Information Properly)

Article 27-5 Pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications, the Minister for Internal Affairs and Communications may designate telecommunications carriers that provide telecommunications services specified by Order of the Ministry of Internal Affairs and Communications as having a significant influence on the interests of users in consideration of their content, the scope of users, and their usage as telecommunications carriers that should handle specified user information (meaning information about a user obtained in regard to that telecommunications service, which is listed in the following; the same applies hereinafter) properly:

- (i) information that falls under the category of secrecy of communications;
- (ii) information that can identify a user (limited to those listed in Article 2, item (vii), (a)) and is specified by Order of the Ministry of Internal Affairs and Communications (excluding those listed in the preceding item).

(Regulations for Handling Information)

Article 27-6 (1) Pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications, any telecommunications carrier designated pursuant to the provisions of the preceding Article must establish regulations concerning the following matters (hereinafter referred to as "regulations for handling information") in order to ensure the proper handling of specified user information, and notify the Minister for Internal Affairs and Communications of those regulations within three months from the date of that designation:

- (i) matters regarding the prevention of leakage, loss, or damage of specified

user information and other matters concerning the security control of that specified user information;

- (ii) matters regarding the supervision of any person entrusted with the handling of specified user information when it is entrusted to a third party;
  - (iii) matters regarding the establishment of the information handling policy prescribed in Article 27-8, paragraph (1) and the manner of making it public;
  - (iv) matters regarding evaluation under Article 27-9;
  - (v) other particulars specified by Order of the Ministry of Internal Affairs and Communications.
- (2) When a telecommunications carrier designated pursuant to the provisions of the preceding Article has changed its regulations for handling information, the telecommunications carrier must notify the Minister of the changed matters without delay.

(Order for Changing Regulations for Handling Information)

Article 27-7 (1) If the Minister for Internal Affairs and Communications finds it necessary in order to ensure the proper handling of specified user information, the Minister may order a telecommunications carrier designated pursuant to the provisions of Article 27-5 to change the regulations for handling information that the telecommunications carrier has notified the Minister of pursuant to the provisions of the paragraphs of the preceding Article.

- (2) If the Minister for Internal Affairs and Communications finds that a telecommunications carrier designated pursuant to the provisions of Article 27-5 does not observe its regulations for handling information, the Minister may order that telecommunications carrier to observe the regulations for handling information to the extent necessary to protect the interests of users.

(Information Handling Policy)

Article 27-8 (1) Pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications, a telecommunications carrier designated pursuant to the provisions of Article 27-5 must establish a policy concerning the following matters (referred to as a "information handling policy" in the following paragraph and the following Article, paragraph (2)) to ensure transparency in the handling of specified user information, and make the policy public within three months from the date of the designation:

- (i) matters regarding the content of the specified user information to be obtained;
- (ii) matters regarding the purpose and method of use of specified user information;
- (iii) matters regarding the method of security control of specified user information;

- (iv) matters regarding contact information for offices, business offices, or other places of business that respond to complaints from or provide consultations to users;
  - (v) other particulars specified by Order of the Ministry of Internal Affairs and Communications.
- (2) When a telecommunications carrier designated pursuant to Article 27-5 has changed its information handling policy, it must make the change public without delay.

(Evaluation of the Status of Handling of Specified User Information)

- Article 27-9 (1) Pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications, the telecommunications carrier designated pursuant to the provisions of Article 27-5 must conduct an evaluation of the status of the handling of specified user information every fiscal year.
- (2) When a telecommunications carrier designated pursuant to Article 27-5 finds it necessary based on the results of the evaluation under the preceding paragraph, the telecommunications carrier must change its regulations for handling information or its information handling policy.

(General Manager of Specified User Information)

- Article 27-10 (1) Pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications, a telecommunications carrier designated pursuant to the provisions of Article 27-5, within three months from the date of the designation, must appoint a general manager of specified user information who is responsible for the general management of the duties on the particulars listed in the items of Article 27-6, paragraph (1) from among persons in managerial positions who participate in making important decisions on business management and who possess specific practical experience in handling information regarding users or satisfy other requirements specified by Order of the Ministry of Internal Affairs and Communications.
- (2) If a telecommunications carrier designated pursuant to the provisions of Article 27-5 appoints or dismisses a general manager of specified user information, it must notify the Minister for Internal Affairs and Communications to that effect without delay pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications.

(Obligations of the General Manager of Specified User Information)

- Article 27-11 (1) A general manager of specified user information must perform their duties in a sincere manner.
- (2) Regarding the protection of the interests of users, a telecommunications carrier designated pursuant to the provisions of Article 27-5 must respect the

opinions of the general manager of specified user information that the manager holds concerning performing their duties.

(Notification Concerning Information Transmission Order Communications)

Article 27-12 In providing telecommunications services to its users, when a telecommunications carrier or a person conducting item (iii) business (limited to persons that provide telecommunications services specified by Order of the Ministry of Internal Affairs and Communications as having non-negligible influence on the interests of users, in consideration of their content, the scope of users, and their usage) intends to send information transmission order communications (meaning a telecommunications transmission that provides a command to activate the information transmission functions possessed by the telecommunications facilities of the user (meaning the function of transmitting information about the user recorded in the telecommunications facilities of the user to the telecommunications facilities of a person other than the user; hereinafter the same applies in this Article); hereinafter the same applies in this Article) to the telecommunications facilities of the users, pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications, that telecommunications carrier or person conducting item (iii) business, in advance, must notify those users of the contents of their information that is to be sent by information transmission functions activated by the information transmission order communications, the telecommunications facilities to which that information is to be sent, and other particulars specified by Order of the Ministry of Internal Affairs and Communications, or must make the abovementioned information readily available to those users; provided, however, that this does not apply if that information is any of the following:

- (i) information necessary for the proper display and reproduction of codes, sounds or images transmitted in the telecommunications service on the picture display of the telecommunications facilities of the user, and other information specified by Order of the Ministry of Internal Affairs and Communications as necessary for users to transmit when using the telecommunications service;
- (ii) identification codes (meaning letters, numbers, signs, or other codes that a telecommunications carrier or a person conducting the item (iii) business uses to identify a user separately from other persons when providing telecommunications services) that a telecommunications carrier or a person conducting the item (iii) business transmits to the user's telecommunications facilities when providing those telecommunications services to the user, and that are to be transmitted to the receiving telecommunications facilities of that carrier or person by the information transmission function activated by the information transmission order communications;

- (iii) information that the user has agreed will be sent to the receiving telecommunications facilities by the information transmission function activated by the information transmission order communications;
- (iv) information for which the user has not requested the application of the measure prescribed in (a), if those information transmission order communications fall under all of the following:
  - (a) measures to stop any of the following actions are taken at the request of the user:
    1. transmission of information about the user by means of an information transmission function activated by the information transmission order communications;
    2. use of information about the user transmitted by the information transmission function activated by the information transmission order communications;
  - (b) the measures prescribed in (a) above, the method of accepting requests related to those measures from users, and other particulars specified by Order of the Ministry of Internal Affairs and Communications are made readily available to users.

(Reporting on the Suspension of Telecommunications Operations)

Article 28 (1) In any of the following cases, a telecommunications carrier must report without delay to the Minister for Internal Affairs and Communications to that effect including its reason or cause:

- (i) when part of telecommunications operations are suspended pursuant to the provisions of Article 8, paragraph (2);
  - (ii) when any of the following accidents occurs in relation to telecommunications operations:
    - (a) leakage of secrecy of communications;
    - (b) in cases of a telecommunications carrier designated pursuant to the provisions of Article 27-5, the leakage of specified user information (limited to information listed in item (ii) of that Article and specified by Order of the Ministry of Internal Affairs and Communications);
    - (c) any other serious accident specified by Order of the Ministry of Internal Affairs and Communications.
- (2) If a telecommunications carrier finds that any of the situations specified by Order of the Ministry of Internal Affairs and Communications as a situation that could cause any of the accidents listed in item (ii), (a) through (c) of the preceding paragraph has occurred, the telecommunications carrier must report without delay to the Minister for Internal Affairs and Communications to that effect including its reason or cause.

(Order to Improve Business Activities)

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

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



- treaties or other international agreements in relation to the international telecommunications business in a sincere manner, and thereby the public interest is likely to be impaired seriously;
- (x) if the telecommunications carrier hinders other telecommunications carriers from properly conducting their operations by treating certain telecommunications carriers in an unfair and discriminatory manner in interconnecting or sharing telecommunications facilities or in providing wholesale telecommunications services (telecommunications services provided for the telecommunications business of other telecommunications carriers; hereinafter the same applies) or by conducting other unfair management practices related to these operations, and thereby the public interest is likely to be impaired seriously;
  - (xi) if management of telecommunications business by a telecommunications carrier involved in providing telecommunications services without installing telecommunications line facilities makes it difficult for another telecommunications carrier that is installing those facilities and is providing the telecommunications services to maintain the telecommunications line facilities related to the same demand for telecommunications business from a management perspective, and thereby the public interest is likely to be impaired seriously; or
  - (xii) beyond what is set forth in the preceding items, if the telecommunications carrier does not manage its operations properly and reasonably, and thereby the sound development of telecommunications or securing convenience for the people is likely to be hindered.
- (2) If either of conditions set forth in the following items occur, the Minister for Internal Affairs and Communications may order the person prescribed in those items to improve the methods of conducting its operations or take other measures to the extent necessary for ensuring the interests of users:
- (i) if a telecommunications carrier violates the provisions of Article 26-2, paragraph (1), Article 26-4, paragraph (1), Article 27, Article 27-2, Article 27-4, or Article 27-12: the telecommunications carrier;
  - (ii) if a telecommunications carrier designated pursuant to the provisions of Article 27-3, paragraph (1) violates the provisions of Article 27-3, paragraph (2): the telecommunications carrier;
  - (iii) if a telecommunications carrier designated pursuant to the provisions of Article 27-5 violates the provisions of Article 27-8, or Article 27-9: the telecommunications carrier; or
  - (iv) if a person conducting the item (iii) business violates the provisions of Article 27-12: the person conducting the item (iii) business.

(Conduct Prohibited for Telecommunications Carriers Installing Category I

Designated Telecommunications Facilities)

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

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

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

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

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

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

- unreasonable manner, with regard to the relevant carrier's telecommunications operations; or
- (iii) unreasonably disciplining or intervening in the operations of other telecommunications carriers (including the persons that conduct any of the telecommunications business listed in items of Article 164, paragraph (1)), or manufacturers or sellers of telecommunications facilities.
- (5) If the Minister for Internal Affairs and Communications finds that an act undertaken by a telecommunications carrier that has been designated pursuant to the provisions of paragraph (1) or a telecommunications carrier installing Category I designated telecommunications facilities violates the provisions of the preceding two paragraphs, the Minister may order the telecommunications carrier to suspend or change that act.
- (6) Pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications, a telecommunications carrier that has been designated pursuant to the provisions of paragraph (1) and a telecommunications carrier installing Category I designated telecommunications facilities must make the status of income and expenditure for its telecommunications services and other particulars related to its accounting as specified by Order of the Ministry of Internal Affairs and Communications public.

Article 31 (1) An officer of a telecommunications carrier installing Category I designated telecommunications facilities (limited to a corporation; hereinafter the same applies in this Article) must not concurrently serve as an officer of a corporation with a specific affiliation to the relevant carrier (limited to a telecommunications carrier which is the relevant carrier's subsidiary, a company that owns the relevant telecommunications carrier as its subsidiary, or that company's subsidiary (except for the relevant carrier itself)), as specified by the Minister for Internal Affairs and Communications as one in which there is a possibility that appropriate competitive relationships between telecommunications carriers would be impaired if the relevant officer serves as an officer of that corporation (the relevant corporation is hereinafter referred to as a "carrier with a specific affiliation" in the following paragraph and Article 169, item (ii)).

- (2) A telecommunications carrier installing Category I designated telecommunications facilities must not conduct the following acts; provided, however, that this does not apply if there are compelling reasons specified by Order of the Ministry of Internal Affairs and Communications:
- (i) treating other telecommunications carriers in a disadvantageous manner in comparison to a carrier with a specific affiliation to the relevant carrier, in relation to installing or maintaining telecommunications facilities necessary for interconnection with Category I designated telecommunications facilities,

- or in relation to using or providing information on the land and buildings and other structures affixed to them; or
- (ii) treating other telecommunications carriers in a disadvantageous manner in comparison to a carrier with a specific affiliation to the relevant carrier, in relation to being entrusted to conduct intermediation or other similar actions for concluding contracts for the provision of telecommunications services or to conduct other operations by other telecommunications carriers.
- (3) If a telecommunications carrier installing Category I designated telecommunications facilities entrusts all or a part of the telecommunications operations or any other operations incidental to them to its subsidiary, that carrier must conduct the necessary and proper supervision of the entrusted subsidiary so that the subsidiary does not conduct the acts listed in any of the items of paragraph (4) of the preceding Article or the preceding paragraph of this Article (excluding those conducted for the reason in the proviso of that paragraph; the same applies in the following paragraph) in relation to the entrusted business.
- (4) If the Minister for Internal Affairs and Communications finds that a telecommunications carrier installing Category I designated telecommunications facilities undertakes any act listed in the items of paragraph (2), or finds that the entrusted subsidiary referred to in the preceding paragraph undertakes any act listed in the items of paragraph (4) of the preceding Article or any act listed in the items of paragraph (2), the Minister may order the telecommunications carrier to suspend or change the act listed in the items of that paragraph, or take necessary measures to suspend or change the acts listed in the items of paragraph (4) of that Article or the acts listed in the items of paragraph (2) undertaken by the entrusted subsidiary.
- (5) The term "subsidiary" prescribed in paragraph (1), paragraph (3) and the preceding paragraph means a company for which a majority of the voting rights of all shareholders (excluding shareholders that cannot exercise their voting rights with regard to all particulars that may be resolved at the shareholders meetings, and including shareholders that are deemed to have voting rights pursuant to the provisions of Article 879, paragraph (3) of the Companies Act; hereinafter the same applies in this paragraph) or all employees of the company is held by another corporation. In this case, a company in which a corporation and one or more of its subsidiaries hold the majority of all voting rights of all shareholders or all employees or in which one or more of a corporation's subsidiaries hold the majority of all shareholders or all employees is deemed to be the subsidiary of that corporation.
- (6) In order to ensure an appropriate competitive relationship with other telecommunications carriers, a telecommunications carrier installing Category

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

- (7) The system or other necessary measures specified in the preceding paragraph must include the following particulars:
- (i) establishing a division dedicated for installing, controlling, and operating of Category I designated telecommunications facilities (including telecommunications facilities installed in combination with the Category I designated telecommunications facilities) and for providing services incidental to it (referred to as a "facilities division" in the following item and item (iii));
  - (ii) assigning a person responsible for controlling information which has been learned in relation to the operations involved in the interconnection of Category I designated telecommunications facilities and the telecommunications facilities of the other telecommunications carriers to the facilities division; and
  - (iii) establishing a division for supervising the status of implementation of the operations involved in interconnection between the Category I designated telecommunications facilities and telecommunications facilities of other telecommunications carriers, aside from the facilities division.
- (8) Every year, a telecommunications carrier installing Category I designated telecommunications facilities must report to the Minister for Internal Affairs and Communications on particulars specified by Order of the Ministry of Internal Affairs and Communications with respect to the measures it has taken to comply with the provisions of paragraph (2), (3), and (6) and the status of implementation of those measures, pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications.

(Interconnection with Telecommunications Line Facilities)

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

- (i) if the interconnection is likely to hinder telecommunications services from being provided in a smooth manner;

- (ii) if the interconnection is likely to unreasonably harm the interests of the requested telecommunications carrier; or
- (iii) beyond the cases listed in the preceding two items, if there are justifiable grounds specified by Order of the Ministry of Internal Affairs and Communications.

(Interconnection with Category I Designated Telecommunications Facilities)

- Article 33 (1) Pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications, the Minister for Internal Affairs and Communications may designate the aggregates of the following as telecommunications facilities whose interconnection with telecommunications facilities of other telecommunications carriers is indispensable for improving convenience of users and developing telecommunications in a comprehensive and reasonable manner: transmission line facilities which are installed by a single telecommunications carrier and interconnected to the user's telecommunications facilities (except for mobile terminal facilities) at one end and whose transmission line facilities come to account for a proportion that is calculated by the method specified by Order of the Ministry of Internal Affairs and Communications as the proportion of the number of telecommunications lines of all transmission line facilities of the same type installed within the prefecture in which those transmission line facilities are to be installed, and that exceeds the proportion specified by Order of the Ministry of Internal Affairs and Communications; and telecommunications facilities specified by Order of the Ministry of Internal Affairs and Communications which are installed by the telecommunications carrier for the purpose of providing telecommunications services using those transmission line facilities.
- (2) A telecommunications carrier installing telecommunications facilities designated pursuant to the provisions of the preceding paragraph (hereinafter referred to as "Category I designated telecommunications facilities") must establish general conditions of contracts for interconnection between the Category I designated telecommunications facilities and other telecommunications carriers' telecommunications facilities, concerning the amount of money that the telecommunications carrier installing Category I designated telecommunications facilities is to receive (hereinafter referred to as "interconnection charges" in this Article), the technical conditions required at the points of interconnection with other telecommunications carriers' telecommunications facilities, and other terms and conditions of interconnection, including classifications of telecommunications carriers according to which charges for telecommunications services are specified (hereinafter referred to as "terms and conditions of interconnection"), and must obtain authorization from the Minister for Internal Affairs and

Communications. The same also applies if it intends to change those general conditions of contracts for interconnection.

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

- telecommunications facilities interconnects its own telecommunications facilities with the relevant Category I designated telecommunications facilities; and
- (iv) the general conditions of contracts for interconnection do not treat certain telecommunications carriers in an unfair and discriminatory manner.
- (5) The methods specified by Order of the Ministry of Internal Affairs and Communications as set forth in item (ii) of the preceding paragraph (limited to those which specify interconnection charges for functions specified by Order of the Ministry of Internal Affairs and Communications as the functions specified by Order of the Ministry of Internal Affairs and Communications as set forth in item (i), (b) of that paragraph, that are found to have the potential to achieve increased efficiency in provision of telecommunications services through interconnection with Category I designated telecommunications facilities to a considerable extent, by the introduction of advanced new telecommunications technologies) must be those by which the amount is calculated in consideration of the expenses for the Category I designated telecommunications facilities which will increase in accordance with an increase in the amount of traffic or the number of circuits for the telecommunications services provided by the those facilities through their interconnection, if the relevant Category I designated telecommunications facilities are reorganized to improve their efficiency with the use of advanced new telecommunications technologies that are generally available.
- (6) If the Minister for Internal Affairs and Communications finds that promotion of the public interest is hindered because the interconnection charges specified in the general conditions of contracts for interconnection which have been authorized as set forth in paragraph (2) become inappropriate in light of the amount set forth in paragraph (4), item (ii), or because the terms and conditions of interconnection specified in the general conditions of contracts for interconnection become particularly inappropriate due to changes in the social and economic circumstances, the Minister may order the telecommunications carrier installing Category I designated telecommunications facilities to apply for authorization for a change of the general conditions of contracts for interconnection within a reasonable period designated by the Minister.
- (7) A telecommunications carrier installing Category I designated telecommunications facilities must establish the general conditions of contracts for interconnection for interconnection charges and terms and conditions of interconnection specified by Order of the Ministry of Internal Affairs and Communications, as set forth in paragraph (3), for interconnection with their Category I designated telecommunications facilities, and must notify the Minister for Internal Affairs and Communications of those general conditions before their implementation. The same also applies if it intends to change them.



- (8) If the Minister for Internal Affairs and Communications finds that the interconnection charges or terms and conditions of interconnection specified in the general conditions of contracts for interconnection for which notification has been made pursuant to the provisions of the preceding paragraph (including as applied pursuant to the provision of paragraph (17) following the deemed replacement of terms) hinder promotion of the public interest, the Minister may order the telecommunications carrier that has given the notification and is installing the Category I designated telecommunications facilities to change the general conditions of contracts for interconnection within a reasonable period designated by the Minister.
- (9) A telecommunications carrier installing Category I designated telecommunications facilities must not conclude or amend an agreement with other telecommunications carriers on interconnection with the relevant Category I designated telecommunications facilities, unless the action is conducted in accordance with the general conditions of contracts for interconnection authorized pursuant to the provisions of paragraph (2) or the general conditions of contracts for interconnection for which notification has been made pursuant to the provisions of paragraph (7) (including as applied pursuant to the provisions of paragraph (17) following the deemed replacement of terms) (hereinafter referred to as "authorized or notified general conditions of contracts for interconnection" in this Article).
- (10) Notwithstanding the provisions of the preceding paragraph, if there are special circumstances that make it difficult to comply with authorized or notified general conditions of contracts for interconnection upon authorization from the Minister for Internal Affairs and Communications, a telecommunications carrier installing Category I designated telecommunications facilities may conclude or amend an agreement on interconnection with the relevant Category I designated telecommunications facilities through interconnection charges and terms and conditions of interconnection different from those specified in the authorized or notified general conditions of contracts for interconnection (limited to those conforming to all items (except item (i), (a) and (b)) in paragraph (4), in cases of those that fall under the interconnection charges and terms and conditions of interconnection as set forth in paragraph (2)).
- (11) A telecommunications carrier installing Category I designated telecommunications facilities must make its authorized or notified general conditions of contracts for interconnection public, pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications.
- (12) Pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications, a telecommunications carrier installing Category I designated telecommunications facilities must keep records of the amount of

traffic, the number of circuits, or other particulars specified by Order of the Ministry of Internal Affairs and Communications (referred to as "amount of traffic or other particulars" in paragraph (14)) for respective functions specified by Order of the Ministry of Internal Affairs and Communications, as set forth in paragraph (4), item (i), (b), in relation to interconnection with the Category I designated telecommunications facilities.

- (13) Pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications, a telecommunications carrier installing those Category I designated telecommunications facilities must keep accounts for interconnection with its Category I designated telecommunications facilities, and based on the accounting, make the status of income and expenditure regarding the interconnection and other particulars specified by Order of the Ministry of Internal Affairs and Communications public.
- (14) In order to keep the interconnection charges fair and justifiable, a telecommunications carrier installing Category I designated telecommunications facilities must recalculate the interconnection charges, in light of the amount calculated by methods specified by Order of the Ministry of Internal Affairs and Communications as set forth in paragraph (4) item (ii), based on records of the amount of traffic or other particulars and on the results of accounts as set forth in the preceding paragraph, every time a period not exceeding five years as specified by Order of the Ministry of Internal Affairs and Communications has passed, after the date of authorization set forth in paragraph (2) in cases of interconnection charges set forth in paragraph (5), or every time a telecommunications carrier has closed accounts for the preceding fiscal year pursuant to the provisions of the preceding paragraph in cases of other interconnection charges.
- (15) A telecommunications carrier installing Category I designated telecommunications facilities must endeavor to provide other telecommunications carriers with any information necessary for smooth interconnection between their telecommunications facilities and those Category I designated telecommunications facilities.
- (16) With regard to interconnection charges and terms and conditions of interconnection specified in the general conditions of contracts for interconnection for which a telecommunications carrier installing telecommunications facilities newly designated pursuant to the provisions of paragraph (1) is to obtain authorization from the Minister for Internal Affairs and Communications for the first time after the date of designation pursuant to the provisions of paragraph (2), the phrase "must obtain authorization from the Minister for Internal Affairs and Communications. The same also applies when it intends to change those general conditions of contracts for interconnection" in that paragraph is deemed to be replaced with "must apply

for authorization from the Minister for Internal Affairs and Communications within three months from the date on which the designation is newly granted pursuant to the provisions of the preceding paragraph".

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

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

(Making the Suspension and Discontinuation of Functions Related to Interconnection with Category I Designated Telecommunications Facilities Widely Known)

Article 33-2 If a telecommunications carrier installing Category I designated telecommunications facilities intends to suspend or discontinue functions specified by Order of the Ministry of Internal Affairs and Communications as prescribed in paragraph (4), item (i), (b) of the preceding Article for interconnection with the relevant Category I designated telecommunications

facilities, it must make this known to other telecommunications carriers whose telecommunications facilities are interconnected to the relevant Category I designated telecommunications facilities and that are using the relevant functions, in advance, pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications.

(Interconnection with Category II Designated Telecommunications Facilities)

Article 34 (1) Pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications, the Minister for Internal Affairs and Communications may designate the aggregates of the following as telecommunications facilities whose appropriate and smooth interconnection with the telecommunications facilities of other telecommunications carriers is to be ensured: transmission line facilities which are installed by a single telecommunications carrier and interconnected to the specified mobile terminal facilities at one end, and whose specified mobile terminal facilities represent a proportion exceeding the proportion specified by Order of the Ministry of Internal Affairs and Communications of the total number of specified mobile terminal facilities interconnected to all transmission line facilities of the same type installed within the same service area of the telecommunications services provided by using the relevant transmission line facilities; and telecommunications facilities specified by Order of the Ministry of Internal Affairs and Communications which are installed by the telecommunications carrier to provide the telecommunications services.

(2) A telecommunications carrier installing telecommunications facilities designated pursuant to the provisions of the preceding paragraph (hereinafter referred to as "Category II designated telecommunications facilities") must establish the general conditions of contracts for interconnection between the Category II designated telecommunications facilities and other telecommunications carriers' facilities, concerning the amount of money that the telecommunications carrier installing the Category II designated telecommunications facilities is to receive, and the terms and conditions of interconnection, and notify the Minister for Internal Affairs and Communications of those general conditions before their implementation, pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications. The same also applies if it intends to change them.

(3) If the Minister for Internal Affairs and Communications finds that the general conditions of contracts for interconnection for which notification has been made pursuant to the provisions of the preceding paragraph (including as applied pursuant to the provisions of paragraph (8) following the deemed replacement of the terms) fall under any of the following items, the Minister may order the telecommunications carrier installing the Category II designated

telecommunications facilities to change the general conditions of contracts for interconnection within a reasonable period designated by the Minister:

- (i) if particulars listed below are not specified properly and explicitly:
    - (a) technical conditions required at the points specified by Order of the Ministry of Internal Affairs and Communications as standard interconnection points, from among the interconnection points where interconnection with the telecommunications facilities of other telecommunications carriers is technically and economically feasible;
    - (b) the amount of money that the telecommunications carrier installing Category II designated telecommunications facilities is to receive for respective functions specified by Order of the Ministry of Internal Affairs and Communications;
    - (c) particulars related to the responsibilities of the telecommunications carrier installing Category II designated telecommunications facilities and of other telecommunications carriers that interconnect their telecommunications facilities with those facilities;
    - (d) classifications of telecommunications carriers, according to which charges for telecommunications services are specified; or
    - (e) beyond the particulars listed in (a) through (d) above, particulars specified by Order of the Ministry of Internal Affairs and Communications as being necessary for smooth interconnection with Category II designated telecommunications facilities;
  - (ii) if the amount of money that the telecommunications carrier installing Category II designated telecommunications facilities is to receive exceeds the amount of money calculated by the method specified by Order of the Ministry of Internal Affairs and Communications as that for calculating reasonable costs plus reasonable profits under efficient management;
  - (iii) if the terms and conditions of interconnection are disadvantageous in comparison with those applicable to the cases in which the telecommunications carrier installing Category II designated telecommunications facilities interconnects its own telecommunications facilities with the relevant Category II designated telecommunications facilities; or
  - (iv) if the general conditions of contracts for interconnection treat certain telecommunications carriers in an unfair and discriminatory manner.
- (4) A telecommunications carrier installing Category II designated telecommunications facilities must not conclude or amend an agreement with other telecommunications carriers on interconnection with the Category II designated telecommunications facilities, unless the action is conducted in accordance with the general conditions of contracts for interconnection of which the notification has been made pursuant to the provisions of paragraph

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

telecommunications carrier installing telecommunications facilities newly designated pursuant to the provisions of paragraph (1) has concluded with other telecommunications carriers as of the date of notification that are related to interconnection with the newly designated telecommunications facilities.

(Making the Suspension and Discontinuation of Functions Related to Interconnection with Category II Designated Telecommunications Facilities Widely Known)

Article 34-2 If a telecommunications carrier installing Category II designated telecommunications facilities intends to suspend or discontinue functions specified by Order of the Ministry of Internal Affairs and Communications as prescribed in item (i), (b) of paragraph (3) of the preceding Article related to interconnection with the relevant Category II designated telecommunications facilities, it must make this known to other telecommunications carriers whose telecommunications facilities are interconnected to the relevant Category II designated telecommunications facilities and that are using the relevant functions, in advance, pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications.

(Order on Interconnection with Telecommunications Facilities)

Article 35 (1) If a telecommunications carrier requests another telecommunications carrier to conclude an agreement on interconnection between the requested telecommunications carrier's telecommunications line facilities and the requesting telecommunications carrier's telecommunications facilities, but the requested telecommunications carrier refuses to hold negotiations or those negotiations fail, resulting in the requesting telecommunications carrier filing a petition, the Minister for Internal Affairs and Communications is to order the requested telecommunications carrier to start or restart those negotiations, except for cases in which the Minister finds that interconnection falls under the items of Article 32 or an application for arbitration has been filed pursuant to the provisions of Article 155, paragraph (1).

(2) Beyond the cases set forth in the preceding paragraph, if a telecommunications carrier requests another telecommunications carrier to conclude an agreement on interconnection between the requested telecommunications carrier's telecommunications facilities and those of the requesting telecommunications carrier, but the requested telecommunications carrier refuses to hold negotiations or those negotiations fail, resulting in the requesting telecommunications carrier filing a petition; and if the Minister for Internal Affairs and Communications finds that that interconnection is particularly necessary and appropriate for increasing the public interest, the

Minister may order the requested telecommunications carrier to start or restart those negotiations, except for cases in which an application for arbitration has been filed pursuant to the provisions of Article 155, paragraph (1).

- (3) If negotiations between the parties about interconnection with a telecommunications carrier's telecommunications facilities fail on the amount of money that is to be received or paid by the parties, the terms and conditions of interconnection, or other details of the agreement, the telecommunications carrier installing telecommunications facilities to be interconnected to them may apply to the Minister for Internal Affairs and Communications for a ruling; provided, however, that this does not apply if any party has already filed an application for arbitration under Article 155, paragraph (1).
- (4) Beyond the cases set forth in the preceding paragraph, if an order has been issued pursuant to the provisions of paragraph (1) or (2), and negotiations between the parties fail on the amount of money that is to be received or paid by the parties, the terms and conditions of interconnection, or the details of the agreement, the relevant party may apply to the Minister for Internal Affairs and Communication for a ruling.
- (5) If the Minister for Internal Affairs and Communications receives the application for a ruling under the preceding two paragraphs, the Minister must notify the other party to that effect, and must give that other party an opportunity to file written answers within a period designated by the Minister.
- (6) If the Minister for Internal Affairs and Communications makes a ruling as set forth in paragraph (3) or (4), the Minister must notify the parties to that effect without delay.
- (7) If a ruling is made as set forth in paragraph (3) or paragraph (4), the negotiations between the parties are deemed to have reached agreement in accordance with the ruling.
- (8) Any of the parties that are dissatisfied with the ruling set forth in paragraph (3) or (4) with regard to the amount of money that is to be received or paid by the party may demand an increase or decrease in that amount by filing an action within six months from the date on which the party is informed of the ruling.
- (9) In filing an action as set forth in the preceding paragraph, the other party is the defendant.
- (10) Dissatisfaction with the amount of money that is to be received or paid by the party may not be used as grounds to appeal the ruling set forth in paragraph (3) or (4).

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



Article 36 (1) If a telecommunications carrier installing Category I designated telecommunications facilities has a plan to change or make an addition to existing functions (except those specified by Order of the Ministry of Internal Affairs and Communications) of the Category I designated telecommunications facilities, it must notify the Minister for Internal Affairs and Communications of the plan pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications by the period before the date on which the installation work starts as specified by Order of the Ministry of Internal Affairs and Communications. The same also applies if it intends to change the plan notified to the Minister.

(2) Pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications, a telecommunications carrier installing Category I designated telecommunications facilities must make public the plan for which the notification has been made pursuant to the provisions of the preceding paragraph.

(3) If a notification is filed pursuant to the provisions of paragraph (1) and the Minister for Internal Affairs and Communications finds that the implementation of the notified plan is likely to hinder the smooth interconnection between the Category I designated telecommunications facilities and those of another telecommunications carrier, the Minister may recommend the telecommunications carrier installing the Category I designated telecommunications facilities to change its plan.

(Agreement on Sharing Category I Designated Telecommunications Facilities)

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

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

(Order to Share Telecommunications Facilities)

Article 38 (1) If a telecommunications carrier requests another telecommunications carrier to conclude an agreement on sharing

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

- (2) The provisions of Article 35, paragraphs (3) through (10) apply mutandis to the sharing of telecommunications facilities or structures for telecommunications facilities installation. In this case, the term "terms and conditions of interconnection" in paragraph (3) and paragraph (4) of that Article is deemed to be replaced with "terms and conditions for sharing"; the phrase "installing telecommunications facilities to be interconnected with the telecommunications facilities" and the term "Article 155, paragraph (1)" in paragraph (3) of that Article are deemed to be replaced with "that intends to conclude an agreement with the telecommunications carrier" and "Article 155, paragraph (1) as applied mutatis mutandis pursuant to Article 156, paragraph (1)", respectively; and, the term "paragraph (1) or paragraph (2)" in paragraph (4) of that Article is deemed to be replaced with "Article 38, paragraph (1)".

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

Article 38-2 (1) If a telecommunications carrier installing Category I or Category II designated telecommunications facilities commences the operations involved in providing wholesale telecommunications services by using those Category I or Category II designated telecommunications facilities, the telecommunications carrier must notify the Minister for Internal Affairs and Communications of the commencement of those services, the type of wholesale telecommunications services by each classification specified by Order of the Ministry of Internal Affairs and Communications, and other particulars specified by Order of the Ministry of Internal Affairs and Communications, without delay, pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications. The same applies if it changes the particulars for which notification has been made, or discontinues those operations.

- (2) A telecommunications carrier that provides specified wholesale telecommunications services (meaning wholesale telecommunications services

using Category I or II designated telecommunications facilities other than those specified by Order of the Ministry of Internal Affairs and Communications as having little impact on appropriate competitive relationships among telecommunications carriers; hereinafter the same applies) must not refuse to do so within its service areas without just cause.

(3) If a telecommunications carrier that provides specified wholesale telecommunications services receives an offer for conclusion of a contract for the provision of those services and, before presenting the amount of money that the requesting telecommunications carrier is to pay and other terms and conditions for the provision of those services, the requested carrier is requested to present the abovementioned information together with the method for calculation of that amount and other particulars specified by Order of the Ministry of Internal Affairs and Communications as the information that would contribute to smoothing negotiations regarding conclusion of the contract in question, the requested carrier must not refuse their presentation without just cause.

(4) If a telecommunications carrier who provides specified wholesale telecommunications services violates the provisions of the preceding paragraph, the Minister of Internal Affairs and Communications may order the telecommunications carrier to improve its methods of conducting the operations or take other measures to the extent necessary for ensuring the public interest.

(Provisions Applied Mutatis Mutandis to the Provision of Wholesale Telecommunications Services)

Article 39 The provisions of Article 35, paragraph (1) and paragraph (3) through paragraph (10) and Article 38, paragraph (1) apply mutatis mutandis to the provision of wholesale telecommunications services. In this case, the phrase "interconnection between the requested telecommunications carrier's telecommunications line facilities and the requesting telecommunications carrier's telecommunications facilities" in Article 35, paragraph (1) is deemed to be replaced with "provision of specified wholesale telecommunications services prescribed in Article 38-2, paragraph (2)"; the term "agreement" in paragraphs (1), (3), and (4) of that Article and Article 38, paragraph (1) is deemed to be replaced with "contract"; the phrase "interconnection falls under the items of Article 32" in Article 35, paragraph (1) is deemed to be replaced with "there are justifiable grounds prescribed in that paragraph"; the term "Article 155, paragraph (1)" in paragraph (1) and the proviso of paragraph (3) of that Article is deemed to be replaced with "Article 155, paragraph (1) as applied mutatis mutandis pursuant to Article 156, paragraph (2)"; the term "terms and conditions of interconnection" in paragraphs (3) and (4) of that

Article is deemed to be replaced with "terms and conditions for the provision of those services"; the phrase "installing telecommunications facilities to be interconnected to them" in paragraph (3) of that Article is deemed to be replaced with "that intends to conclude a contract with the telecommunications carrier that provides wholesale telecommunications services"; the term "paragraph (2)" in paragraph (4) of that Article is deemed to be replaced with "Article 38, paragraph (1)"; the phrase "sharing telecommunications facilities or structures for telecommunications facilities installation (meaning buildings and other structures used by telecommunications carriers to install telecommunications facilities; the same applies hereinafter)" in Article 38, paragraph (1) is deemed to be replaced by "provision of wholesale telecommunications services other than specified wholesale telecommunications services prescribed in paragraph (2) of the following Article"; and the term "that sharing" and the term "Article 156, paragraph (1)" in Article 38, paragraph (1) are deemed to be replaced with "that provision" and "Article 156, paragraph (2)", respectively.

(Making the Information Concerning Category I and II Designated Telecommunications Facilities Public)

Article 39-2 The Minister for Internal Affairs and Communications is to organize the following information that the Minister possesses regarding Category I and Category II designated telecommunications facilities, and to make the relevant information public using the Internet or any other appropriate means:

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

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

Article 39-3 (1) A telecommunications carrier that provides specified domain name telecommunications services must not refuse to do so in its service areas without just cause.

(2) If a telecommunications carrier providing specified domain name telecommunications services has violated the provisions of the preceding

paragraph, the Minister for Internal Affairs and Communications may order the telecommunications carrier to improve its methods of conducting operations or take other measures, to the extent necessary for ensuring the interests of users or the public interest.

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

(Authorization for Agreements or Contracts with Foreign Governments)

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

#### **Section 4 Telecommunications Facilities**

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

(Maintenance of Telecommunications Facilities)

Article 41 (1) A telecommunications carrier installing telecommunications line facilities must maintain its telecommunications facilities used for telecommunications business (except for telecommunications facilities specified in paragraph (3), telecommunications facilities exclusively used for telecommunications business to provide domain name telecommunications services, and telecommunications facilities specified by Order of the Ministry of Internal Affairs and Communications as those that have a minor influence on the interests of users in the event of damage, failure, etc.) in a manner to conform to the technical standards specified by Order of the Ministry of Internal Affairs and Communications.

- (2) A telecommunications carrier that provides universal telecommunications services must maintain its telecommunications facilities used for telecommunications business to provide those services (except for telecommunications facilities set forth in the preceding paragraph and the following paragraph, and telecommunications facilities exclusively used for telecommunications business to provide domain name telecommunications services) in a manner to conform to the technical standards specified by Order

of the Ministry of Internal Affairs and Communications.

