

# **Radio Act (2022/2023 amendments (including amendments that are not yet in effect))**

(Act No. 131 of May 2, 1950)

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## **Chapter I General Provisions**

(Purpose)

Article 1 The purpose of this Act is to ensure the fair and efficient use of radio

waves in order to enhance public welfare.

(Definitions)

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

- (i) "radio waves" means electronic or magnetic waves of frequencies not exceeding 3,000,000 MHz.
- (ii) "radiotelegraphy" means communication equipment devoted to transmitting or receiving codes utilizing radio waves.
- (iii) "radiotelephony" means communication equipment devoted to transmitting or receiving speech and other sounds utilizing radio waves.
- (iv) "radio equipment" means radiotelegraphy, radiotelephony, or any other electric equipment used for transmitting or receiving radio waves.
- (v) "radio station" means the combination of radio equipment and the persons operating it. It does not include those used solely for reception.
- (vi) "radio operator" means a person who operates radio equipment or supervises that operation, and holds a relevant license granted by the Minister of Internal Affairs and Communications.

(Conventions Covering Radio Waves)

Article 3 The provisions of any convention on radio waves supersede those of this Act.

## **Chapter II Licenses for Radio Stations**

### **Section 1 Licenses for Radio Stations**

(Establishment of Radio Stations)

Article 4 A person that intends to establish a radio station must obtain a license from the Minister of Internal Affairs and Communications; provided, however, that this does not apply to the following radio stations:

- (i) radio stations that operate with extremely weak radio waves and are specified by Order of the Ministry of Internal Affairs and Communications;
- (ii) radio stations that operate at a frequency range of 26.9 to 27.2 MHz with antenna power of 0.5 watts or less and are specified by Order of the Ministry of Internal Affairs and Communications, and which exclusively use radio equipment with markings attached to them as prescribed in Article 38-7, paragraph (1) (including as applied mutatis mutandis pursuant to Article 38-31, paragraph (4)), Article 38-26 (including as applied mutatis mutandis pursuant to Article 38-31, paragraph (6)), Article 38-35, or Article 38-44, paragraph (3) (referred to below as "radio equipment labelled as conforming with technical regulations"; except stations deemed as having no mark

prescribed in Article 38-23, paragraph (1) (including as applied *mutatis mutandis* pursuant to Article 38-29, Article 38-31, paragraphs (4) and (6), and Article 38-38));

- (iii) radio stations with antenna power of 1 watt or less as specified by Order of the Ministry of Internal Affairs and Communications, which are equipped with the functions of automatically transmitting or receiving call signs or call names designated pursuant to the provisions of Article 4-3 and other functions specified by Order of the Ministry of Internal Affairs and Communications and can thereby operate without causing interference or obstruction that impairs the operation of other radio stations, and which exclusively use radio equipment labelled as conforming with technical regulations; and
- (iv) radio stations established by obtaining the registration prescribed in Article 27-21, paragraph (1) (referred to below as a "registered station").

Article 4-2 (1) If a person entering Japan intends to establish a radio station (from among the radio stations specified by Order of the Ministry of Internal Affairs and Communications referred to in item (iii) of the preceding Article, limited to those which are specified by Order of the Ministry of Internal Affairs and Communications in consideration of conditions such as usage and frequency) using radio equipment which the person brings into Japan (limited to that which conforms to the technical regulations designated by the Minister of Internal Affairs and Communications as those corresponding to the technical regulations prescribed in the following Chapter), the radio equipment, even if it is not radio equipment labelled as conforming with technical regulations, is deemed to be radio equipment labelled as conforming with technical regulations regarding the application of the provisions of item (iii) of the preceding Article, only during the period from the day of the person's entry to Japan until the day on which a period specified by Order of the Ministry of Internal Affairs and Communications not exceeding ninety days from that day elapses. In this case, the provisions of the following Chapter do not apply to the radio equipment.