- (3) A Category I eligible telecommunications carrier designated pursuant to the provisions of Article 108, paragraph (1) must maintain its telecommunications facilities used for telecommunications business to provide item (i) universal telecommunications services (except for telecommunications facilities exclusively used for the telecommunications business to provide domain name telecommunications services) in a manner to conform to the technical standards specified by Order of the Ministry of Internal Affairs and Communications.
- (4) The Minister for Internal Affairs and Communications may designate telecommunications carriers that provide telecommunications services (except for universal telecommunications services and domain name telecommunications services) that are specified by Order of the Ministry of Internal Affairs and Communications as those that have a significant influence on the interests of users considering their contents, the scope of users, and other factors, as telecommunications carriers that are required to properly maintain their telecommunications facilities used for telecommunications business, pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications.
- (5) The telecommunications carriers designated pursuant to the provisions of the preceding paragraph must maintain their telecommunications facilities used for telecommunications business to provide telecommunications services specified by Order of the Ministry of Internal Affairs and Communications as prescribed in that paragraph (except for telecommunications facilities specified in paragraph (1)) in a manner to conform to the technical standards specified by Order of the Ministry of Internal Affairs and Communications.
- (6) The technical standards set forth in paragraph (1), paragraph (2), and the preceding paragraph must be specified so as to ensure the following particulars:
  - (i) damage to or failure in the relevant telecommunications facilities does not significantly hinder the provision of telecommunications services;
  - (ii) quality of telecommunications services is maintained at an appropriate level;
  - (iii) secrecy of communications is maintained;
  - (iv) the relevant telecommunications facilities do not damage the telecommunications facilities of users or other telecommunications carriers that interconnect with those facilities, nor cause an obstruction to their functioning; and
  - (v) the demarcation of responsibilities between the telecommunications carrier's telecommunications facilities and other telecommunications carriers' telecommunications facilities which are interconnected with those

facilities are clearly specified.

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

(Self-Confirmation of Telecommunications Facilities by Telecommunications Carrier)

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

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

(3) If a telecommunications carrier installing telecommunications line facilities has made confirmation pursuant to the provisions of paragraph (1) or the preceding paragraph, it must notify the Minister for Internal Affairs and Communications of its results pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications, before it starts using the telecommunications facilities set forth in those paragraphs.

(4) The provisions of the preceding three paragraphs apply mutatis mutandis to a telecommunications carrier that provides universal telecommunications services. In this case, the term "Article 41, paragraph (1)" in paragraph (1) and paragraph (2) is deemed to be replaced with "Article 41, paragraph (2)", and the term "paragraph (1) of that Article" in that paragraphs is deemed to be replaced with " paragraph (2) of that Article".

(5) The provisions of paragraphs (1) through (3) apply mutatis mutandis to

Category I eligible telecommunications carriers designated pursuant to the provisions of Article 108, paragraph (1). In this case, the term "Article 41, paragraph (1)" in paragraphs (1) and (2) is deemed to be replaced with "Article 41, paragraph (3)" and the term "paragraph (1) of that Article" in that paragraph is deemed to be replaced with "paragraph (3) of that Article".

(6) The provisions of paragraphs (1) through (3) apply mutatis mutandis to telecommunications carriers designated pursuant to the provisions of Article 41, paragraph (4). In this case, the term "Article 41, paragraph (1)" in paragraphs (1) and (2) is deemed to be replaced with "Article 41, paragraph (5)" and the term "paragraph (1) of that Article" in that paragraph is deemed to be replaced with "paragraph (5) of that Article".

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

(Order to Conform to Technical Standards)

Article 43 (1) If the Minister for Internal Affairs and Communications finds that the telecommunications facilities set forth in Article 41, paragraph (1) do not conform to the technical standards specified by Order of the Ministry of Internal Affairs and Communications as set forth in that paragraph, the Minister may order the telecommunications carrier installing telecommunications facilities to repair or alter them to conform to the technical standards, or may restrict their use.

(2) The provisions of the preceding paragraph apply mutatis mutandis if the telecommunications facilities set forth in Article 41, paragraph (2), (3) or (5)



are found not to conform to the technical standards specified by Order of the Ministry of Internal Affairs and Communications as set forth in those paragraphs.

(Administrative Regulations)

- Article 44 (1) A telecommunications carrier must establish administrative regulations for the telecommunications facilities set forth in any of Article 41, paragraphs (1) through (5) (excluding paragraph (4)) or Article 41-2 (hereinafter referred to as "telecommunications facilities for the use of telecommunications business") and notify the Minister for Internal Affairs and Communications of those administrative regulations pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications, before it starts its telecommunications business.
- (2) Administrative regulations must provide necessary information pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications on the following particulars to be observed by telecommunications carriers in order to secure the provision of telecommunications services in a reliable and stable manner:
- (i) particulars on policies for managing telecommunications facilities for the use of telecommunications business to secure the provision of telecommunications services in a reliable and stable manner;
  - (ii) particulars on systems for managing telecommunications facilities for the use of telecommunications business to secure the provision of telecommunications services in a reliable and stable manner;
  - (iii) particulars on methods for managing telecommunications facilities for the use of telecommunications business to secure the provision of telecommunications services in a reliable and stable manner; and
  - (iv) particulars on the appointment of a general manager of telecommunications facilities as specified in Article 44-3, paragraph (1).
- (3) If a telecommunications carrier changes its administrative regulations, it must notify the Minister for Internal Affairs and Communications of the changed particulars without delay.
- (4) With regard to the first notification that the telecommunications carrier newly designated pursuant to the provisions in Article 41, paragraph (4) must give to the Minister for Internal Affairs and Communications pursuant to the provisions of paragraph (1) after the date of that designation, the phrase "prior to the commencement of its telecommunications business" in that paragraph is deemed to be replaced with "within three months from the date of new designation under Article 41, paragraph (4)".

(Order for Changing Administrative Regulations)

Article 44-2 (1) If the Minister for Internal Affairs and Communications finds that administrative regulations that a telecommunications carrier has notified the Minister of pursuant to the provisions of paragraph (1) or (3) of the preceding Article do not conform to the provisions of paragraph (2) of that Article, the Minister may order that telecommunications carrier to change those administrative regulations.

(2) If the Minister for Internal Affairs and Communications finds that a telecommunications carrier does not observe its administrative regulations, the Minister may order that telecommunications carrier to observe the administrative regulations to the extent necessary to secure the provision of telecommunications services in a reliable and stable manner.

(General Managers of Telecommunications Facilities)

Article 44-3 (1) Pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications, a telecommunications carrier must appoint a general manager of the telecommunications facilities who is responsible for the general management of the duties on the particulars listed in Article 44, paragraph (2), items (i) through (iii) from among persons in managerial positions who participate in making important decisions on business management who possess specific practical experience in the management of telecommunications facilities or satisfy other requirements as specified by Order of the Ministry of Internal Affairs and Communications.

(2) If a telecommunications carrier appoints or dismisses a general manager of telecommunications facilities, it must notify the Minister for Internal Affairs and Communications to that effect without delay pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications.

(3) A telecommunications carrier newly designated pursuant to the provisions of Article 41, paragraph (4) must make the initial appointment which they should make after the date of that designation pursuant to the provisions of paragraph (1) within three months from the date of designation.

(Obligations of General Managers of Telecommunications Facilities)

Article 44-4 (1) General managers of telecommunications facilities must perform their duties in a sincere manner.

(2) Regarding the provision of telecommunications services in a reliable and stable manner, a telecommunications carrier must respect the opinions of the general managers that the managers hold concerning performing their duties.

(Order for Dismissal of General Managers of Telecommunications Facilities)

Article 44-5 If the Minister for Internal Affairs and Communications finds that the general manager of telecommunications facilities of a telecommunications

carrier has neglected their duties and that their continued engagement in those duties might significantly affect securement of the provision of telecommunications services in a reliable and stable manner, the Minister may order the telecommunications carrier to dismiss that general manager of the telecommunications facilities.

(Chief Telecommunications Engineers)

- Article 45 (1) A telecommunications carrier must appoint a chief telecommunications engineer to supervise particulars related to installation, maintenance and operation of telecommunications facilities for the use of telecommunications business specified by Order of the Ministry of Internal Affairs and Communications, from among persons that have a chief telecommunications engineer's license, pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications; provided, however, that this does not apply to cases in which the telecommunications facilities for the use of telecommunications business are small in scale or other cases specified by Order of the Ministry of Internal Affairs and Communications.
- (2) If a telecommunications carrier has appointed a chief telecommunications engineer pursuant to the provisions of the preceding paragraph, it must notify the Minister for Internal Affairs and Communications to that effect without delay. The same also applies if it dismisses that chief telecommunications engineer.
- (3) A telecommunications carrier newly designated pursuant to the provisions of Article 41, paragraph (4) must make the initial appointment which they should make after the date of that designation pursuant to the provisions of paragraph (1) within three months from the date of designation.

(Chief Telecommunications Engineer's Licenses)

- Article 46 (1) Classes of chief telecommunications engineer's licenses for transmission and switching technology and for transmission line technology are respectively specified by Order of the Ministry of Internal Affairs and Communications.
- (2) The scope of particulars that the persons having a chief telecommunications engineer's license may supervise in relation to installation, maintenance, and operation of telecommunications facilities are specified by Order of the Ministry of Internal Affairs and Communications according to the classes of the chief telecommunications engineer's license as set forth in the preceding paragraph.
- (3) The Minister for Internal Affairs and Communications grants a chief telecommunications engineer's license to a person that falls under any of the following items:

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

(Returning Chief Telecommunications Engineer's Licenses)

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

(Qualification Examination for Chief Telecommunications Engineers)

- Article 48 (1) The qualification examination for chief telecommunications engineers covers the expert knowledge and abilities necessary for installation, maintenance, and operation of telecommunications facilities.
- (2) The qualification examination for chief telecommunications engineers is conducted by the Minister for Internal Affairs and Communications for respective classes of the chief telecommunications engineer's license.
  - (3) The subjects, application procedures, and other details of the qualification examination for chief telecommunications engineers are specified by Order of the Ministry of Internal Affairs and Communications.

(Obligations of Chief Telecommunications Engineers and Carriers)

- Article 49 (1) A chief telecommunications engineer must supervise particulars related to installation, maintenance, and operation of telecommunications facilities for the use of telecommunications business in a sincere manner.
- (2) Telecommunications carriers must give chief telecommunications engineers the necessary authority to perform their duties.
- (3) Telecommunications carriers must respect advice given by the chief telecommunications engineers regarding installation, maintenance, and operation of telecommunications facilities for the use of telecommunications business in the workplace where they perform their duties, and persons that are engaged in installation, maintenance and operation of telecommunications facilities for the use of telecommunications business must follow instructions given by the chief telecommunications engineers that they find necessary for performing their duties.
- (4) Telecommunications carriers must have chief telecommunications engineers receive training which a person registered pursuant to the provisions in Article 85-2, paragraph (1) (hereinafter referred to as a "registered training agency") provides for supervising particulars related to installation, maintenance and operation of telecommunications facilities for the use of telecommunications business (referred to as "training" in Section 6, Subsection 2, in Article 174, paragraph (1), and in Appended Table 1), for every period specified by Order of the Ministry of Internal Affairs and Communications.

### **Subsection 2 Telecommunications Numbers**

(Use of Telecommunications Numbers and Telecommunications Numbering Plan)

- Article 50 (1) In providing telecommunications services, a telecommunications carrier must use telecommunications numbers (meaning numbers, signs, or other codes specified by the Minister for Internal Affairs and Communications; hereinafter the same applies) designated pursuant to paragraph (1) of the following Article or Article 50-11, in accordance with a telecommunications number usage plan certified pursuant to paragraph (1) of the following Article (or if there is certification of the changes in Article 50-6, paragraph (1), a plan that reflects those changes; referred to as "certified telecommunications number usage plan" in Article 51), in order to identify telecommunications facilities that are installed at places of transmission or reception or interconnect between the relevant places, or in order to identify types or content of telecommunications services to provide; provided, however, that this does not apply if domain names (meaning domain names defined in Article 164,

paragraph (2), item (ii)), IP addresses (meaning IP addresses defined in item (iii) of that paragraph), or any other numbers, signs, or codes specified by Order of the Ministry of Internal Affairs and Communications are used.

(2) The Minister for Internal Affairs and Communications must create a table that includes telecommunications numbers and the following particulars (hereinafter referred to as a "telecommunications numbering plan") to contribute to certification as provided in paragraph (1) of the following Article (including the designation referred to in that paragraph and in Article 50-11) as well as the execution of other work related to telecommunications numbers, provide this plan for public browsing, and issue a public notice of it. The same applies if the Minister has changed the plan or made the entry into it pursuant to the provisions of Article 50-12:

(i) type of telecommunications numbers listed below:

(a) user facility identification number (this user facility identification number means a telecommunications number used to identify a user's terminal facility (this user's terminal facility means a terminal facility as specified in Article 52, paragraph (1), and includes customer's telecommunications facilities as specified in Article 70, paragraph (1); hereinafter the same applies below in this (a), item (iii), (b), and item (ii) of paragraph (1) of the following Article), and includes a telecommunications number used both to identify a user's terminal facility and to identify the type or content of telecommunications services to provide; hereinafter the same applies); and

(b) telecommunications numbers other than user facility identification numbers;

(ii) telecommunications facilities or the type or content of telecommunications services to be provided which are identified by the relevant telecommunications numbers; and

(iii) if there are conditions listed below or other conditions related to use of the relevant telecommunications numbers, the contents of those conditions:

(a) conditions related to handling of important communications;

(b) conditions related to number portability (meaning being able to identify a user's terminal facility through the same user facility identification number before and after a change, when the user changes the telecommunications carrier serving as the counterparty in a contract related to provision of telecommunications services); and

(c) the last date for use.

(3) The telecommunications numbering plan must be created so as to ensure the following particulars:

(i) the telecommunications numbers make it possible for telecommunications carriers and users to clearly and easily identify telecommunications facilities

- or the types or content of the telecommunications services;
- (ii) sufficient telecommunications numbers necessary for providing telecommunications services are secured;
- (iii) changes to the telecommunications numbers are avoided as much as possible; and
- (iv) the telecommunications numbers are used in a fair and efficient manner.

(Approval of Telecommunications Number Usage Plan)

- Article 50-2 (1) If a telecommunications carrier intends to use a telecommunications number to provide telecommunications services, it must create a plan for using telecommunications numbers that lists the particulars below (hereinafter referred to as a "telecommunications number usage plan"), and receive approval from the Minister for Internal Affairs and Communications regarding conformity of the relevant telecommunications number usage plan to the requirements listed under the items of Article 50-4 (including designation of user facility identification numbers, if the particulars listed in item (ii) are included in the relevant telecommunications number usage plan; the same applies in this Subsection):
- (i) particulars concerning use of telecommunications numbers;
  - (ii) user facility identification numbers that are to be assigned (this assignment means assigning an unused user facility identification number to a user's terminal facility; the same applies in this item) and particulars listed below, if those numbers are assigned:
    - (a) particulars concerning number assignment;
    - (b) particulars concerning management of user facility identification numbers; and
    - (c) if the conditions listed in item (iii), (b) of paragraph (2) of the preceding Article exist for the relevant user facility identification numbers, particulars concerning ensuring the relevant conditions;
  - (iii) beyond what is set forth in the provisions of (c) in the preceding item, if the conditions provided in item (iii) of paragraph (2) of the preceding Article exist for the relevant telecommunications numbers that are to be used, particulars concerning ensuring the relevant conditions; and
  - (iv) beyond what is set forth in the preceding three items, particulars specified by Order of the Ministry of Internal Affairs and Communications.
- (2) Pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications, a telecommunications carrier seeking the approval set forth in the preceding paragraph must submit an application listing the particulars below, the telecommunications number usage plan, and accompanying documents specified by Order of the Ministry of Internal Affairs and Communications to the Minister for Internal Affairs and Communications:

- (i) its name and address, and in cases of a corporation, the name of its representative; and
  - (ii) beyond what is set forth in the preceding item, particulars specified by Order of the Ministry of Internal Affairs and Communications.
- (3) If the Minister for Internal Affairs and Communications specifies and issues a public notice for a standard telecommunications number usage plan regarding the particulars listed in the items of paragraph (1) (except for item (ii)) (this case includes those in which the Minister makes a change to and issues a public notice for the plan), and the telecommunications carrier (except for those that fall under any of the items of the following Article) creates the same telecommunications number usage plan as the relevant standard telecommunications number usage plan or changes its existing telecommunications number usage plan (except for those that include particulars listed in paragraph (1), item (ii)) to match the relevant standard telecommunications number usage plan, that telecommunications number usage plan is deemed to have received the approval referred to in that paragraph or the approval of changes referred to in Article 50-6, paragraph (1).

(Grounds for Ineligibility)

Article 50-3 A telecommunications carrier that falls under any of the following items may not receive the approval set forth in paragraph (1) of the preceding Article:

- (i) a person that was sentenced to a fine or a heavier punishment pursuant to the provisions of this Act, the Wire Telecommunications Act, the Radio Act, or foreign laws equivalent to these Acts (including punishment under equivalent foreign laws), if two years have not passed since the date on which the enforcement of that punishment was completed or became inapplicable;
- (ii) a person whose registration was revoked pursuant to the provisions of Article 14, paragraph (1), if two years have not passed from the date of the revocation; or a person that obtained registration of the same kind in a foreign country and became subject to its revocation pursuant to the provisions of foreign laws equivalent to this Act, if two years have not passed from the date of the revocation;
- (iii) a corporation or organization for which any of its officers fall under any of the preceding two items; or
- (iv) a foreign corporation, organization, or individual that has not designated a domestic representative or domestic agent.

(Criteria for Approval)

Article 50-4 If there is application for approval as set forth in Article 50-2,



paragraph (1), and the Minister for Internal Affairs and Communications finds that the telecommunications number usage plan subject to the application (including user facility identification numbers, if the particulars listed in item (ii) of that paragraph are included) conforms to the following requirements, the Minister must grant the approval under that paragraph:

- (i) the telecommunications number usage plan subject to the application is appropriate in light of the telecommunications numbering plan;
- (ii) the user facility identification numbers related to the application can be subject to the designation set forth in Article 50-2, paragraph (1) in light of the telecommunications numbering plan; and
- (iii) beyond what is set forth in the preceding two items, the application conforms to the standards specified by Order of the Ministry of Internal Affairs and Communications.

(Application to Persons Intending to Conduct Telecommunications Business)

Article 50-5 The provisions of the preceding three Articles (except for Article 50-2, paragraph (3)) are applied to persons intending to conduct telecommunications business and local governments under Article 165, paragraph (1). In this case, the term "that paragraph" in the preceding Article is deemed to be replaced with "Article 50-2, paragraph (1), on conditions of the registration referred to in Article 9, or notification under Article 16, paragraph (1) or Article 165, paragraph (1)".

(Approval of Changes)

Article 50-6 (1) If a telecommunications carrier that has received the approval referred to in Article 50-2, paragraph (1) intends to change the telecommunications number usage plan, it must receive approval from the Minister for Internal Affairs and Communications; provided, however, that this does not apply to minor changes specified by Order of the Ministry of Internal Affairs and Communications.

(2) The provisions of Article 50-2, paragraph (2), Article 50-3 (item (ii) is limited only to parts related to the provisions of foreign laws equivalent to this Act), and Article 50-4 apply mutatis mutandis to approval of changes referred to in the preceding paragraph. In this case, the phrase "below" in Article 50-2, paragraph (2) is deemed to be replaced with "in item (i)", the term "telecommunications number usage plan" is deemed to be replaced with "telecommunications number usage plan (limited to the parts related to changes)", and the phrase "that paragraph, item (ii)" in Article 50-4 is deemed to be replaced with "Article 50-2, paragraph (1), item (ii)".

(3) In any of the following cases, a telecommunications carrier that has received the approval set forth in Article 50-2, paragraph (1) must notify the Minister

for Internal Affairs and Communications to that effect without delay:

- (i) if there is a change of any particulars in any of the items of Article 50-2, paragraph (2);
- (ii) if there is a minor change specified by Order of the Ministry of Internal Affairs and Communications as set forth in the proviso of paragraph (1); or
- (iii) if the telecommunications carrier becomes one that no longer uses telecommunications numbers.

(Succession)

Article 50-7 If there is succession to the status of a telecommunications carrier under Article 17, paragraph (1), and that telecommunications carrier is one that has received the approval set forth in Article 50-2, paragraph (1), the telecommunications carrier that succeeds to the status of that telecommunications carrier is to succeed to the status as a telecommunications carrier that has received the approval set forth in that paragraph; provided, however, that this does not apply if the telecommunications carrier subject to the succession has submitted the notification under Article 16, paragraph (1); and the person that has acquired all of the relevant telecommunications business through transfer, the corporation surviving after the merger or newly established upon the merger, the corporation that succeeds to all of the relevant telecommunications business upon the split, or the heir (or if one particular heir has been selected from among two or more heirs as a successor to the relevant telecommunications business by agreement among the heirs, the selected heir) falls under any of items of Article 50-3.

(Lapse of Approval)

Article 50-8 If a telecommunications carrier that has received the approval set forth in Article 50-2, paragraph (1) falls under any of the following items, the approval under that paragraph ceases to have effect:

- (i) if the registration ceases to have effect pursuant to the provisions of Article 12-2, paragraph (1);
- (ii) if the registration is revoked pursuant to the provisions of Article 14, paragraph (1);
- (iii) if the telecommunications carrier discontinues all of its telecommunications business; or
- (iv) if the telecommunications carrier becomes one that no longer uses telecommunications numbers.

(Revocation of Approval)

Article 50-9 If a telecommunications carrier that has received the approval set forth in Article 50-2, paragraph (1) falls under any of the following items, the

Minister for Internal Affairs and Communications may revoke the approval under that paragraph:

- (i) if the approved telecommunications carrier violates this Act or any order or disposition under this Act, and is found to impair the public interest;
- (ii) if the telecommunications carrier has received the approval set forth in Article 50-2, paragraph (1) or the approval of changes set forth in Article 50-6, paragraph (1) through wrongful means;
- (iii) if the telecommunications carrier falls under any of the items of Article 50-3 (item (ii) is limited to parts related to the provisions of foreign laws equivalent to this Act); or
- (iv) if the telecommunications carrier violates the provisions of Article 51.

(Handing over of Management of User Facility Identification Numbers after Lapse of Designation)

Article 50-10 Handing over of management of user facility identification numbers and other necessary particulars in cases in which a telecommunications carrier that has received the designation set forth in Article 50-2, paragraph (1) falls under any of the following items are specified by Order of Ministry of Internal Affairs and Communications:

- (i) if designation of user facility identification numbers has lapsed pursuant to the provisions of Article 50-8; or
- (ii) if designation of user facility identification numbers has been revoked pursuant to the provisions of the preceding Article.

(Designation of Telecommunications Numbers Other than User Facility Identification Numbers)

Article 50-11 The Minister of Internal Affairs and Communications is to designate telecommunications numbers other than user facility identification numbers, by their authority, pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications. The same applies for revocation of designation of the relevant telecommunications numbers.

(Entries in the Telecommunications Numbering Plan)

Article 50-12 In any of the following cases, the Minister for Internal Affairs and Communications is to make an entry to that effect in the telecommunications numbering plan:

- (i) if the Minister for Internal Affairs and Communications has designated a telecommunications number pursuant to the provisions of Article 50-2, paragraph (1) or the preceding Article;
- (ii) if there has been a change under Article 50-6, paragraph (1) in the designation of a telecommunications number;

- (iii) if there has been succession under Article 50-7 to the status of a telecommunications carrier that has received the approval set forth in Article 50-2, paragraph (1);
- (iv) if designation of a telecommunications number has lapsed pursuant to the provisions of Article 50-8;
- (v) if designation of a telecommunications number has been revoked pursuant to the provisions of Article 50-9 or the preceding Article; or
- (vi) beyond what is set forth in the preceding items, if any factual circumstances specified by Order of the Ministry of Internal Affairs and Communications have arisen.

(Order for Conformity)

Article 51 If the Minister for Internal Affairs and Communications finds that the way in which a telecommunications carrier uses a telecommunications number to interconnect its telecommunications facilities with those of other telecommunications carriers or to handle important communications, or other ways in which the relevant carrier uses a telecommunications number do not conform to the relevant carrier's approved telecommunications number usage plan, the Minister may order that carrier to use those telecommunications numbers in accordance with the relevant approved telecommunications number usage plan or to change that plan.

### **Subsection 3 Interconnection of Terminal Facilities**

(Technical Standards for the Interconnection of Terminal Facilities)

Article 52 (1) If a telecommunications carrier receives a request from a user to interconnect their terminal facilities (telecommunications facilities which are interconnected to one end of telecommunications line facilities and for which a part is installed in the same premises (including the area equivalent to those premises) or in the same building where other parts of those facilities are installed; hereinafter the same applies) with its telecommunications line facilities (except for those specified by Order of the Ministry of Internal Affairs and Communications as having a minor influence on the interests of users in the event of damage, failure, etc.; the same applies in Article 69, paragraphs (1) and (2), and Article 70, paragraph (1)), it must not refuse that request, except for cases in which that interconnection does not conform to the technical standards specified by Order of the Ministry of Internal Affairs and Communications (including technical conditions established by the requested telecommunications carrier or by another telecommunications carrier whose telecommunications facilities are interconnected to those of the requested telecommunications carrier that are specified by Order of the Ministry of

Internal Affairs and Communications with authorization from the Minister for Internal Affairs and Communications; the same applies in the following paragraph, and Article 69, paragraphs (1) and (2)) and other cases specified by Order of the Ministry of Internal Affairs and Communications.

- (2) The technical standards specified by Order of the Ministry of Internal Affairs and Communications as set forth in the preceding paragraph must be specified so as to ensure the following particulars:
- (i) the technical standards do not result in damage to the telecommunications line facilities or do not cause an obstruction to their function;
  - (ii) the technical standards do not cause inconvenience to other users of the telecommunications line facilities; and
  - (iii) the demarcation of responsibilities between the telecommunications line facilities installed by the relevant telecommunications carrier and the terminal facilities interconnected to them by users is clearly specified.

(Technical Standards Conformity Approval for Terminal Equipment)

Article 53 (1) If a person that has obtained registration pursuant to the provisions of Article 86, paragraph (1) (hereinafter referred to as a "registered approval body") receives a request from another person that intends to obtain a technical standards conformity approval (meaning an approval for conformity to the technical standards specified by Order of the Ministry of Internal Affairs and Communications as set forth in paragraph (1) of the preceding Article; hereinafter the same applies) related to its registration, it is to examine the request pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications, and is to grant a technical standards conformity approval only if it finds that the terminal equipment (meaning equipment of terminal facilities of types specified by Order of the Ministry of Internal Affairs and Communications; hereinafter the same applies) related to the request conforms to the technical standards specified by Order of the Ministry of Internal Affairs and Communications as set forth in paragraph (1) of the preceding Article.

- (2) If a registered approval body grants a technical standards conformity approval related to its registration, it must mark the equipment to indicate that the technical standards conformity approval is granted, pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications.
- (3) Except cases in which terminal equipment is marked pursuant to the provisions of the preceding paragraph (including as applied *mutatis mutandis* pursuant to Article 104, paragraph (4)), Article 58 (including as applied *mutatis mutandis* pursuant to Article 104, paragraph (7)), Article 65, Article 68-2 or Article 68-8, paragraph (3), it is prohibited for any person to affix those marks or other confusingly similar marks on terminal equipment or a product

incorporating terminal equipment in Japan.

(Order to Prevent Impediments)

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

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

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

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

(Certification of Design of Terminal Equipment)

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

(2) If a registered approval body receives a request for the certification of design

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

(Obligation for Ensuring Terminal Equipment to be in Accordance with its Certified Design)

- Article 57 (1) If a person that has obtained a certification of design from a registered approval body (hereinafter referred to as a "certified dealer") handles terminal equipment based on a design subject to that certification (hereinafter referred to as a "certified design"), the person must ensure that the terminal equipment is in accordance with the certified design.
- (2) A certified dealer must inspect terminal equipment which it handles as set forth in the preceding paragraph, in accordance with the methods of confirming subject to the certification of design, and must make and keep a record of the inspection pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications.

(Marking Terminal Equipment Based on Certified Design)

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

(Orders for Certified Dealers to Take Measures)

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

(Prohibition on Marking)

- Article 60 (1) In the cases set forth in the following items, the Minister for Internal Affairs and Communications may designate a period not exceeding two years in which a certified dealer is prohibited from affixing the marks set forth in Article 58 on terminal equipment based on the certified design or the design prescribed in the following items:
- (i) if terminal equipment based on a certified design does not conform to the technical standards specified by Order of the Ministry of Internal Affairs and

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

(Application, *Mutatis Mutandis*)

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

(Foreign Dealers)

Article 62 (1) With regard to the application of the provisions of Article 54 to a



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

- (2) With regard to the application of the provisions of Article 54 to a foreign dealer as a certified dealer, as applied *mutatis mutandis* pursuant to Article 59, Article 60, paragraph (1), item (iii) and the preceding Article, the phrase "order" in Article 54 as applied *mutatis mutandis* pursuant to Article 59 and the preceding Article is deemed to be replaced with "request"; and the phrase "has violated an order" and the term "violation" in Article 60, paragraph (1), item (iii) are deemed to be replaced with "has not responded to a request" and "request", respectively.
- (3) Beyond what is provided forth in the provisions of Article 60, paragraph (1), in the cases set forth in the following items, the Minister for Internal Affairs and Communications may designate a period not exceeding two years in which a foreign dealer that has obtained a certification of design from a registered approval body is prohibited from affixing the marks set forth in Article 58 on terminal equipment based on a certified design prescribed in the following items:
  - (i) if the Minister for Internal Affairs and Communications has the foreign dealer submit a report pursuant to the provisions of Article 166, paragraph (2) as applied *mutatis mutandis* pursuant to paragraph (3) of that Article, but the foreign dealer does not submit that report or makes a false report: the certified design of the terminal equipment subject to the report;
  - (ii) if the Minister for Internal Affairs and Communications has ministerial officials conduct an inspection at the place of business of the foreign dealer pursuant to the provisions of Article 166, paragraph (2) as applied *mutatis mutandis* pursuant to paragraph (3) of that Article, but it refuses, obstructs or evades that inspection: the certified design of the terminal equipment subject to the inspection; or
  - (iii) if the foreign dealer does not respond to the request made pursuant to the provisions of Article 167, paragraph (1) as applied pursuant to the provisions of paragraph (6) of that Article following the deemed replacement of terms: the certified design of the terminal equipment subject to the request.
- (4) If the Minister for Internal Affairs and Communications prohibits the foreign dealer from marking the terminal equipment, pursuant to the provisions of the preceding paragraph, the Minister must issue a public notice to that effect.

(Self-Confirmation of Conformity to Technical Standards)

Article 63 (1) A manufacturer or importer of the terminal equipment specified by

Order of the Ministry of Internal Affairs and Communications as equipment that is not likely to remarkably impede the communications of other users of telecommunications line facilities in consideration of the technical standards for the terminal equipment, the manner in which it is used, or other factors (hereinafter referred to as "specified terminal equipment"), may confirm by itself whether the design (including methods of confirming whether the terminal equipment is in accordance with the design) of their specified terminal equipment conforms to the technical standards specified by Order of the Ministry of Internal Affairs and Communications as set forth in Article 52, paragraph (1).

- (2) A manufacturer or importer is to carry out confirmation under the preceding paragraph (referred to as "self-confirmation of technical standards conformity" in the following paragraph), only if it conducts verification pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications and finds that the design of its specified terminal equipment conforms to the technical standards specified by Order of the Ministry of Internal Affairs and Communications as set forth in Article 52, paragraph (1) and that all pieces of the specified terminal equipment based on the design are ensured to be in accordance with that design.
- (3) If any manufacturer or importer has conducted self-confirmation of technical standards conformity, it may notify the Minister for Internal Affairs and Communications of the following particulars pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications:
  - (i) its name and address and, in cases of a corporation, the name of its representative;
  - (ii) the type and design of specified terminal equipment for which the self-confirmation of technical standards conformity was carried out;
  - (iii) outline of the results of the verification set forth in the preceding paragraph;
  - (iv) methods of confirming whether all pieces of the specified terminal equipment based on the design set forth in item (ii) are in accordance with that design; and
  - (v) other particulars specified by Order of the Ministry of Internal Affairs and Communications concerning the methods of self-confirmation of technical standards conformity.
- (4) A person that has notified the Minister for Internal Affairs and Communications of the particulars above pursuant to the provisions of the preceding paragraph (hereinafter referred to as a "notifying supplier") must make and keep a record related to the verification set forth in paragraph (2) pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications.

- (5) If any of the particulars listed in paragraph (3), item (i), (iv), or (v) has been changed, a notifying supplier must notify the Minister for Internal Affairs and Communications to that effect without delay pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications.
- (6) If a notification is filed pursuant to the provisions of paragraph (3), the Minister for Internal Affairs and Communications must issue a public notice to that effect pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications. The same also applies if a notification is filed pursuant to the provisions of the preceding paragraph and any of the particulars in that public notice has been changed.

(Obligation for Ensuring Terminal Equipment to be in Accordance with its Notified Design)

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

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

(Markings)

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

(Prohibition on Marking)

Article 66 (1) In the cases set forth in the following items, the Minister for Internal Affairs and Communications may designate a period not exceeding two years in which a notifying supplier is prohibited from affixing the marks set forth in the preceding Article on the specified terminal equipment based on the design subject to notification or the design prescribed in the following items:

- (i) if the specified terminal equipment based on the design subject to

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

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

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

(Application *Mutatis Mutandis*)

Article 68 The provisions of Article 54 and Article 59 apply *mutatis mutandis* to the specified terminal equipment and the notifying supplier, and the provisions of Article 55 apply *mutatis mutandis* to the specified terminal equipment based on the design subject to notification. In this case, the phrase "which has

obtained technical standards conformity approval from a registered certifying body" in Article 54 is deemed to be replaced with "based on a design subject to notification"; the term "paragraph (2) of the preceding Article" in that Article and the term "Article 53, paragraph (2)" in Article 55, paragraph (1) are deemed to be replaced with "Article 65"; the term "the person that has obtained technical standards conformity approval" in Article 54 is deemed to be replaced with "the person that has obtained technical standards conformity approval in relation to the design subject to notification"; and the term "Article 57, paragraph (1)" and the term "certification of design" in Article 59 are deemed to be replaced with "Article 64, paragraph (1)" and "notification filed pursuant to the provisions of Article 63, paragraph (3)", respectively.

(Cases in which Affixing the Same Marks is Permitted)

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

(Registration of Repairers)

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

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

- (i) its name and address and, in cases of a corporation, the name of its representative;
- (ii) the name and address of the office;
- (iii) the scope of specified terminal equipment that the person repairs;

- (iv) outline of the means used for repairing specified terminal equipment; and
  - (v) outline of the methods of confirming that the repaired specified terminal equipment conforms to the technical standards specified by Order of the Ministry of Internal Affairs and Communications as prescribed in Article 52, paragraph (1) (referred to as "confirmation of repair" in the following paragraph, the following Article and Articles 68-7 through 68-9).
- (3) Pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications, the written application referred to in the preceding paragraph must be accompanied by written repair procedures describing the methods of repair of specified terminal equipment and the methods of confirmation of repair and other documents specified by Order of the Ministry of Internal Affairs and Communications.

(Criteria for Registration)

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

- (i) the methods for repairing specified terminal equipment conform to the standards specified by Order of the Ministry of Internal Affairs and Communications as the methods that are not likely to remarkably impede the communications of other users of telecommunications line facilities if the specified terminal equipment repaired by those methods is used; and
  - (ii) the methods of confirmation of repair can confirm that the repaired specified terminal equipment conforms to the technical standards specified by Order of the Ministry of Internal Affairs and Communications as prescribed in Article 52, paragraph (1).
- (2) A person falling under either of the following conditions is not qualified to obtain the registration referred to in paragraph (1) of the preceding Article:
- (i) the person's registration was revoked pursuant to Article 68-11 and two years have not yet passed from the date of the revocation; or
  - (ii) the person is a corporation and any of its officer falls under the preceding item.
- (3) Beyond what is set forth in the preceding Article and in the two preceding paragraphs, the particulars necessary for the registration under paragraph (1) of that Article are specified by Order of the Ministry of Internal Affairs and Communications.

(Register)

Article 68-5 The Minister for Internal Affairs and Communications must prepare a register for persons that have obtained registration referred to in Article 68-3,

paragraph (1) (hereinafter referred to as "registered repairers") and register the following particulars with regard to registered repairers:

- (i) date of registration and registration number; and
- (ii) particulars set forth in the items of Article 68-3, paragraph (2).

(Registration of Changes)

Article 68-6 (1) If a registered repairer intends to change the particulars set forth in Article 68-3, paragraph (2), items (iii) through (v), the registered repairer must obtain a registration of change from the Minister for Internal Affairs and Communications; provided, however, that this does not apply to minor changes specified by Order of the Ministry of Internal Affairs and Communications.

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

(3) The provisions of Article 68-3, paragraph (3) and Article 68-4 apply mutatis mutandis to the registration of the change as set forth in paragraph (1).

(4) If any of the particulars set forth in Article 68-3, paragraph (2), item (i) or (ii) has been changed, the written repair procedures have been changed (except for cases in which the change is registered pursuant to the provisions of paragraph (1)), or any minor change specified by Order of the Ministry of Internal Affairs and Communications as set forth in the proviso of paragraph (1) has been made, the registered repairer must notify the Minister for Internal Affairs and Communications to that effect without delay.

(Obligations of Registered Repairers)

Article 68-7 (1) If a registered repairer repairs the specified terminal equipment related to the registration, it must perform and confirm the repair in accordance with the written repair procedures.

(2) If a registered repairer repairs the specified terminal equipment related to the registration, it must make and keep a record of the repair and the confirmation of repair pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications.

(Marks)

Article 68-8 (1) If a registered repairer has repaired the specified terminal equipment related to its registration, it must mark the equipment to indicate completion of the repair pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications.

- (2) Except for the case in which terminal equipment is marked pursuant to the provisions in the preceding paragraph, it is prohibited for any person to affix the marks set forth in that paragraph or other confusingly similar marks on terminal equipment in Japan.
- (3) If a registered repairer has performed repair and confirmation of repair for specified terminal equipment related to its registration by following its written repair procedures, pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications, it may affix on the specified terminal equipment the same marks that has been affixed on it pursuant to the provisions of Article 53, paragraph (2) (including as applied *mutatis mutandis* pursuant to Article 104, paragraph (4)), Article 58 (including as applied *mutatis mutandis* pursuant to Article 104, paragraph (7)), Article 65 or this paragraph.

(Orders for Improvement Made to Registered Repairers)

- Article 68-9 (1) If the Minister for Internal Affairs and Communications finds that a registered repairer has failed to conform to any of the standards set forth in the items of Article 68-4, paragraph (1), the Minister may order that registered repairer to take necessary measures to conform to those standards.
- (2) If the Minister for Internal Affairs and Communications finds that a registered repairer has violated the provisions of Article 68-7, the Minister may order that registered repairer to improve its methods of repair or its methods of confirmation of repair, or to take other measures.
  - (3) If the Minister for Internal Affairs and Communications finds that specified terminal equipment repaired by a registered repairer in relation to the registration does not conform to the technical standards specified by Order of the Ministry of Internal Affairs and Communications as set forth in Article 52, paragraph (1), and that the use of that terminal equipment is likely to impede the communications of other users of telecommunications line facilities, and the Minister finds it particularly necessary in order to prevent the spread of the impediments, the Minister may order the registered repairer to take necessary measures to prevent further impediments caused by the terminal equipment.

(Notification of the Discontinuance of Business)

- Article 68-10 (1) If a registered repairer has discontinued the business related to its registration, it must notify the Minister for Internal Affairs and Communications to that effect without delay.
- (2) If a notification is filed pursuant to the provisions of the preceding paragraph, the registration set forth in Article 68-3, paragraph (1) ceases to have effect.



(Revocation of Registration)

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

(2) If a registered repairer falls under any of the following items, the Minister for Internal Affairs and Communications may revoke its registration:

(i) the registered repairer violates the provisions of Article 68-6, paragraph (1) or (4), or Article 68-8, paragraph (1);

(ii) the registered repairer violates an order under Article 68-9; or

(iii) the registered repairer obtains the registration set forth in Article 68-3, paragraph (1) or registration of change set forth in Article 68-6, paragraph (1), through wrongful means.

(Deletion of Registration)

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

(Inspection of Terminal Facility Interconnections)

Article 69 (1) If a user interconnects terminal equipment to telecommunications line facilities of a telecommunications carrier, the user must not use that terminal equipment before the telecommunications carrier conducts an inspection to certify that the interconnection conforms to the technical standards specified by Order of the Ministry of Internal Affairs and Communications as set forth in Article 52, paragraph (1), except for cases in which the user interconnects a conformity-marked terminal equipment or other cases specified by Order of the Ministry of Internal Affairs and Communications. The same applies to the case in which an interconnection is changed.

(2) A telecommunications carrier installing telecommunications line facilities may request its users to undergo an inspection to determine whether the interconnection of their terminal facilities conforms to the technical standards specified by Order of the Ministry of Internal Affairs and Communications as set forth in Article 52, paragraph (1), if there is a defect in the terminal facilities or the smooth provision of its telecommunications services is otherwise hindered, and that telecommunications carrier finds it necessary. In this case, the users must not refuse the request, except for cases in which there are justifiable grounds or other cases specified by Order of the Ministry of

Internal Affairs and Communications.

- (3) The provisions set forth in the preceding paragraph apply *mutatis mutandis* to telecommunications carriers specified by Order of the Ministry of Internal Affairs and Communications as referred to in that paragraph that have received the approval pursuant to the provisions of Article 52, paragraph (1). In this case, the term "technical standards specified by Order of the Ministry of Internal Affairs and Communications" in the preceding paragraph is deemed to be replaced with "technical conditions authorized pursuant to the provisions of".
- (4) A person that engages in the inspection set forth in paragraphs (1) and (2) (including as applied *mutatis mutandis* pursuant to the preceding paragraph) must carry a certificate for identification and show it to the persons concerned when entering a site at which terminal facilities are installed.

(Interconnection of Customer's Telecommunications Facilities)

Article 70 (1) If a telecommunications carrier receives a request from a person that is not a telecommunications carrier installing telecommunications line facilities for interconnecting that person's telecommunications facilities (limited to those other than terminal facilities; hereinafter referred to as "customer's telecommunications facilities") to the carrier's telecommunications line facilities, it must not refuse that request except for the following cases:

- (i) if the interconnection of customer's telecommunications facilities does not conform to the technical standards specified by Order of the Ministry of Internal Affairs and Communications (including technical conditions established with the authorization from the Minister for Internal Affairs and Communications by that telecommunications carrier or other telecommunications carriers whose telecommunications facilities are interconnected to those of that telecommunications carrier and that are specified by Order of the Ministry of Internal Affairs and Communications; the same applies in the following paragraph); or
- (ii) if the telecommunications carrier has obtained approval from the Minister for Internal Affairs and Communications with regard to the possibility that the interconnection of the customer's telecommunications facilities would make it difficult to maintain its telecommunications line facilities from a business perspective.
- (2) The provisions of Article 52, paragraph (2) apply *mutatis mutandis* pursuant to the technical standards specified by Order of the Ministry of Internal Affairs and Communications as set forth in item (i) of the preceding paragraph, and the provisions of the preceding Article apply *mutatis mutandis* pursuant to the inspection of the interconnection of the customer's telecommunications facilities in relation to the request set forth in the preceding paragraph, respectively. In this case, the term "technical standards specified by Order of

the Ministry of Internal Affairs and Communications set forth in Article 52, paragraph (1)" in paragraph (1) of that Article is deemed to be replaced with "technical standards specified by Order of the Ministry of Internal Affairs and Communications set forth in item (i) of paragraph (1) of the following Article (including the technical conditions authorized pursuant to the provisions set forth in that item; the same applies in the following paragraph)", the term "Article 52, paragraph (1)" in paragraph (2) and paragraph (3) of that Article is deemed to be replaced with "item (1) of paragraph (1) of the following Article", and the term "that paragraph" in paragraph (3) of that Article is deemed to be replaced with "that item".

(Conduct and Supervision of Installation Work by Installation Technicians)

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

(2) Installation technicians must carry out or supervise the installation in a sincere manner.

(Installation Technician's Licenses)

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

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

(Qualification Examinations for Installation Technicians)

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

(2) The provisions of Article 48, paragraphs (2) and (3) apply mutatis mutandis

pursuant to the qualification examination for installation technicians. In this case, the term "chief telecommunications engineer's license" in paragraph (2) of that Article is deemed to be replaced with "installation technician's license".

### **Section 5 Persons Entrusted with Intermediation or Other Similar Actions That Conduct Notification**

(Notification of Intermediation or Other Similar Actions)

Article 73-2 (1) A person that intends to perform intermediation or other similar actions for concluding a contract related to the provision of telecommunications services listed in the items of Article 26, paragraph (1) upon being entrusted by a telecommunications carrier or by a person entrusted with intermediation or other similar actions must notify the Minister for Internal Affairs and Communications to that effect together with a document describing the following particulars, pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications:

- (i) its name and address, and in cases of a corporation, the name of its representative;
  - (ii) the name and address of the entrusting telecommunications carrier or person entrusted with intermediation or other similar actions;
  - (iii) the name and address of the telecommunications carrier providing telecommunications services related to the relevant intermediation or other similar actions;
  - (iv) which telecommunications services among those listed in the items of Article 26, paragraph (1) the relevant telecommunications services related to the relevant intermediation or other similar actions fall under; and
  - (v) other particulars specified by Order of the Ministry of Internal Affairs and Communications.
- (2) If there is a change to the particulars listed in any of the items of the preceding paragraph, a person that has concluded the notification referred to in that paragraph (hereinafter referred to as a "person entrusted with intermediation or other similar actions that conducts notification") must notify the Minister for Internal Affairs and Communications to that effect without delay; provided, however, that this does not apply to minor changes specified by Order of the Ministry of Internal Affairs and Communications.
- (3) If a person entrusted with intermediation or other similar actions that concluded notification has transferred all of its business of performing intermediation or other similar actions for concluding contracts related to the provision of telecommunications services listed in the items of Article 26, paragraph (1) for which the notification under the preceding two paragraphs has been made (hereinafter referred to as "intermediation or other similar

actions subject to notification" in this paragraph and the following paragraph), or if a person entrusted with intermediation or other similar actions that concluded notification has merged or split (this split is limited to a split resulting in the succession to all of the business of performing intermediation or other similar actions subject to notification) or inheritance from the that person has occurred, the person that has acquired all of the relevant business through the transfer, the corporation surviving after the merger or newly established upon the merger, the corporation that has succeeded to all of the relevant business upon the split, or the heir (or if one particular heir has been selected from among two or more heirs as the successor to the relevant business by agreement among the heirs, the selected heir) may succeed to the status of the person entrusted with intermediation or other similar actions that conducted notification. In this case, the person that succeeded to the status of the person entrusted with intermediation or other similar actions that conducted notification must notify the Minister for Internal Affairs and Communications to that effect without delay.

- (4) If a person entrusted with intermediation or other similar actions that conducts notification discontinues its intermediation or other similar actions subject to notification, it must notify the Minister for Internal Affairs and Communications to that effect without delay.
- (5) If a corporation that is a person entrusted with intermediation or other similar actions that conducts notification dissolves due to reasons other than a merger, the liquidator in charge (or in cases of dissolution due to an order commencing bankruptcy proceedings, the bankruptcy trustee) must notify the Minister for Internal Affairs and Communications to that effect without delay.

(Application, Mutatis Mutandis, of Provisions Related to Operations of Telecommunications Carriers)

Article 73-3 The provisions set forth in Article 26 and Article 27-2 apply mutatis mutandis to persons entrusted with intermediation or other similar actions that conduct notification; and the provisions set forth in Article 27-3, paragraph (2) apply mutatis mutandis to persons entrusted with intermediation or other similar actions that conduct notification if they perform intermediation or other similar actions for concluding contracts related to provision of mobile telecommunications services provided by telecommunications carriers designated pursuant to the provisions of paragraph (1) of that Article. In this case, the terms in the middle column of the following table which are used in the provisions in its left column are deemed to be replaced with the terms in its right column.

Article 26, paragraph (1)	conclude	conduct intermediation or other similar actions (meaning intermediation, etc. as set forth in Article 27-4; the same applies to Article 27-3, paragraph (2)) for the conclusion of
Article 27, paragraph (2), item (ii)	own name	own name or that of a telecommunications carrier providing telecommunications services related to the relevant solicitation
Article 27-3, paragraph (2), item (i)	their mobile telecommunications services	mobile telecommunications services related to intermediation or other similar actions for their services
Article 27-3, paragraph (2), item (ii)	their mobile telecommunications services	their mobile telecommunications services related to intermediation or other similar actions
	concluding	conducting intermediation or other similar actions for the conclusion of
	or having a	or having another

(Order to Improve Business Activities)

Article 73-4 If either of the conditions set forth in the following items occur, the Minister for Internal Affairs and Communications may order the person prescribed in those items to improve the methods of conducting its business activities or take other measures to the extent necessary for ensuring the interests of users:

- (i) if a person entrusted with intermediation or other similar actions that conducts notification violates the provisions of Article 26, paragraph (1) or Article 27-2 as applied mutatis mutandis pursuant to the preceding Article: the relevant person entrusted with intermediation or other similar actions that conducts notification; or
- (ii) if a person entrusted with intermediation or other actions that conducts notification performs intermediation or other similar actions for concluding contracts related to the provision of mobile telecommunications services by a telecommunications carrier designated pursuant to the provisions of Article 27-3, paragraph (1), and they violate the provisions of Article 27-3, paragraph (2) as applied mutatis mutandis pursuant to the preceding Article: the relevant person entrusted with intermediation or other actions that conducts notification.

**Section 6 Designated Examination Bodies**  
**Subsection 1 Designated Examination Bodies**

(Designation of a Person as a Designated Examination Body)

- Article 74 (1) The Minister for Internal Affairs and Communications may have a person whom the Minister designates (hereinafter referred to as a "designated examination body") undertake administration affairs involved in conducting qualification examinations for chief telecommunications engineers and installation technicians (hereinafter referred to as "administration of exams").
- (2) The designation of a person as a designated examination body is made according to the classification specified by Order of the Ministry of Internal Affairs and Communications, upon application from a person that intends to conduct administration of exams.
- (3) If the Minister for Internal Affairs and Communications designates a person as a designated examination body, the Minister must issue a public notice to that effect.
- (4) If the Minister for Internal Affairs and Communications designates a person as a designated examination body, the Minister is not to conduct administration of the exam for the classification related to that designation.

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

- Article 75 (1) The Minister for Internal Affairs and Communications must not designate a person as a designated examination body unless no other person has been designated as a designated examination body to conduct administration of exams for the classification related to the application set forth in paragraph (2) of the preceding Article and the Minister finds that the applicant complies with the following items:
- (i) the applicant's plan related to conduct administration of exams which specifies employees, facilities, the methods of conducting administration of exams, and other particulars is appropriate for properly conducting administration of exams;
- (ii) the applicant has adequate financial stability and technical capabilities to properly implement the plan for conducting administration of exams set forth in the preceding item; and
- (iii) if the applicant engages in operations other than administration of exams, the conduct of those operations is unlikely to cause unfairness in its administration of exams.
- (2) If a person that has filed an application set forth in paragraph (2) of the preceding Article falls under any of the following items, the Minister for Internal Affairs and Communications must not designate the person as a designated examination body:



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

(Qualification Examiners)

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

(Appointment and Dismissal of Officers)

Article 77 (1) Appointment and dismissal of officers of a designated examination body does not become effective unless authorized by the Minister for Internal Affairs and Communications.

(2) When a designated examination body appoints or dismisses its qualification examiner, it must notify the Minister for Internal Affairs and Communications to that effect without delay.

(3) If an officer or qualification examiner of a designated examination body has violated this Act, any order or disposition made under this Act, or the rules for administration of exams set forth in Article 79, paragraph (1), the Minister for Internal Affairs and Communications may order the designated examination body to dismiss the officer or qualification examiner.

(Duty of Confidentiality)

Article 78 (1) A officer or employee (including a qualification examiner) of a designated examination body or a person that formerly held that position must not divulge any secret which came to their knowledge with respect to administration of the exam.

(2) An officer or employee (including a qualification examiner) of a designated examination body that engages in administration of exams is deemed to be a person engaged in public service pursuant to laws and regulations, with regard to the application of the Penal Code (Act No. 45 of 1907) and other penal provisions.

(Rules for Administration of Exams)

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

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

(Business Plans)

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

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

(Keeping of Books)

Article 81 A designated examination body must prepare and keep books (including electronic or magnetic records (meaning records used in computerized information processing which is created in an electronic form, magnetic form, or any other form that cannot be perceived by human senses; hereinafter the same applies), if electronic or magnetic records are prepared in lieu of books; hereinafter the same applies), by recording or making entries of the particulars specified by Order of the Ministry of Internal Affairs and Communications concerning administration of exams in those books, pursuant to the provisions of Order of the Ministry of Internal Affairs and

Communications.

(Supervision Orders)

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

(Suspension and Discontinuation of Operations)

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

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

(Revocation of Designations)

Article 84 (1) If a designated examination body falls under Article 75, paragraph (2), item (i), (ii), or (iv), the Minister for Internal Affairs and Communications must revoke its designation.

(2) If a designated examination body falls under any of the following items, the Minister for Internal Affairs and Communications may revoke its designation, or designate a period and suspend its administration of exams for that period:

(i) if the designated examination body has violated the provisions of this Subsection;

(ii) if the designated examination body is found to fail to conform to any of the items of Article 75, paragraph (1);

(iii) if the designated examination body has violated an order under Article 77, paragraph (3), Article 79, paragraph (2), or Article 82;

(iv) if the designated examination body has conducted administration of the exam in a manner not in accordance with the rules for administration of exams authorized pursuant to the provisions of Article 79, paragraph (1); or

(v) if the designated examination body has obtained its designation through wrongful means.

(3) If the Minister for Internal Affairs and Communications has revoked the designation pursuant to the provisions of paragraph (1) or the preceding paragraph, or ordered suspension of all or part of administration of the exam pursuant to the provisions of that paragraph, the Minister must issue a public notice to that effect.

(Conduct of Administration of Exams by the Minister for Internal Affairs and

Communications)

- Article 85 (1) Notwithstanding the provisions of Article 74, paragraph (4), if a designated examination body has suspended all or part of its administration of exams pursuant to the provisions of Article 83, paragraph (1), if the Minister for Internal Affairs and Communications has ordered a designated examination body to suspend all or part of its administration of exams pursuant to the provisions of paragraph (2) of the preceding Article, or if it has become difficult for a designated examination body to conduct all or part of its administration of exams due to a natural disaster or other reasons and the Minister for Internal Affairs and Communications finds it necessary, the Minister is to directly conduct all or part of administration of the exam.
- (2) If the Minister for Internal Affairs and Communications has decided to conduct administration of the exam pursuant to the provisions of the preceding paragraph or has decided to discontinue administration of the exam that the Minister has been conducting pursuant to the provisions of that paragraph, the Minister must issue a public notice to that effect in advance.
- (3) If the Minister for Internal Affairs and Communications has decided to conduct administration of the exam pursuant to the provisions of paragraph (1), permitted the discontinuation of administration of exams pursuant to the provisions of Article 83, paragraph (1), or revoked the designation pursuant to the provisions of paragraph (1) or (2) of the preceding Article, the handing over of administration of exams and other necessary particulars are specified by Order of the Ministry of Internal Affairs and Communications.

## **Subsection 2 Registered Training Agencies**

(Registration of a Person as a Registered Training Agency)

- Article 85-2 (1) A person that is engaged in the affairs involved in conducting training (hereinafter referred to as "training affairs") may obtain a registration from the Minister for Internal Affairs and Communications for each classification of training specified in the Training column of each row in Appended Table 1.
- (2) A person that intends to obtain the registration set forth in the preceding paragraph must file a written application describing the following particulars with the Minister for Internal Affairs and Communications pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications:
- (i) its name and address and, in cases of a corporation, the name of its representative;
  - (ii) the classification of training for which the person intends to obtain registration as listed in the Training column of each item in Appended Table 1;

- (iii) the name and address of the office;
  - (iv) particulars related to the selection of training instructors; and
  - (v) the scheduled date to commence training affairs.
- (3) The written application referred to in the preceding paragraph must be accompanied by a document describing the plan for conducting training affairs and other documents specified by Order of the Ministry of Internal Affairs and Communications.

(Criteria for Registration)

- Article 85-3 (1) If the training affairs conducted by a person that has applied for registration set forth in paragraph (1) of the preceding Article corresponds to the classifications of training set forth in the Training column of Appended Table 1, and persons who constitute any of those set forth in Instructor column of each row are engaged in the training affairs as instructors for the training subjects set forth in Subject column of each row, the Minister for Internal Affairs and Communications must register the person that has applied for the registration as a registered training agency.
- (2) A person falling under any of the following items is not qualified to obtain registration set forth in paragraph (1) of the preceding Article:
- (i) a person that was sentenced to a fine or heavier punishment pursuant to the provisions of this Act, the Wire Telecommunications Act, or the Radio Act, if two years have not passed since the day on which the enforcement of the punishment was completed or ceased to be applicable;
  - (ii) a person whose registration was revoked pursuant to the provisions of Article 85-13, paragraph (1) or (2), if two years have not passed from the revocation date; or
  - (iii) a corporation for which any of its officers falls under either of the preceding two items.
- (3) Beyond what is provided for in the preceding Article and the preceding two paragraphs, the particulars necessary for the registration set forth in paragraph (1) of that Article are prescribed by Order of the Ministry of Internal Affairs and Communications.

(Renewal of Registrations)

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

(Register)

Article 85-5 The Minister for Internal Affairs and Communications must prepare a register for registered training agencies, and register the following particulars with regard to registered training agencies:

- (i) the agency registration date, renewal date, and registration number; and
- (ii) particulars listed in Article 85-2, paragraph (2), items (i) through (iii).

(Public Notification of Registration)

Article 85-6 (1) If the Minister for Internal Affairs and Communications has made a registration set forth in Article 85-2, paragraph (1), the Minister must issue a public notice providing the name and the address of the registered training agency, the classification of training listed in the Training column of each row of Appended Table 1 related to the registration, the location of the office where the training affairs are conducted, and the date of commencement of the training affairs.

- (2) If a registered training agency intends to change the particulars listed in Article 85-2, paragraph (2), item (i) or (iii), it must notify the Minister for Internal Affairs and Communications to that effect by two weeks before the scheduled date of the change.
- (3) If a notification is filed pursuant to the provisions of the preceding paragraph (limited to a notification related to a change in the name or address of the registered training agency or a change in the location of the office where the training affairs are conducted), the Minister for Internal Affairs and Communications must issue a public notice to that effect.

(Obligations Related to Conducting Training Affairs)

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

(Regulations for Training Affairs)

- Article 85-8 (1) A registered training agency must establish regulations for the training affairs related to the registration (referred to as "regulations for training affairs" in the following paragraph) and notify the Minister for Internal Affairs and Communications of them before commencing the training affairs. The same applies if it intends to change them.
- (2) The regulations for training affairs must include provisions in relation to the methods of implementing training, training fees, and other particulars specified by Order of the Ministry of Internal Affairs and Communications.

(Keeping and Inspection of Financial Statements and Other Documents)

Article 85-9 (1) Within three months from the end of each fiscal year, a registered training agency must prepare an inventory of assets, a balance sheet, a profit and loss statement or income and expenditure statement, and a business report (including electronic or magnetic records, if electronic or magnetic records are prepared in lieu of written documents; hereinafter collectively referred to as "financial statements and other documents" in the following paragraph, Article 95 and Article 192, item (ii)) for the fiscal year, and must keep those financial statements and other documents at its office for five years.

(2) A person who intends to receive training from a registered training agency, or any other interested person may make any of the requests listed below to the registered training agency anytime within its business hours; provided, however, that those persons must pay a fee determined by the registered training agency for the requests set forth in item (ii) or (iv):

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

(Keeping of Books)

Article 85-10 A registered training agency must prepare and keep books, by recording or making entries of the particulars specified by Order of the Ministry of Internal Affairs and Communications concerning training affairs in those books, pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications.

(Orders for Improvement)

Article 85-11 (1) If the Minister for Internal Affairs and Communications finds that a registered training agency has failed to conform to the provisions of

Article 85-3, paragraph (1), the Minister may order that registered training agency to take necessary measures to conform to the provisions of that paragraph.

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

(Suspension or Discontinuance of Training Affairs)

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

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

(Revocation of Registration)

Article 85-13 (1) If a registered training agency falls under Article 85-3, paragraph (2), item (i) or (iii), the Minister for Internal Affairs and Communications must revoke its registration.

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



(Deletion of Registration)

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

(Training Affairs Conducted by the Minister for Internal Affairs and Communications)

Article 85-15 (1) The Minister for Internal Affairs and Communications may directly conduct all or part of the training affairs when no persons are registered pursuant to the provisions of Article 85-2, paragraph (1); the notification of the suspension or discontinuance of the training affairs is filed pursuant to Article 85-12, paragraph (1); the registration is revoked pursuant to Article 85-13, paragraph (1) or (2); pursuant to the provisions of that paragraph, a registered training agency is ordered to suspend all or part of training affairs; it is difficult for a registered training agency to conduct all or part of its training affairs as a result of a natural disaster or other cause; or the Minister finds it to be otherwise necessary.

(2) If the Minister for Internal Affairs and Communications has decided to conduct the training affairs pursuant to the provisions of the preceding paragraph, or has decided to discontinue the training affairs that the Minister has been conducting pursuant to the provisions of that paragraph, the Minister must issue a public notice to that effect in advance.

(3) If the Minister for Internal Affairs and Communications has decided to conduct training affairs pursuant to paragraph (1), the handing over of its training affairs and other necessary particulars are specified by Order of the Ministry of Internal Affairs and Communications.

### **Subsection 3 Registered Approval Bodies**

(Registration of a Person as a Registered Approval Body)

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

(2) A person that intends to obtain the registration as set forth in the preceding paragraph must file a written application describing the following particulars

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

- (i) its name and address and, in cases of a corporation, the name of its representative;
  - (ii) classification of business;
  - (iii) the name and address of offices;
  - (iv) outline of the measuring instrument or other equipment to be used for examination of technical standards conformity approval;
  - (v) particulars concerning appointment of approval examiners as set forth in Article 91, paragraph (2); and
  - (vi) scheduled starting date of business.
- (3) The written application set forth in the preceding paragraph must be accompanied by documents describing a plan for conducting the operations for technical standards conformity approval and other documents specified by Order of the Ministry of Internal Affairs and Communications.

(Criteria for Registration)

Article 87 (1) If a person that has applied for registration as set forth in paragraph (1) of the preceding Article (hereinafter referred to as "applicant for registration" in this paragraph) conforms to all of the following items, the Minister for Internal Affairs and Communications must register the person:

- (i) the relevant person has a member of staff that has knowledge and experience that conform to any of the conditions listed in Appended Table 2 conduct the technical standards conformity approval;
- (ii) the relevant person conducts technical standards conformity approval by using the measuring instruments listed in Appended Table 3 or other equipment for which calibration or correction of any of the following (hereinafter referred to as "calibration or correction" in this item) has been carried out (limited to those for which calibration or correction has been carried out within a period not exceeding one year (or for measuring instruments and other equipment specified by Order of the Ministry of Internal Affairs and Communications as those with superior capabilities for conducting technical standards conformity approval, within the period specified by Order of the Ministry of Internal Affairs and Communications within the range greater than one year and not exceeding three years, depending on the categories of the relevant measuring instruments and other equipment) from the first day of the month following the month of calibration or correction):
  - (a) calibration conducted by the National Institute of Information and Communications Technology (referred to as "the Institute" in (c)) or the designated calibration body set forth in Article 102-18, paragraph (1) of the

- Radio Act;
- (b) correction under Article 135 or 144 of the Measurement Act (Act No. 51 of 1992);
  - (c) calibration conducted in a foreign state and equivalent to calibration conducted by the Institute or the designated calibration body set forth in Article 102-18, paragraph (1) of the Radio Act; or
  - (d) calibration or correction conducted by using equipment for which the calibration or correction listed in any of (a) through (c) has been carried out; and
- (iii) the applicant for registration, as a person controlled by a manufacturer, importer or seller of terminal equipment (hereinafter referred to as a "specified manufacturer or similar person" in this item), does not fall under any of the following:
- (a) if the applicant for registration is a stock company, its parent company (meaning a parent company prescribed in Article 879, paragraph (1) of the Companies Act) is a specified manufacturer or similar person;
  - (b) the number of officers or employees from a specified manufacturer or similar person (including persons that held a position of officer or member of staff in the specified manufacturer or similar person in the past two years) accounts for more than one half of the total number of the officers in the applicant for registration (or if the applicant is a membership company (meaning a membership company prescribed in Article 575, paragraph (1) of the Companies Act), members executing its operations); and
  - (c) the applicant for registration (or if the applicant is a corporation, an officer who has the right to represent it) is an officer or employee of a specified manufacturer or similar person (including persons who held a position of officer or member of staff in the specified manufacturer or similar person in the past two years).
- (2) A person that falls under any of the following items may not obtain the registration set forth in paragraph (1) of the preceding Article:
- (i) a person that was sentenced to a fine or a heavier punishment pursuant to the provisions of this Act, the Wire Telecommunications Act, or the Radio Act, if two years have not passed since the date on which the enforcement of that punishment was completed or became inapplicable;
  - (ii) a person whose registration was revoked pursuant to the provisions of Article 100, paragraph (1) or (2) (including as applied mutatis mutandis pursuant to Article 103), if two years have not passed from the date of revocation; or
  - (iii) a corporation for which any of its officers falls under either of the preceding two items.
- (3) Beyond what is provided for in the preceding Article and the preceding two

paragraphs, the particulars necessary for the registration set forth in paragraph (1) of that Article are specified by Order of the Ministry of Internal Affairs and Communications.

(Renewal of Registration)

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

(Registers)

- Article 89 The Minister for Internal Affairs and Communications must prepare a register for registered approval bodies and register the following particulars with regard to registered approval bodies:
- (i) registration date, renewal date, and registration number; and
  - (ii) particulars listed in Article 86, paragraph (2), items (i) through (iii).

(Public Notice of Registration)

- Article 90 (1) If the Minister for Internal Affairs and Communications has made a registration set forth in Article 86, paragraph (1), the Minister must issue a public notice providing the name and address of the registered approval body, classification of business related to the registration, the addresses of offices where the operations for technical standards conformity approval are to be conducted, and the date on which the operations of technical standards conformity approval start.
- (2) If a registered approval body intends to change the particulars listed in Article 86, paragraph (2), item (i) or (iii), it must notify the Minister for Internal Affairs and Communications to that effect by two weeks before the date of that change.
- (3) If the notification under the preceding paragraph (limited to a notification in relation to a change in the name or address of the registered approval body, or a change in the location of the office where the operations for technical standards conformity approval are to be conducted) is filed, the Minister for Internal Affairs and Communications must issue a public notice to that effect.

(Obligation for Technical Standards Conformity Approval)

- Article 91 (1) If a registered approval body is requested to approve conformity to technical standards related to the registration, it must conduct an examination for technical standards conformity approval without delay, except for cases in

which there are justifiable grounds for not doing so.

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

(Reporting of Technical Standards Conformity Approval)

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

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

(Appointment and Dismissal of Officers)

Article 93 If a registered approval body appoints or dismisses its officers or approval examiners, it must notify the Minister for Internal Affairs and Communications to that effect without delay.

(Operational Rules)

Article 94 A registered approval body must establish operational rules that govern the classification of operations related to the registration, methods of conducting the operations for technical standards conformity approval, and other particulars specified by Order of the Ministry of Internal Affairs and Communications, and must notify the Minister for Internal Affairs and Communications of these matters before it starts the operations. The same applies if it intends to amend those rules.

(Keeping and Inspection of Financial Statements and Other Documents)

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

- (2) A person engaged in the business of handling terminal equipment or other interested persons may make the requests listed below anytime within the business hours of a registered approval body; provided, however, that those

persons must pay a fee determined by the registered approval body for the requests set forth in item (ii) or (iv):

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

#### (Keeping of Books)

Article 96 Pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications, a registered approval body must prepare and keep books by recording or making entries in those books of the particulars specified by Order of the Ministry of Internal Affairs and Communications concerning the operations for technical standards conformity approval.

#### (Orders for Improvement)

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

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

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

Article 98 (1) A person that has requested a technical standards conformity approval pursuant to the provisions of Article 53, paragraph (1) may file an application with the Minister for Internal Affairs and Communications to order

the registered approval body to conduct the examination for technical standards conformity approval if a registered approval body does not examine the terminal equipment in relation to its request, or that person may file an application with the Minister to order the registered approval body to conduct that examination again if that person has an objection to the results of the technical standards conformity approval of that registered approval body.

- (2) If an application as set forth in the preceding paragraph is filed and the Minister for Internal Affairs and Communications finds that the registered approval body related to the application violates the provisions of Article 53, paragraph (1) or Article 91, the Minister must issue an order under paragraph (2) of the preceding Article to the registered approval body related to the application.
- (3) In the case set forth in the preceding paragraph, if the Minister for Internal Affairs and Communications has issued an order under paragraph (2) of the preceding Article or has made a decision not to issue an order, the Minister must notify the person that filed the application to that effect without delay.

(Suspension and Discontinuation of Business Activities)

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

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

(Revocation of Registration)

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

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

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

- (ii) if the registered approval body has violated the order under the Article 97;  
or
  - (iii) if the registered approval body has obtained registration set forth in Article 86, paragraph (1) or renewal of the registration through wrongful means.
- (3) If the Minister for Internal Affairs and Communications has revoked the registration pursuant to the provisions of paragraph (1) or the preceding paragraph, or ordered the suspension of all or part of its operations for technical standards conformity approval pursuant to the provisions of the preceding paragraph, the Minister must issue a public notice to that effect.

(Deletion of Registration)

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

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

Article 102 (1) The Minister for Internal Affairs and Communications is to directly conduct all or part of the operations for technical standards conformity approval, if there is no person to be granted the registration set forth in Article 86, paragraph (1) or, if the Minister finds it necessary in the cases in which a registered approval body has suspended or discontinued the operations for technical standards conformity approval pursuant to the provisions of Article 99, paragraph (1), the Minister has revoked the registration pursuant to the provisions of Article 100, paragraph (1) or (2), the Minister has ordered a registered approval body to suspend all or part of the operations for technical standards conformity approval pursuant to the provisions of that paragraph, or it has become difficult for a registered approval body to conduct all or part of the operations for technical standards conformity approval due to a natural disaster or for other reasons.

- (2) If the Minister for Internal Affairs and Communications has decided to conduct the operations for technical standards conformity approval pursuant to the provisions of the preceding paragraph or has decided to discontinue the operations for technical standards conformity approval that the Minister has been conducting pursuant to the provisions of that paragraph, the Minister must issue a public notice to that effect in advance.
- (3) If the Minister for Internal Affairs and Communications has decided to



conduct the operations for technical standards conformity approval pursuant to the provisions of paragraph (1), the handing over of the operations for technical standards conformity approval and other necessary particulars are specified by Order of the Ministry of Internal Affairs and Communications.

(Application Mutatis Mutandis)

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

#### **Subsection 4 Recognized Approval Bodies**

(Recognition of a Person as a Recognized Approval Body)

Article 104 (1) If an application is filed by a person conducting the activities such as inspections or examinations of terminal equipment based on a system for terminal equipment inspection that is based on foreign laws and regulations and that is similar to the technical standards conformity approval system, with the intention to conduct technical standards conformity approval in a foreign state for terminal equipment which will be handled by foreign dealers for use in Japan, the Minister for Internal Affairs and Communications may recognize this person for each classification of business.

(2) If a person that has been recognized pursuant to the provisions of the preceding paragraph (hereinafter referred to as a "recognized approval body") suspends or discontinues its operations for technical standards conformity approval related to that recognition, it must notify the Minister for Internal Affairs and Communications to that effect without delay.

(3) If a notification is filed pursuant to the provisions of the preceding paragraph, the Minister for Internal Affairs and Communications must issue a public notice to that effect.

- (4) The provisions of Article 53, paragraphs (1) and (2), Article 55, Article 90, paragraphs (2) and (3), Article 91, Article 92, Article 94, and Articles 96 through 98 apply mutatis mutandis to a recognized approval body; the provisions of Article 54 apply mutatis mutandis to a person that has obtained technical standards conformity approval from a recognized approval body; and the provisions of Article 86, paragraphs (2) and (3), Article 87, and Article 90, paragraph (1) apply mutatis mutandis to the recognition that the Minister for Internal Affairs and Communications grants pursuant to the provisions of paragraph (1).
- (5) In the cases set forth in the preceding paragraph, the terms in the middle column of the table below which are used in the provisions in its left column are deemed to be replaced with the terms in its right column.

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

Article 97	order	request
Article 98, paragraph (1)	to order	to request
Article 98, paragraph (1)	to order	to request

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

Article 55, paragraph (1)	which has obtained	based on the design subject to
	Article 53 paragraph (2)	Article 58
Article 56, paragraph (2) and Article 91, paragraph (1)	registration	recognition
Article 59 and Article 54, as applied mutatis mutandis pursuant to Article 61	order	request
Article 60, paragraph (1), item (iii)	has violated an order	has not responded to a request
	violation	request
Article 60, paragraph (1), item (iv)	registered approval body	recognized approval body
Article 60, paragraph (1), item (v)	registered approval body	recognized approval body
	Article 103	Article 104, paragraph (7)
Article 62, paragraph (3), item (i) and item (ii)	Article 166, paragraph (3)	Article 166, paragraph (6)
Article 62, paragraph (3) item (iii)	Article 167, paragraph (6)	Article 167, paragraph (7)
Article 92, paragraph	registration	recognition

(1)	for which it granted	based on the design subject to
Article 94	registration	recognition
	the operations	these operations
Article 97, paragraph (2)	Article 53, paragraph (1)	Article 56, paragraph (2)
	order	request
Article 98, paragraph (1)	Article 53, paragraph (1)	Article 56, paragraph (2)
	terminal equipment	design (including the methods of confirming whether the terminal equipment is in accordance with the design)
	to order	to request
Article 98, paragraph (2)	Article 53, paragraph (1)	Article 56, paragraph (2)
	order	request
Article 98, paragraph (3)	order	request

(Revocation of Recognition)

Article 105 (1) If a recognized approval body has lost the status in the foreign state set forth in paragraph (1) of the preceding Article, or it falls under Article 87, paragraph (2), item (i) or (iii) as applied mutatis mutandis pursuant to paragraph (4) of the preceding Article, the Minister for Internal Affairs and Communications must revoke its recognition.

- (2) If a recognized approval body falls under any of the following items, the Minister for Internal Affairs and Communications may revoke its recognition:
- (i) if the recognized approval body has violated the provisions of paragraph (2) of the preceding Article (including as applied mutatis mutandis pursuant to paragraph (7) of that Article), the provisions of Article 90, paragraph (2), Article 91, Article 92, paragraph (1), Article 94, or Article 96, as applied mutatis mutandis pursuant to paragraph (4) of the preceding Article, or the provisions of Article 91, Article 92, paragraph (1), Article 94, or Article 96, as applied mutatis mutandis pursuant to paragraph (7) of the preceding Article;
  - (ii) if the recognized approval body does not respond to a request under Article 97 as applied mutatis mutandis pursuant to paragraph (4) of the preceding Article, or a request under Article 97, paragraph (2) as applied mutatis mutandis pursuant to paragraph (7) of the preceding Article;
  - (iii) if the recognized approval body has been recognized through wrongful means;
  - (iv) if the Minister for Internal Affairs and Communications attempts to have

- the recognized approval body submit a report pursuant to the provisions of Article 166, paragraph (4) as applied mutatis mutandis pursuant to paragraph (6) of that Article, but the recognized approval body does not submit that report or makes a false report; or
- (v) if the Minister for Internal Affairs and Communications attempts to have any ministerial official conduct inspection at an office or place of business of the recognized approval body pursuant to the provisions of Article 166, paragraph (4) as applied mutatis mutandis pursuant to paragraph (6) of that Article, but the recognized approval body refuses, obstructs, or evades that inspection.
- (3) If the Minister for Internal Affairs and Communications has revoked the recognition pursuant to the provisions of the preceding two paragraphs, the Minister must issue a public notice to that effect.

### **Section 7 Universal Telecommunications Service Support Institutions**

(Designation of Universal Telecommunications Service Support Institutions)

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

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

(Operations)

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

- (i) to provide Category I eligible telecommunications carriers that have been designated pursuant to the provisions of paragraph (1) of the following Article with grants to be allocated for covering part of the estimated excess

- costs, if the costs required to provide item (i) universal telecommunications services related to the designation are likely to exceed the profit generated from their provision; and
- (ii) to provide Category II eligible telecommunications carriers that have been designated pursuant to the provisions of Article 110-3, paragraph (1) with grants to be allocated for covering part of the estimated excess costs, if the costs required to provide item (ii) universal telecommunications services in all the coverage support districts (these coverage support districts mean the support districts in the coverage area prescribed in paragraph (2) of that Article, and are limited to those for which the period of continuous provision of item (ii) universal telecommunications service (limited to those provided by installing telecommunications line facilities that exceed the scale specified by Order of the Ministry of Internal Affairs and Communications) exceeds the period prescribed by Order of the Ministry of Internal Affairs and Communications; hereinafter the same applies in this item) are likely to exceed the profit generated from the provision of item (ii) universal telecommunications services in all the coverage support districts (or in the case of grants for the general support district prescribed in Article 110-2, paragraph (1), the grants are limited to those to be provided to the Category II eligible telecommunications carriers up to the amount of the costs exceeding the profits, if the costs that they incurred for providing item (ii) universal telecommunications services in the fiscal year (meaning the period from April 1 of each year to March 31 of the following year; hereinafter the same applies in this Section) previous to the fiscal year for which the amount of the grants in question is calculated exceed the profits generated from the provision of item (ii) universal telecommunications services in the previous fiscal year);
- (iii) to conduct the operations incidental to the operations described in the preceding two items.

(Designation of Category I Eligible Telecommunications Carriers)

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

- (i) the relevant telecommunications carrier makes public the status of income and expenditure and other particulars specified by Order of the Ministry of Internal Affairs and Communications with respect to the operations involved in providing item (i) universal telecommunications services related to its application, pursuant to the provisions of Order of the Ministry of Internal

Affairs and Communications;

- (ii) if the telecommunications facilities which the relevant telecommunications carrier installs to provide item (i) universal telecommunications services related to the application are those other than Category I or II designated telecommunications facilities, that telecommunications carrier establishes the general conditions of contracts for interconnection on the amount of money that the carrier is to receive and on the terms and conditions of interconnection, with respect to interconnection between its telecommunications facilities and those of other telecommunications carriers, and makes those general conditions public pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications; and
  - (iii) the scope of service areas of the item (i) universal telecommunications services related to the application conforms to the standards specified by Order of the Ministry of Internal Affairs and Communications.
- (2) The designation under the preceding paragraph is granted for each type of item (i) universal telecommunications services specified by Order of the Ministry of Internal Affairs and Communications.
- (3) If a Category I eligible telecommunications carrier (limited to a telecommunications carrier other than those installing Category I or Category II designated telecommunications facilities) intends to change the general conditions of contracts for interconnection set forth in paragraph (1), item (ii), it must notify the Minister for Internal Affairs and Communications of those changes and make them public pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications before their implementation.
- (4) In the case of succession to the status of a telecommunications carrier under Article 17, paragraph (1), if that telecommunications carrier was a Category I eligible telecommunications carrier, a telecommunications carrier that has succeeded to the status of that telecommunications carrier is to succeed to the status as a Category I eligible telecommunications carrier.
- (5) If a Category I eligible telecommunications carrier falls under any of the following items or has filed an application for revocation of the designation under paragraph (1), the Minister for Internal Affairs and Communications may revoke its designation:
- (i) if the eligible telecommunications carrier has violated the provisions of paragraph (2) or (3) of the following Article;
  - (ii) if the eligible telecommunications carrier is found to fail to conform to any of the items of paragraph (1); or
  - (iii) if the eligible telecommunications carrier has violated any order or disposition made under Article 43, paragraph (1) as applied mutatis mutandis pursuant to paragraph (2) of that Article (limited to orders or dispositions related to telecommunications facilities specified in Article 41,

paragraph (3)).