- (2) A person that intends to establish an experimental radio station (referring to a radio station used exclusively for experimentation aimed at scientific or technological development, for tests on the efficiency of radio spectrum utilization, or for surveying the demand for radio spectrum utilization; the same applies below) (from among the radio stations as specified by Order of the Ministry of Internal Affairs and Communications referred to in item (iii) of the preceding Article, limited to those which are specified by Order of the Ministry of Internal Affairs and Communications, in consideration of conditions such as usage and frequency) using radio equipment which conforms to the technical

regulations designated by the Minister of Internal Affairs and Communications as those corresponding to the technical regulations prescribed in the following Chapter, may notify the Minister of Internal Affairs and Communications of the following matters, pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications; provided, however, that this does not apply to a person that has previously made notification under the provisions of this paragraph (limited to a notification whose matters specified in items (ii) and (iii) are the same):

- (i) name and address of the person, and if the person is a corporation; name of the representative;
- (ii) purpose of the experimentation, tests, or survey;
- (iii) standards of the radio equipment;
- (iv) location of the radio equipment (in the case of a mobile radio station; its operating area);
- (v) expected date of commencement of operations; and
- (vi) other matters specified by Order of the Ministry of Internal Affairs and Communications.

(3) If a notification under the provisions of the preceding paragraph has been made, the radio equipment referred to in that paragraph used for the experimental radio station referred to that paragraph, even if it is not radio equipment labelled as conforming with technical regulations, is considered to be radio equipment labelled as conforming with technical regulations, and regarding the application of the provisions of item (iii) of the preceding Article, only during the period from the day of the notification until the day on which a period specified by Order of the Ministry of Internal Affairs and Communications not exceeding one hundred and eighty days from that day elapses or the day on which the experimental radio station is discontinued, whichever is earlier. In this case, the provisions of the following Chapter are not applied to the radio equipment, and regarding the application of the provisions of Article 82, the term "cause" in paragraph (1) of that Article is deemed to be replaced with "cause or are likely to cause", the phrase "the person who owns or possesses the equipment" in that paragraph is deemed to be replaced with "the person that has made notification under the provisions of Article 4-2, paragraph (2)", the term "eliminate" in that paragraph is deemed to be replaced with "eliminate or prevent the occurrence of", and the term "the preceding paragraph" in paragraphs (2) and (3) of that Article is deemed to be replaced with "the preceding paragraph, as applied mutatis mutandis pursuant to Article 4-2, paragraph (3) following the deemed replacement of terms".

(4) If there has been any change in the matters stated in paragraph (2), item (i), the person that has made notification under that paragraph must notify the Minister of Internal Affairs and Communications to that effect without delay,

and if the person that has made notification under that paragraph intends to make a change (except for a minor change specified by Order of the Ministry of Internal Affairs and Communications) to any of the matters stated in items (iv) through (vi) of that paragraph, the person must notify the Minister of Internal Affairs and Communications to that effect in advance, pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications.

- (5) The provisions of Article 38-20 and Article 38-21, paragraph (1) apply mutatis mutandis to a person that has made a notification under the provisions of paragraph (2) and the radio equipment subject to the notification, and the provisions of Article 78 apply mutatis mutandis to a case in which the person that has made the notification discontinues the experimental radio station subject to the notification. In this case, the phrase "that was the licensee or registrant" in that Article is deemed to be replaced with "that has made notification under the provisions of Article 4-2, paragraph (2)".ff
- (6) If a person that has made notification under the provisions of paragraph (2) discontinues the experimental radio station subject to the notification, the person must notify the Minister of Internal Affairs and Communications to that effect without delay.
- (7) The designation of technical regulations under the provisions of paragraphs (1) and (2) must be made by issuing a public notice.

#### (Designation of Call Signs or Call Names)

Article 4-3 If an application is submitted by a person who seeks the designation of a call sign or a call name of a radio station in relation to the radio equipment used for a radio station stated in Article 4, item (iii) or (iv), the Minister of Internal Affairs and Communications designates such a call sign or a call name, pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications.