(Provision of Category I Grants)

- Article 109 (1) The support institution must calculate the grants set forth in Article 107, item (i) (hereinafter referred to as "Category I grants") by the methods specified by Order of the Ministry of Internal Affairs and Communications, and must obtain authorization from the Minister for Internal Affairs and Communications with regard to the amount of the Category I grants and methods of providing them for each fiscal year.
- (2) A Category I eligible telecommunications carrier must notify the support institution of the cost spent in the previous fiscal year to provide the item (i) universal telecommunications services related to the designation under paragraph (1) of the preceding Article, the income generated by the provision of the item (i) universal telecommunications services related to the designation, and other particulars specified by Order of the Ministry of Internal Affairs and Communications, as the basis for calculating the Category I grants, pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications.
- (3) The cost set forth in the preceding paragraph must be calculated by the methods specified by Order of the Ministry of Internal Affairs and Communications as those for calculating reasonable costs under efficient management.
- (4) If the support institution has obtained authorization set forth in paragraph (1), it must make the amount of Category I grants public pursuant to the provisions of by Order of the Ministry of Internal Affairs and Communications.

(Collection of Category I Dues)

- Article 110 (1) Each fiscal year, the support institution may collect dues from the telecommunications carriers that are listed below and whose scale of business exceeds the standards specified by Cabinet Order (hereinafter referred to as "telecommunications carriers conducting interconnection or other similar actions" in this Article), in order to allocate them to all or part of the costs required for operations listed in Article 107, item (i) (including work incidental to the operations; the same applies in Article 112, paragraph (1)); provided, however, that those dues (hereinafter referred to as "Category I dues") must not come to account for a proportion exceeding the proportion specified by Cabinet Order of the amounts calculated by methods specified by Order of the Ministry of Internal Affairs and Communications as the income generated by the provision of the telecommunications services in the previous fiscal year by a telecommunications carrier conducting interconnection or other similar actions (the income so generated includes the income generated by the



provision of the telecommunications services in the previous fiscal year by a corporation disappearing in a merger, a corporation conducting a split (limited to a split resulting in the succession to all of telecommunications business), a decedent, or another telecommunications carrier conducting interconnection or other similar actions that transferred its telecommunications business in either of the following cases: if another telecommunications carrier conducting interconnection or other similar actions has merged or split, or inheritance from that carrier has occurred in the previous fiscal year or in the relevant fiscal year (limited to the period until the relevant telecommunications carrier conducting interconnection or other similar actions receives the notification under paragraph (3)), and the relevant telecommunications carrier conducting interconnection or other similar actions is a corporation surviving after the merger or newly established upon the merger, a corporation that has succeeded to all of the telecommunications business upon the split, or a heir; or if the relevant telecommunications carrier conducting interconnection or other similar actions has succeeded to all of the telecommunications business from another telecommunications carrier conducting interconnection or other similar actions in the previous fiscal year or in the relevant fiscal year (limited to the period until the relevant telecommunications carrier conducting interconnection or other similar actions receives the notification under paragraph (3))):

- (i) a telecommunications carrier that has concluded an agreement on interconnection with telecommunications facilities which a Category I eligible telecommunications carrier installs to provide item (i) universal telecommunications services related to its designation under Article 108, paragraph (1);
  - (ii) a telecommunications carrier that has concluded an agreement on interconnection with telecommunications facilities of the telecommunications carrier described in the preceding item, or other telecommunications carrier installing telecommunications facilities which interconnect with the telecommunications facilities set forth in that item via those of another telecommunications carrier; or
  - (iii) a telecommunications carrier that has concluded a contract to receive wholesale telecommunications services which use telecommunications facilities set forth in item (i), telecommunications facilities which interconnect with them, or telecommunications facilities which interconnect with telecommunications facilities set forth in item (i) via telecommunications facilities of another telecommunications carrier.
- (2) The support institution must calculate the Category I dues by methods specified by Order of the Ministry of Internal Affairs and Communications, and must obtain authorization from the Minister for Internal Affairs and

Communications with regard to the amount of Category I dues and methods of their collection for each fiscal year.

- (3) If the support institution has obtained the authorization set forth in the preceding paragraph, it must send telecommunications carriers conducting interconnection or other similar actions a notification describing the amount of the Category I dues which they are to pay, the time limit for paying them, and methods of paying them, together with written documents describing the authorized particulars.
- (4) A telecommunications carrier conducting interconnection or other similar actions has the obligation to pay Category I dues to the support institution in accordance with the notification under the preceding paragraph.
- (5) If a telecommunications carrier conducting interconnection or other similar actions has received the notification under paragraph (3) but fails to pay the Category I dues to the support institution by the due date for the payment, it has the obligation to pay a delinquency charge equivalent to the Category I dues multiplied by the rate specified by Order of the Ministry of Internal Affairs and Communications on a daily basis in the period from the date following the due date to the date of payment.
- (6) If a telecommunications carrier conducting interconnection or other similar actions fails to pay its Category I dues by the due date for the payment, the support institution must demand in writing that the carrier pay the dues by the due date newly designated.
- (7) If a telecommunications carrier conducting interconnection or other similar actions that has received a written demand under the preceding paragraph fails to pay the Category I dues related to the demand and the delinquency charge under paragraph (5) by the designated time limit, the support institution may file a petition to that effect with the Minister for Internal Affairs and Communications.
- (8) If a petition is filed pursuant to the provisions of the preceding paragraph, the Minister for Internal Affairs and Communications may order the telecommunications carrier conducting interconnection or other similar actions to pay the support institution the Category I dues and the delinquency charge under paragraph (5).

(Designation of Item (ii) Universal Telecommunications Service General Support District)

Article 110-2 (1) When the Minister of Internal Affairs and Communications has designated a support institution, pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications, the Minister may designate a district that falls under all of the following items (excluding those falling under all of the items of the following paragraph) among the areas

representing units of districts into which the entire nation is divided pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications (hereinafter in this paragraph and the following paragraph referred to as "unit districts"), as an item (ii) universal telecommunications service general support district (hereinafter referred to as a "general support district"):

- (i) the amount calculated by the method stipulated by Order of the Ministry of Internal Affairs and Communications as the amount of costs normally expected to be required to provide item (ii) universal telecommunications services in the unit district minus the amount of income normally expected to be generated by the provision of item (ii) universal telecommunications services in the relevant unit district exceeds zero; and
  - (ii) the number of telecommunications carriers (limited to those who have continuously provided the item (ii) universal telecommunications services in the unit district for a period exceeding the period specified by Order of the Ministry of Internal Affairs and Communications) currently providing item (ii) universal telecommunications services (limited to those provided by installing telecommunications line facilities that exceed the scale prescribed by Order of the Ministry of Internal Affairs and Communications) in the unit district is one or less.
- (2) When the Minister of Internal Affairs and Communications designates a supporting institution, the Minister may designate a unit district that falls under all of the following items as an item (ii) universal telecommunications service special support district (hereinafter referred to as a "special support district"), pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications:
- (i) the unit district in question falls under any of the following:
    - (a) if the amount calculated in the method specified by Order of the Ministry of Internal Affairs and Communications referred to in item (i) of the preceding paragraph exceeds zero, the amount so calculated is not less than the amount specified by Order of the Ministry of Internal Affairs and Communications as the amount for which it would be expected to be extremely difficult to secure the provision of item (ii) universal telecommunications services;
    - (b) the geographical conditions of the unit district in question or other particulars specified by Order of the Ministry of Internal Affairs and Communications fall under the cases prescribed by Order of the Ministry of Internal Affairs and Communications as those in which it is expected to be extremely difficult to secure the provision of item (ii) universal telecommunications services;
  - (ii) the unit district in question falls under item (ii) of the precedent paragraph.

- (3) When a general support district ceases to fall under any of the items of paragraph (1) or a special support district ceases to fall under any of the items of the preceding paragraph, the Minister of Internal Affairs and Communications is to cancel its designation pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications.
- (4) When the Minister of Internal Affairs and Communications has designated a general support district or a special support district, or has cancelled that designation, the Minister is to notify the support institution to that effect and make it public without delay.

(Designation of Category II Eligible Telecommunications Carriers)

Article 110-3 (1) When the Minister of Internal Affairs and Communications has designated a support institution and a support district (refers to the general support district and the special support district; hereinafter the same applies in this Article), the Minister may designate a telecommunications carrier that provides item (ii) universal telecommunications services and is recognized as conforming to the following standards as a Category II eligible telecommunications carrier upon application by that telecommunications carrier:

- (i) the status of income and expenditure regarding the operations of providing item (ii) universal telecommunications services subject to the application and other matters specified by Order of the Ministry of Internal Affairs and Communications is made public pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications;
  - (ii) the scope of the service area for the item (ii) universal telecommunications services subject to the application includes all of one or more support districts (limited to those falling under all of the following; hereinafter the same applies in the following paragraph):
    - (a) no other Category II eligible telecommunications carrier has been designated to be in charge of a coverage support district prescribed in the following paragraph with respect to that support district;
    - (b) the scale of telecommunications line facilities to be installed to provide item (ii) universal telecommunications services subject to the application in the support district exceeds the scale specified by Order of the Ministry of Internal Affairs and Communications as set forth in Article 107, item (ii).
- (2) When the Minister of Internal Affairs and Communications designates a Category II eligible telecommunications carrier pursuant to the provisions of the preceding paragraph, the Minister must also designate the support district included in the scope of the service area for the item (ii) universal telecommunications services subject to the application as the support district for that Category II eligible telecommunications carrier (hereinafter in this

Article and paragraph (3) of the following Article referred to as the "coverage support district"), by each such support district. The same applies when a new support district is included in the scope of that service area.

- (3) In the cases listed in the following items, the Minister of Internal Affairs and Communications is to cancel the designation of the coverage support district as specified in those items:
- (i) when the designation of a support district designated as the coverage support district has been cancelled: the coverage support district in question;
  - (ii) when a Category II eligible telecommunications carrier has come to fall under either of the following (a) or (b) with regard to the coverage support district: the coverage support district as specified in that (a) or (b);
    - (a) when all or a part of the coverage support district is no longer included in the scope of the service area for the item (ii) universal telecommunications services that the carrier provides; the coverage support district that is no longer included in that scope;
    - (b) when the coverage support district no longer falls under paragraph (1), item (ii), (b): the coverage support district that no longer falls under item that (ii), (b);
  - (iii) when the designation of a Category II eligible telecommunications carrier has been revoked pursuant to the provisions of paragraph (6): all the coverage support districts of the Category II eligible telecommunications carrier.
- (4) When the Minister of Internal Affairs and Communications designates a Category II eligible telecommunications carrier under the provisions of paragraph (1) and the coverage support district of that Category II eligible telecommunications carrier under the provisions of the first sentence of paragraph (2), the Minister is to notify the support institution and that Category II eligible telecommunications carrier to that effect and make it public without delay. The same applies to the designation of a coverage support district pursuant to the provisions of the second sentence of paragraph (2), the cancellation of the designation of a coverage support district under the preceding paragraph, or the revoking of the designation of a Category II eligible telecommunications carrier under paragraph (6).
- (5) In the case of succession to the status of a telecommunications carrier under Article 17, paragraph (1), if that telecommunications carrier was a Category II eligible telecommunications carrier, a telecommunications carrier that has succeeded to the status of that telecommunications carrier is to succeed to the status of a Category II eligible telecommunications carrier.
- (6) When a Category II eligible telecommunications carrier falls under any of the following items or when an application for revoking the designation under paragraph (1) has been filed by a Category II eligible telecommunications

carrier, the Minister of Internal Affairs and Communications may revoke the designation:

- (i) if the Category II eligible telecommunications carrier has violated the provisions of paragraph (3) or (4) of the following Article;
- (ii) if the Category II eligible telecommunications carrier is found to fail to conform to any of the items of paragraph (1).

(Provision of Category II Grants)

Article 110-4 (1) The support institution must calculate the amount of the grants set forth in Article 107, item (ii) (hereinafter referred to as "Category II grants") by the methods specified by Order of the Ministry of Internal Affairs and Communications, and must obtain authorization from the Minister for Internal Affairs and Communications concerning the amount of the Category II grants and methods of providing them for each fiscal year.

(2) An application for the authorization set forth in the preceding paragraph must be filed together with a document clarifying the breakdown of the amount of the Category II grants for each category of general support district or special support district.

(3) Category II eligible telecommunications carriers must notify the support institution of the cost spent to provide the item (ii) universal telecommunications services in a fiscal year previous to the fiscal year for which they calculate the amount of the Category II grants, the income generated by the provision of the item (ii) universal telecommunications services, and other particulars specified by Order of the Ministry of Internal Affairs and Communications, as the basis for calculating the amount of the Category II grants, by each coverage support district pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications.

(4) The cost set forth in the preceding paragraph must be calculated by the methods specified by Order of the Ministry of Internal Affairs and Communications as those for calculating reasonable costs under efficient management, and the income referred to in that paragraph must be calculated by the methods specified by Order of the Ministry of Internal Affairs and Communications as those that calculate income that would normally arise if standardized rates were set.

(5) If the support institution has obtained authorization set forth in paragraph (1), it must make the amount of Category II grants public pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications.

(Collection of Category II Dues)

Article 110-5 (1) Each fiscal year, the support institution may collect dues from telecommunications carriers that provide high-speed data transmission

telecommunications services (excluding those specified by Order of the Ministry of Internal Affairs and Communications) and whose scale of business exceeds the standards specified by Cabinet Order (hereinafter referred to as "high-speed data transmission service provider" in this paragraph), in order to allocate them to all or part of the costs required for operations listed in Article 107, item (ii) (including work incidental to the operations; the same applies in Article 112, paragraph (1)); provided, however, that those dues (hereinafter referred to as "Category II dues") must not come to account for a proportion exceeding the proportion specified by Cabinet Order of the amounts calculated by methods specified by Order of the Ministry of Internal Affairs and Communications as the income generated by the provision of the telecommunications services in the previous fiscal year by a high-speed data transmission service provider (the income so generated includes the income generated by the provision of the telecommunications services in the previous fiscal year by a corporation disappearing in a merger, a corporation conducting a split (limited to a split resulting in the succession to all of telecommunications business), a decedent, or another high-speed data transmission service provider transferring its telecommunications business in either of the following cases: if another high-speed data transmission service provider has merged or split, or inheritance from that provider has occurred in the previous fiscal year or in the relevant fiscal year (limited to the period until the high-speed data transmission service provider in question receives the notification pursuant to the provisions of Article 110, paragraph (3) as applied mutatis mutandis pursuant to the following paragraph), and the high-speed data transmission service provider in question is a corporation surviving after the merger or newly established upon the merger, a corporation that has succeeded to all of the telecommunications business upon the split, or a heir; or if the high-speed data transmission service provider in question has succeeded to all of the telecommunications business from another high-speed data transmission service provider in the previous fiscal year or in the relevant fiscal year (limited to the period until the high-speed data transmission service provider in question receives the notification pursuant to the provisions of Article 110, paragraph (3) as applied mutatis mutandis pursuant to the following paragraph)).

- (2) The provisions of Article 110, paragraphs (2) through (8) apply mutatis mutandis to Category 2 dues. In this case, the term "telecommunications carriers conducting interconnection or other similar actions" in paragraph (3) of that Article is deemed to be replaced with "high-speed data transmission service provider (meaning the high-speed data transmission service provider prescribed in Article 110-5, paragraph (1); hereinafter the same applies in this Article). The term "telecommunications carriers conducting interconnection or

other similar actions" in paragraphs (4) through (8) of that Article is deemed to be replaced with "high-speed data transmission service provider".

(Request for the Submission of Data)

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

(Separate Accounting)

Article 112 (1) The support institution must separate accounts for the operations listed in Article 107, item (i) from accounts for the operations listed in item (ii) of that Article.

(2) If the support institution conducts the operations other than support operations, it must separate accounts for those operations from accounts for support operations.

(Consultation Commission for Support Operations)

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

(2) Upon being consulted by the representative of the support institution, the consultation commission for support operations may conduct the study and deliberation on the amount of Category I and II grants and methods of providing them, the amount of Category I and II dues and methods of collecting them, and other important particulars concerning the conduct of the support operations, and provide the representative of the support institution with the opinions that it finds necessary for those matters.

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

(Transitional Measures upon Revocation of Support Institution Designation)

Article 114 (1) If the Minister for Internal Affairs and Communications has revoked the designation of the support institution pursuant to the provisions of Article 84, paragraph (1) or (2) as applied mutatis mutandis pursuant to Article 116, paragraph (1), and newly designates a support institution after the revocation, the assets related to the support operations of the support institution subject to the revocation belong to the newly designated support institution.

(2) Beyond what is provided for in the preceding paragraph, the management of the assets related to the support operations and other necessary transitional



measures (including transitional measures concerning penal provisions) in cases in which the Minister for Internal Affairs and Communications revokes the designation of a support institution pursuant to the provisions of Article 84, paragraph (1) or (2) as applied mutatis mutandis pursuant to Article 106, paragraph (1), are specified by Cabinet Order within a scope considered reasonably necessary .

(Provision of Information to the Support Institution)

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

(Application, Mutatis Mutandis)

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

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

Article 75, paragraph (2)	paragraph (2) of the preceding Article	Article 106
Article 77, paragraph (3)	an officer or qualification examiner	an officer
	the rules for administration of exam	support operations rules
Article 78	employee (including a qualification examiner)	employee
	the administration of exam	the support operations
Article 79 and Article 84, paragraph (2), item(iv)	the administration of exam	the support operations
	the rules for administration of exam	support operations rules
Article 81, Article 82, Article 83, paragraph (1), and Article 84, paragraph (2), except the items thereof, and paragraph (3)	the administration of exam	the support operations
Article 84, paragraph (1)	Article 75, paragraph (2) item (i), item (ii) or item (iv)	Article 75, paragraph (2), item (ii) or item (iv)

Article 84, paragraph (2), item (i)	this Subsection	The provisions of this Subsection or Article 109, paragraph (1) or paragraph (4), Article 110, paragraph (2) (including as applied mutatis mutandis pursuant to Article 110-5, paragraph (2)), Article 110-4, paragraph (1) or paragraph (5), Article 112, or Article 113, paragraph (3)
Article 84, paragraph (2), item (ii)	any of the items of Article 75, paragraph (1)	any of the items of Article 106
Article 90, paragraph (1)	a registration set forth in Article 86	the designation of the support institution
	the name and address of the registered approval body and classification of business related to the registration, the addresses of offices where the operations for technical standards conformity approval	the name and address of the registered approval body and, the addresses of offices where the support operations
	and the date on which the operations of technical standards conformity approval	and the date on which the support operations
Article 90, paragraph (2)	the particulars listed in Article 86, paragraph (2), item (i) or item (iii)	the name, address or the location of the office where the support operation is conducted
Article 90, paragraph (3)	a notification (limited to a notification in relation to a change in the name or address of the registered approval body, or a change in the location of the office where the operations for technical standards conformity approval are to be conducted)	a notification

**Section 8 Certified Association against Cyber Attacks on**

## Telecommunications Facilities

(Certification as a Certified Association against Cyber Attacks on Telecommunications Facilities)

Article 116-2 (1) The Minister for Internal Affairs and Communications may certify a general incorporated association that has been established by a telecommunications carrier and recognized as satisfying the requirements below as a person performing operations specified in the following paragraph (hereinafter referred to as "operations against cyber attacks on telecommunications facilities" in this Section), upon its application:

- (i) its purpose is to ensure smooth provision of telecommunications services and protect the interests of users of the services, by supporting telecommunications carriers that deal with cyber attacks on telecommunications facilities (meaning acts listed in (a) or (b) below; the same applies in the following paragraph.);
  - (a) among attacks made against computers through information and communications networks or through storage media for records created by electric or magnetic means, those that are conducted by sending telecommunications that impair the functions of the target's telecommunications facilities (the sending of the telecommunications in question includes the sending of telecommunications that give commands to send the telecommunications in question) (those attacks are referred to as "facility attacks" in (b) and item (i) in the following paragraph);
  - (b) among the exploration of telecommunications facilities that are targeted for a facility attack, the exploration that is conducted by sending telecommunications specified by Order of the Ministry of Internal Affairs and Communications as the telecommunications that can be reasonably identified as telecommunications sent for the purpose of exploration before the facility attack (including the sending of telecommunications giving instructions to send those telecommunications), through electronic or magnetic records concerning the sender, target, transmission date and time of the telecommunications, and other transmission history (hereinafter simply referred to as "communications history") recorded during the course of operations of the telecommunications carrier (the exploration in question is referred to as "exploration of facilities targeted for an attack" in item (i), (a), (2) and (b), (2) of the following paragraph); and
- (ii) there are provisions in its articles of incorporation to the effect that telecommunications carriers falling under item (i), (a) and (b), or item (ii), (a) and (b) of the following paragraph are included in its membership (referred to as "members" in items (i) and (ii) of that paragraph, and item (ii) of

- paragraph (3));
- (iii) it has established an operational method necessary to appropriately and accurately conduct operations against cyber attacks on telecommunications facilities; and
  - (iv) it has sufficient knowledge and capability, and financial stability to appropriately and accurately conduct operations against cyber attacks on telecommunications facilities.
- (2) The general incorporated association approved under the preceding paragraph (hereinafter referred to as "certified association against cyber attacks on telecommunications facilities") is to conduct the operations listed below:
- (i) send a notification under (b) to persons specified in (b), 1. or 2., upon being entrusted by a member telecommunications carrier that satisfies all of the following:
    - (a) its technical conditions approved pursuant to the provision of Article 52, paragraph (1) or Article 70, paragraph (1), item (i) (simply referred to as "technical conditions" in (b)) specify that its user's telecommunications facilities are prohibited from carrying out cyber attacks on telecommunications facilities (limited to those acts listed in 1. or 2. below; the same applies in (b));
      1. facility attacks (limited to attacks for which the telecommunications carrier can rationally identify the telecommunications facilities that are the source of the transmission as being the source of the transmission of the telecommunications prescribed in item (i), (a) of the preceding paragraph, based on the electronic or magnetic records of the communications history that the carrier keeps during the course of its operations (the same applies in (b), 2.);
      2. exploration of facilities targeted for an attack (limited to the exploration for which the telecommunications carrier can rationally identify the telecommunications facilities that are the source of the transmission as being the source of the transmission of the telecommunications specified by Order of the Ministry of Internal Affairs and Communication in item (i), (b) of the preceding paragraph based on the electronic or magnetic records of the communications history that the carrier keeps during the course of its operations; the same applies in (b), 2.);
    - (b) its conditions for provision of telecommunications services specifies that if its telecommunications facilities or its user's telecommunications facilities are identified as the target of the cyber attack on telecommunications facilities (the cyber attack is limited to the act listed in (a), 1. or 2. that the technical conditions specify its user's telecommunications facilities are

prohibited from conducting; hereinafter the same applies in this (b) (excluding 2.) and the (b) of the following item), and the telecommunications facilities that are the source of the relevant cyber attack on telecommunications facilities are identified as those of a person listed below in 1. or 2. based on electronic or magnetic records of communications history that the carrier keeps in the course of its operations, it is to send a notification to the person specified in 1. or 2. in order to require that the person deal with the relevant cyber attack on telecommunications facilities which was made from that person's telecommunications facilities or with the risk that the cyber attack will be made, using the electronic or magnetic record of the relevant communications history as evidence:

1. other telecommunications carriers: the relevant other telecommunications carriers; or
2. users of other telecommunications carriers (those other carriers are limited to those that fall under (a) (limited to the part relating to 1.) if the cyber attack on telecommunications facilities is a facility attack, and are limited to those that fall under (b) (limited to the part relating to 2.) if the cyber attack on telecommunications facilities is an exploration of facilities targeted for an attack): the relevant other telecommunications carriers;

(ii) be provided with the electronic or magnetic records of communications history referred to in (b) from member telecommunications carriers that fall under all of the following, conduct the investigation and research referred to in (b), and disseminate their results:

- (a) it falls under (a) as referred to in the preceding item; and
- (b) its conditions for provision of telecommunications services specify that if its telecommunications facilities or its user's telecommunications facilities are identified as the target of the cyber attack on telecommunications facilities, and the telecommunications facilities that are the source of the relevant cyber attack on telecommunications facilities cannot be rationally identified based on the electronic or magnetic record of the relevant communications history that the carrier keeps in the course of its operations, it is to provide the electronic or magnetic records of the relevant communications history to the certified association against cyber attacks on telecommunications facilities, for use in an investigation and research to rationally identify the telecommunications facilities that are the source of the cyber attack on telecommunications facilities; and

(iii) beyond what is provided for in the preceding two items, it provides support for a telecommunications carrier dealing with a cyber attack on telecommunications facilities.

- (3) A person that intends to receive approval under paragraph (1) must submit an application describing the following particulars to the Minister for Internal Affairs and Communications:
- (i) its name and address, and the name of its representative;
  - (ii) the name of a specified member (meaning a member telecommunications carrier that falls under item (i), (a) and (b) or item (ii), (a) and (b) of the preceding paragraph; the same applies in paragraphs (1) and (3) of the following Article, and Article 188, item (xv));
  - (iii) scope and implementation method of operations against cyber attacks on telecommunications facilities; and
  - (iv) beyond what is provided for in the preceding three items, particulars specified by Order of the Ministry of Internal Affairs and Communications.
- (4) Articles of incorporation and other documents specified by Order of the Ministry of Internal Affairs and Communications must be attached to the application in the preceding paragraph.
- (5) The certified association against cyber attacks on telecommunications facilities must receive approval from the Minister for Internal Affairs and Communications if it intends to change the particulars listed in paragraph (3), item (iii); provided, however, that this does not apply to minor changes specified by Order of the Ministry of Internal Affairs and Communications.
- (6) The provisions set forth in paragraphs (3) and (4) apply mutatis mutandis to approval of changes referred to in the preceding paragraph. In such cases, the term "following particulars" in paragraph (3) is deemed to be replaced with "particulars listed in item (i) and item (iii) (limited to matters related to changes, for particulars listed in item (iii))".
- (7) If there is a change to particulars listed in the items of paragraph (3) (excluding item (iii)), or a minor change specified by Order of the Ministry of Internal Affairs and Communications as prescribed in the proviso of paragraph (5) is made, the certified association against cyber attacks on telecommunications facilities must notify the Minister for Internal Affairs and Communications to that effect without delay.

(Public Inspection of the Specified Membership List)

- Article 116-3 (1) The certified association against cyber attacks on telecommunications facilities must allow public inspection of the specified membership list pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications.
- (2) A person that is not the certified association against cyber attacks on telecommunications facilities must not use characters in its name that can be mistaken for the certified association against cyber attacks on telecommunications facilities.

(3) A person that is not a specified member of the certified association against cyber attacks on telecommunications facilities must not use characters in its name that can be mistaken for a specified member of the certified association against cyber attacks on telecommunications facilities.

(Duty of Confidentiality)

Article 116-4 A officer or employee of the certified association against cyber attacks on telecommunications facilities or a person that formerly held that position must not divulge any secret which came to their knowledge with respect to the operations against cyber attacks on telecommunications facilities.

(Keeping of Books)

Article 116-5 The certified association against cyber attacks on telecommunications facilities must prepare and keep books, by recording or making entries of the particulars specified by Order of the Ministry of Internal Affairs and Communications concerning the operations against cyber attacks on telecommunications facilities in those books, pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications.

(Supervision Orders for the Certified Association Against Cyber Attacks on Telecommunications Facilities)

Article 116-6 (1) If the Minister for Internal Affairs and Communications finds it necessary to improve the operations of the certified association against cyber attacks on telecommunications facilities, the Minister may order the certified association against cyber attacks on telecommunications facilities to take measures necessary for the improvement to the extent necessary for the enforcement of this Act.

(2) If the operations of the certified association against cyber attacks on telecommunications facilities violate this Act, an order based on this Act, or a disposition based on them, the Minister for Internal Affairs and Communications may revoke its approval or order the suspension of all or part of its operations for a specified period within six months in length.

(Provision of Information to a Certified Association Against Cyber Attacks on Telecommunications Facilities)

Article 116-7 In response to a request by the certified association against cyber attacks on telecommunications facilities, the Minister for Internal Affairs and Communications may provide information specified by Order of the Ministry of Internal Affairs and Communications as information that is related to a telecommunications carrier and contributes to the operations against cyber attacks on telecommunications facilities, to the extent necessary for the

certified association against cyber attacks on telecommunications facilities to properly conduct operations against cyber attacks on telecommunications facilities.

(Public Notice)

Article 116-8 If the Minister for Internal Affairs and Communications has made an approval under Article 116-2, paragraph (1), there is a notification of changes as set forth in paragraph (7) of that Article (limited to notifications related to changes in the particulars listed in item (i) of paragraph (3) of that Article), or the Minister has revoked the approval or ordered suspension of all or part of operations pursuant to the provisions of Article 116-6, paragraph (2), the Minister must issue a public notice to that effect pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications.

### **Chapter III Use of Land and Other Matters**

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

(Approval of Business)

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

- (2) A person that intends to obtain the approval set forth in the preceding paragraph must file a written application describing the following particulars with the Minister for Internal Affairs and Communications pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications:
- (i) its name and address and, in cases of a corporation, the name of its representative;
  - (ii) service areas of the telecommunications business subject to the application; and
  - (iii) outline of telecommunications facilities used for the telecommunications business subject to the application.
- (3) The written application set forth in the preceding paragraph must be filed together with a business plan and other documents specified by Order of the Ministry of Internal Affairs and Communications.

(Grounds for Ineligibility)

Article 118 A person that falls under any of the following items may not obtain



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

- (i) a person that was sentenced to a fine or a heavier punishment (including punishment by equivalent foreign law) pursuant to the provisions of this Act, the Wire Telecommunications Act, the Radio Act, or other equivalent foreign law, if two years have not passed since the date on which the enforcement of that punishment was completed or became inapplicable;
- (ii) a person whose approval ceased to have effect as that person fell under Article 125, item (ii), if two years have not passed since the date on which the approval ceased to have effect; or a person whose approval was revoked pursuant to the provisions of Article 126, paragraph (1), if two years have not passed from the date of revocation;
- (iii) a corporation or association for which any of its officers falls under either of the preceding two items; or
- (iv) a foreign corporation, organization, or individual that has not designated a domestic representative or domestic agent.

(Criteria for Approval)

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

- (i) the applicant has adequate financial stability and the technical capabilities to properly conduct the telecommunications business subject to the application;
- (ii) the plan of the telecommunications business subject to the application is reliable and reasonable; and
- (iii) the applicant has obtained the registration set forth in Article 9 that is necessary for operating the telecommunications business subject to the application or the registration of change set forth in Article 13, paragraph (1), or has filed a notification set forth in Article 16, paragraph (1), (4) (including as applied pursuant to the provisions of paragraph (6) of that Article following the deemed replacement of terms), or (5).

(Obligation to Start Business)

Article 120 (1) A person that has obtained the approval set forth in Article 117, paragraph (1) (hereinafter referred to as an "approved telecommunications carrier") must start the telecommunications business subject to the approval (hereinafter referred to as "approved telecommunications business") within the period designated by the Minister for Internal Affairs and Communications.

(2) If the Minister for Internal Affairs and Communications finds it particularly necessary, the Minister may divide the service areas set forth in Article 117,

paragraph (2), item (ii) and designate the period set forth in the preceding paragraph for each divided service area.

- (3) The Minister for Internal Affairs and Communications may extend the period set forth in paragraph (1), if the application is filed from an approved telecommunications carrier and the Minister finds that there are justifiable grounds for it.
- (4) If an approved telecommunications carrier has started an approved telecommunications business (or if the service areas were divided and the period was designated for each divided area pursuant to the provisions of paragraph (2), the approved telecommunications business related to the division), it must notify the Minister for Internal Affairs and Communications to that effect without delay.

#### (Obligation to Provide Services)

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

#### (Approval of Changes)

- Article 122 (1) If an approved telecommunications carrier intends to change the particulars set forth in Article 117, paragraph (2), item (ii) or (iii), it must obtain the approval from the Minister for Internal Affairs and Communications; provided, however, that this does not apply to minor changes specified by Order of the Ministry of Internal Affairs and Communications.
- (2) If an approved telecommunications carrier has made minor changes specified by Order of the Ministry of Internal Affairs and Communications, as set forth in the proviso of the preceding paragraph, it must notify the Minister for Internal Affairs and Communications to that effect without delay.
  - (3) The provisions of Article 117, paragraph (3), Article 118 (excluding item (ii)), and Article 119 apply mutatis mutandis to the approval set forth in paragraph (1).
  - (4) The provisions of Article 120 apply mutatis mutandis to the cases set forth in paragraph (1) (except for cases in which the number of service areas is decreased). In this case, the term "Article 117, paragraph (1)" in paragraph (1) of that Article is deemed to be replaced with "Article 122, paragraph (1)".
  - (5) If an approved telecommunications carrier changes any of the particulars set

forth in Article 117, paragraph (2), item (i), it must notify the Minister for Internal Affairs and Communications to that effect without delay.

(Succession)

- Article 123 (1) If an approved telecommunications carrier dies, the heir (or, if one particular heir has been selected from among two or more heirs as the successor of the approved telecommunications business by agreement among the heirs, that selected heir) succeeds to the status of the approved telecommunications carrier that the decedent had.
- (2) If an heir set forth in the preceding paragraph does not apply for the authorization from the Minister for Internal Affairs and Communications with regard to succession within sixty days from the death of the decedent, or a decision not to authorize an application from the heir as set forth in that paragraph is rendered, the approval of the approved telecommunications business ceases to have effect at the time when the period has passed or when the decision is rendered.
- (3) If a corporation having the status as an approved telecommunications carrier has conducted a merger or split (limited to a split resulting in the succession to all of approved telecommunications business), a corporation surviving after the merger or newly established upon the merger, or a corporation that has succeeded to all of the approved telecommunications business upon the split may succeed to the status as an approved telecommunications carrier with the authorization from the Minister for Internal Affairs and Communications.
- (4) If an approved telecommunications carrier has transferred all of its approved telecommunications business, the person that has acquired all of the approved telecommunications business through the transfer may succeed to the status as an approved telecommunications carrier with authorization from the Minister for Internal Affairs and Communications.
- (5) The provisions of Articles 118 and 119 apply mutatis mutandis to the authorization set forth in the preceding three paragraphs.

(Suspension and Discontinuation of Business)

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

(Lapse of Approval)

Article 125 If an approved telecommunications carrier falls under any of the

following items, its approval ceases to have effect:

- (i) if the registration ceases to have effect pursuant to the provisions of Article 12-2, paragraph (1);
- (ii) if the registration of the approved telecommunications carrier is revoked pursuant to the provisions of Article 14, paragraph (1); or
- (iii) if the approved telecommunications carrier discontinues all of its telecommunications business.

(Revocation of Approval)

Article 126 (1) If an approved telecommunications carrier falls under any of the following items, the Minister for Internal Affairs and Communications may revoke its approval:

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

(Revocation of Approval of Changes)

- Article 127 (1) If an approved telecommunications carrier that has obtained the approval of a change in the particulars set forth in Article 117, paragraph (2), item (ii) or (iii), pursuant to the provisions of Article 122, paragraph (1), does not change the particulars within the period designated pursuant to the provisions of Article 120, paragraph (1) as applied mutatis mutandis pursuant to Article 122, paragraph (4) (or if the period has been extended pursuant to the provisions of Article 120, paragraph (3) as applied mutatis mutandis pursuant to Article 122, paragraph (4), within the extended period), the Minister for Internal Affairs and Communications may revoke its approval.
- (2) The provisions of paragraph (2) of the preceding Article apply mutatis mutandis to the cases set forth in the preceding paragraph.

## Section 2 Use of Land

(Right to Use Land)

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

or concrete); provided, however, that this does not apply if a shorter duration is set as a result of negotiations set forth in that paragraph or a ruling set forth in Article 132, paragraph (2) or (3).

- (4) If an application for authorization set forth in paragraph (1) is filed and the Minister for Internal Affairs and Communications finds it necessary to do so, the Minister is to hear the opinions of the owner of the land, buildings, or other structures (the owner includes the administrator of administrative or other prescribed properties or any other person specified by Cabinet Order, if the thing in question is a building or any other structure that is affixed to the administrative or other prescribed properties; the same applies in the following paragraph, Article 130, paragraph (1), and Article 131).
- (5) If the Minister for Internal Affairs and Communications has granted authorization set forth in paragraph (1), the Minister must notify the owner of the land, buildings, or other structures to that effect, and issue a public notice of it.
- (6) If an agreement is reached on the negotiations set forth in paragraph (1), the approved telecommunications carrier and the owner of the land, buildings, or other structures are to notify the Minister for Internal Affairs and Communications of the particulars decided through those negotiations, pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications.
- (7) If the notification set forth in the preceding paragraph is filed, the approved telecommunications carrier is to acquire the right to use the land, buildings, or other structures, or the duration of the right to use them is to be extended, in accordance with that notification.
- (8) The approved telecommunications carrier and the owner of the land, buildings, or other structures may extinguish the right to use through an agreement. In this case, they must notify the Minister for Internal Affairs and Communications to that effect without delay.

(Application for Arbitration)

Article 129 (1) If negotiations under paragraph (1) of the preceding Article fail or cannot be conducted, an approved telecommunications carrier may apply to the Minister for Internal Affairs and Communications for a ruling on the use of the land, buildings, or other structures in accordance with the procedures specified by Order of the Ministry of Internal Affairs and Communications; provided, however, that this does not apply to cases in which three months have passed since the date on which the authorization set forth in that paragraph was granted.

- (2) If an approved telecommunications carrier applies for a ruling on extension of the duration of the right to use pursuant to the provisions of the preceding

paragraph, it may continue using the land, buildings, or other structures until the ruling is rendered.

(Rulings)

- Article 130 (1) If the Minister for Internal Affairs and Communications has received an application for a ruling under paragraph (1) of the preceding Article, within three days, the Minister must send a copy of the application to the mayor of the municipality, and notify the owner of the land, buildings, or other structures to the effect that the application for a ruling has been filed.
- (2) If the mayor of the municipality receives the documents set forth in the preceding paragraph, the mayor must issue a public notice to that effect within three days, and must make the documents available for public inspection one week from the date of that public notice.
- (3) If the mayor of the municipality issues the public notice under the preceding paragraph, the mayor must report the date of that public notice to the Minister for Internal Affairs and Communications.
- (4) With regard to the application of the provisions of the preceding three paragraphs, the term "mayor of the municipality" in those provisions is deemed to be replaced with "mayor of the special ward" for a place where a special ward exists; and with "mayor of the ward or mayor of consolidated ward" for a designated city prescribed in Article 252-19, paragraph (1) of the Local Autonomy Act.

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

- Article 132 (1) The Minister for Internal Affairs and Communications must render a ruling promptly after the period set forth in the preceding Article has passed.
- (2) A ruling which determines that the right to use should be established must specify the following particulars:
- (i) the location and scope of the land, buildings, or other structures on or across which the right to use is to be established;
  - (ii) the type and number of telecommunications lines;
  - (iii) the scheduled starting date of use;
  - (iv) the duration of the right to use, if that duration has been determined; and
  - (v) the amount of consideration and the time and means of payment.
- (3) A ruling which determines that the duration of the right to use should be

extended must specify the extended period (or if the particulars listed in item (v) of the preceding paragraph are changed at the time of extending the period, the extended period and the particulars listed in that item after the change).

- (4) The Minister for Internal Affairs and Communications must hear the opinions of the expropriation committee in the prefecture which has jurisdiction over the land, buildings, or other structures on the particulars listed in paragraph (2), item (v) (including the particulars set forth in the preceding paragraph after the change), in advance, and render a ruling based on those opinions. In this case, the standards of the consideration set forth in that item are specified by Cabinet Order for each type of telecommunications lines and land, buildings, or other structures to cover losses which may generally arise from their use.
- (5) If the Minister for Internal Affairs and Communications renders a ruling set forth in Article 129, paragraph (1), the Minister must notify the approved telecommunications carrier and the owner of the land, buildings, or other structures to that effect without delay, and must issue a public notice of it.
- (6) If a ruling which determines that the right to use should be established is rendered, the approved telecommunications carrier is to acquire the right to use the land, buildings, or other structures on the scheduled starting date of use as specified in the ruling.
- (7) If a ruling which determines that the duration of the right to use should be extended is rendered, the duration of the right to use is to be extended for the period specified in the ruling.
- (8) The provisions of Article 35, paragraphs (8) through (10) apply mutatis mutandis to the ruling set forth in Article 129, paragraph (1). In this case, the term "the amount of money to be received or paid by the party (or parties)" in Article 35, paragraph (8) and paragraph (10) is deemed to be replaced with "the amount of consideration".

#### (Temporary Use of Land, Buildings, or Other Structures)

Article 133 (1) An approved telecommunications carrier may use another person's land, buildings, or other structures temporarily to the extent that this does not seriously obstruct that person's use, if using them for the purposes listed below is necessary and unavoidable in relation to conducting its approved telecommunications business; provided, however, that, in the cases of buildings or other structures, that use is limited to the purpose of supporting telecommunications lines:

- (i) establishing the sites for materials and vehicles and dump-sites for soil and stone that are necessary for conducting telecommunications line installation;
- (ii) establishing telecommunications lines and other telecommunications facilities necessary for securing essential communications in cases in which a natural disaster, serious event, or any other emergency has occurred or other



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

#### (Entry into Land)

- Article 134 (1) An approved telecommunications carrier may enter another person's land if it is necessary to do so in order to conduct a survey, on-site investigation, or installation of telecommunications lines.
- (2) The provisions of paragraphs (2) through (4) and paragraph (6) of the preceding Article apply mutatis mutandis if an approved telecommunications carrier enters another person's land pursuant to the provisions of the preceding paragraph.

#### (Passage)

- Article 135 (1) An approved telecommunications carrier may pass through another person's land if it is necessary to do so in order to conduct telecommunications line installation or maintenance.
- (2) The provisions of Article 69, paragraph (4) and Article 133, paragraphs (3)

and (4) apply mutatis mutandis if an approved telecommunications carrier passes through another person's land pursuant to the provisions of the preceding paragraph.

(Clearing Plants)

- Article 136 (1) If plants cause or are likely to cause an obstruction to telecommunications lines, or hinder surveys, on-site investigations, or installation of telecommunications lines, and if it is unavoidable to do so, an approved telecommunications carrier may clear or move the plants with the permission of the Minister for Internal Affairs and Communications.
- (2) If an approved telecommunications carrier clears or moves plants pursuant to the provisions of the preceding paragraph, it must notify the owner of the plants to that effect in advance; provided, however, that, if the notification is difficult to make in advance, it is sufficient for the approved telecommunications carrier to notify the owner without delay after clearing or moving the plants.
- (3) Notwithstanding the provision of paragraph (1), if the plants cause an obstruction to telecommunications lines and an approved telecommunications carrier finds that these plants will seriously damage the telecommunications lines and hinder the securing of communications in the case of leaving the obstruction unsolved, it may clear or move the plants without the permission of the Minister for Internal Affairs and Communications. In this case, the approved telecommunications carrier must notify the Minister for Internal Affairs and Communications to that effect, and notify the owner of the plants of it without delay after clearing or transplanting the plants.

(Compensation for Losses)

- Article 137 (1) If an approved telecommunications carrier has caused losses by temporarily using another person's land, buildings, or other structures pursuant to the provisions of Article 133, paragraph (1), by entering another person's land pursuant to the provisions of Article 134, paragraph (1), by passing through another person's land pursuant to the provisions of Article 135, paragraph (1), or by clearing or moving plants pursuant to the provisions of paragraph (1) or (3) of the preceding Article, it must compensate the person for any losses that person has suffered.
- (2) If negotiations on compensation for losses under the preceding paragraph between an approved telecommunications carrier and a person that has suffered the losses fail or cannot be conducted, the approved telecommunications carrier or the person that has suffered the losses may file an application for a ruling with the prefectural governor, in accordance with the procedures specified by Order of the Ministry of Internal Affairs and

Communications.

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

(Relocation of Telecommunications lines)

- Article 138 (1) If the purpose or methods of using land, buildings, or other structures on which telecommunications lines are installed based on the right to use them or the purpose or methods of using land, buildings, or other structures adjacent to them has been changed and thereby the telecommunications lines seriously hinder the use of the land, buildings, or other structures in question, their owner may request that the approved telecommunications carrier relocate the telecommunications lines or otherwise take measures necessary to remove the hindrance.
- (2) The approved telecommunications carrier must take the measures set forth in the preceding paragraph, except for cases in which it is extremely difficult to take the measures set forth in the preceding paragraph for conducting its operations, or from a technical perspective.
  - (3) If negotiations between the approved telecommunications carrier and the owner of the land, buildings, or other structures on the measures set forth in paragraph (1) fail or cannot be conducted, the carrier or the owner may apply to the Minister for Internal Affairs and Communications for a ruling, in accordance with the procedures specified by Order of the Ministry of Internal Affairs and Communications.
  - (4) The provisions of Article 130, Article 131, and Article 132, paragraphs (1) and (5) apply mutatis mutandis to the ruling set forth in the preceding paragraph.
  - (5) A ruling which determines that the measures set forth in paragraph (1) should be taken may specify that all or part of the cost of the measures is to be borne by the owner of the land, buildings, or other structures.
  - (6) A ruling which determines that the measures set forth in paragraph (1) should be taken must specify the date when those measures should be taken

(or in the case set forth in the preceding paragraph, the date when those measures should be taken, and the amount, date and means of payment of the money to be borne by the owner of the land, buildings, or other structures).

- (7) If a public notice has been issued pursuant to the provisions of Article 132, paragraph (5) as applied mutatis mutandis pursuant to paragraph (4), the negotiations between the approved telecommunications carrier and the owner of the land, buildings, or other structures are deemed to have reached an agreement in accordance with the ruling.
- (8) The provisions of Article 35, paragraphs (8) through (10) apply mutatis mutandis to the ruling set forth in paragraph (3). In this case, the term "the amount of money to be received or paid by the party (or parties)" in paragraphs (8) and (10) of that Article is deemed to be replaced with "the amount of costs to be borne".

#### (Obligation of Restoration)

Article 139 If an approved telecommunications carrier has ended the use of land, buildings, or other structures or it becomes unnecessary to use land, buildings, or other structures for its approved telecommunications business, the carrier must return that land, buildings, or other structures after restoring them or compensating for the losses arising from not restoring them.

#### (Use of Public Waters)

Article 140 (1) If an approved telecommunications carrier intends to lay an underwater cable to be used for its approved telecommunications business (hereinafter referred to as an "underwater cable") under any surface of water used for public purposes (hereinafter referred to as "waters"), in advance, it must notify the Minister for Internal Affairs and Communications and the relevant prefectural governor (including the Minister of Agriculture, Forestry and Fisheries, if the waters are fishing grounds over which the Minister of Agriculture, Forestry and Fisheries exercises the authorities of the prefectural governor pursuant to the provisions of Article 183 of the Fishery Act (Act No. 267 of 1949); the same applies in the following paragraph) of the following particulars:

- (i) locations of the underwater cable and areas for which the approved telecommunications carrier intends to file the application set forth in paragraph (1) of the following Article;
  - (ii) date of the start and completion of the installation work; and
  - (iii) outline of the installation work.
- (2) If a notification is filed pursuant to the provisions of the preceding paragraph and the relevant prefectural governor finds it necessary to change the particulars related to the notification set forth in the preceding paragraph,

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

- (3) The provisions of Article 66 of the Fishery Act apply mutatis mutandis to the notification under the preceding paragraph. In this case, the term "any of the following items" in that Article is deemed to be replaced with "item (ii)", and the term "the prefectural governor" in that Article is deemed to be replaced with "the relevant prefectural governor that received the notification under Article 140, paragraph (1) of the Telecommunications Business Act".
- (4) If an approved telecommunications carrier has received a notification under paragraph (2), it must change the particulars; provided, however, that this does not apply for the relevant provisions if changing those particulars seriously hinders the conduct of its operations and the authorization to the effect that the changes to those particulars are not necessary is obtained from the Minister for Internal Affairs and Communications.

#### (Protection of Underwater Cables)

- Article 141 (1) If the application from an approved telecommunications carrier is filed and it is necessary for the protection of the underwater cable laid in accordance with the procedures set forth in the preceding Article, the Minister for Internal Affairs and Communications may designate an area within one thousand meters (or in case of a river to which the River Act (Act No. 167 of 1964) applies, or applies mutatis mutandis (hereinafter referred to as a "river"), within fifty meters) of the underwater cable as a protected area.
- (2) The designation set forth in the preceding paragraph is made by issuing a public notice.
  - (3) If a protected area has been designated pursuant to the provisions of paragraph (1), an approved telecommunications carrier must set up landmarks indicating that area and issue a public notice of the locations of the landmarks, pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications.
  - (4) In the protected area set forth in paragraph (1), it is prohibited for any person to anchor a vessel, engage in fishing operations using a trawl net or other fishing operations specified by Cabinet Order, mine soil, or moor a boat or raft

to the landmarks set forth in the preceding paragraph; provided, however, that this does not apply to the cases in which there are compelling reasons for a river administrator to conduct river construction, for a coast administrator as prescribed in Article 2, paragraph (3) of the Coast Act (Act No. 101 of 1956) (hereinafter referred to as "coastal administrator" in this Article) to conduct construction work for coast conservation facilities prescribed in Article 2, paragraph (1) of that Act (hereinafter referred to as "coastal conservation facilities" in this paragraph), or for the competent minister to conduct construction work for coastal conservation facilities pursuant to the provisions of Article 6, paragraph (1) of that Act, or in other cases specified by Cabinet Order.

- (5) If an approved telecommunications carrier has filed an application, and the prefectural governor (or the Minister for Agriculture, Forestry and Fisheries, if the Minister for Agriculture, Forestry and Fisheries directly exercises the authorities of the prefectural governor pursuant to the provisions of Article 183 of the Fishery Act; the same applies in paragraph (7)) finds it necessary to protect underwater cables, the governor may revoke or change the fishing rights which have been established on the waters within the protected area set forth in paragraph (1), or order the suspension of the exercise of those rights.
- (6) The provisions of Article 93, paragraph (4) of the Fishery Act apply mutatis mutandis to the revocation or change of the fishing rights, or suspension of the exercise of those rights, pursuant to the provisions of the preceding paragraph. In this case, the term "prefectural governor" in paragraph (4) of that Article is deemed to be replaced with "prefectural governor that has received the application under Article 141, paragraph (5) of the Telecommunications Business Act".
- (7) The prefectural governor must pay necessary consideration to protecting underwater cables with regard to establishing fishing rights on the waters within the protected area set forth in paragraph (1).
- (8) A coastal administrator must pay necessary consideration to protecting underwater cables with regard to permitting the establishment of facilities or structures or permitting any act on the waters within the protected area set forth in paragraph (1).

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

- (2) The provisions of Article 177, paragraph (2), the first sentence of paragraph (3), and paragraphs (4), (5), (11) and (12) of the Fishery Act apply mutatis mutandis to the compensation for the losses under the preceding paragraph. In

this case, the term "any item in that paragraph" in paragraph (2) of that Article is deemed to be replaced with "that paragraph"; the term "Minister for Agriculture, Forestry and Fisheries" in the first sentence of paragraph (3) of that Article is deemed to be replaced with "the prefectural Governor, after they hear the opinions of the Sea-area Fisheries Adjustment Commission"; the term "the national government" in paragraph (5) of that Article is deemed to be replaced with "approved telecommunications carrier"; in paragraph (11) of that Article, the term "land in paragraph (1), item (2) or item (3)" is deemed to be replaced with "fishery right specified in Article 141, paragraph (5) of the Telecommunications Business Act (limited to fishery rights revoked pursuant to the provisions of that paragraph)" and the term "the national government" is deemed to be replaced with "approved telecommunications carrier"; and the term "person qualified" in that paragraph and paragraph (12) of that Article is deemed to be replaced with "person qualified (limited to registered lien holder)".

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

#### **Chapter IV Telecommunications Dispute Settlement Commission**

##### **Section 1 Establishment and Organization**

(Establishment and Authority)

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

(2) The Commission processes the particulars which fall under its authority pursuant to the provisions of this Act, the Radio Act, and the Broadcasting Act.

(Organization)

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

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

(A Chair)

Article 146 (1) The Commission has a chair, whom the commission members vote on among themselves.

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

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

(Appointment of Commission Members)

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

(2) Notwithstanding the provisions of the preceding paragraph, if the term of office of a commission member expires or a vacancy of a position occurs, and the Minister for Internal Affairs and Communications is not able to obtain the consent of both Houses of the Diet because the Diet is closed or because the House of Representatives has been dissolved, the Minister may appoint a person from qualified persons set forth in the preceding paragraph as a commission member.

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

(Term of Office)

Article 148 (1) The term of office of a commission member is three years; provided, however, that the term of office of a commission member that has been appointed to fill a vacancy is the remaining term of the predecessor.

(2) The commission members may be reappointed.

(3) When the term of office of a commission member expires, the commission member is to perform the duties until the successor is appointed.

(Dismissal of Commission Members)

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



(Service Standards of Commission Members)

Article 150 (1) A commission member must not divulge any secrets which may have come to their knowledge in the course of the duties. The same applies even after the commission member has retired from office.

(2) A commission member must not become an official of a political party or any other political organization, or actively engage in a political campaign during the term of office.

(3) During the term of office, a full-time commission member must not engage in other duties for which that member receives remuneration, conduct business for profit, or conduct any other operations for monetary gain, except for cases approved by the Minister for Internal Affairs and Communications.

(Remuneration of Commission Members)

Article 151 Remuneration of commission members is prescribed separately by law.

(Secretariat)

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

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

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

(Delegation to Cabinet Order)

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

## **Section 2 Mediation and Arbitration**

(Mediation on Interconnection of Telecommunications Facilities)

Article 154 (1) If a telecommunications carrier requests another telecommunications carrier to conclude an agreement on interconnection of telecommunications facilities but the requested telecommunications carrier refuses to hold negotiations or those negotiations fail, or negotiations between the parties concerning concluding an agreement on the interconnection of telecommunications facilities fail regarding the amount of money to be received or paid by the parties, the terms and conditions of interconnection, or other details of the agreement, the parties may apply to the Commission for mediation; provided, however, that this does not apply if any party has already filed a petition set forth in Article 35, paragraph (1) or (2), an application for a

ruling under paragraph (3) of that Article, or an application for arbitration under paragraph (1) of the following Article.

- (2) The Commission is to conduct mediation, unless it finds that the relevant case is not appropriate for mediation by its nature or it finds that the parties have filed an application for mediation without due cause and for unjust reasons.
- (3) The Commission's mediation is conducted by mediation commissioners whom the Commission nominates for each case from among the commission members or other officials (limited to those whom the Commission designates in advance; the same applies in paragraph (3) of the following Article).
- (4) The mediation commissioners must mediate between the parties, confirm the points of both parties' arguments, and make efforts to resolve the relevant case.
- (5) The mediation commissioners may hear opinions or request reports from the parties, and prepare and present to them a draft of mediation as necessary for resolving the relevant case.
- (6) The mediation commissioners are to terminate the mediation on a case being undertaken if the parties file a petition set forth in Article 35, paragraph (1) or (2), an application for a ruling under paragraph (3) of that Article, or an application for arbitration under paragraph (1) of the following Article.

(Arbitration on Interconnection of Telecommunications Facilities)

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

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

(Application, *Mutatis Mutandis*)

Article 156 (1) The provisions of the preceding two Articles apply *mutatis*

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

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

(Mediation Concerning Other Agreements or Contracts)

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

- (2) The provisions of Article 154, paragraphs (2) through (6) apply mutatis mutandis to the mediation set forth in the preceding paragraph. In this case, the term "a petition set forth in Article 35, paragraph (1) or (2), an application for a ruling under paragraph (3) of that Article, or an application for arbitration under paragraph (1) of the following Article" in paragraph (6) of that Article is deemed to be replaced with "an application for arbitration under Article 157, paragraph (3)".
- (3) If negotiations between telecommunications carriers concerning concluding an

agreement or contract fail regarding the amount of money to be received or paid by the parties, the terms and conditions, or other details, both parties may apply to the Commission for arbitration.

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

Article 157-2 (1) If negotiations between a telecommunications carrier and a person conducting item (iii) business concerning concluding a contract (hereinafter referred to simply as a "contract" in paragraph (3)) related to the provision of telecommunications service which the person conducting item (iii) business has requested for use in conducting that business fail regarding the amount of money to be received or paid by the parties, the terms and conditions, or other details, the parties may apply to the Commission for mediation; provided, however, that this does not apply if any party has already filed an application for arbitration under that paragraph.

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

- (3) If negotiations between a telecommunications carrier and a person conducting item (iii) business concerning concluding an agreement which the person conducting that business has requested fail regarding the amount of money to be received or paid by the parties, the terms and conditions, or other details, both parties may apply to the Commission for arbitration.

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

(Application via the Minister)

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

(Delegation to Cabinet Order)

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

### **Section 3 Consultations**

(Consultations with the Commission)

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

- (i) orders concerning interconnection of telecommunications facilities under Article 35, paragraph (1) or (2); rulings concerning interconnection of telecommunications facilities under paragraph (3) or (4) of that Article; orders concerning the sharing of telecommunications facilities or structures for telecommunications facilities installation under Article 38, paragraph (1); rulings concerning the sharing of telecommunications facilities or structures for telecommunications facilities installation under Article 35, paragraph (3) or (4) as applied mutatis mutandis pursuant to Article 38, paragraph (2); orders concerning the provision of specified wholesale telecommunications services under Article 35, paragraph (1) as applied mutatis mutandis pursuant to Article 39; rulings concerning the provision of wholesale telecommunications services under Article 35, paragraph (3) or (4) as applied mutatis mutandis pursuant to Article 39; orders concerning the provision of wholesale telecommunications services other than specified wholesale telecommunications services under Article 38, paragraph (1) as applied mutatis mutandis pursuant to Article 39; authorization concerning use of the land, buildings, or other structures under Article 128, paragraph (1); rulings concerning use of the land, buildings, or other structures under Article 129, paragraph (1); or rulings concerning measures necessary to remove a hindrance under Article 138, paragraph (3); and
- (ii) orders to change notified contract conditions under Article 19, paragraph (2); orders to change general conditions of contracts for securing the provision of the telecommunications services under Article 20, paragraph (3); orders to change charges for specified telecommunications services under Article 21, paragraph (4); orders to improve operations under Article 29, paragraph (1); orders under Article 30, paragraph (5) to suspend or change acts violating the provisions of paragraph (3) or (4) of that Article; orders under Article 31, paragraph (4) to suspend or change acts violating the provisions the items of paragraph (2) of that Article; orders under Article 31, paragraph (4) to take necessary measures to suspend or change acts listed in the items of Article 30, paragraph (4), or the items of Article 31, paragraph (2); orders relevant to the application for authorization for a change of general conditions of contracts for interconnection under Article 33, paragraph (6); orders to change general conditions of contracts for interconnection under paragraph (8) of that Article; orders to change general conditions of contracts for interconnection under Article 34, paragraph (3); recommendations to change a plan under Article 36, paragraph (3); order to improve the operations pursuant to Article 38-2, paragraph (4); orders to

improve the operations under Article 39-3, paragraph (2); orders to dismiss the general manager of telecommunications facilities under Article 44-5; or orders to improve operations under Article 121, paragraph (2).

(Special Provisions for Hearings)

- Article 161 (1) Notwithstanding the classification of procedures for hearing the statements of opinions under Article 13, paragraph (1) of the Administrative Procedure Act (Act No. 88 of 1993), if the Minister for Internal Affairs and Communications intends to make a disposition under Article 19, paragraph (2), Article 20, paragraph (3), Article 21, paragraph (4), Article 27-7, Article 29, Article 30, paragraph (5), Article 31, paragraph (4), Article 33, paragraph (6) or (8), Article 34, paragraph (3), Article 35, paragraph (1) (including as applied mutatis mutandis pursuant to Article 39) or (2), Article 38, paragraph (1) (including as applied mutatis mutandis pursuant to Article 39), Article 38-2, paragraph (4), Article 39-3, paragraph (2), Article 44-2, Article 51, Article 73-4, or Article 121, paragraph (2), the Minister must hold a hearing.
- (2) If a hearing is held in relation to a disposition set forth in the preceding paragraph or a disposition under Article 44-5, and the Minister for Internal Affairs and Communications is to consult with the Commission concerning the relevant disposition pursuant to the provisions of the preceding Article, the official presiding over the hearing related to the disposition is to be appointed from among the commission members with a recommendation from the Commission.
- (3) The presiding official of the hearing related to a disposition set forth in paragraph (1) or a disposition under Article 44-5 must grant permission if the interested person related to the disposition has made a request to participate in the procedures of the hearing pursuant to the provisions of Article 17, paragraph (1) of the Administrative Procedure Act.

(Recommendations)

- Article 162 (1) The Commission may provide necessary recommendations to the Minister for Internal Affairs and Communications with respect to the particulars which fall under its authorities pursuant to the provisions of this Act.
- (2) If the Minister for Internal Affairs and Communications receives a recommendation set forth in the preceding paragraph, the Minister must make that recommendation public.

## **Chapter V Miscellaneous Provisions**

(Conditions for Registration)

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

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

(Exemptions)

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

(i) telecommunications business to exclusively provide telecommunications services to a single person (except for telecommunications services provided for the use of telecommunications business of a single person if the person is a telecommunications carrier);

(ii) telecommunications business to provide telecommunications services by using telecommunications facilities for which a part is installed in the same premises (including the areas equivalent to the premises) or in the same building or that do not have a scale that meets the standards specified by Order of the Ministry of Internal Affairs and Communications; and

(iii) telecommunications business that provides telecommunications services other than telecommunications services of intermediating another person's communications through the use of telecommunications facilities (except for the following telecommunications services (in the case of telecommunications services listed in (b) and (c), limited to those provided by a person designated by the Minister for Internal Affairs and Communications pursuant to Order of the Ministry of Internal Affairs and Communications as a provider of those telecommunications services)) without installing telecommunications line facilities:

(a) domain name telecommunications services;

(b) search information telecommunications services;

(c) telecommunications services equivalent to intermediation.

(2) In this Article, the meaning of the following terms is as prescribed in those items:

(i) domain name telecommunications services: telecommunications services that provide telecommunications facilities for the use in communications of

- telecommunications carriers, with the functions to output IP addresses in correspondence to all or part of the domain name being entered, and which are specified by Order of the Ministry of Internal Affairs and Communications as the services whose reliable and stable provision is necessary to secure;
- (ii) domain names: numbers, signs, and other codes that are used on the Internet by telecommunications carriers to identify telecommunications facilities installed at places of reception, and that are specified by Order of the Ministry of Internal Affairs and Communications as those used in place of IP addresses;
  - (iii) IP addresses: numbers, signs, and other codes that are used on the Internet by telecommunications carriers to identify telecommunications facilities installed at places of reception, and that are specified by Order of the Ministry of Internal Affairs and Communications as unique numbers assigned to individual telecommunications facilities;
  - (iv) search information telecommunications services: telecommunications services that provide telecommunications facilities for the use in other persons' communications, with the functions to output the domain name of the web page on which search information (meaning information sought through a search; hereinafter the same applies in this item) is entered or other information on the location of the web page in response to search information being input, and that are specified by Order of the Ministry of Internal Affairs and Communications as having a significant influence on the interests of users in consideration of the content, scope of users and their usage; and
  - (v) telecommunications services equivalent to intermediation: telecommunications services that provide telecommunications facilities for use in other persons' communications, with the functions to receive telecommunications from unspecified persons that have information recorded on the facilities' recording medium (limited to the recording medium that has the information that is recorded on it transmitted to unspecified persons) or entered into the facilities' transmission server (limited to the transmission server that has the information that is entered into it transmitted to unspecified persons), and to transmit the information recorded in the recording medium or entered in the transmission server at the request of unspecified persons, and that are specified by Order of the Ministry of Internal Affairs and Communications as having a significant influence on the interests of users, in consideration of the content, scope of users, and their usage.
- (3) Notwithstanding the provisions of paragraph (1), the provisions of Article 3 and Article 4 apply to communications handled by a person that conducts



telecommunications business listed in the items of that paragraph, and the provisions of Article 27-12, Article 29, paragraph (2) (limited to the part relating to item (iv)), Article 157-2, Article 166, paragraph (1), Article 167-2, Article 186 (limited to the part in item (iii) that relates to Article 29, paragraph (2)), and Article 188 (limited to the part in item (xvii) that relates to Article 166, paragraph (1)) apply to a person conducting item (iii) business.

(4) Even if the operations listed in Article 116-2, paragraph (2), item (i) which the certified association against cyber attacks on telecommunications facilities conducts do not fall under the telecommunications business, the notification given by the certified association against cyber attacks on telecommunications facilities as set forth in (b) of that item is deemed to be a communication handled by a telecommunications carrier, and the provisions of Article 3 and Article 4 apply; and a person engaged in the operations listed in that item which the certified association against cyber attacks on telecommunications facilities conducts is deemed to be a person engaged in the telecommunications business, and the provisions of Article 4, paragraph (2) apply.

(5) The electronic or magnetic records of communications history specified in Article 116-2, paragraph (2), item (ii), (b) which the certified association against cyber attacks on telecommunications facilities handles are deemed to be communications handled by a telecommunications carrier, and the provisions of Article 3 and Article 4 apply; and a person engaged in the operations listed in that item which the certified association against cyber attacks on telecommunications facilities conducts is deemed to be a person engaged in the telecommunications business, and the provisions of Article 4, paragraph (2) apply.

(Handling of Local Governments Operating Not-For-Profit Telecommunications Business)

Article 165 (1) A local government that intends to conduct not-for-profit telecommunications business (limited to the business to provide telecommunications services specified by Order of the Ministry of Internal Affairs and Communications as those which have a comparatively significant influence on the interests of users in light of their content, the scope of users, and other factors) must notify the Minister for Internal Affairs and Communications to that effect together with documents describing the particulars listed in the items of Article 16, paragraph (1), pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications.

(2) A local government that has filed a notification under the preceding paragraph is deemed to be a telecommunications carrier that has filed a notification under Article 16, paragraph (1); provided, however, that this does not apply to the application of the provisions of Articles 19 through 25, Articles

27-5 through 27-12, Article 30, Article 31, Articles 33 through 34-2, Article 36, Article 37, Article 38-2, Article 39-3, Article 40, Article 42, Article 44, Article 45, Article 52, Article 69, Article 70, and Chapter II, Section 7.

(Reports and Inspections)

Article 166 (1) To the extent necessary for enforcement of this Act, the Minister for Internal Affairs and Communications may have a telecommunications carrier, person conducting item (iii) business, or person entrusted with intermediation or other similar actions report on their business, or have ministerial officials enter into the offices, business offices, or other places of business of the telecommunications carrier, person conducting item (iii) business, or person entrusted with intermediation or other similar actions, in order to inspect their telecommunications facilities (limited to cases in which the ministerial officials enter the place of business of a telecommunications carrier or person conducting item (iii) business), books, documents, and other items.

(2) To the extent necessary for enforcement of this Act, the Minister for Internal Affairs and Communications may have a person that has obtained technical standards conformity approval from a registered approval body report on terminal equipment related to technical standards conformity approval, or have ministerial officials enter into the places of business of the person that has obtained the technical standards conformity approval, in order to inspect the terminal equipment and other items.

(3) The provisions of the preceding paragraph apply mutatis mutandis to a certified dealer, a notifying supplier, or a registered repairer. In this case, the term "technical standards conformity approval" in that paragraph is deemed to be replaced with "certification of design granted to the certified dealer" for a certified dealer, with "its notification" for a notifying supplier, and with "its registration of the repair performed by that registered repairer" for a registered repairer.

(4) To the extent necessary for enforcement of this Act, the Minister for Internal Affairs and Communications may have a designated examination body or the support institution report on its operations, or commission ministerial officials to enter into the offices or places of business of the designated examination body or the support institution, in order to inspect its books, documents, and other items.

(5) The provisions of the preceding paragraph apply mutatis mutandis to a registered training agency, registered approval body, or certified association against cyber attacks on telecommunications facilities.

(6) The provisions of paragraph (2) apply mutatis mutandis to a person that has obtained technical standards conformity approval from a recognized approval

- body or a person that has obtained a certification of design from a recognized approval body, and the provisions of paragraph (4) apply mutatis mutandis to a recognized approval body. In this case, the term "technical standards conformity approval" in paragraph (2) is deemed to be replaced with "certification of design" for a person that has obtained a certification of design.
- (7) A ministerial official that conducts on-site inspection pursuant to the provisions of paragraph (1), paragraph (2) (including as applied mutatis mutandis pursuant to paragraph (3) and the preceding paragraph; the same applies in the following paragraph), or paragraph (4) (including as applied mutatis mutandis pursuant to the preceding two paragraphs; the same applies in the following paragraph) must carry a certificate for identification and show it to the persons concerned.
- (8) The authority for on-site inspection under paragraph (1), (2), or (4) must not be construed as being invested for criminal investigations.

(Submission of Terminal Equipment)

- Article 167 (1) If the Minister for Internal Affairs and Communications has had ministerial officials conduct an inspection pursuant to the provisions of paragraph (2) of the preceding Article and those officials find terminal equipment which is extremely difficult to inspect on-site or particular properties which are particularly necessary for the inspection of the terminal items, the Minister may designate the period and order the person that has obtained technical standards conformity approval from the registered approval body to submit the terminal equipment or the items within that period.
- (2) The State must compensate the person that has obtained technical standards conformity approval for any loss caused by the order under the preceding paragraph.
- (3) The loss to be compensated pursuant to the provisions of the preceding paragraph is the loss to be incurred ordinarily from the order under paragraph (1).
- (4) The provisions of the preceding three paragraphs apply mutatis mutandis to a certified dealer, a notifying supplier or a registered repairer. In this case, the term "paragraph (2) of the preceding Article" in paragraph (1) is deemed to be replaced with the term "paragraph (2) of that Article as applied mutatis mutandis pursuant to paragraph (3) of the preceding Article".
- (5) If the person that has obtained technical standards conformity approval is a foreign dealer, for the provisions of paragraphs (1) through (3) to apply to the foreign dealer, the term "order" in paragraph (1) is deemed to be replaced with "request" and the terms "the order" in paragraph (2) and paragraph (3) are deemed to be replaced with "the request".
- (6) If the certified dealer is a foreign dealer, for the provisions of paragraphs (1)

through paragraph (3) as applied mutatis mutandis pursuant to paragraph (4) to apply to the foreign dealer, the term "order" in paragraph (1) is deemed to be replaced with the term "request", and the term "the order" in paragraph (2) and paragraph (3) is deemed to be replaced with "the request".

(7) The provisions of paragraphs (1) through (3) apply mutatis mutandis to a person that has obtained technical standards conformity approval from a recognized approval body or a person that has obtained a certification of design from a recognized approval body. In such cases, the term "paragraph (2) of the preceding Article" and the term "order" in paragraph (1) are deemed to be replaced with "paragraph (2) of the preceding Article as applied mutatis mutandis pursuant to paragraph (6) of that Article" and "request", respectively; and the term "the order" in paragraph (2) and paragraph (3) is deemed to be replaced with "the request".

(Making Public the Name of a Person Who Has Committed an Act that Violates the Act or an Order or Disposition Based on the Act)

Article 167-2 If the Minister for Internal Affairs and Communications finds it to be necessary and appropriate to do so in order to protect the interests of users of telecommunications services or to ensure smooth provision of telecommunications services, the Minister may make public the name of a person who has committed an act that violates this Act or an order or disposition based on this Act (hereinafter referred to as an "act that violates the Act or an order or disposition based on the Act" in this Article), or make public other particulars necessary for preventing the occurrence of or expansion of damage caused by the act that violates the Act or an order or disposition based on the Act, or for making operation of the telecommunications business appropriate and rational, pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications.

(Special Provisions for the Civil Code)

Article 167-3 If the provisions of Article 548-2, paragraph (1) of the Civil Code (Act No. 89 of 1896) apply to transactions related to the provision of telecommunications services by a telecommunications carrier, the term "manifests" in item (ii) of that paragraph is deemed to be replaced with "manifests or publishes".

(Negotiations)

Article 168 When the Minister for Internal Affairs and Communications establishes Order of the Ministry of Internal Affairs and Communications (limited to those specified by Cabinet Order) or issues an order, or conducts other dispositions (limited to those specified by Cabinet Order) in relation to

telecommunications business (limited to those to provide telecommunications services without installing telecommunications line facilities; hereinafter the same applies in this Article), a person entrusted with intermediation or other similar actions, or terminal equipment, pursuant to the provisions of this Act, or when a notification on telecommunications business (limited to those specified by Cabinet Order) is filed with the Minister pursuant to the provisions of this Act, the necessary negotiations with other relevant administrative organs, notifications to those organs, and other procedures are specified by Cabinet Order.

(Consultation with Councils or Other Prescribed Organizations)

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

- (i) authorization for charges concerning specified telecommunications services under Article 21, paragraph (2); authorization for general conditions of contracts for interconnection under Article 33, paragraph (2); authorization for an agreement on interconnection with Category I designated telecommunications facilities under paragraph (10) of that Article; designation of Category I eligible telecommunications carriers under Article 108, paragraph (1); authorization for the amount of Category I grants and means of providing them under Article 109, paragraph (1); authorization for the amount and methods of collecting Category I dues under Article 110, paragraph (2); designation of Category 2 eligible telecommunications carriers under Article 110-3, paragraph (1); authorization of the amount and methods of providing the Category II grants under Article 110-4, paragraph (1); authorization of the amount and methods of collection of Category II dues under Article 110, paragraph (2) as applied mutatis mutandis pursuant to Article 110-5, paragraph (2); or authorization of the support operations rules under Article 79, paragraph (1) as applied mutatis mutandis pursuant to Article 116, paragraph (1);
- (ii) designation of telecommunications facilities under Article 12-2, paragraph (4), item (ii), (b) or (d); setting of the standard charge index under Article 21, paragraph (1); designation of telecommunications services under the items of Article 26, paragraph (1); designation of mobile telecommunications services or designation of telecommunications carriers under Article 27-3, paragraph (1); designation of telecommunications carriers under Article 27-5, Article 30, paragraph (1) or paragraph (3), item (ii), or Article 41, paragraph (4);

designation of specified relevant carriers under Article 31, paragraph (1); designation as Category I designated telecommunications facilities under Article 33, paragraph (1); designation as Category II designated telecommunications facilities under Article 34, paragraph (1); preparation of a telecommunications numbers plan under Article 50, paragraph (2); establishment of standard telecommunications number usage plan under Article 50-2, paragraph (3); or designation under Article 164, paragraph (1), item (iii) of a person who provides telecommunications services listed in (b) or (c) of that item;

(iii) planning of establishment, amendment, or repeal of Cabinet Orders under Article 110, paragraph (1), or Article 110-5, paragraph (1); and

(iv) establishment, amendment, or repeal of Orders of the Ministry of Internal Affairs and Communications under Article 2, item (vii), (a); items of Article 7; Article 8, paragraph (3); Article 9, item (i); Article 12-2, paragraph (4), item (ii), (b) or (d); Article 20, paragraph (1); Article 21, paragraph (1); Article 24, item (i), (b); Article 26, paragraph (1) (including as applied mutatis mutandis pursuant to Article 73-3); Article 26-2, paragraph(1); Article 26-3, paragraph (1) or the proviso of Article 26-3, paragraph (3); Article 26-4; Article 27-2 (excluding item (i), and including as applied mutatis mutandis pursuant to Article 73-3); Article 27-3, paragraph (1) or (2) (including as applied mutatis mutandis pursuant to Article 73-3); Article 27-5; Article 30, paragraph (1) or (6); Article 31, paragraph (2), the proviso of Article 31, paragraph (6), or Article 31, paragraph (8); Article 32, item (iii); Article 33, paragraph (1), paragraph (3), paragraph (4), item (i), (a), (b) or (e) or item (ii), paragraph (5), paragraph (11), paragraph (13), or paragraph (14); Article 34, paragraph (1), paragraph (3), item (i), (a), (b) or (e) or item (ii), paragraph (5), or paragraph (6); Article 36, paragraph (1) or (2); Article 38-2, paragraphs (1) through (3); Article 39-3, paragraph (3); Article 41, paragraphs (1) through (5); the proviso of Article 45, paragraph (1); Article 50-2, paragraph (1), item (iv); Article 50-4, item (iii); Article 50-1; Article 52, paragraph (1); Article 70, paragraph (1), item (i); Article 87, paragraph (1), item (ii); Article 107, item (ii); items of Article 108, paragraph (1); Article 108, paragraph (3); Article 109, paragraphs (1) through (3); proviso of Article 110, paragraph (1) or paragraph (2) (including as applied mutatis mutandis pursuant to Article 110-5, paragraph (2)); Article 110-2, paragraph (1) or (2); Article 110-3, paragraph (1), item (i); Article 110-4, paragraph (1), (3), or (4); Article 110-5, paragraph (1); or Article 164, paragraph (2), item (i), (iv), or (v).

(Special Provisions for Hearings)

Article 170 If the interested person related to an disposition under Article 14, paragraph (1), Article 47 (including as applied mutatis mutandis pursuant to

Article 72, paragraph (2)), Article 50-9, Article 77, paragraph (3) (including as applied mutatis mutandis pursuant to Article 116, paragraph (1)), Article 126, paragraph (1), or Article 127, paragraph (1) has made a request to participate in the procedures of the hearing pursuant to the provisions of Article 17, paragraph (1) of the Administrative Procedure Act, the presiding official of a hearing related to the disposition must grant permission.

(Hearing of Opinions in Appeal Procedures)

Article 171 (1) Except for cases in which the request for administrative review is dismissed pursuant to the provisions of Article 24 of the Administrative Appeal Act (Act No. 68 of 2014), a ruling on a request for administrative review of a disposition under this Act or its inaction must be rendered after an advance notice is given to the requester of the administrative review in a reasonable time period before the ruling, and the review officers set forth in Article 11, paragraph (2) of that Act conduct a hearing of opinions.

(2) In the hearing of opinions set forth in the preceding paragraph, the requester of the administrative review and the interested persons must be given the opportunity to present the evidence related to the case and state their opinions.

(3) The provisions of Act 31 of the Administrative Appeal Act do not apply to the request for administrative review set forth in paragraph (1) of this Act, and the provisions of paragraph (2) through (5) of Act 31 of the Administrative Appeal Act apply mutatis mutandis to the hearing of opinions set forth in paragraph (1) of this Act.

(Offering of Opinions)

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

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

(Requests for Administrative Review of Decisions Rendered by Designated Examination Bodies)

Article 173 A person that is dissatisfied with a decision rendered by a designated examination body pursuant to the provisions of this Act or its

inaction may make a request for administrative review with the Minister for Internal Affairs and Communications. In this case, with respect to the application of Article 25, paragraphs (2) and (3), Article 46, paragraphs (1) and (2), Article 47, and Article 49, paragraph (3), the Minister is deemed to be the higher administrative agency of the designated examination body.