#### (Grounds for Disqualification)

Article 5 (1) Radio station licenses will not be granted to any of the following persons:

- (i) a person who does not have Japanese nationality;
- (ii) a foreign government or its representative;
- (iii) a foreign corporation or organization;
- (iv) a corporation or organization, which is represented by a person stated in the preceding three items, or one third or more officers who constitute those persons, or one third or more voting rights of which are made up of the aggregate of voting rights held by those persons.

(2) The provisions of the preceding paragraph do not apply to the following radio stations:

- (i) experimental radio stations;
  - (ii) amateur radio stations (referring to radio stations established for conducting radio communications as a hobby; the same applies below);
  - (iii) radio stations on ships (referring to radio stations established on ships (except experimental radio stations and amateur radio stations), for which the purpose is anything other than conducting telecommunications services (referring to telecommunications services prescribed in Article 2, item (vi) of the Telecommunications Business Act (Act No. 86 of 1984); the same applies below); the same applies below);
  - (iv) radio stations on aircraft (referring to radio stations established on aircraft (except experimental radio stations and amateur radio stations) for which the purpose is anything other than conducting telecommunications services; the same applies below);
  - (v) radio stations transmitting radio communications between specific fixed points (except experimental radio stations, amateur radio stations, radio stations which are established for the purpose of official service in an embassy, legation, or consulate and radio stations whose purpose is to conduct telecommunications services);
  - (vi) radio stations (exclusively used for radio communications services between specific fixed points) which are established for the purpose of official service, in an embassy, legation, or consulate, and which are established by the government of a country or its representative that permits the Government of Japan or its representative to establish radio stations of a similar kind within the territory of that country;
  - (vii) radio stations that are established on vehicles which can travel over land such as automobiles, or established for portable use, or fixed radio stations (except those used for the purpose of conducting telecommunications services) established on land for the purpose of communicating with those mobile radio stations or receiving equipment for portable use;
  - (viii) radio stations established for the purpose of conducting telecommunications services; and
  - (ix) radio stations established on land for the purpose of controlling factors such as the position and attitude of an artificial satellites equipped with radio station equipment, for the purpose of conducting telecommunications services.
- (3) A radio station license may be refused to be granted to a person who falls under any of the following items:
- (i) a person who has been subject to a fine or more severe penalty for a crime prescribed in this Act or the Broadcasting Act (Act No. 132 of 1950), and two years have not yet passed since the day the person's sentence or suspended sentence was served;

- (ii) a person whose radio station license was revoked pursuant to the provisions of Article 75, paragraph (1) or Article 76, paragraph (4) (except item (iv)), or paragraph (5) (except item (v)), and two years have not yet passed since the day of revocation;
  - (iii) a person whose approval was revoked pursuant to the provisions of Article 27-16, paragraph (1) (except item (i)) or paragraph (6) (except items (iv) and (v)), and two years have not yet passed since the day of revocation; or
  - (iv) a person whose registration of Article 27-21, paragraph (1) was revoked pursuant to the provisions of Article 76, paragraph (6) (except item (iii)), and two years have not yet passed since the day of revocation.
- (4) Regarding radio stations that transmit radio communications to be received directly by the general public (referred to below as "broadcasting", except in Article 99-2) and use the radio frequencies stated in Article 26, paragraph (2), item (v), (a) (referred to as the "frequencies assignable to basic broadcasting" in Article 7, paragraphs (3) and (4)) (this broadcasting is referred to below as "basic broadcasting") (except radio stations that conduct relay broadcasting for preventing reception interference, basic satellite broadcasting (referring to the "basic satellite broadcasting" prescribed in Article 2, item (xiii) of the Broadcasting Act; the same applies in paragraph (2), item (ix), (a) of the following Article and Article 80-2), and basic terrestrial broadcasting for mobile reception (referring to the basic terrestrial broadcasting for mobile reception prescribed in Article 2, item (xiv) of that Act; the same applies below)), notwithstanding the provisions of paragraph (1) and the preceding paragraph, a radio station license will not be granted to a person that falls under any of the following items (except item (iii) in relation to radio stations that transmit community broadcasting (referring to the community broadcasting prescribed in Article 93, paragraph (1), item (vii) of that Act; the same applies in paragraph (2), item (ix), (c) of the following Article and Article 80-2, item (i))):
- (i) a person stated in paragraph (1), items (i) through (iii) or in the items of the preceding paragraph, or a person who has had their approval revoked, as provided for in Article 103, paragraph (1), or Article 104 (except for item (v)) of the Broadcasting Act or subject to revocation of registration pursuant to Article 131 of that Act, and two years have not yet passed since the day of the revocation;
  - (ii) a corporation or organization in which a person stated in paragraph (1), items (i) through (iii) is a specified officer (referring to the specified officer prescribed in Article 2, item (xxxi) of the Broadcasting Act; the same applies in paragraph (2), item (ix), (a) of the following Article), or in which the persons stated in paragraph (1), items (i) through (iii), hold one fifth or more of its total voting rights;