(Fees)

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

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

(2) If the fees set forth in the preceding paragraph are paid by persons that intend to take an examination whose administration is being conducted by a designated examination body, they are the income of that body, and in other cases, they are the revenue of the national treasury.

(Transitional Measures)

Article 175 If an order is established, amended, or repealed pursuant to the provisions of this Act, necessary transitional measures (including transitional measures concerning penal provisions) may be specified by that order within a scope that is found reasonably necessary in conjunction with that establishment, amendment, or repeal.

(Classification of Functions)

Article 176 The functions to be handled by municipalities pursuant to the provisions of Article 130, paragraphs (2) and (3) (including as applied mutatis mutandis pursuant to Article 138, paragraph (4)) are the item (i) statutory



entrusted functions prescribed in Article 2, paragraph (9), item (i) of the Local Autonomy Act.

(Delegation to Order of the Ministry of Internal Affairs and Communications)  
Article 176-2 Beyond what is provided for in this Act, particulars necessary for implementing this Act are specified by Order of the Ministry of Internal Affairs and Communications.

## **Chapter VI Penal Provisions**

Article 177 When a person has conducted telecommunications business in violation of the provisions of Article 9, the person who has committed that violation is subject to imprisonment for not more than three years or a fine of not more than two million yen, or both.

Article 178 Deleted

Article 179 (1) A person that has violated the secrecy of communications handled by a telecommunications carrier (including communication set forth in Article 164, paragraph (3); notification under Article 116-2, paragraph (2), item (i), (b) conducted by the certified association against cyber attacks on telecommunications facilities which is deemed to be communication handled by a telecommunications carrier pursuant to the provisions of Article 164, paragraphs (4) and (5); and electronic or magnetic records of communications history under Article 116-2, paragraph (2), item (ii), (b) handled by the certified association against cyber attacks on telecommunications facilities) is subject to imprisonment for not more than two years or a fine of not more than one million yen.

(2) A person engaging in telecommunications business (including persons engaging in the operations listed in Article 116-2, paragraph (2), item (i) or item (ii) conducted by the certified association against cyber attacks on telecommunications facilities that are deemed to be persons engaging in telecommunications business pursuant to the provisions of Article 164, paragraphs (4) and (5)) that has undertaken the act set forth in the preceding paragraph is subject to imprisonment for not more than three years or a fine of not more than two million yen.

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

Article 180 (1) A person that has operated any telecommunications facilities for the use of telecommunications business of a telecommunications carrier

without due cause and thereby impeded the provision of telecommunications services is subject to imprisonment for not more than two years or a fine of not more than five hundred thousand yen.

- (2) When a person that engages in telecommunications business fails to carry out the operations of maintaining or operating the telecommunications facilities for the use of telecommunications business of a telecommunications carrier without reasonable grounds and thereby causes an obstruction to the provision of telecommunications services, the person is subject to imprisonment for not more than two years or a fine of not more than five hundred thousand yen.
- (3) An attempt to commit the offenses set forth in paragraph (1) is subject to punishment.

Article 180-2 When a person refuses to provide telecommunications services in violation of the provisions of Article 25, paragraphs (1) through (3), the person who has committed that violation is subject to imprisonment of not more than two years or a fine of not more than one million yen, or both.

Article 181 When a person falls under either of the following items, the person who has committed that violation is subject to imprisonment for not more than one year or a fine of not more than one million yen:

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

Article 182 (1) A person that has divulged any secret that has come to their knowledge with respect to the duties in violation of the provisions of Article 78, paragraph (1) (including as applied *mutatis mutandis* pursuant to Article 116, paragraph (1)) or Article 116-4 is subject to imprisonment for not more than one year or a fine of not more than five hundred thousand yen.

- (2) If a person has violated an order to suspend operations under Article 85-13, paragraph (2), Article 100, paragraph (2) (including as applied *mutatis mutandis* pursuant to Article 103) or Article 116-6, paragraph (2), the punishment referred to in the preceding paragraph also applies to this person.

Article 183 Deleted

Article 184 If a designated examination body or the support institution has violated an order to suspend its operations under Article 84, paragraph (2) (including as applied *mutatis mutandis* pursuant to Article 116, paragraph (1)),

officers or employees of the designated examination body or the support institution that has committed the violation are subject to imprisonment for not more than one year or a fine of not more five hundred thousand yen.

Article 185 When a person falls under either of the following items, the person who has committed that violation is subject to imprisonment for not more than six months or a fine of not more than five hundred thousand yen:

- (i) when a person that has operated telecommunications business has failed to provide notice or provided false notice pursuant to the provisions of Article 16, paragraph (1), or when the person has failed to provide notice or provided false notice pursuant to the provisions of paragraph (1) of that Article as applied pursuant to the provisions of paragraph (2) of that Article following the deemed replacement of terms;
- (ii) when a person that has performed intermediation or other similar actions for concluding a contract related to provision of telecommunications services listed in the items of Article 26, paragraph (1) has failed to provide notice or provided false notice pursuant to the provisions of Article 73-2, paragraph (1).

Article 186 If a person falls under any of the following items, the person that has committed the relevant violation is subject to a fine of not more than two million yen:

- (i) if a person has changed the particulars set forth in Article 10, paragraph (1), item (iii) or (iv) in violation of the provisions of Article 13, paragraph (1), or a person has failed to obtain a registration of change in violation of the provisions of Article 13, paragraph (1) as applied pursuant to the provisions of paragraph (2) of that Article following the deemed replacement of terms;
- (ii) if a person has provided telecommunications services in violation of the provisions of Article 19, paragraph (3), Article 20, paragraph (5), or Article 21, paragraph (6);
- (iii) if a person has violated any order or disposition under Article 19, paragraph (2), Article 20, paragraph (3), Article 21, paragraph (4), Article 27-7, paragraph (1) or (2), Article 29, paragraph (1) or (2), Article 30, paragraph (5), Article 31, paragraph (4), Article 33, paragraph (6) or (8), Article 34, paragraph (3), Article 35, paragraph (1) (including as applied mutatis mutandis pursuant to Article 39) or paragraph (2), Article 38, paragraph (1) (including as applied mutatis mutandis pursuant to Article 39), Article 38-2, paragraph (4), Article 39-3, paragraph (2), Article 43, paragraph (1) (including as applied mutatis mutandis pursuant to paragraph (2) of that Article), Article 44-2, paragraph (1) or (2), Article 44-5, Article 51, Article 73-4, or Article 121, paragraph (2);
- (iv) if a person has not appointed a general manager of specified user

- information in violation of the provisions of Article 27-10, paragraph (1);
- (v) if a person has concluded, revised, or discontinued an agreement or contract in violation of the provisions of Article 33, paragraph (9), Article 34, paragraph (4), or Article 40;
- (vi) if a person has not appointed a general manager of telecommunications facilities in violation of the provisions of Article 44-3, paragraph (1);
- (vii) if a person has not appointed a chief telecommunications engineer in violation of the provisions of Article 45, paragraph (1);
- (viii) if a person has used a telecommunications number in violation of the provisions of Article 50-2, paragraph (1); or
- (ix) if a person has changed a telecommunications number usage plan in violation of the provisions of Article 50-6, paragraph (1).

Article 187 If a person falls under either of the following items, a person that has committed the relevant violation is subject to a fine of not more than five hundred thousand yen:

- (i) if a person has changed the matters set forth in Article 16, paragraph (1), item (iii) or (iv) and fails to file a notification under paragraph (4) of that Article or files a false notification, or if the person has failed to give a notification pursuant to the provisions of paragraph (4) of that Article as applied pursuant to the provisions of paragraph (5) or (6) of that Article following the deemed replacement of terms, or has filed a false notification;  
or
- (ii) if a person that has affixed marks in violation of the provisions of Article 53, paragraph (3) or Article 68-8, paragraph (2).

Article 188 If a person falls under any of the following items, the person that has committed the relevant violation is subject to a fine of not more than three hundred thousand yen:

- (i) if a person has filed a notification under Article 17, paragraph (2), Article 18, paragraph (1), Article 26-4, paragraph (2), Article 27-6, paragraph (1) or (2), Article 27-10, paragraph (2), Article 36, paragraph (1), Article 37, paragraph (1) or (2), Article 38-2, paragraph (1), Article 42, paragraph (3) (including as applied mutatis mutandis pursuant to paragraphs (4) through (6) of that Article (including as applied pursuant to the provisions of paragraph (7) of that Article following the deemed replacement of terms)), Article 44, paragraph (1) (including as applied pursuant to the provisions of paragraph (4) of that Article following the deemed replacement of terms) or paragraph (3), Article 44-3, paragraph (2), Article 45, paragraph (2), Article 73-2, paragraph (3) or (4), Article 108, paragraph (3), Article 120, paragraph (4) (including as applied mutatis mutandis pursuant to Article 122, paragraph

- (4) or Article 124, paragraph (1), or has filed a false notification;
- (ii) if a person has filed a notification under Article 19, paragraph (1) (limited to the part related to item (ii) universal telecommunications service), Article 20, paragraph (1);
- (iii) if a person has not kept records under Article 22 or Article 33, paragraph (12), or has kept false records;
- (iv) if a person has violated the provisions of Article 23, paragraph (1);
- (v) if a person has not delivered a document, or a document containing false statements has been delivered in violation of the provisions of Article 26-2, paragraph (1);
- (vi) if a person has not filed a report under Article 28, paragraph (1) or Article 31, paragraph (8), or filed a false report;
- (vii) if a person has not made general conditions of contracts for interconnection public in violation of the provisions of Article 33, paragraph (11), Article 34, paragraph (5), or Article 108, paragraph (3);
- (viii) if a person has not made a plan public in violation of the provisions of Article 36, paragraph (2);
- (ix) if a person has filed a false notification in cases of filing a notification under Article 63, paragraph (3);
- (x) if a person has not made or kept records or has made false records in violation of the provisions of Article 63, paragraph (4);
- (xi) if a person has not prepared books, has not made entries or recordings in the books, has made a false entry or record in the books, or has not kept the books, in violation of the provisions of Article 85-10, Article 96 (including as applied *mutatis mutandis* pursuant to Article 103), or Article 116-5;
- (xii) if a person has discontinued training affairs without filing a notification under Article 85-12, paragraph (1), or has filed a false notification;
- (xiii) if a person has filed a report under Article 92, paragraph (1) (including as applied *mutatis mutandis* pursuant to Article 103), or has filed a false report;
- (xiv) if operations have been discontinued without filing a notification under Article 99, paragraph (1) (including as applied *mutatis mutandis* pursuant to Article 103), or a false notification has been filed;
- (xv) if a person has used characters that might cause the relevant person to be mistaken for a specified member of the certified association against cyber attacks on telecommunications facilities in their name in violation of the provisions of Article 116-3, paragraph (3);
- (xvi) if a person has violated the provisions of Article 141, paragraph (4) or Article 143;
- (xvii) if a person has not filed a report under Article 166, paragraph (1), paragraph (2) (including as applied *mutatis mutandis* pursuant to paragraph

(3) of that Article), or paragraph (4) as applied mutatis mutandis pursuant to paragraph (5) of that Article, has filed a false report, or has refused, obstructed, or evaded inspection under these provisions; or  
(xviii) if a person has violated an order under Article 167, paragraph (1) (including as applied mutatis mutandis pursuant to paragraph (4) of that Article).

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

- (i) if the organization has failed to prepare books or make entries or recordings in the books, has made false entries or records in the books, or has failed to keep the books, in violation of the provisions of Article 81 (including as applied mutatis mutandis pursuant to Article 116, paragraph (1));
- (ii) if the organization has discontinued all examination affairs or all of support operations in violation of the provisions of Article 83, paragraph (1) (including as applied mutatis mutandis pursuant to Article 116, paragraph (1)); or
- (iii) if the organization has failed to make a report under Article 166, paragraph (4), has made a false report, or has refused, obstructed or evaded the inspection under that paragraph.

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

- (i) Article 181: fine of not more than one hundred million yen; and
- (ii) Article 177, Article 179, Article 180-2, Article 182, paragraph (2), or Articles 185 through 188: fine set forth in the relevant Article.

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

- (i) a person that has violated the provisions of Article 24;
- (ii) a person that has failed to make something public or has made false things public in violation of the provisions of Article 30, paragraph (6), Article 33, paragraph (13), Article 34, paragraph (6) or Article 39-3, paragraph (3); and

(iii) a person that concurrently serves as an officer in violation of the provisions of Article 31, paragraph (1).

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

- (i) a person that has failed to file a notification under Article 63, paragraph (5), Article 68-6, paragraph (4), Article 68-10, paragraph (1), Article 85-6, paragraph (2), Article 90, paragraph (2) (including as applied mutatis mutandis pursuant to Article 116, paragraph (1)), or Article 116-2, paragraph (7), or has filed a false notification;
- (ii) a person that has failed to retain financial statements and other documents or to enter or record the particulars to be entered or recorded in the financial statements and other documents, or has made false entries or records, in violation of the provisions of Article 85-9, paragraph (1) or Article 95, paragraph (1); or, without reasonable grounds, has refused a request under Article 85-9, paragraph (2) or Article 95, paragraph (2); or
- (iii) a person that has refused to make a membership list available for public inspection, without reasonable grounds.

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

- (i) a person that has failed to file a notification under Article 13, paragraph (5), Article 16, paragraph (3), Article 18, paragraph (2), Article 50-6, paragraph (3), or Article 73-2, paragraph (2) or (5), or has filed a false notification;
- (ii) a person that has failed to return a chief telecommunications engineer's license or installation technician's license in violation of an order under Article 47 (including as applied mutatis mutandis pursuant to Article 72, paragraph (2)), without reasonable grounds;
- (iii) a person that has used characters in a name that may cause that person to be mistaken for the certified association against cyber attacks on telecommunications facilities in violation of the provisions of Article 116-3, paragraph (2); or
- (iv) any person that has violated the provisions of Article 141, paragraph (3).

### **Supplementary Provisions**

(Effective Date)

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

(Review)

Article 2 The government is to review the status of enforcement of this Act and

is to take necessary measures based on the results of the review, within three years from the date of enforcement of this Act.

(Repeal of the Public Telecommunications Act)

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

(Transitional Measures)

Article 4 (1) The business related to public telecommunications activities which is being actually conducted by Nippon Telegraph and Telephone Public Corporation before its dissolution (hereinafter referred to as the "former Public Corporation") at the time of enforcement of this Act, and falls, or is deemed to fall, under type I telecommunications business is deemed to be the business for which Nippon Telegraph and Telephone Corporation (hereinafter referred to as "NTT") has obtained the permission set forth in Article 9, paragraph (1) on the date of enforcement of this Act (hereinafter referred to as the "effective date").

(2) The business related to public telecommunications activities which is being actually conducted by Kokusai Denshin Denwa Company, Limited (hereinafter referred to as "KDD") at the time of enforcement of this Act, and falls, or is deemed to fall, under type I telecommunications business is deemed to be the business for which KDD has obtained the permission set forth in Article 9, paragraph (1) on the effective date.

(3) Both NTT and KDD must notify the Minister of Posts and Telecommunications of the particulars specified by Order of the Ministry of Posts and Telecommunications with respect to the business set forth in the preceding two paragraphs, within one month from the effective date.

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



being amended by Article 2 of the Act to Amend the Telecommunications Business Act and the Act on Nippon Telegraph and Telephone Corporation, Etc. (Act No. 125 of 2003) (hereinafter referred to as the "former Act" in this Article) remain in force.

- (2) In the case set forth in the preceding paragraph, the telegram handling services provided by Nippon Telegraph and Telephone East Corporation, Nippon Telegraph and Telephone West Corporation, and the KDD successor (hereinafter referred to as "NTT East or West or the KDD successor" in this Article) is deemed to be the telecommunications services prescribed in Article 2, item (iii) of the former Act; the operations involved in providing the service is deemed to be the telecommunications operations prescribed in Article 2, item (vi) of the former Act; the telegram business conducted by NTT East or West or the KDD successor is deemed to be the type I telecommunications business as prescribed in Article 6, paragraph (2) of the former Act; and the provisions of the former Act which are deemed to remain in force pursuant to the provisions of the preceding paragraph apply.
- (3) Notwithstanding the provision of Article 15, paragraph (1) of the former Act, NTT East or West or the KDD successor may entrust part of its operations in relation to their telegram business to others pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications.
- (4) Beyond what is provided for in the preceding three paragraphs, particulars necessary for operations or services in relation to telegram handling are specified by Order of the Ministry of Internal Affairs and Communications.

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

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

Article 8 (1) NTT and KDD must apply within two months from the effective

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

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

Article 9 (1) With regard to the telephone subscriber's right under the former Public Act, based on the contract concluded with the former Public Corporation, the provisions of Articles 38 through 38-3 of the former Public Act remain in force until otherwise provided for by law, even after the effective date. In this case, the term "the Public Corporation" in Article 38, paragraph (1) of the former Public Act is deemed to be replaced with "Nippon Telegraph and Telephone East Corporation or Nippon Telegraph and Telephone West Corporation that has succeeded to the rights and obligation in relation to the telephone subscriber's rights pursuant to the provisions of the Succeeding Plan prescribed in Supplementary Provisions Article 5, paragraph (6) of the Act to Amend the Nippon Telegraph and Telephone Corporation Act (Act No. 98 of 1997)"; the term "the Public Corporation" in paragraph (2) of that Article is deemed to be replaced with "Nippon Telegraph and Telephone East Corporation or Nippon Telegraph and Telephone West Corporation"; the phrase "must not be put in pledge" in paragraph (4) of that Article is deemed to be replaced with "must not be put in pledge except for the cases prescribed in the Act on Temporary Special Measures for Telephone Subscriber's Right (Act No. 138 of 1958)"; and the term "telephone offices" in Article 38-2 and Article 38-3, paragraph (1) of the former Public Act is deemed to be replaced with "offices of Nippon Telegraph and Telephone East Corporation or Nippon Telegraph and Telephone West Corporation which conduct affairs concerning government enterprise related to telephone services".

- (2) The rights based on the contract concluded with NTT after the effective date and the rights based on the contract concluded with Nippon Telegraph and Telephone East Corporation or Nippon Telegraph and Telephone West Corporation after the date of enforcement of the Act to Amend the Nippon Telegraph and Telephone Corporation Act (Act No. 98 of 1997), which satisfy the requirements specified by Order of the Ministry of Internal Affairs and Communications as equivalent to the telephone subscriber's rights set forth in the preceding paragraph, are governed by the provisions of Articles 38 through

38-3 of the former Public Act, which apply to the telephone subscriber's rights set forth in that paragraph, during the period within which the provisions of these Articles remain in force pursuant to the provision of that paragraph.

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

Article 11 With regard to the application of the provisions of Article 43, paragraph (1) to NTT or KDD, the phrase "prior to the commencement of its telecommunications business" is deemed to be replaced with "without delay after the enforcement of this Act".

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

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

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

(2) If the person set forth in the preceding paragraph has filed a notification with the Minister of Posts and Telecommunications within the period set forth in

that paragraph, pursuant to the provisions of Order of the Ministry of Posts and Telecommunications, that person is deemed to have obtained the certification set forth in Article 45, paragraph (3), item (iii) as applied mutatis mutandis pursuant to Article 54, paragraph (2).

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

Article 16 An area which has been actually designated pursuant to the provisions of Article 101, paragraph (1) of the former Public Act as of the time of enforcement of this Act is deemed to be designated as a protected area pursuant to the provisions of Article 86, paragraph (1).

Article 17 A decision made, procedure carried out, or other action taken against or by the former Public Corporation or KDD before the enforcement of this Act, pursuant to the provisions of the former Public Act or an order under the former Public Act, is deemed to be a decision made, procedure carried out, or other action taken against or by the NTT or KDD pursuant to the corresponding provisions of this Act.

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

Article 19 With regard to the application of the provisions of Article 12, paragraph (1), item (i) and item (iii), Article 75, paragraph (2), items (ii) and (iv), (a), and Article 87, paragraph (2), items (i) and (iii), a person that has been sentenced to a fine or a heavier punishment before the enforcement of this Act pursuant to the provisions of the former Public Act; a person that has been sentenced to a fine or a heavier after enforcement of this Act punishment pursuant to the provisions of the former Public Act that continue to govern the situation or remain in force even after the enforcement of this Act pursuant to

the provisions of the preceding Article (but only if two years have not passed since the date on which the enforcement of that punishment was completed or became inapplicable); or any corporation or organization that includes those persons as its officers, is deemed to be a person that falls under these provisions.

(Delegation to Cabinet Order)

Article 20 Beyond what is provided for in Article 4 through the preceding Article of Supplementary Provisions, other transitional measures necessary for the enforcement of this Act are specified by Cabinet Order.

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

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

### **Supplementary Provisions [Act No. 55 of June 28, 1989] [Extract]**

(Effective Date)

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

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

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

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

(Effective Date)

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

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

Article 2 Notwithstanding the provisions of the relevant laws amended by this Act, if a request for consultation or other request has been made to a council or other council organization concerning taking procedures equivalent to those for holding hearings or granting the opportunity for explanation and other procedures for stating opinions as prescribed in Article 13 of the

Administrative Procedure Act, based on laws and regulations before the enforcement of this Act, prior laws continue to govern the procedures for adverse dispositions in relation to the request for consultation or other request.

(Transitional Measures Concerning Penal Provisions)

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

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

Article 14 Any hearings (except for those related to adverse dispositions) or procedures for those hearings which have been conducted before the enforcement of this Act pursuant to the provisions of a law are deemed to be conducted pursuant to the corresponding provisions of the relevant law amended by this Act.

(Delegation to Cabinet Order)

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

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

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

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

(Effective Date)

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

(Transitional Measures)

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

(3) The charges that are specified in the general conditions of contracts which

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

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

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

(Effective Date)

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

as of the date of promulgation.

(Consultation with Councils)

Article 2 In order to establish Order of the Ministry of Posts and Telecommunications prescribed in Article 38, item (iii), Article 38-2, paragraph (1), paragraph (3), item (i), (a), (b) or (d) or item (ii), or paragraph (4), (7) or (9), Article 39-2, paragraph (1) or (2), or Article 48-2, paragraph (1) of the amended Telecommunications Business Act (hereinafter referred to as the "new Act"), the Minister of Posts and Telecommunications may consult the council specified by Cabinet Order as prescribed in Article 94, paragraph (1) of the new Act, even before the enforcement of this Act.

(Transitional Measures Concerning Interconnection)

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

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

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

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



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

Article 8 An agreement concerning interconnection or sharing for which the notification has been actually filed as of the time of enforcement of this Act pursuant to the provisions of Article 38, paragraph (4) of the former Act is deemed to be an agreement for which the notification has been filed pursuant to the provisions of Article 38-3, paragraph (5) of the new Act in the case of an agreement concerning interconnection, or an agreement for which the notification has been filed pursuant to the provisions of Article 39-3, paragraph (4) of the new Act in the case of an agreement concerning sharing.

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

Article 10 A petition for an order which has been filed before the enforcement of this Act pursuant to the provisions of Article 39, paragraph (1) of the former Act is deemed to be a petition for an order filed pursuant to the provisions of Article 39, paragraph (1) or paragraph (2) of the new Act, if it concerns

interconnection, or is deemed to be a petition for an order filed pursuant to the provisions of Article 39-4, paragraph (1) of the new Act, if it concerns sharing or concerns the provision of services not based on the general conditions of contracts.

Article 11 A ruling which has been rendered before the enforcement of this Act pursuant to the provisions of Article 39, paragraph (2) of the former Act is deemed to be a ruling rendered pursuant to the provisions of Article 39, paragraph (4) of the new Act in the case of a ruling concerning interconnection, or is deemed to be a ruling rendered pursuant to the provisions of Article 39-4, paragraph (2) of the new Act in the case of a ruling concerning the sharing or concerning the provision of services not based on the general conditions of contracts.

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

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

(Transitional Measures Concerning Penal Provisions)

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

(Review)

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

**Supplementary Provisions [Act No. 98 of June 20, 1997] [Extract]**

(Effective Date)

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

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

(Effective Date)

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

(Transitional Measures Concerning Penal Provisions)

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

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

(Effective Date)

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

- (i) the provisions in Article 3 to amend Article 99-3 of the Radio Act, and the provisions of the following Article and Article 3 of Supplementary Provisions: the date of promulgation;
- (ii) the provisions of Article 1, the provisions in Article 2 to amend Article 5 of Supplementary Provisions of the Telecommunications Business Act, and the provisions of Articles 4, 7 and 9 and Articles 11 through 16 of Supplementary Provisions: the date specified by Cabinet Order within a period not exceeding five months from the date of promulgation;
- (iii) in Article 2, the provisions to amend the Table of Contents of the Telecommunications Business Act, the provisions to amend Article 50 of that Act, the provisions to amend by adding three Articles after Article 50 of that Act, the provisions to amend by changing the title of Section 5 in Chapter II of that Act, the provisions to amend Article 72 of that Act, the provisions to amend by adding one Article and one Subsection after Article 72 of that Act, the provisions to amend Article 92 and Article 98 of that Act, the provisions to amend Article 108 of that Act (limited to the part related to item (iv)), the provisions to amend Article 109 of that Act (limited to the part related to item (iii)) and the provisions to amend Article 110 of that Act; in Article 3, the provisions to amend the Table of Contents of the Radio Act, the

provisions to amend Articles 10 and 18 of that Act, the provisions to amend by adding one Article after Article 24-8 of that Act, the provisions to amend Article 38-2 of that Act, the provisions to amend by adding three Articles after Article 38-15 of that Act, the provisions to amend Article 73 of that Act, the provision to amend Article 99-11 of that Act (limited to the part to add "Article 38-17, paragraph (5) and" after "Article 38-5, paragraph (2) (")), the provisions to amend Article 103 of that Act, the provisions to amend Article 112 of that Act (limited to the part to replace "Article 38-2, paragraph (6) or (7)" with "Article 38-2, paragraph (7) or (8)"), the provisions to amend Article 113 of that Act; and the provisions of Article 8 of Supplementary Provisions: the date specified by Cabinet Order within a period not exceeding ten months from the date of promulgation.

(Changes to the Articles of Incorporation)

- Article 2 (1) Before the date of enforcement of the provisions listed in item (ii) of the preceding Article, Kokusai Denshin Denwa Company, Limited, which has been established under the former KDD Act (referred to as "the Company" in Article 4 of Supplementary Provisions), may make a resolution for changes to its articles of incorporation which become effective from the date of enforcement of the provisions listed in that item.
- (2) The provisions of Article 11, paragraph (1) of the former KDD Act do not apply to the resolution set forth in the preceding paragraph.

(Consultation with Councils)

- Article 3 (1) In order to establish Order of the Ministry of Posts and Telecommunications pursuant to the provisions of Article 31, paragraph (3) of the Telecommunications Business Act amended by the provisions of Article 2 (hereinafter referred to as the "new Telecommunications Business Act") or in order to set the standard charge index pursuant to the provisions of Article 31, paragraph (3) of that Act, the Minister of Posts and Telecommunications may consult the councils specified by Cabinet Order as prescribed in Article 94 of the new Telecommunications Business Act, even before the date of enforcement of this Act (hereinafter referred to as the "effective date").
- (2) In order to establish Order of the Ministry of Posts and Telecommunications that specifies functions under Article 4, item (iii) of the Radio Act amended by the provisions of Article 3 (hereinafter referred to as the "new Radio Act") or in order to establish Order of the Ministry of Posts and Telecommunications pursuant to the provisions of Article 38-5, paragraph (2) of the new Radio Act as applied mutatis mutandis pursuant to Article 38-17, paragraph (5) of the new Radio Act, the Minister of Posts and Telecommunications may consult the Radio Regulatory Council, even before the effective date or the date of

enforcement of the provisions listed in Article 1, item (iii) of Supplementary Provisions.

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

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

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

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

(2) A person that is actually conducting type II telecommunications business at the time of enforcement of this Act with registration set forth in Article 24, paragraph (1) of the former Telecommunications Business Act (other than a person that operates type II telecommunications business that provides telecommunications facilities to perform communications with places outside Japan for the use in other persons' communications) and whose type II telecommunications business does not fall under the category of new domestic special type II telecommunications business is deemed to have filed a

notification set forth in Article 22, paragraph (1) of the new Telecommunications Business Act on the effective date.

- Article 6 (1) The charges which have been authorized before the effective date pursuant to the provisions of Article 31, paragraph (1) of the former Telecommunications Business Act and the charges for which the notification has been filed pursuant to the provisions of Article 31, paragraph (3) of the former Telecommunications Business Act are deemed to be charges for which the notification has been filed pursuant to the provisions of Article 31, paragraph (1) of the new Telecommunications Business Act.
- (2) An application which has been actually filed as of the time of enforcement of this Act for the authorization for charges pursuant to the provisions of Article 31, paragraph (1) of the former Telecommunications Business Act is deemed to be a notification filed pursuant to the provisions of Article 31, paragraph (1) of the new Telecommunications Business Act.
- (3) During the time before the standard charge index prescribed in Article 31, paragraph (3) of the new Telecommunications Business Act becomes applicable, the provisions of the preceding two paragraphs and the new Telecommunications Business Act (except for Article 31, paragraph (3) of the new Telecommunications Business Act) do not apply, and prior laws continue to govern the charges related to the telecommunications services which a type I telecommunications carrier installing designated telecommunications facilities prescribed in Article 38-2, paragraph (2) of the new Telecommunications Business Act is providing at the time of enforcement of this Act by using those facilities, and which are specified by Order of the Ministry of Internal Affairs and Communications as prescribed in Article 31, paragraph (3) of the new Telecommunications Business Act.
- (4) The provisions of paragraphs (1) and (2) apply mutatis mutandis to the charges which prior laws continue to govern pursuant to the provisions of the preceding paragraph. In this case, the phrase "prior to the effective date" and the term "former Telecommunications Business Act" in paragraph (1) are deemed to be replaced with "prior to the date on which the standard charge index set forth in paragraph (3) becomes applicable" and "former Telecommunications Business Act, which continue to govern the situation pursuant to the provisions of paragraph (3)", respectively; and the term "enforcement of this Act" and the term "former Telecommunications Business Act" in paragraph (2) are deemed to be replaced with "application of the standard charge index set forth in the following paragraph" and "former Telecommunications Business Act which continue to govern the situation pursuant to the provisions of the following paragraph", respectively.
- (5) During the period when the telegram business is deemed to be

telecommunications business pursuant to the provisions of Article 5, paragraph (1) of Supplementary Provisions of the Telecommunications Business Act amended by Article 2 of the Act to Amend the Telecommunications Business Act and the Act on Nippon Telegraph and Telephone Corporation, Etc. (Act No. 125 of 2003; hereinafter referred to as the "amended Act of 2003"), the provisions of the Telecommunications Business Act before being amended by Article 2 of the amended Act of 2003, which remain in force pursuant to the provisions of Article 5, paragraph (1) of Supplementary Provisions of the amended Telecommunications Business Act, do not apply to the charges for telegram handling services prescribed in Article 5, paragraph (2) of Supplementary Provisions of the amended Telecommunications Business Act, and the provisions of the former Telecommunications Business Act remain in force with respect to them. In this case, the term "Order of the Ministry of Posts and Telecommunications" and the term "the Minister of Posts and Telecommunications" in the former Telecommunications Business Act are deemed to be replaced with "Order of the Ministry of Internal Affairs and Communications" and "the Minister for Internal Affairs and Communications", respectively.

(Transitional Measures Concerning Penal Provisions)

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

(Review)

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

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

(Effective Date)

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

## Supplementary Provisions [Act No. 87 of July 16, 1999] [Extract]

(Effective Date)

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

(i) in Article 1, the provisions to amend the Local Autonomy Act by adding five Articles, a Section title, and two Subsections and Subsection titles after Article 250 of the Local Autonomy Act (limited to the part related to Article 250-9, paragraph (1) of that Act (limited to the part related to consent to be obtained from both Houses of the Diet)); in Article 40, the provisions to amend paragraphs (9) and (10) of Supplementary Provisions of the Natural Parks Act (limited to the part related to paragraph (10) of Supplementary Provisions of that Act); the provisions of Article 244 (except for the part related to the provisions to amend Article 14-3 of the Agricultural Improvement Promotion Act); the provisions of Article 472 (except for the parts related to the provisions to amend Articles 6, 8 and 17 of the Municipal Merger Act); and the provisions of Article 7, Article 10, Article 12, the proviso of Article 59, Article 60, paragraphs (4) and (5), Article 73, Article 77, Article 157, paragraphs (4) through (6), Article 160, Article 163, Article 164, and Article 202 of Supplementary Provisions: the date of promulgation.

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

Article 159 Beyond what is provided for in laws before being amended by this Act, the administrative affairs of the national government, local governments and other public entities (referred to as "administrative affairs of the national government or other public entities" in Article 161 of Supplementary Provisions) which have been managed or enforced by organizations of local governments pursuant to laws or Cabinet Orders under them before the enforcement of this Act are to be processed by local governments as their administrative affairs pursuant to laws and Cabinet Orders under them, after the enforcement of this Act.

(Transitional Measures Concerning Decisions and Applications)

Article 160 (1) Except for what is provided for in the provisions of Article 2 through the preceding Article of Supplementary Provisions or in the provisions concerning transitional measures under the amended laws (including orders under those laws), for amended laws to be applied after the date of enforcement of this Act, if a disposition regarding a matter such as permission or any other similar action has actually been undertaken before the



enforcement of this Act (for the provisions set forth in the items of Supplementary Provisions Article 1, before the enforcement of the provisions of those items; hereinafter the same applies in this Article and in Supplementary Provisions Article 163) pursuant to the provisions of the laws before being amended (hereinafter referred to as a "disposition or similar action" in this Article), or an application regarding a matter such as permission or any other similar action has actually been undertaken as of the time of enforcement of this Act pursuant to the provisions of laws before being amended (hereinafter referred to as an "application or similar action" in this Article), and that disposition or similar action or that application or similar action involves administrative affairs that a different person from the prior person will start to conduct as of the date of enforcement of this Act, that disposition or similar action or that application or similar action is deemed to be a decision or similar action undertaken pursuant to the corresponding provisions of the amended laws, or to be an application or similar action undertaken pursuant to the corresponding provisions of the amended laws.

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

(Transitional Measures Concerning Appeals)

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

- (2) In the case set forth in the preceding paragraph, if the administrative agency

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

(Transitional Measures Concerning Fees)

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

(Transitional Measures Concerning Penal Provisions)

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

(Delegation of Other Transitional Measures to Cabinet Order)

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

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

(Review)

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

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

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

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

(Effective Date)

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

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

(Effective Date)

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

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

(Effective Date)

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

(Consultation with Councils)

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

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

(Effective Date)

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

(Transitional Measures)

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

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

(Effective Date)

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

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

(Consultation with Councils or Other Prescribed Organizations)

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

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

- Article 3 (1) The general conditions of contracts which have been actually authorized as of the time of enforcement of this Act pursuant to the provisions of Article 31-4, paragraph (1) of the Telecommunications Business Act before being amended by Article 1 (hereinafter referred to as the "former Telecommunications Business Act") are deemed to be the general conditions of contracts for which the notification has been filed pursuant to the provisions of Article 31-4, paragraph (1) of the new Telecommunications Business Act in the case of the general conditions of contracts to which the provisions of that paragraph apply, or are deemed to be the general conditions of contracts authorized pursuant to the provisions of paragraph (3) of that Article in the case of the general conditions of contracts to which the provisions of that paragraph apply.
- (2) An application for authorization for the general conditions of contracts which has been actually filed as of the time of enforcement of this Act pursuant to the provisions of Article 31-4, paragraph (1) of the former Telecommunications Business Act is deemed to be a notification filed pursuant to the provisions of Article 31-4, paragraph (1) of the new Telecommunications Business Act in the case of the general conditions of contracts to which the provisions of that paragraph apply, or is deemed to be an application for authorization filed pursuant to the provisions of paragraph (3) of that Article in the case of the general conditions of contracts to which the provisions of that paragraph apply.
- (3) An agreement which has been actually authorized as of the time of enforcement of this Act pursuant to the provisions of Article 38-3, paragraph (1) of the former Telecommunications Business Act is deemed to be an agreement for which the notification has been filed pursuant to the provisions of Article 38-4, paragraph (1) of the new Telecommunications Business Act.
- (4) An application for authorization which has been actually filed as of the time of enforcement of this Act pursuant to the provisions of Article 38-3, paragraph (1) of the former Telecommunications Business Act is deemed to be a notification filed pursuant to the provisions of Article 38-4, paragraph (1) of the new Telecommunications Business Act.
- (5) The general conditions of contracts for interconnection which have been actually authorized as of the time of enforcement of this Act pursuant to the provisions of Article 38-3, paragraph (2) of the former Telecommunications Business Act or for which the notification has been actually filed as of the time of enforcement of this Act pursuant to the provision of that paragraph are deemed to be the general conditions of contracts for interconnection for which the notification has been filed pursuant to the provision of Article 38-4, paragraph (2) of the new Telecommunications Business Act.

- (6) An application for authorization which has been actually filed as of the time of enforcement of this Act pursuant to the provisions of Article 38-3, paragraph (2) of the former Telecommunications Business Act is deemed to be a notification filed pursuant to the provisions of Article 38-4, paragraph (2) of the new Telecommunications Business Act.
- (7) An agreement which has been actually authorized as of the time of enforcement of this Act pursuant to the provisions of Article 38-3, paragraph (2) of the former Telecommunications Business Act or has been concluded based on the general conditions of contracts for interconnection for which the notification has been filed pursuant to the proviso of that paragraph, or an agreement for which the notification has been actually filed as of the time of enforcement of this Act pursuant to the provisions of paragraph (5) of that Article, is deemed to be an agreement for which the notification has been filed pursuant to the provisions of Article 38-4, paragraph (1) of the new Telecommunications Business Act.
- (8) An agreement which has been actually authorized as of the time of enforcement of this Act pursuant to the provisions of Article 39-3, paragraph (1) of the former Telecommunications Business Act is deemed to be an agreement authorized pursuant to the provisions of Article 39-3, paragraph (1) of the new Telecommunications Business Act in the case of an agreement to which the provisions of that paragraph apply, or is deemed to be an agreement for which the notification has been filed pursuant to the provisions of paragraph (5) of that Article in the case of an agreement to which the provisions of that paragraph apply.
- (9) An application for authorization for an agreement which has been actually filed as of the time of enforcement of this Act pursuant to the provisions of Article 39-3, paragraph (1) of the former Telecommunications Business Act is deemed to be an application for authorization filed pursuant to the provisions of Article 39-3, paragraph (1) of the new Telecommunications Business Act in the case of an agreement to which the provisions of that paragraph apply, or is deemed to be a notification filed pursuant to the provisions of paragraph (5) of that Article in the case of an agreement to which the provisions of that paragraph apply.
- (10) A contract which has been actually authorized as of the time of enforcement of this Act pursuant to the provisions of Article 39-3, paragraph (2) of the former Telecommunications Business Act is deemed to be a contract for which the notification has been filed pursuant to the provisions of Article 39-5, paragraph (1) of the new Telecommunications Business Act.
- (11) An application for authorization which has been actually filed as of the time of enforcement of this Act pursuant to the provisions of Article 39-3, paragraph (2) of the former Telecommunications Business Act is deemed to be a

notification filed pursuant to the provisions of Article 39-5, paragraph (1) of the new Telecommunications Business Act.

- (12) An agreement for which the notification has been actually filed as of the time of enforcement of this Act pursuant to the provisions of Article 39-3, paragraph (4) of the former Telecommunications Business Act is deemed to be an agreement for which the notification has been filed pursuant to the provisions of Article 39-3, paragraph (5) of the new Telecommunications Business Act.
- (13) A petition prescribed in Article 39-4, paragraph (1) of the former Telecommunications Business Act which has been actually filed as of the time of enforcement of this Act is deemed to be a petition prescribed in Article 39-4, paragraph (1) of the new Telecommunications Business Act if that petition concerns sharing, or is deemed to be a petition prescribed in Article 39-4, paragraph (1) of the new Telecommunications Business Act as applied *mutatis mutandis* pursuant to Article 39-6 of the new Telecommunications Business Act, if that petition concerns the services not based on the general conditions of contracts (meaning services not based on the general conditions of contracts prescribed in Article 39-3, paragraph (2) of the former Telecommunications Business Act; the same applies in the following paragraph).
- (14) An application for a ruling prescribed in Article 39-4, paragraph (2) of the former Telecommunications Business Act which has been actually filed as of the time of enforcement of this Act is deemed to be an application for a ruling prescribed in Article 39, paragraph (4) of the new Telecommunications Business Act as applied *mutatis mutandis* pursuant to Article 39-4, paragraph (2) of the new Telecommunications Business Act if that application concerns sharing, or is deemed to be an application for a ruling prescribed in Article 39, paragraph (4) of the new Telecommunications Business Act as applied *mutatis mutandis* pursuant to Article 39-6 of the new Telecommunications Business Act, if that application concerns services not based on the general conditions of contracts.
- (15) A person that has been actually designated as of the time of enforcement of this Act pursuant to the provisions of Article 68, paragraph (1) of the former Telecommunications Business Act is deemed to have been designated on the date of enforcement of this Act, pursuant to the provisions of Article 68, paragraph (1) of the new Telecommunications Business Act.
- (16) Except for what is provided for in the preceding paragraphs, a disposition made, procedure carried out, or other act taken before the enforcement of this Act pursuant to the provisions of the former Telecommunications Business Act is deemed to be a disposition made, procedure carried out, or other act taken pursuant to the provisions of the new Telecommunications Business Act if there are corresponding provisions in the new Telecommunications Business

Act.

(Transitional Measures Concerning Penal Provisions)

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

(Delegation of Other Transitional Measures to Cabinet Order)

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

(Review)

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

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

(Effective Date)

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

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



paragraph (2) of the NTT Act, the provisions of Articles 6 through 15 of Supplementary Provisions, the provisions of Articles 21 through 31 of Supplementary Provisions, the provisions of Articles 34 through 41 of Supplementary Provisions, and the provisions of Articles 44 through 48 of Supplementary Provisions: the date specified by Cabinet Order within a period not exceeding one year from the date of promulgation.

(Consultation with Councils or Other Prescribed Organizations)

Article 2 In order to establish Order of the Ministry of Internal Affairs and Communications pursuant to the provisions of Article 8, paragraph (3), the proviso of Article 9, Article 20, paragraph (1), Article 21, paragraph (1), Article 26, Article 41, paragraph (1) or (2), the proviso of Article 45, paragraph (1), Article 52, paragraph (1), Article 70, paragraph (1), item (i), or Article 108, paragraph (1), item (ii) or paragraph (3) of the Telecommunications Business Act amended by Article 2, the Minister for Internal Affairs and Communications may consult the councils or other prescribed organizations as specified by Cabinet Order that are prescribed in Article 169 of the Telecommunications Business Act amended by the provisions of Article 2, even before the enforcement of the provision of Article 2.

(Transitional Measures Concerning Designated Approval Bodies)

Article 3 (1) A person that has been actually designated as of the time of enforcement of this Act pursuant to the provisions of Article 68, paragraph (1) of the Telecommunications Business Act before being amended by Article 1 (hereinafter referred to as the "former Act" in this Article and the following Article) is deemed to be a person that has been registered on the date of enforcement of this Act pursuant to the provisions of Article 68, paragraph (1) of the Telecommunications Business Act amended by Article 1 (hereinafter referred to as the "new Act" in this Article through Article 5 of Supplementary Provisions). In this case, the period prescribed in Article 69-2, paragraph (1) of the new Act is to be calculated from the date of designation or renewal of designation under the former Act.

(2) An application for designation which has been actually filed as of the time of enforcement of this Act pursuant to the provisions of Article 68, paragraph (2) of the former Act, an application for renewal of designation which has been actually filed as of the time of enforcement of this Act pursuant to the provisions of Article 69-2, paragraph (1) of the former Act, or an application for recognition which has been actually filed as of the time of enforcement of this Act pursuant to the provisions of Article 72-3, paragraph (1) of the former Act is deemed to be an application for registration filed pursuant to the provisions of Article 68, paragraph (1) of the new Act, an application for renewal of

registration filed pursuant to the provisions of Article 69-2, paragraph (1) of the new Act, or an application for recognition filed pursuant to the provisions of Article 72-3, paragraph (1) of the new Act, respectively.

- (3) A person that has been actually recognized as of the time of enforcement of this Act pursuant to the provisions of Article 72-3, paragraph (1) of the former Act is deemed to be a person that has been recognized on the date of enforcement of this Act pursuant to the provisions of Article 72-3, paragraph (1) of the new Act.

(Transitional Measures Concerning Technical Standards Conformity Approval)

Article 4 (1) Any application for technical standards conformity approval which has been actually filed at the time of enforcement of this Act pursuant to the provisions of Article 50, paragraph (2) of the former Act (including as applied mutatis mutandis pursuant to Article 72 of the former Act) or any application for approval which has been actually filed at the time of enforcement of this Act pursuant to the provisions of Article 50, paragraph (2) of the former Act as applied mutatis mutandis pursuant to Article 72-3, paragraph (5) of the former Act is deemed to be a request for technical standards conformity approval under Article 50, paragraph (1) of the new Act (including as applied mutatis mutandis pursuant to Article 72-3, paragraph (4) of the new Act); and any application for certification which is actually filed at the time of enforcement of this Act pursuant to the provisions of Article 50-4, paragraph (1), Article 72-2, paragraph (1) or Article 72-3, paragraph (6) of the former Act is deemed to be a request for certification of design under Article 50-4, paragraph (1) or Article 72-3, paragraph (6) of the new Act.

- (2) Terminal equipment which has obtained technical standards conformity approval before the enforcement of this Act pursuant to the provisions of Article 50, paragraph (2) of the former Act (including as applied mutatis mutandis pursuant to Article 72 of the former Act) or terminal equipment which has obtained approval before the enforcement of this Act pursuant to the provisions of Article 50, paragraph (2) of the former Act as applied mutatis mutandis pursuant to Article 72-3, paragraph (5) of the former Act is deemed to be terminal equipment which has obtained technical standards conformity approval pursuant to the provisions of Article 50, paragraph (1) of the new Act (including as applied mutatis mutandis pursuant to Article 72-3, paragraph (4) of the new Act) and is marked pursuant to the provisions of Article 50, paragraph (2) of the new Act (including as applied mutatis mutandis pursuant to Article 72-3, paragraph (4) of the new Act).
- (3) A design which has obtained a certification before the enforcement of this Act pursuant to the provisions of Article 50-4, paragraph (1), Article 72-2, paragraph (1), or Article 72-3, paragraph (6) of the former Act is deemed to be

a design which has obtained a certification of design pursuant to the provisions of Article 50-4, paragraph (2) of the new Act (including as applied mutatis mutandis pursuant to Article 72-3, paragraph (7) of the new Act).

- (4) Any person that has obtained a certification before the enforcement of this Act, pursuant to the provisions of Article 50-4, paragraph (1), Article 72-2, paragraph (1), or Article 72-3, paragraph (6) of the former Act is deemed to have obtained a certification of design pursuant to the provisions of Article 50-4, paragraph (2) of the new Act (including as applied mutatis mutandis pursuant to Article 72-3, paragraph (7) of the new Act). In this case, a person that has obtained a certification pursuant to the provisions of Article 50-4, paragraph (1), Article 72-2, paragraph (1), or Article 72-3, paragraph (6) of the former Act is deemed to have fulfilled the obligations under Article 50-5, paragraph (2) of the new Act (including as applied mutatis mutandis pursuant to Article 72-3, paragraph (7) of the new Act).
- (5) Terminal equipment which is based on a design certified before the enforcement of this Act pursuant to the provisions of Article 50-4, paragraph (1), Article 72-2, paragraph (1), or Article 72-3, paragraph (6) of the former Act and is marked pursuant to the provisions of Article 50-4, paragraph (5) of the former Act (including as applied mutatis mutandis pursuant to Article 72-2, paragraph (3) and Article 72-3, paragraph (8) of the former Act) is deemed to be terminal equipment which is based on a design that obtained a certification of design pursuant to the provisions of Article 50-4, paragraph (2) of the new Act (including as applied mutatis mutandis pursuant to Article 72-3, paragraph (7) of the new Act) and which is marked pursuant to the provisions of Article 50-6 of the new Act (including as applied mutatis mutandis pursuant to Article 72-3, paragraph (7) of the new Act).
- (6) The provisions of Article 50-2 of the new Act (including as applied mutatis mutandis pursuant to Article 50-9 and Article 72-3, paragraphs (4) and (7) of the new Act) do not apply to terminal equipment which has obtained a technical standards conformity approval before the enforcement of this Act pursuant to the provisions of Article 50, paragraph (2) of the former Act (including as applied mutatis mutandis pursuant to Article 72 of the former Act), terminal equipment which has obtained a certification before the enforcement of this Act pursuant to the provisions of Article 50, paragraph (2) of the former Act as applied mutatis mutandis pursuant to Article 72-3, paragraph (5) of the former Act, and terminal equipment which is based on a design certified before the enforcement of this Act pursuant to the provisions of Article 50-4, paragraph (3) of the former Act (including as applied mutatis mutandis pursuant to Article 72-2, paragraph (3) and Article 72-3, paragraph (8) of the former Act), and is marked pursuant to the provision of Article 50-4, paragraph (5) of the former Act (including as applied mutatis mutandis

pursuant to Article 72-2, paragraph (3) and Article 72-3, paragraph (8) of the former Act).

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

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

(Transitional Measures Concerning the Registration of Business)

Article 6 (1) If a person is actually conducting type I telecommunications business at the time of enforcement of the provisions of Article 2 with permission set forth in Article 9, paragraph (1) of the Telecommunications Business Act before being amended by Article 2 (hereinafter referred to as the "former Act"), that person is deemed to have obtained registration prescribed in Article 9 of the Telecommunications Business Act amended by Article 2 (hereinafter referred to as the "new Act") on the date of enforcement of the provisions of Article 2 (hereinafter referred to as the "effective date"), if that person falls under persons to be registered pursuant to the provisions of Article 9 of the new Act; or that person is deemed to have filed a notification prescribed in Article 16, paragraph (1) of the new Act on the effective date, if the person fall under persons who are to file a notification pursuant to the provisions of that paragraph.

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

(3) An application for permission which has been actually filed as of the time of enforcement of the provisions of Article 2 pursuant to the provisions of Article 14, paragraph (1) of the former Act is deemed to be an application for

registration of change filed pursuant to the provisions of Article 13, paragraph (1) of the new Act, if that application is related to the person to be registered pursuant to the provisions of Article 9 of the new Act, or is deemed to be a notification filed pursuant to the provisions of Article 16, paragraph (3) of the new Act, if that notification is related to the person who is to file a notification pursuant to the provisions of paragraph (1) of that Article.

- (4) An application for authorization which has been actually filed as of the time of enforcement of the provisions of Article 2 pursuant to the provisions of Article 18, paragraph (3) of the former Act is deemed to be a notification filed pursuant to the provisions of Article 18, paragraph (2) of the new Act.
- (5) A person that has actually filed a notification as of the time of enforcement of the provisions of Article 2 pursuant to the provisions of Article 22, paragraph (1) of the former Act, or that is actually conducting type II telecommunications business at the time of enforcement of the provisions of Article 2 with a registration set forth in Article 24, paragraph (1) of the former Act, is deemed to have filed a notification set forth in Article 16, paragraph (1) of the new Act on the effective date.
- (6) An application for registration which has been actually filed as of the time of enforcement of the provisions of Article 2 pursuant to the provisions of Article 24, paragraph (1) of the former Act is deemed to be a notification filed pursuant to the provisions of Article 16, paragraph (1) of the new Act.
- (7) An application for registration of change which has been actually filed as of the time of enforcement of the provisions of Article 2 pursuant to the provisions of Article 27, paragraph (1) of the former Act is deemed to be a notification filed pursuant to the provisions of Article 16, paragraph (3) of the new Act.

(Transitional Measures Concerning Approval of Business)

- Article 7 (1) A person that is actually conducting type I telecommunications business at the time of enforcement of the provisions of Article 2 with permission set forth in Article 9, paragraph (1) of the former Act is deemed to have obtained approval set forth in Article 117, paragraph (1) of the new Act on the effective date for the telecommunications business which that person conducts.
- (2) An application for permission which has been actually filed as of the time of enforcement of the provisions of Article 2 pursuant to the provisions of Article 9, paragraph (1) of the former Act is deemed to be an application for approval filed pursuant to the provisions of Article 117, paragraph (1) of the new Act.
  - (3) A period which has been actually designated as of the time of enforcement of the provisions of Article 2 pursuant to the provisions of Article 12, paragraph (1) of the former Act (including as applied *mutatis mutandis* pursuant to Article 14, paragraph (4) of the former Act) is deemed to be a period designated

pursuant to the provisions of Article 120, paragraph (1) of the new Act (including as applied mutatis mutandis pursuant to Article 122, paragraph (4) of the new Act).

(4) An application for permission which has been actually filed as of the time of enforcement of the provisions of Article 2 pursuant to the provisions of Article 14, paragraph (1) of the former Act is deemed to be an application for approval filed pursuant to the provisions of Article 122, paragraph (1) of the new Act.

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

(Transitional Measures Concerning Confirmation of Technical Standards Conformity)

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

(Transitional Measures Concerning Succession of Business)

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

(2) An application for authorization which has been actually filed as of the time of enforcement of the provisions of Article 2 pursuant to the provisions of

- Article 16, paragraph (2) of the former Act is deemed to be a notification filed pursuant to the provisions of Article 17, paragraph (2) of the new Act or an application for authorization under Article 123, paragraph (3) of the new Act.
- (3) An application for authorization which has been actually filed as of the time of enforcement of the provisions of Article 2 pursuant to the provisions of Article 17, paragraph (2) of the former Act is deemed to be a notification filed pursuant to the provisions of Article 17, paragraph (2) of the new Act or an application for authorization under Article 123, paragraph (2) of the new Act.
- (4) An application for permission which has been actually filed as of the time of enforcement of the provisions of Article 2 pursuant to the provisions of Article 18, paragraph (1) of the former Act is deemed to be a notification filed pursuant to the provisions of Article 18, paragraph (1) of the new Act or a notification filed pursuant to the provisions of Article 124, paragraph (1) of the new Act.

(Transitional Measures Concerning General Conditions of Contracts)

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

former Act, those concerning designated telecommunications services prescribed in Article 20, paragraph (1) of the new Act (except for universal telecommunications services prescribed in Article 7 of the new Act; hereinafter the same applies) are deemed to be charges specified in the general conditions of contracts for which the notification has been filed pursuant to the provisions of Article 20, paragraph (1) of the new Act.

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

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

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



the effective date pursuant to the provisions of Article 36, paragraph (1) of the former Act, those concerning the general conditions of contracts for universal telecommunications services prescribed in Article 7 of the new Act are deemed to be orders issued pursuant to the provisions of Article 19, paragraph (2) of the new Act, those concerning the general conditions of contracts for designated telecommunications services prescribed in Article 20, paragraph (1) of the new Act are deemed to be orders issued pursuant to the provisions of paragraph (3) of that Article, or those concerning the general conditions of contracts for telecommunications services other than universal telecommunications services or designated telecommunications services are deemed to be orders issued pursuant to the provisions of Article 29, paragraph (1) of the new Act.

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

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

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

(Transitional Measures Concerning the Keeping of Accounts)

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

(Transitional Measures Concerning Agreement on Sharing)

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

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

(Transitional Measures Concerning Local Governments)

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

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

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

(Effects of Dispositions)

Article 17 Beyond what is otherwise provided for in these Supplementary Provisions, a disposition made, procedure carried out, or other act taken before the enforcement of amending provisions in this Act pursuant to the provisions of laws before being amended, for which amended laws include corresponding provisions, is deemed to have been made, carried out, or taken pursuant to the provisions of those amended laws.

(Transitional Measures Concerning the Application of Penal Provisions)

Article 18 Prior laws continue to govern the application of the penal provisions

to any act undertaken before the enforcement of the respective amending provisions in this Act and to any act undertaken after the effective date in a situation where prior laws continue to govern pursuant to the provision of Article 13 of Supplementary Provisions.

(Delegation of Other Transitional Measures to Cabinet Order)

Article 19 Beyond what is provided for in these Supplementary Provisions, transitional measures necessary in connection with the enforcement of this Act (including transitional measures concerning the penal provisions) are specified by Cabinet Order.

(Reviews)

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

#### **Supplementary Provisions [Act No. 138 of August 1, 2003] [Extract]**

(Effective Date)

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

#### **Supplementary Provisions [Act No. 76 of June 2, 2004] [Extract]**

(Effective Date)

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

(Transitional Measures Concerning the Application of Penal Provisions)

Article 12 (1) Prior laws continue to govern the application of the penal provisions to any act undertaken before the effective date and to any act undertaken after the effective date in a situation where prior laws continue to govern pursuant to the provisions of Article 2, paragraph (1), Article 3, paragraph (1), Article 4, Article 5, paragraphs (1), (9), (17), (19), and (21), and Article 6, paragraphs (1) and (3) of Supplementary Provisions.

(5) Prior laws continue to govern the application of the provisions of the

Securities and Exchange Act, Survey Act, Act on Development of Hotels for Inbound Tourists, Act on Architects and Building Engineers, Act on Investment Trusts and Investment Corporations, Telecommunications Business Act, Act on Broadcast on Telecommunications Services, Act on Coal Washing Operations, Act on Real Estate Appraisal, Act on Foreign Securities Dealers, Advanced-Installment Type Building Lots and Building Sales Business Act, Banking Act, Act on Controls, etc. on Money Lending, Purification Tank Act, Act on Regulation, etc. of Investment Advisory Business Pertaining to Securities, Act on Regulation, etc. of Mortgage Security Business, Financial Future Transaction Act, Act on Regulation of Sportfishing Boat Service, Act on Regulation, etc. on Advanced Payment Certificate, Act on Regulation of Commodity Investment, Act on Specified Joint Real Estate Ventures, Insurance Business Act, Act on the Securitization of Assets, Act on Special Measures Concerning Claim Management and Collection Business, Act for Facilitating the Creation of New Business, Construction Material Recycling Act, Act on Copyright, etc. Management, Act on Advancement of Proper Condominium Management, Defined-Benefit Corporate Pension Act, Act on Ensuring the Implementation of Recovery and Destruction of Fluorocarbons concerning Designated Products, Act on Book Entry of Corporate Bonds and Shares, Defined Contribution Pension Act, Act on Recycling etc. of End-of-Life Vehicles, Trust Business Act, and Act on the Securitization of Specified Assets by Special Purpose Companies before being amended under Article 1 of the Act Partially Amending the Act on the Securitization of Specified Assets by Special Purpose Companies, which is deemed to remain in force pursuant to Article 2, paragraph (1) of Supplementary Provisions of that Act before being amended by this Act regarding obligation of notifications, notices or reports concerning declaration of bankruptcy, order commencing rehabilitation proceedings, order commencing reorganization proceedings, or order of recognition of foreign insolvency proceedings made before the effective date, and the penal provisions relating to these provisions.

(Delegation to Cabinet Order)

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

### **Supplementary Provisions [Act No. 84 of June 9, 2004] [Extract]**

(Effective Date)

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

(Review)

Article 50 When five years have passed since the enforcement of this Act, the government is to review the status of enforcement of the new Act and take necessary measures based on the results of this review, if the government finds it necessary.

**Supplementary Provisions [Act No. 154 of December 3, 2004] [Extract]**

(Effective Date)

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

(Delegation of Transitional Measures to Cabinet Order)

Article 89 Beyond what is provided for in these Supplementary Provisions, transitional measures necessary for the enforcement of this Act are specified by Cabinet Order.

**Supplementary Provisions [Act No. 21 of March 31, 2005] [Extract]**

(Effective Date)

Article 1 This Act comes into effect as of April 1, 2005.

(Delegation of Other Transitional Measures to Cabinet Order)

Article 89 Beyond what is provided for in these Supplementary Provisions, transitional measures necessary for the enforcement of this Act are specified by Cabinet Order.

**Supplementary Provisions [Act No. 87 of July 26, 2005] [Extract]**

This Act comes into effect as of the date of enforcement of the Companies Act.

**Supplementary Provisions [Act No. 50 of June 2, 2006] [Extract]**

(Effective Date)

This Act comes into effect as of the date of enforcement of the General Incorporated Associations and General Incorporated Foundations Act.

**Supplementary Provisions [Act No. 136 of December 28, 2007] [Extract]**

(Effective Date)

Article 1 This Act comes into effect as of the date specified by Cabinet Order within a period not exceeding one year from the date of promulgation (hereinafter referred to as the "effective date"); provided, however, that the provisions set forth in the following items come into effect as of the date prescribed in those items:

- (i) the provisions in Article 2 to amend Article 99-11, paragraph (2) of the Radio Act, the provisions in Article 3 to amend Article 29, paragraph (1) and Article 147, paragraph (1) of the Telecommunications Business Act, and the provisions of the following Article and Articles 9 through 11 of Supplementary Provisions: the date of promulgation;
- (ii) in Article 2, the provisions to amend the Table of Contents of the Radio Act (limited to the part that amends "Section 2 Registration for Radio Stations (Articles 27-18 through 27-34)" to "Section 2 Registration for Radio Stations (Articles 27-18 through 27-34) Section 3 Mediation, Etc. for Establishment of Radio Stations (Articles 27-35 and 27-36)"), the provisions to amend Article 6, paragraph (1) of that Act by adding one item, the provisions to amend paragraph (2) of that Article by adding one item, the provisions to amend Article 26-2, paragraph (5) of that Act, the provisions to amend Article 27-3, paragraph (1) of that Act by adding one item, the provisions to amend Article 27-18, paragraph (3) of that Act, the provisions to amend that Act by adding one Section after Chapter II, Section 2, and the provisions to amend that Act by adding ", Article 27-35 paragraph (1) (Mediation and Arbitration by the Telecommunications Business Dispute Settlement Commission)" after "(Notification on Establishment of Radio Stations)" in Article 99-11, paragraph (1), item (i) of that Act; the provisions in Article 3 to amend Article 144, paragraph (2) of the Telecommunications Business Act; and the provisions of Articles 8 and 16 of Supplementary Provisions: the date specified by Cabinet Order within a period not exceeding nine months from the date of promulgation.

(Effects of Dispositions)

Article 9 Beyond what is otherwise provided for in these Supplementary Provisions, a disposition made or to be made, procedure carried out or to be carried out, or other act taken or to be taken before the enforcement of this Act (or for the provisions set forth in the items of Supplementary Provisions Article 1, before the enforcement of those provisions) pursuant to the provisions of laws before being amended, for which amended laws include corresponding provisions, is deemed to be a disposition made or to be made, procedure carried out or to be carried out, or other act taken or to be taken pursuant to the provisions of those amended laws.

(Transitional Measures Concerning the Application of Penal Provisions)

Article 10 Prior laws continue to govern the application of the penal provisions to any act undertaken before the enforcement of this Act (or for the provisions set forth in the items of Article 1 of Supplementary Provisions, before the enforcement of the provisions set forth in those items).

(Delegation of Other Transitional Measures to Cabinet Order)

Article 11 Beyond what is provided for in these Supplementary Provisions, transitional measures necessary in connection with the enforcement of this Act (or for the provisions set forth in the items of Article 1 of Supplementary Provisions, in connection with enforcement of the provisions of those items) are specified by Cabinet Order (including transitional measures concerning the penal provisions).

(Reviews)

Article 12 (1) When five years have passed since the enforcement of this Act, the government is to take account of the status of enforcement of the new Broadcasting Act, the changes in socioeconomic circumstances, and other trends; review NHK's international broadcast programming operations prescribed in Article 9, paragraph (1), item (v) of the new Broadcasting Act, the paid broadcasting prescribed in Article 52-4, paragraph (1) of the new Broadcasting Act, the paid broadcasting management business prescribed in Article 52-6-2, paragraph (1) of the new Broadcasting Act, the succession of the status of the entrusted broadcaster prescribed in Article 52-18, paragraph (2) of the new Broadcasting Act and the system related to the approved broadcasting holding company prescribed in Article 52-31 of the new Broadcasting Act; and take necessary measures based on the results of the review, if the government finds it necessary.

(2) When five years have passed since the enforcement of this Act, the government is to review the status of enforcement of the provisions of Article 70-7, Article 70-9, and Article 80 of the new Radio Act from the viewpoint of radio regulations and take the necessary measures based on the results of the review, if the government finds it necessary.

#### **Supplementary Provisions [Act No.50 of May 30, 2008] [Extract]**

(Effective Date)

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

#### **Supplementary Provisions [Act No.65 of December 3, 2010] [Extract]**

(Effective Date)

Article 1 This Act comes into effect as of the day specified by Cabinet Order within a period not exceeding nine months from the date of promulgation (hereinafter referred to as the "effective date"); provided, however, that the provisions set forth in the following items come into effect as of date prescribed in those items:

- (i) the provisions in Article 1 to amend Article 53-11 of the Broadcasting Act; the provisions in Article 3 to amend Article 99-12 of the Radio Act; the provisions in Article 5 to amend Article 147, paragraph (1) of the Telecommunications Business Act; and the provisions in Article 3, Article 13 and Article 14, paragraph (1) of Supplementary Provisions: the dates of promulgation;
- (ii) in Article 1, the provisions to amend Article 52-13, paragraph (1), item (v), (h) of the Broadcasting Act, the provisions to amend Article 52-24, paragraph (2), item (iv) of that Act, and the provisions to amend Article 52-30, paragraph (2), item (v) of that Act; the provisions in Article 3 (excluding amending provisions set forth in item (i) above); and the provisions of Article 11, Article 12, Article 27, Article 35 and Article 37 of Supplementary Provisions: the date specified by Cabinet Order within a period not exceeding three months from the dates of promulgation;
- (iii) the provisions of Article 1 (excluding amending provisions set forth in items (i) and (ii) above); in Article 5, the provisions to amend Article 34 of the Telecommunications Business Act, the provisions to amend Article 169, paragraph (4) of that Act, and the provisions to amend Article 191, paragraph (2) of that Act; and the provisions of Article 10, paragraph (1) of Supplementary Provisions: the date specified by Cabinet Order within a period not exceeding six months from the dates of promulgation.

(Preparatory Actions)

Article 3 Consultation with the Radio Regulatory Council under Article 177 of the Broadcasting Act amended under Article 2 (hereinafter referred to as the "new Broadcasting Act"), and under Article 99-11 of the Radio Act amended under Article 3 and Article 4, consultation with the councils or other prescribed organizations as specified by Cabinet Order that are referred to in Article 169 under that Article of the Telecommunications Business Act amended under Article 5 (hereinafter referred to as the "new Telecommunications Business Act"), and procedures and other acts concerning these consultations may be performed in accordance with these provisions, even before the enforcement of this Act (or for the provisions set forth in Article 1, items (ii) and (iii) of Supplementary Provisions, before the enforcement of those provisions).



(Transitional Measures in Connection with the Repeal of the Cable Television Broadcast Act)

Article 5 (3) Notwithstanding the provisions of Article 9 or Article 16, paragraph (1) of the new Telecommunications Business Act, any person that is actually conducting business related to consent for use of cable television broadcast facilities under Article 9 of the former Cable Television Broadcast Act at the time of enforcement of this Act may continue conducting the relevant business related to consent for use of cable television broadcast facilities, in accordance with prior laws, for three years after the effective date (or if, during this period, there is a decision of a refusal of registration set forth in Article 9 or registration under Article 12, paragraph (1) of the new Telecommunications Business Act, or there is the notification set forth in Article 16, paragraph (1) of the new Telecommunications Business Act, for the period up to that date). If the person applies for the registration set forth in Article 9 of the new Telecommunications Business Act within that period, and that period has passed, the same applies until there is a disposition of approval of registration of that application or disposition of refusal of registration.

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

Article 10 (1) The provisions in Article 34, paragraph (6) of the new Telecommunications Business Act apply from the fiscal year ending after the enforcement date of the provisions in Article 5 to amend Article 34 of the Telecommunications Business Act.

(2) A person who has been appointed as a member of the Telecommunications Business Dispute Settlement Commission as of the time of the enforcement of this Act pursuant to the provisions of Article 147, paragraph (1) or (2) of the Telecommunications Business Act before being amended by Article 5 (hereinafter referred to as the "former Telecommunications Business Act" in this Article) is deemed to have been individually appointed as a member of the Telecommunications Business Dispute Settlement Commission on the effective date of this Act pursuant to the provisions of Article 147, paragraph (1) or (2) of the new Telecommunications Business Act. In this case, notwithstanding the provisions of Article 148, paragraph (1) of the new Telecommunications Business Act, the term of office of the person who is deemed to be appointed is the same as the remaining term of office of that person on the effective date as a member of the Telecommunications Business Dispute Settlement Commission to which that person has been appointed pursuant to the provisions of Article 147, paragraph (1) or (2) of the former Telecommunications Business Act.

- (3) A person who has been appointed as the chair of the Telecommunications Business Dispute Settlement Commission as of the time of the enforcement of this Act pursuant to the provisions of Article 146, paragraph (1) of the former Telecommunications Business Act is deemed to have been appointed as the chair of the Telecommunications Business Dispute Settlement Commission on the effective date of this Act pursuant to the provisions of Article 146, paragraph (1) of the new Telecommunications Business Act; and a person who is a member designated pursuant to the provisions of Article 146, paragraph (3) of the former Telecommunications Business Act as of the time of the enforcement of this Act is deemed to have been designated on the effective date of this Act as a member that carries out the duties of the chair of the Telecommunications Business Dispute Settlement Commission in place of the chair pursuant to the provisions of Article 146, paragraph (3) of the new Telecommunications Business Act.
- (4) Prior laws continue to govern the obligations of the ex-members of the Telecommunications Business Dispute Settlement Commission to maintain the confidentiality of information which came to their knowledge in the course of their duties as Commission members, after the effective date.

(Effect of Dispositions)

Article 11 Unless otherwise provided for in these Supplementary Provisions, a disposition made or to be made, procedure carried out or to be carried out, or other act taken or to be taken before the enforcement of this Act (or for the provisions set forth in Article 1, items (ii) and (iii) of Supplementary Provisions, before the enforcement of the provisions set forth in those items) pursuant to the provisions of laws before being amended, for which the amended laws include corresponding provisions, is deemed as a disposition made or to be made, procedure carried out or to be carried out, or other act taken or to be taken pursuant to the corresponding provisions in those amended laws.

(Transitional Measures Concerning the Application of Penal Provisions)

Article 12 Prior laws continue to govern the applicability of penal provisions to any act undertaken before the enforcement of this Act (or for the provisions set forth in Article 1, items (i) and (iii) of Supplementary Provisions, before the enforcement of those provisions; the same applies hereinafter in this Article), or any act undertaken after the enforcement of this Act in a situation where prior laws continue to govern pursuant to the provisions of Article 4, paragraph (2), Article 5, paragraph (8), Article 6, paragraph (5), Article 7, and Article 8, paragraph (12) of Supplementary Provisions.

(Delegation of Other Transitional Measures to Cabinet Order)

Article 13 Beyond what is provided for in these Supplementary Provisions, any necessary transitional measures for the enforcement of this Act (including transitional measures concerning penal provisions) are specified by Cabinet Order.

(Review)

Article 14 (1) After approximately one year since the promulgation of this Act, the government is to review the best mode for the reasons for ineligibility of officers of the Japan Broadcasting Corporation and take necessary measures based on the results of the review, if the government finds it necessary.

(2) Beyond the particulars specified in paragraph (1) above, within five years from the enforcement of this Act, the government is to review the status of implementation of the provisions amended by this Act and take necessary measures based on the findings of the review, if the government finds it necessary.

#### **Supplementary Provisions [Act No.35 of May 2, 2011] [Extract]**

(Effective Date)

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

#### **Supplementary Provisions [Act No.58 of June 1, 2011] [Extract]**

(Effective Date)

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

(Consultation with Councils or Other Prescribed Organizations)

Article 2 Even before the enforcement of this Act, the Minister for Internal Affairs and Communications may consult the councils or other prescribed organizations as set forth by Cabinet Order that are specified by Article 169 of the Telecommunications Business Act, in order to establish Order of the Ministry of Internal Affairs and Communications as prescribed in Article 31, paragraph (5) or (7) of the Telecommunications Business Act amended by Article 1.

(Transitional Measures Concerning the Application of Penal Provisions)

Article 4 Prior laws continue govern the application of penal provisions to acts

undertaken before the enforcement of this Act.

(Reviews)

Article 5 After approximately three years from the enforcement of this Act, the government is to review the status of implementation of the provisions amended by this Act and take necessary measures based on the results of the review, if the government finds it necessary.

**Supplementary Provisions [Act No.74 of June 24, 2011] [Extract]**

(Effective Date)

Article 1 This Act comes into effect after twenty days from the date of promulgation.

**Supplementary Provisions [Act No.42 of May 30, 2014] [Extract]**

(Effective Date)

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

**Supplementary Provisions [Act No.63 of June 11, 2014] [Extract]**

(Effective Date)

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

- (i) the provisions to amend Article 86, paragraph (1), Article 89, Article 90, paragraph (3), Article 100, paragraph (2) and the table in Article 116, paragraph (2); the provisions to amend Article 161, paragraph (1) (limited to the part to amend "Article 29, paragraph (1) or (2)" to "Article 29"); and the provisions of the following Article: the date of promulgation;
- (ii) the provisions to amend Article 53, paragraph (3); the provisions to amend by adding eleven Articles after Article 68 (limited to the part related to Article 68-2); the provisions to amend Article 69, paragraph (1), and the provisions of Article 4, paragraph (1), Article 7 and Article 8 of Supplementary Provisions: the date specified by Cabinet Order within a period not exceeding three months from the dates of promulgation;
- (iii) the provisions to amend the table of contents; the provisions to amend Chapter II, Section 5, Subsection 3 by changing that Subsection 3 into Subsection 4 of that Section; the provisions to amend Article 87, paragraph

(1), Article 91, paragraph (2), and Article 95, paragraph (1); the provisions to amend Chapter II, Section 5, Subsection 2 by changing that Subsection 2 into Subsection 3 of that Section and adding a subsection after Subsection 1 of that Section; the provisions to amend Article 163, paragraph (1), Article 166, paragraph (5), Article 174, paragraph (1), and Article 182; the provisions to amend Article 188 (excluding the provisions to amend item (i) of that Article); the provisions to amend Article 192; the amending provisions to change Appended Table 2 into Appended Table 3, delete "(Law No. 26 of 1947)" in Appended Table 1, item (i), change that Table into Appended Table 2, and add a table after Supplementary Provisions; and the provisions of Article 4, paragraphs (2) and Article 6 of Supplementary Provisions: the date specified by Cabinet Order within a period not exceeding six months from the dates of promulgation.

(Consultation with Councils or Other Prescribed Organizations)

Article 2 Even before the enforcement of this Act, the Minister for Internal Affairs and Communications may consult the councils or other prescribed organizations as specified by Cabinet Order that are set forth in Article 169 of the Telecommunications Business Act, in order to establish Order of the Ministry of Internal Affairs and Communications as set forth in Article 41, paragraphs (3) and (4) of the Telecommunications Business Act amended by this Act (hereinafter referred to as the "new Act").

(Transitional Measures upon Partial Amendment of the Telecommunications Business Act)

Article 3 (1) With regard to the application of the provisions of Article 44, paragraph (1) of the new Act to the telecommunications carriers that are actually installing telecommunications facilities for the use of telecommunications business (meaning telecommunications facilities for the use of telecommunications business defined in Article 44, paragraph (1) of the Telecommunications Business Act before being amended by this Act; the same applies in following paragraph) at the time of enforcement of this Act, the term "paragraph (2) or (4)" in that paragraph is deemed to be replaced with "or paragraph (2)" and the phrase "before the commencement of the telecommunications business" in that paragraph is deemed to be replaced with "within one month from the date of enforcement of the Act for Partial Amendment of the Telecommunications Business Act (Act No. 63 of 2014)" respectively.

(2) Within one month from the date of the enforcement of this Act (referred to as "effective date" in the following Article and Article 8 of Supplementary Provisions), telecommunications carriers that are actually installing

telecommunications facilities for the use of telecommunications business at the time of enforcement of this Act must make the initial appointment which they should make pursuant to the provisions of Article 44-3, paragraph (1) of the new Act.

Article 4 (1) With regard to the application of the provisions in Article 53, paragraph (3) and Article 68-2 of the new Act for the period from the date specified in Article 1, item (ii) of Supplementary Provisions until the day before the effective date, the term "Article 68-2 or Article 68-8, paragraph (3)" in Article 53, paragraph (3) is deemed to be replaced with "or Article 68-2", and the phrase "or Article 65 or Article 68-8, paragraph (3)" in Article 68-2 is deemed to be replaced with "or Article 65".

(2) With regard to the application of the provisions of Article 85-2, paragraph (1), Article 85-5, Article 174, paragraph (1) and Article 192, item (ii) of the new Act for the period from the date specified in Article 1, item (iii) of Supplementary Provisions until the day before the effective date, the term "implementation of training" in Article 85-2, paragraph (1) is deemed to be replaced with "implementation of training on the supervision of particulars related to installation, maintenance and operation of telecommunications facilities for the use of telecommunications business (hereinafter referred to in this Section, Article 174, paragraph (1) and Appended Table 1 as "training")", and the phrase "for Registered Training Agency" in Article 85-5 is deemed to be replaced with "for a person registered pursuant to the provisions in Article 85-2, paragraph (1) (hereinafter referred to as a "registered training agency")", the term "a person that intends to obtain registration under Article 68-3, paragraph (1) or registration of change under Article 68-6, paragraph (1), the person that intends to receive training provided by the Minister for Internal Affairs and Communications under Article 85-15, paragraph (1)" in Article 174, paragraph (1) is deemed to be replaced with "the person that intends to receive training provided by the Minister for Internal Affairs and Communications under Article 85-15, paragraph (1)", and the term "Article 68-6, paragraph (4), Article 68-10, paragraph (1), Article 85-6, paragraph (2)" in that item is deemed to be replaced with "Article 85-6, paragraph (2)".

(Review)

Article 5 (1) Except for what is specified in the following paragraph, when five years have passed since the enforcement of this Act, the government is to review the status of enforcement of the provisions of the new Act and take necessary measures based on the results of the review, if the government finds it necessary.

(2) When ten years have passed since the enforcement of this Act, the

government is to review the status of enforcement of the provisions in the new Act that are related to registered repairers (meaning registered repairers defined in Article 68-5 of the new Act) and take necessary measures based on the results of the review, if the government finds it necessary.

### **Supplementary Provisions [Act No.67 of June 13, 2014] [Extract]**

(Effective Date)

Article 1 This Act comes into effect as of the date of enforcement of the Act for the Partial Amendment of the Act on General Rules for Incorporated Administrative Agencies (Act No. 66 of 2014; hereinafter referred to as the "General Rules Revising Act"); provided, however, that the provisions set forth in the following items come into effect as of the date specified respectively in those items:

(i) the provisions of Article 14, paragraph (2), Article 18, and Article 30 of Supplementary Provisions: the date of promulgation.

(Effect of Decisions)

Article 28 Except for what is otherwise provided for in any law (including a Cabinet Order issued under a law), a disposition made or to be made, procedure carried out or to be carried out, and any other act taken or to be taken before the enforcement of this Act pursuant to the provisions of laws before being amended (including orders issued under them), for which laws amended by this Act (including orders issued thereunder; hereinafter referred to as "new laws" in this Article) include corresponding provisions, is deemed as a disposition made or to be made, procedure carried out or to be carried out, and other act taken or to be taken pursuant to the corresponding provisions of the new laws.