- (iii) a corporation or organization in which the aggregate of the proportion of voting rights possessed directly by the persons stated in (a) (referred to below as the "proportion of voting rights possessed directly by a foreign national"), and the proportion of voting rights specified by Order of the Ministry of Internal Affairs and Communications as the proportion of voting rights possessed indirectly by the persons stated in (a) through the persons stated in (b) (referred to below as the "proportion of voting rights possessed indirectly by a foreign national") accounts for one fifth or more of the total (except for cases that fall under the preceding item):
    - (a) a person stated in paragraph (1), items (i) through (iii); and
    - (b) a corporation or organization in which the proportion of voting rights possessed directly by a foreign national is not less than the proportion specified by Order of the Ministry of Internal Affairs and Communications;or
  - (iv) a corporation or organization, whose officer falls under any item in the preceding paragraph.
- (5) Relay broadcasting for preventing reception interference as prescribed in the preceding paragraph means receiving and retransmitting basic terrestrial broadcasts (referring to the basic terrestrial broadcasts prescribed in Article 2, item (xv) of the Broadcasting Act; the same applies below) that have reception interference over a considerable area, and multiplex broadcasts superimposed on the radio waves of the basic terrestrial broadcasts (referring to the multiplex broadcasting prescribed in item (xix) of that Article; the same applies below) simultaneously, without altering any of their broadcast programs, in order for them to be received in that area where reception interference is occurring; excluding basic broadcasts by a person that has been granted a license for a radio station that transmits the basic terrestrial broadcasts for which that interference relates to, or the multiplex broadcasts superimposed on the radio waves of the basic terrestrial broadcasts.
- (6) If a person was granted the approval referred to in Article 27-14, paragraph (1) but has not paid the specified base station establishment fee prescribed in Article 27-12, paragraph (3), item (vi) by the time limit for payment specified by the establishment guidelines prescribed in paragraph (1) of that Article, the Minister of Internal Affairs and Communications may choose not to grant a license for the specified base station prescribed in paragraph (1) of that Article to the person until the specified base station establishment fee is paid.

#### (Applications for Licenses)

Article 6 (1) A person that intends to obtain a radio station license must submit a written application to the Minister of Internal Affairs and Communications along with a document containing the following matters (except the matters



stated in item (x), in the case of a person that intends to obtain a license for the radio station stated in any of the items of paragraph (2) of the preceding Article):

- (i) purpose (if the radio station has two or more purposes, categorized into a main and subordinate purpose; including the differentiation between those main and subordinate purposes);
- (ii) necessity for establishing the radio station;
- (iii) counterparts with which radio communications are conducted and communicated information;
- (iv) location of radio equipment (in the case of the mobile radio stations stated in (a) or (b) below; the matters stated in (a) or (b), respectively; the same applies below, except in Article 18, paragraph (1)):
  - (a) radio stations for artificial satellites (referred to below as "artificial satellite stations"): the orbit or the position of the artificial satellites; and
  - (b) radio stations other than artificial satellite stations, radio stations on ships (except those which conduct radio communications solely via artificial satellite stations; the same applies in paragraph (3)), ship earth stations (referring to radio stations established on ships which conduct radio communications solely via artificial satellite stations (except experimental radio stations and amateur radio stations); the same applies below), radio stations onboard aircraft (except those which conduct radio communications solely via artificial satellite stations; the same applies in paragraph (5)), and aircraft earth stations (referring to radio stations established onboard aircraft which conduct radio communications solely via artificial satellite stations (except experimental radio stations and amateur radio stations); the same applies below); the operating area;
- (v) type of radio waves, and desirable frequency range and antenna power;
- (vi) desirable permitted operating hours (referring to hours during which operation is possible; the same applies below);
- (vii) construction design and scheduled completion date of the construction of the radio equipment (including equipment that is to be installed pursuant to the provisions of Articles 30 and 32; the same applies to item (iii) of the following paragraph, Article 10, paragraph (1), Article 12, Article 17, Article 18, Article 24-2, paragraph (4), Article 27-14, paragraph (2), item (x), Article 38-2, paragraph (1), Article 70-5-2, paragraph (1), Article 71-5, the proviso to Article 73, paragraph (1), Article 73, paragraphs (3) and (6), and Article 102-18, paragraph (1));
- (viii) expected date of commencement of operations;
- (ix) when a contract is made with a licensee of another radio station under Article 14, paragraph (2), item (ii) or the registrant of another radio station under Article 27-26, paragraph (1) (referred to below as the "licensee or

- registrant") on measures necessary to prevent obstruction including interference; the details of the contract; and
- (x) in the case of a corporation or organization, the following matters:
    - (a) the name of the representative and the proportion of the persons stated in paragraph (1), items (i) through (iii) of the preceding Article of the total number of officers; and
    - (b) proportion of voting rights possessed directly by a foreign national
- (2) Notwithstanding the provisions of the preceding paragraph, a person who intends to obtain a license for a basic broadcast station (referring to a radio station which transmits basic broadcasting, including that which transmits, in addition to the basic broadcasting, radio communications other than basic broadcasting; the same applies below) must submit a written application to the Minister of Internal Affairs and Communications along with a document containing the following matters:
- (i) purpose;
  - (ii) matters stated in items (ii) through (ix) of the preceding paragraph (except item (iii), in the case of a person that intends to obtain a license for a radio station that only transmits basic broadcasting);
  - (iii) methods for sharing payment of constructing radio equipment and operating the radio station;
  - (iv) business plan, and estimated expenses and revenue;
  - (v) service area;
  - (vi) an outline of the telecommunications equipment to be used in the operations of the basic broadcasting (referring to the telecommunications equipment prescribed in Article 2, item (ii) of the Telecommunications Business Act; the same applies below) and, in the case for which the intention is to entrust operation of equipment (except radio equipment) constituting a part of telecommunications equipment to another person; an outline of that equipment and the name of the entrusted person;
  - (vii) in the case of a person that intends to obtain a license for a radio station to be used in the operations of that person's own basic terrestrial broadcasting (referred to below as a "specified terrestrial basic broadcast station"); the broadcasting matters;
  - (viii) in the case of a person that intends to obtain a license for a radio station to be used in the operations of another person's basic terrestrial broadcasting; the name of that other person; and
  - (ix) in the case of a corporation or organization; the following matters:
    - (a) the names of specified officers (in the case of a person that intends to obtain a license for a radio station to be used in the operations of relay broadcasting for preventing reception interference, basic satellite broadcasting, or basic terrestrial broadcasting for mobile reception