(Transitional Measures Concerning Penal Provisions)

Article 29 Prior laws continue to govern the application of penal provisions to acts undertaken before the enforcement of this Act, and to acts that are undertaken after the enforcement of this Act in a situation where prior laws are to remain in force pursuant to the provisions of these Supplementary Provisions.

(Delegation of Other Transitional Measures to Cabinet Order)

Article 30 Beyond what is provided for in Article 3 through the preceding Article of these Supplementary Provisions, transitional measures necessary to enforce this Act (including transitional measures concerning penal provisions) are specified by Cabinet Order (or by the Rules of the National Personnel

Authority for particulars governed by the National Personnel Authority).

**Supplementary Provisions [Act No.69 of June 13, 2014] [Extract]**

(Effective Date)

Article 1 This Act comes into effect as of the enforcement date of the Administrative Appeal Act (Act No. 68 of 2014).

(Principle of Transitional Measures)

Article 5 Unless otherwise provided for in these Supplementary Provisions, prior laws continue to govern appeals on a disposition or other act, or inaction of an administrative agency that are related to the administrative agency's disposition or other act made before the enforcement of this Act, or that are related to the administrative agency's inaction in relation to applications made before the enforcement of this Act.

(Transitional Measures Concerning Litigation)

Article 6 (1) Prior laws continue to govern the filing of actions concerning matters for which it is not deemed possible to file any action until a ruling, decision, or other act has been made by an administrative agency regarding appeals, and for which the period during which the filing of the relevant appeals should have been made has passed without those appeals being filed, before the enforcement of this Act (including matters for which the period to file has passed before the enforcement of this Act without any other appeals being filed, for cases in which the relevant appeals cannot be filed unless a ruling, decision or other act has been made by an administrative agency in relation to other appeals).

(2) Prior laws continue to govern the filing of actions to revoke an administrative action or other act for which an objection was filed pursuant to laws before being amended by this Act (including cases which prior laws govern pursuant to the provisions of the preceding Article) and for which it is not deemed possible to file an action for revocation until the ruling regarding request for administrative review has been made pursuant to laws amended by this Act.

(3) Prior laws continue to govern an action to revoke a ruling, decision or other act by an administrative agency regarding an appeal that was filed before enforcement of this Act.

(Transitional Measures Concerning Penal Provisions)

Article 9 Prior laws continue to govern the application of the penal provisions to any act undertaken before the enforcement of this Act, and to any act undertaken after the enforcement of this Act in a situation where prior laws



continue to govern pursuant to Article 5 and the preceding two Articles of these Supplementary Provisions.

(Delegation of Other Transitional Measures to Cabinet Order)

Article 10 Beyond what is provided for in Article 5 through the preceding Article of these Supplementary Provisions, transitional measures necessary for the enforcement of this Act (including transitional measures concerning penal provisions) are specified by Cabinet Order.

### **Supplementary Provisions [Act No.26 of May 22, 2015] [Extract]**

(Effective Date)

Article 1 This Act comes into effect as of the date specified by Cabinet Order within a period not exceeding one year from the date of promulgation; provided, however, that the provisions of the following Article and Article 8 of Supplementary Provisions come into effect as of the date of promulgation.

(Preparatory Actions)

Article 2 Before the enforcement of this Act (hereinafter referred to as the "effective date"), the Minister for Internal Affairs and Communications may consult the councils or other prescribed organizations as specified by Cabinet Order that are set forth in Article 169 of the Telecommunications Business Act before being amended by Article 1 (hereinafter referred to as the "former Telecommunications Business Act") for particulars set forth in item (i) below, and consult the Radio Regulatory Council for particulars set forth in items (ii) and (iii) below:

(i) designation of telecommunications facilities under Article 12-2, paragraph (4), item (ii), (b) or (d) of the Telecommunications Business Act amended by Article 1 (hereinafter referred to as the "new Telecommunications Business Act"); designation of telecommunications services under the items of Article 26, paragraph (1) of the new Telecommunications Business Act; designation of telecommunications carriers under Article 30, paragraph (3), item (ii); or establishment, amendment or repeal of the Order of the Ministry of Internal Affairs and Communications under Article 12-2, paragraph (4), item (ii), (b) or (d), Article 24, item (i), (c), Article 26, paragraph (1), Article 26-2, paragraph (1), Article 26-3, paragraph (1), the proviso of paragraph (3) of that Article, Article 27-2, item (ii), Article 30, paragraph (6), Article 34, paragraph (3), item (i), (a), (b) or (e), or item (ii), Article 38-2, Article 39-3, paragraph (3), the proviso of Article 50, paragraph (1), or Article 164, paragraph (2), item (i);

(ii) establishment, amendment or repeal of the Order of the Ministry of

Internal Affairs and Communications under Article 4, paragraph (2) of the Radio Act amended by Article 2 (hereinafter referred to as the "new Radio Act"); and

(iii) designation of services of paid broadcasting under the items of Article 150-3, paragraph (1) of the Broadcasting Act amended by Article 3 (hereinafter referred to as the "new Broadcasting Act"); or establishment, amendment, or repeal of Order of the Ministry of Internal Affairs and Communications under Article 150, Article 150-2, paragraph (1), Article 150-3, paragraph (1), the proviso of paragraph (4) of that Article, or Article 151-2, item (ii) of the new Broadcasting Act.

(Transitional Measures upon Partial Amendment of the Telecommunications Business Act)

Article 3 (1) The provisions of Article 12-2, paragraph (1) of the new

Telecommunications Business Act apply if any event specified in the items of that paragraph occurs on or after the effective date.

(2) With regard to the application of the provisions of Article 13, paragraph (1) of the new Telecommunications Business Act to the telecommunications business (meaning telecommunications business as defined in Article 2, item (4) of the new Telecommunications Business Act; the same applies to this Article) that at the time of enforcement of this Act the persons are actually conducting to provide the domain name telecommunications services (meaning domain name telecommunications services defined in Article 164, paragraph (2), item (i) of the new Telecommunications Business Act; the same applies to this Article) (limited to the persons that have obtained the registration under Article 9 of the former Telecommunications Business Act), the phrase "When any person that has obtained registration set forth in Article 9 intends to change any of the particulars set forth in item (ii) or (iii) of Article 10, paragraph (1), they must obtain registration of the change from the Minister for Internal Affairs and Communications;" is deemed to be replaced with "Any person that has obtained registration as set forth in Article 9 is to obtain registration of a change in any of the particulars set forth in item (ii) or (iii) of Article 10, paragraph (1) from the Minister for Internal Affairs and Communications within one month from the enforcement of the Act for Partial Amendment of the Telecommunications Business Act (Act No. 26 of 2015)".

(3) With regard to the application of the provisions of Article 16, paragraph (1) of the new Telecommunications Business Act to the telecommunications business that at the time of enforcement of this Act the persons are actually conducting to provide domain name telecommunications services (excluding persons that have obtained the registration under Article 9 of the former Telecommunications Business Act and persons that have filed a notification

under Article 16, paragraph (1) of the former Telecommunications Business Act), the phrase "by Order of the Ministry of Internal Affairs and Communications" is deemed to be replaced with "by Order of the Ministry of Internal Affairs and Communications, within one month from the date of enforcement of the Act for Partial Amendment of the Telecommunications Business Act (Act No. 26 of 2015)".

- (4) With regard to the application of the provisions of Article 16, paragraph (3) of the new Telecommunications Business Act to the telecommunications business that at the time of enforcement of this Act the persons are actually conducting to provide domain name telecommunications services (limited to the persons that have filed the notification under Article 16, paragraph (1) of the former Telecommunications Business Act), the phrase "When any person that has filed a notification as set forth in paragraph (1) intends to change any of the particulars set forth in item (ii) or (iii) of that paragraph, they are to notify the Minister for Internal Affairs and Communications to that effect;" is deemed to be replaced with "Any person that has filed a notification as set forth in paragraph (1) must obtain registration of a change in any of the particulars as set forth in item (ii) or (iii) of that paragraph, from the Minister for Internal Affairs and Communications within one month from the enforcement of the Act for Partial Amendment of the Telecommunications Business Act (Act No. 26 of 2015)".
- (5) The provisions of Article 24, item (i), (c) of the new Telecommunications Business Act apply to the keeping of accounts for the fiscal year commencing after the effective date.
- (6) The provisions of Article 26-2 and Article 26-3 of the new Telecommunications Business Act apply to the contracts concluded on or after the effective date in relation to the provision of telecommunications services (meaning telecommunications services defined in Article 2, item (iii) of the new Telecommunications Business Act).
- (7) With regard to the application of the provisions of Article 38-2 of the new Telecommunications Business Act related to telecommunications carriers (meaning telecommunications carriers defined in Article 2, item (v) of the amended Telecommunications Business Act) that install Category I designated telecommunications facilities defined in Article 33, paragraph (2) of the new Telecommunications Business Act or Category II designated telecommunications facilities defined in Article 34, paragraph (2) of that Act, and are conducting the operations involved in providing wholesale telecommunications services (meaning wholesale telecommunications services defined in Article 29, paragraph (1), item (x) of the new Telecommunications Business Act) at the time of the enforcement of this Act, by using the Category I or II designated telecommunications facilities, the phrase "when they

commence the provision of wholesale telecommunications services by using Category I or Category II designated telecommunications facilities," is deleted and the phrase "promptly thereof" is deemed to be replaced with "the fact that they are conducting the operations involved in providing wholesale telecommunications services by using said Category I or Category II designated telecommunications facilities, promptly after the enforcement of the Act for Partial Amendment of the Telecommunications Business Act (Act No. 26 of 2015)".

- (8) The provisions of Article 39-3, paragraph (3) of the new Telecommunications Business Act apply to the announcement of the account for the fiscal year commencing after the effective date.
- (9) With regard to application of the provisions of Article 44, paragraph (1) of the new Telecommunications Business Act to the persons that are actually conducting telecommunications business to provide domain name telecommunications services (excluding persons that are actually installing telecommunications facilities for the use of telecommunications business defined in Article 44, paragraph (1) of the former Telecommunications Business Act at the time of enforcement of this Act; the same applies in the following paragraph) at the time of enforcement of this Act, the phrase "before the commencement of the telecommunications business" in that paragraph is deemed to be replaced with "within three months from the enforcement of the Act for Partial Amendment of the Telecommunications Business Act (Act No. 26 of 2015)".
- (10) Within three months from the effective date, persons that are actually conducting telecommunications business to provide domain name telecommunications services at the time of enforcement of this Act must make the initial appointment which they should make pursuant to the provisions of Article 44-3, paragraph (1) or Article 45, paragraph (1) of the new Telecommunications Business Act.

(Effect of Dispositions)

Article 6 Except for what is otherwise provided for in these Supplementary Provisions, a disposition made, procedure carried out, or other act taken before the effective date pursuant to the provisions of respective laws before being amended, for which amended laws include corresponding provisions, is deemed to have been made, carried out, taken pursuant to the corresponding provisions in those amended laws.

(Transitional Measures Concerning Penal Provisions)

Article 7 Prior laws continue to govern the application of penal provisions to acts undertaken before the effective date.

(Delegation of Other Transitional Measures to Cabinet Order)

Article 8 Beyond what is provided for in Article 3 through the preceding Article of these Supplementary Provisions, any transitional measures necessary to enforce this Act (including transitional measures concerning penal provisions) are specified by Cabinet Order.

(Review)

Article 9 When three years have passed since enforcement of this Act, the government is to review the status of implementation of the provisions amended by this Act and take necessary measures based on the results of the review if the government finds it necessary.

### **Supplementary Provisions [Act No.27 of May 12, 2017] [Extract]**

(Effective Date)

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

- (i) the provisions in Article 1 to delete the heading of paragraph (15) of Supplementary Provisions of the Radio Act, add a heading in front of that paragraph, and add one paragraph after that paragraph; and the provisions of the following Article and Article 4 of Supplementary Provisions: date of promulgation

(Preparatory Actions)

Article 2 (2) Even before the effective date, the Minister for Internal Affairs and Communications may consult the councils or other prescribed organizations as specified by Cabinet Order that are set forth in Article 169 of the Telecommunications Business Act before being amended by Article 2 in order to establish, amend, or repeal Order of the Ministry of Internal Affairs and Communications under Article 87, paragraph (1), item (ii) of the Telecommunications Business Act amended by Article 2.

Article 4 Beyond what is provided for in the preceding Article, transitional measures necessary for the enforcement of this Act are specified by Cabinet Order.

### **Supplementary Provisions [Act No.41 of May 31, 2017] [Extract]**

(Effective Date)

Article 1 This Act comes into effect as of April 1, 2019; provided, however, that the provisions of the following Article and Article 48 of Supplementary Provisions come into effect as of the date of promulgation.

(Delegation to Cabinet Order)

Article 48 Beyond what is provided for in these Supplementary Provisions, transitional measures necessary for the enforcement of this Act are specified by Cabinet Order.

### **Supplementary Provisions [Act No.45 of June 2, 2017] [Extract]**

This Act comes into effect as of the date of the enforcement of the Act Amending the Civil Code; provided, however, that the provisions of Article 103-2, Article 103-3, Article 267-2, Article 267-3, and Article 362 of the Supplementary Provisions come into effect as of the date of promulgation.

### **Supplementary Provisions [Act No.24 of May 23, 2018] [Extract]**

(Effective Date)

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

(i) the provisions of the following Article and Article 5 of Supplementary Provisions: the date of promulgation

(ii) in Article 1, the provisions to amend the Table of Contents of the Telecommunications Business Act (limited to the amending part to change "Article 51" into "Article 49" and change "Subsection 2 Interconnection of Terminal Facilities (Article 52 to Article 73)" into "Subsection 2 Telecommunications Numbers (Article 50 to Article 51) Subsection 3 Interconnection of Terminal Facilities (Article 52 to Article 73)"), the provisions to amend Article 15 of that Act, the provisions to amend that Act by deleting Article 18, paragraph (3), the provisions to amend that Act by adding two Articles after Article 26-3, the provisions to amend Article 29, paragraph (2), item (ii) of that Act, the provisions to amend that Act by adding one Article after Article 33, the provisions to amend that Act by adding one Article after Article 34, the provisions to amend Chapter II, Section 4, Subsection 2 by changing that Subsection into Subsection 3 of that Section of that Act, the provisions to amend that Act by adding a Subsection title after Article 49 of that Act, the provisions to amend Article 50 of that

Act, the provisions to add 11 Articles after that Article, the provisions to amend Article 51 of that Act, the provisions to amend Article 161, paragraph (1) of that Act, the provisions to amend Article 164, paragraph (2), items (ii) and (iii) of that Act, the provisions to amend the proviso of Article 165, paragraph (2) of that Act, the provisions to amend Article 169, items (ii) and (iv) of that Act, the provisions to amend Article 170 of that Act, the provisions to amend Article 186 of that Act by adding two items, the provisions to amend Article 188, item (i) of that Act, and the provisions to amend Article 193, item (i) of that Act; and the provisions of Article 3 and Article 7 of Supplementary Provisions: date specified by Cabinet Order within a period not exceeding one year from the date of promulgation.

(Preparatory Actions)

Article 2 Before the effective date of the provisions listed in item (ii) of the preceding Article (hereinafter referred to as the "effective date in item (ii)" in paragraphs (1) and (2) of the following Article), the Minister for Internal Affairs and Communications may consult the councils or other prescribed organizations as specified by Cabinet Order that are set forth in Article 169 of the Telecommunications Business Act before being amended by Article 1 in order to prepare the telecommunications numbering plan under Article 50, paragraph (2) of the Telecommunications Business Act amended by Article 1 (hereinafter referred to as the "new Telecommunications Business Act") (meaning the telecommunications numbering plan specified in that paragraph), establish the standard telecommunications number usage plan under Article 50-2, paragraph (3) of the new Telecommunications Business Act (meaning the standard telecommunications number usage plan in that paragraph; hereinafter the same applies in paragraph (1) of the following Article), or establish, amend, or repeal Order of the Ministry of Internal Affairs and Communications under Article 26-4, Article 50-2, paragraph (1), item (iv), Article 50-4, item (iii), or Article 50-10 of the new Telecommunications Business Act.

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

Article 3 (1) Notwithstanding the provisions of Article 50, paragraph (1) and Article 50-2, paragraph (1) of the new Telecommunications Business Act, any telecommunications carrier (excluding those specified in the following paragraph) that is actually using telecommunications numbers (meaning telecommunications numbers specified in Article 50, paragraph (1) of the new Telecommunications Business Act; hereinafter the same applies in this Article) as of the time of enforcement of the provisions listed in Article 1, item (ii) of

Supplementary Provisions may continue using the telecommunications number within a period not exceeding six months from the effective date in item (ii) (or within the period up until when the approval referred to in paragraph (1) of that Article is deemed to have been received pursuant to paragraph (3) of that Article, if the relevant telecommunications carrier creates the same telecommunications number usage plan as the standard telecommunications number usage plan (meaning the telecommunications number usage plan specified in that paragraph) within the relevant period not exceeding six months from the effective date in item (ii)), in accordance with prior laws. If the relevant telecommunications carrier applied for the approval in that paragraph within that period and this period has passed, the same applies until there is a disposition of approval of the relevant application or disposition of refusal of its approval.

(2) Notwithstanding the provisions of Article 50, paragraph (1) and Article 50-2, paragraph (1) of the new Telecommunications Business Act, any telecommunications carrier that is actually using a telecommunications number (limited to those actually carrying out number assignment (meaning number assignment specified in Article 50-2, paragraph (1), item (ii) of the new Telecommunications Business Act; hereinafter the same applies in this paragraph) as of the time of enforcement of the provisions listed in that item) as of the time of enforcement of the provisions listed in Article 1, item (ii) of the Supplementary Provisions may continue using the telecommunications number (including continuation of number assignment in accordance with prior laws) within a period not exceeding six months from the effective date in item (ii), in accordance with prior laws. If the relevant telecommunications carrier applies for the approval in paragraph (1) of that Article as applied pursuant to the following paragraph following the deemed replacement of terms (including the designation set forth in that paragraph; hereinafter the same applies in this paragraph) within that period, and this period has passed, the same applies until there is a disposition of approval of the relevant application or a disposition of refusal of its approval.

(3) With regard to application of the provisions of Article 50-2, paragraph (1) of the new Telecommunications Business Act to the telecommunications carrier specified in the preceding paragraph, the phrase "the user facility identification numbers that are to be assigned (this assignment means assigning unused user facility identification numbers to a user's terminal facility; the same applies in this item) and particulars listed below, if those numbers are assigned" is deemed to be replaced with "the user facility identification numbers that are to be assigned (including user facility identification numbers that were assigned before the date of enforcement of the provisions listed in Article 1, item (ii) of the Supplementary Provisions of the



Act Partially Amending the Telecommunications Business Act and Act on the National Institute of Information and Communications Technology, Independent Administrative Agency (Act No. 24 of 2018); and user facility identification numbers that were assigned after the same date in accordance with prior laws, pursuant to Article 3, paragraph (2) of the Supplementary Provisions of that Act) (this assignment means assigning an unused user facility identification number to a user's terminal facility; the same applies in this item) and particulars listed below, if those numbers are assigned (including cases in which numbers are actually being assigned as of the time of enforcement of the provisions listed in Article 1, item (ii) of the Supplementary Provisions of that Act)".

- (4) With regard to application of the provisions of Article 51 of the new Telecommunications Business Act to a telecommunications carrier that may continue using telecommunications numbers pursuant to paragraph (1) or (2) in accordance with prior laws, the term "approved telecommunications number usage plan of the relevant telecommunications carrier" is deemed to be replaced with "provisions in Article 3, paragraph (1) or (2) of the Supplementary Provisions of the Act Partially Amending the Telecommunications Business Act and Act on the National Institute of Information and Communications Technology, Independent Administrative Agency (Act No. 24 of 2018)", the term "relevant approved telecommunications number usage plan" is deemed to be replaced with "relevant provisions", and the term "order to change the relevant approved telecommunications number usage plan" is deemed to be replaced with "to prohibit its use".

(Transitional Measures Concerning Penal Provisions)

Article 4 Prior laws continue to govern the application of penal provisions to acts undertaken before the enforcement of this Act (or for the provisions listed in Article 1, item (ii) of Supplementary Provisions, before the enforcement of the relevant provisions).

(Delegation of Other Transitional Measures to Cabinet Order)

Article 5 Beyond what is provided for in the preceding two Articles, transitional measures necessary for the enforcement of this Act are specified by Cabinet Order.

(Review)

Article 6 When three years have passed since the date of enforcement of this Act, the government is to review the status of implementation of the provisions of the new Telecommunications Business Act and new Agency Act and take necessary measures based on the results of the review, if the government finds

it necessary.

### **Supplementary Provisions [Act No.95 of December 14, 2018] [Extract]**

(Effective Date)

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

- (i) the provisions of the following Article through Article 7 of Supplementary Provisions, and Article 14, Article 15, paragraphs (1) and (3), Article 16, Article 31, and Article 33, paragraph (1) of Supplementary Provisions: date of promulgation (referred to as "promulgation date" in Article 14 and Article 15, paragraph (3) of Supplementary Provisions);
- (ii) the provisions of Article 2, and the provisions of Article 17 and Article 75 of the Supplementary Provisions: April 1, 2019.

(Partial Amendment of the Telecommunications Business Act)

Article 57 The Telecommunications Business Act (Act No. 86 of 1984) is to be partially amended as follows:

In Article 140, paragraph (1), "Article 136" is to be amended to "Article 183"; and in paragraph (3) of that Article, "Article 11, paragraph (6)" is to be amended to "Article 66", "in paragraph (6) of that Article" is to be amended to "in that Article", and "any of the following items" is to be amended to "item (ii)".

In Article 141, paragraph (5), "Article 136" is to be amended to "Article 183"; and in paragraph (6) of that Article, "Article 11, paragraph (6)" is to be amended to "Article 93, paragraph (4)", and "paragraph (6) of that Article" is to be amended to "paragraph (4) of that Article".

In Article 142, paragraph (2), "Article 39, paragraphs (7) through (12)" is to be amended to "Article 177, paragraph (2), first sentence of paragraph (3), paragraphs (4), (5), (11), and (12)"; in paragraphs (10) and (11) of that Article, "prefecture" is to be amended to "approved telecommunications carrier"; in paragraph (2) of that Article, "each item of that paragraph" is to be amended to "that paragraph"; in the first sentence of paragraph (3) of that Article, "Minister of Agriculture, Forestry and Fisheries" is to be amended to "Governor hears the opinions of the Sea-area Fisheries Adjustment Commission"; in paragraph (5) of that Article, "the national government" is to be amended to "approved telecommunications carrier"; in paragraph (11) of that Article, "land in paragraph (1), item (2) or (3)" is to be amended to "fishery right specified in Article 141, paragraph (5) of the Telecommunications Business Act (limited to fishery rights revoked pursuant to the provisions of that paragraph)" and "the

national government" is to be amended to "approved telecommunications carrier"; in paragraphs (11) and (12) of that Article, "person qualified" is to be amended to "person qualified (limited to registered lien holder)".

### **Supplementary Provisions [Act No.5 of May 17, 2019] [Extract]**

(Effective Date)

Article 1 This Act comes into effect as of the date specified by Cabinet Order within a period not exceeding six months from the date of promulgation; provided, however, that the provisions in the following Article and Article 5 of Supplementary Provisions come into effect as of the date of promulgation.

(Preparatory Actions)

Article 2 (1) Even before the date of enforcement of this Act (hereinafter referred to as the "effective date"), the Minister for Internal Affairs and Communications may consult the councils or other prescribed organizations as specified by Cabinet Order that are set forth in Article 169 of the Telecommunications Business Act before being amended by this Act (referred to as "the former Act" in paragraph (1) of the following Article), in order to establish, amend, or repeal Order of the Ministry of Internal Affairs and Communications under Article 27-2, item (ii) or (iv) or Article 27-3 of the Telecommunications Business Act amended by this Act (hereinafter referred to as the "new Act" in this Article and paragraph (2) of the following Article) (including cases in which these provisions (excluding item(i) of that Article) are applied mutatis mutandis pursuant to Article 73-3 of the new Act).

(2) Even before the effective date, as set forth in Article 27-3, paragraph (1) and Article 169 of the new Act, the Minister for Internal Affairs and Communications may designate mobile telecommunications services under that paragraph (meaning mobile telecommunications services specified in that paragraph) or designate a telecommunications carrier. In this case, the designations become effective on the effective date.

(Transitional Measures)

Article 3 (1) Prior laws continue to govern the application of provisions in Article 26-3, paragraph (1) of the former Act, if a person entrusted with intermediation or other similar actions as specified in the Article 26, paragraph (1) of the former Act commits an act specified in Article 26-3, paragraph (1) of the former Act before the effective date.

(2) Notwithstanding the provisions of Article 73-2, paragraph (1) of the new Act, a person actually conducting intermediation or other similar actions for concluding a contract related to provision of telecommunications services listed

in the items of Article 26, paragraph (1) in the new Act (meaning intermediation or other similar actions as specified in Article 27-4 of the new Act; hereinafter the same applies in this paragraph) upon being entrusted by a telecommunications carrier or person entrusted with intermediation or other similar actions as specified in Article 27-4 of the new Act as of the time of enforcement of this Act (hereinafter referred to as a "person entrusted with intermediation or other similar actions as of the time of enforcement" in this paragraph) may continue conducting the intermediation or other similar actions in question within a period not exceeding three months from the effective date (or, if the person entrusted with intermediation or other similar actions as of the time of enforcement files the notification set forth in Article 73-2, paragraph (1) of the new Act before the date on which three months have passed since the effective date, within a period up until the date when the relevant notification is filed). In this case, the relevant person entrusted with intermediation or other similar actions as of the time of enforcement is deemed to be the person entrusted with intermediation or other similar actions that conducts notification as specified in Article 73-2, paragraph (2) of the new Act, and the provisions of Article 26-3 and Article 27-3, paragraph (2) (limited to parts concerning item (ii)) of the new Act, Article 26, Article 27-2 and Article 27-3, paragraph (2) of the new Act as applied mutatis mutandis pursuant to Article 73-3 of the new Act, and Article 73-4 and Article 186 (limited to parts concerning item (iii)) of the new Act are applied.

(Transitional Measures Concerning Penal Provisions)

Article 4 Prior laws continue to govern the application of penal provisions to acts undertaken before the effective date.

(Delegation of Other Transitional Measures to Cabinet Order)

Article 5 Beyond what is provided for in the preceding two Articles, transitional measures necessary for the enforcement of this Act (including transitional measures concerning penal provisions) are specified by Cabinet Order.

(Review)

Article 6 When three years have passed since enforcement of this Act, the government is to review the status of implementation of the provisions amended by this Act and take necessary measures based on the results of the review, if the government finds it necessary,.

### **Supplementary Provisions [Act No.30 of May 22, 2020] [Extract]**

(Effective Date)

Article 1 This Act comes into effect as of the date specified by Cabinet Order within a period not exceeding one year from the date of promulgation; provided, however, that the provisions of Article 1, and the provisions of the following Article and Article 4 of Supplementary Provisions come into effect as of the date of promulgation.

(Preparatory Actions)

Article 2 Even before the date of enforcement of this Act, the Minister for Internal Affairs and Communications may consult the councils or other prescribed organizations as specified by Cabinet Order that are set forth in Article 169 of the Telecommunications Business Act before being amended by Article 2, in order to establish, amend, or repeal Order of the Ministry of Internal Affairs and Communications under Article 41, paragraph (3) of the Telecommunications Business Act amended by Article 2 (hereinafter referred to as the "new Telecommunications Business Act" in the following Article).

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

Article 3 (1) Any person that has actually obtained the registration set forth in Article 9 of the Telecommunications Business Act, or has actually made the notification under Article 16, paragraph (1) of the Telecommunications Business Act before being amended by Article 2 as of the time of enforcement of this Act, and that is a foreign corporation, organization, or individual (meaning a foreign corporation, organization, or individual specified in Article 10, paragraph (1), item (ii) of the new Telecommunications Business Act) is deemed to have changed the particulars listed in that item or in Article 16, paragraph (1), item (ii) of the new Telecommunications Business Act on the date of enforcement of this Act, and the provisions of Article 13, paragraph (4) or Article 16, paragraph (2) of the new Telecommunications Business Act apply.

(2) With regard to application of the provisions of the new Telecommunications Act in the left column of the table below regarding the eligible telecommunications carrier that has been actually designated pursuant to Article 108, paragraph (1) of the Telecommunications Business Act as of the time of enforcement of this Act, the terms in its middle column that are used in these provisions of the new Telecommunications Act are deemed to be replaced with the terms in its right column.

Article 42, paragraph (1) as applied mutatis mutandis pursuant to paragraph (5) of that Article following the deemed replacement of terms	intends to start using the telecommunications facilities set forth in Article 41, paragraph (3), it	specified in Article 41, paragraph (3) within a period not exceeding three months from the date of enforcement of the Act Partially Amending the Telecommunications Business Act and Act on Nippon Telegraph and Telephone Corporation, etc. (Act No. 30 of 2020; referred to as "2020 Amendment Act" in Article 44, paragraph (1))
Article 42, paragraph (3) as applied mutatis mutandis pursuant to paragraph (5) of that Article	or	without delay, if confirmed pursuant to
	respectively in those paragraphs	in that paragraph
Article 44, paragraph (1)	prior to the commencement of its telecommunications business	within a period not exceeding three months from the date of enforcement of the 2020 Amendment Act

(Delegation of Other Transitional Measures to Cabinet Order)

Article 4 Beyond what is provided for in the preceding Article, transitional measures necessary for the enforcement of this Act are specified by Cabinet Order.

(Review)

Article 5 When three years have passed since enforcement of this Act, the government is to review the status of implementation of the provisions amended by this Act and take necessary measures based on the results of the review, if the government finds it necessary.

#### **Supplementary Provisions [Act No.75 of June 16, 2021] [Extract]**

(Effective Date)

(1) This Act comes into effect after twenty days from the date of promulgation.

#### **Supplementary Provisions [Act No.68 of June 17, 2022] [Extract]**

(Effective Date)

- (1) This Act comes into effect as from the date of enforcement of the Act Partially Amending the Penal Code and Related Acts; provided, however, that the provisions of the following items come into effect as of the date prescribed in the items:
- (i) the provisions of Article 509: date of promulgation

### **Supplementary Provisions [Act No.70 of June 17, 2022] [Extract]**

(Effective Date)

- Article 1 This Act comes into effect as of the date specified by Cabinet Order within a period not exceeding one year from the date of promulgation; provided, however, that the provisions set forth in the following items come into effect as of the date prescribed in the items:
- (i) the provisions of the following Article and Article 5 of the Supplementary Provisions: date of promulgation;
  - (ii) the provisions to amend Article 73-2: the date specified by Cabinet Order within a period not exceeding three months from the date of promulgation.

(Preparatory Actions)

- Article 2 (1) Even before the date of enforcement of this Act (hereinafter in this Article and the following Article referred to as the "effective date"), regarding the Telecommunications Business Act amended by this Act (hereinafter referred to as the "new Act"), the Minister for Internal Affairs and Communications may consult the councils or other prescribed organizations as specified by Cabinet Order that are set forth in Article 169 of the Telecommunications Business Act before being amended by this Act (hereinafter referred to as the "former Act" in the following paragraph, and paragraph (3) of the following Article), in order to establish, amend, or repeal a Cabinet Order pursuant to the provisions of Article 2, item (vii), (a), Article 7, item (ii), Article 27-5, Article 33, paragraph (1), Article 38-2, paragraph (2) or (3), Article 107, item (ii), Article 110-2, paragraph (1) or (2), Article 110-3, paragraph (1), item (i), Article 110-4, paragraph (1), (3), or (4), or Article 110-5, paragraph (1) of the new Act, pursuant to the provisions of Article 110, paragraph (2) of the new Act as applied mutatis mutandis pursuant to paragraph (2) of that Article, or pursuant to the provisions of Article 164, paragraph (2), item (iv) or (v) of the new Act, or in order to establish, amend, or repeal Order of the Ministry of Internal Affairs and Communications pursuant to the provisions of Article 110-5, paragraph (1) of the new Act.
- (2) Even before the effective date, the universal telecommunications services support institution (meaning the universal telecommunications service support

institution prescribed in Article 106 of the former Act; the same applies in paragraph (4)) may file an application for authorization referred to in Article 79, paragraph (1) of the new Act as applied mutatis mutandis pursuant to Article 116, paragraph (1) of the new Act, in accordance with Article 79, paragraph (1) of the new Act, with regard to the support operations rules (limited to the part relating to matters concerning the implementation of the operations listed in Article 107, item (ii) of the new Act (including operations incidental to them)).

- (3) If an application for authorization under the preceding paragraph has been filed, the Minister may grant that authorization pursuant to the provisions of Article 79, paragraph (1) of the new Act as applied mutatis mutandis pursuant to Article 116, paragraph (1) of the new Act, even before the effective date. In this case, the support operations rules for which that authorization has been granted are deemed to have been authorized pursuant to the provisions of that paragraph on the effective date.
- (4) Even before the effective date, a universal telecommunications services support institution may apply for authorization referred to in Article 80, paragraph (1) of the new Act as applied mutatis mutandis pursuant to Article 116, paragraph (1) of the new Act in accordance with that paragraph, with respect to its business plan and income and expenditure budget (limited to the part relating to the operations listed in Article 107, item (ii) of the new Act (including operations incidental to them)).
- (5) If an application for authorization under the preceding paragraph has been filed, the Minister for Internal Affairs and Communications may grant that authorization in accordance with the provisions of Article 80, paragraph (1) of the new Act as applied mutatis mutandis pursuant to Article 116, paragraph (1) of the new Act, even before the effective date. In this case, the authorized business plan and income and expenditure budget is deemed to have been approved pursuant to the provisions of Article 80, paragraph (1) of the new Act on the effective date.

#### (Transitional Measures)

Article 3 (1) With respect to the contract conditions to be notified to the Minister for Internal Affairs and Communications pursuant to the provisions of Article 19, paragraph (1) of the new Act for the first time on and after the effective date of this Act by telecommunications carriers that are actually providing item (ii) universal telecommunications service prescribed in Article 7, item (ii) of the new Act at the time of the enforcement of this Act, the phrase "The telecommunications carrier must notify the Minister for Internal Affairs and Communications prior to the implementation. The same applies when the telecommunications carrier intends to change it" in that paragraph are deemed



to be replaced with "must notify the Minister within six months from the date of enforcement of the Act Partially Amending the Telecommunications Business Act (Act No. 70 of 2022)".

(2) In the case of the preceding paragraph, the term "preceding paragraph" in Article 19, paragraph (2) of the new Act is deemed to be replaced with "preceding paragraph (including as applied pursuant to the provisions of Article 3, paragraph (1) of the Supplementary Provisions of the Act Partially Amending the Telecommunications Business Act (Act No. 70 of 2022); the same applies hereinafter)".

(3) Prior laws continue to govern the accounting under Article 24 of the former Act (limited to the part relating to item (i), (a)) for the fiscal year that ended before the effective date.

(Transitional Measures Concerning the Application of Penal Provisions)

Article 4 Prior laws continue to govern the application of penal provisions to any act undertaken before the enforcement of this Act and to any act undertaken after the enforcement of this Act in a situation that prior laws continue to govern pursuant to paragraph (3) of the preceding Article.

(Delegation of Other Transitional Measures to Cabinet Order)

Article 5 Beyond what is provided for in the preceding three Articles, transitional measures necessary for the enforcement of this Act are specified by Cabinet Order.

(Review)

Article 6 When three years have passed since the enforcement of this Act, the government is to review the status of enforcement of the provisions amended by this Act, and take necessary measures based on the results of the review, if the government finds it necessary.

Appended Table 1 (Re: Article 85-2 and Article 85-3)

Training	Subject	Instructor
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<p>(i) Regular training of the chief telecommunications engineer pertaining to transmission and switching technology</p>	<p>(a) Subjects pertaining to transmission and switching facilities and their management</p>	<p>(1) A person with experience totaling one year or more in engaging in supervisory matters related to installation, maintenance or operation of telecommunications facilities for the use of telecommunications business as a chief telecommunications engineer of transmission and switching technology</p> <p>(2) A person who currently serves or has served in the past as a professor or associate professor teaching electrotechnology or communication engineering in a university (excluding junior college; the same applies in this table) defined under the School Education Act (Act No. 26 of 1947)</p> <p>(3) A person who has knowledge and experience equivalent to or higher than the person specified in (1) or (2) above</p>
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	<p>(b) Subjects pertaining to the Telecommunications Business Act and other relevant laws</p>	<p>(1) A person with experience totaling one year or more in engaging in supervisory matters related to installation, maintenance or operation of telecommunications facilities for the use of telecommunications business as a chief telecommunications engineer of transmission and switching technology</p> <p>(2) A person who currently serves or has served in the past as a professor or associate professor teaching administrative jurisprudence in a university defined under the School Education Act</p> <p>(3) A person who has knowledge and experience equivalent to or higher than the person specified in (1) or (2) above</p>
<p>(ii) Regular training of the chief telecommunications engineer pertaining to transmission line technology</p>	<p>(a) Subjects pertaining to transmission line facilities and their management</p>	<p>(1) A person with experience totaling one year or more in engaging in supervisory matters related to installation, maintenance or operation of telecommunications facilities for the use of telecommunications business as a chief telecommunications engineer of transmission line technology</p>

		<p>(2) A person who currently serves or has served in the past as a professor or associate professor teaching electrotechnology or communication engineering in a university defined under the School Education Act</p> <p>(3) A person who has knowledge and experience equivalent to or higher than the person specified in (1) or (2) above</p>
	<p>(b) Subjects pertaining to the Telecommunications Business Act and other relevant laws</p>	<p>(1) A person with experience totaling one year or more in engaging in supervisory matters related to installation, maintenance or operation of telecommunications facilities for the use of telecommunications business as a chief telecommunications engineer of transmission line technology</p> <p>(2) A person who currently serves or has served in the past as a professor or associate professor teaching administrative jurisprudence in a university defined under the School Education Act</p> <p>(3) A person who has knowledge and experience equivalent to or higher than the person specified in (1) or (2) above</p>

Appended Table 2 (Re: Article 87 and Article 91)

- (i) a person that has graduated from a university (excluding junior college; the same applies to item (iii)) under the School Education Act or a university under the former University Order (Imperial Order No. 388 of 1918) after completing a course in electrical engineering or communications engineering, or a person that has obtained a chief telecommunications engineer's license and has experience of being engaged in the operations for technical standards conformity approval or certification of design, or for testing, adjustment or maintenance of terminal equipment for one year or more (hereinafter referred to as "operational experience");
- (ii) a person that has graduated from a junior college (including the first half of a professional university course under the School Education Act) or college of technology under the School Education Act or from a college under the former Technical College Order (Imperial Order No. 61 of 1903) (or in cases of the first half of a professional university course under the School Education Act, a person that has completed the first half of that course) after completing a course in electrical engineering or communications engineering, and has operational experience of three years or more;
- (iii) a person that has graduated from a foreign educational establishment corresponding to a university under the School Education Act after completing a course in electrical engineering or communications engineering and has operational experience of one year or more;
- (iv) a person that has graduated from a foreign educational establishment corresponding to a junior college or college of technology under the School Education Act after completing a course in electrical engineering or communications engineering and has operational experience of three years or more.

Appended Table 3 (Re: Article 87)

- (i) Voltmeter/ammeter
- (ii) Oscilloscope
- (iii) Impedance analyzer
- (iv) Megohmmeter
- (v) Optical power meter
- (vi) Level meter
- (vii) Spectrum analyzer
- (viii) Protocol analyzer
- (ix) Oscillator