- prescribed in paragraph (5) of the preceding Article; the name of the representative and the proportion of the persons stated in paragraph (1), items (i) through (iii) of the preceding Article of the total number of officers);
- (b) proportion of voting rights possessed directly by foreign nationals; and
  - (c) in the case of a person that intends to obtain a license for a radio station to be used in basic terrestrial broadcasting (except relay broadcasting for preventing reception interference prescribed in paragraph (5) of the preceding Article and community broadcasting), the aggregate of the proportion of voting rights possessed directly by a foreign national and the proportion of voting rights possessed indirectly by a foreign national.
- (3) A person who wishes to obtain a license for a ship radio station (referring to radio stations onboard a ship other than those for which the equipment is only an emergency position-indication radio beacon device or radar; the same applies below) must enter the following information in the document in paragraph (1), beyond the information stated in that paragraph:
- (i) the following matters related to the ship:
    - (a) owner;
    - (b) usage;
    - (c) gross tonnage;
    - (d) navigation area;
    - (e) principal mooring port;
    - (f) identification code letters;
    - (g) passenger capacity in case of a passenger ship;
    - (h) whether the ship is engaged in international voyages; and
    - (i) whether the ship is exempted from installing radiotelegraphy or radiotelephony pursuant to the provisions of the proviso to Article 4, paragraph (1) of the Ship Safety Act (Act No. 11 of 1933); and
  - (ii) measures to be taken in the case of a ship radio station that is to take measures pursuant to the provisions of Article 35.
- (4) A person that intends to obtain a license for a ship earth station (except for one that is used for the purpose of conducting telecommunications services) must enter, in the document referred to in paragraph (1), the matters stated in item (i), (a) through (h) of the preceding paragraph related to the ship, in addition to the matters stated in paragraph (1).
- (5) A person that intends to obtain a license for an aircraft station (referring to radio stations onboard an aircraft other than those whose equipment is only radar; the same applies below) must enter, in the document referred to in paragraph (1), the following matters related to the aircraft, in addition to the matters stated in that paragraph:
- (i) owner;

- (ii) usage;
  - (iii) type;
  - (iv) aviation area;
  - (v) usual ground location;
  - (vi) registered mark; and
  - (vii) whether the aircraft is required to be equipped with radio equipment pursuant to the provisions of Article 60 of the Civil Aeronautics Act (Act No. 231 of 1952).
- (6) A person that intends to obtain a license for an aircraft earth station (except for one that is used for the purpose of conducting telecommunications services) must enter, in the document referred to in paragraph (1), the matters stated in items (i) through (vi) of the preceding paragraph related to the aircraft, in addition to the matters stated in paragraph (1).
- (7) A person that intends to obtain a license for an artificial satellite station must state the scheduled launch time, term of normal operations, and the area it will operate within, in the document referred to in paragraph (1) or (2), in addition to the matters stated in those paragraphs.
- (8) Any application for a radio station (except those specified by Order of the Ministry of Internal Affairs and Communication) that falls under any of the following items and uses a frequency for which the Minister issues a public notice, must be submitted within the period specified in the public notice provided by the Minister of Internal Affairs and Communications:
- (i) a mobile radio station established on land for the purpose of conducting telecommunications services (limited to those with an operating area that covers the entire area of one or more prefectures);
  - (ii) a fixed radio station established on land for the purpose of conducting telecommunications services, which communicates with the radio station stated in the preceding item as its counterpart (referred to below as a "base station for telecommunications services");
  - (iii) an artificial satellite station established for the purpose of conducting telecommunications services; and
  - (iv) a basic broadcast station.
- (9) The period under the preceding paragraph is to be one month or longer, as prescribed for each frequency band, and the public notice of the period under that paragraph is to also include the zone where the applicant for a radio station license may install radio equipment for the radio station, and other matters for the convenience of a license application.

(Examination of Applications)

Article 7 (1) The Minister of Internal Affairs and Communications must examine whether applications received pursuant to paragraph (1) of the preceding

Article conform to all of the following items without delay:

- (i) that the construction design conforms to the technical regulations prescribed in the following Chapter;
  - (ii) that frequency allocation is possible;
  - (iii) if the radio station has a main and subordinate purpose, that implementation of the subordinate purpose is not likely to hinder the implementation of the main purpose; and
  - (iv) beyond the matters stated in the preceding three items, conformity to the essential standards for the establishment of radio stations prescribed by Order of the Ministry of Internal Affairs and Communication (except basic broadcast stations).
- (2) When receiving an application pursuant to paragraph (2) of the preceding Article, the Minister of Internal Affairs and Communications must examine whether it conforms to the following items without delay:
- (i) the conformity of the construction design to the technical regulations prescribed in the following Chapter and conformity of the telecommunications equipment to be used in the operations of the basic broadcasting to the standards prescribed by Order of the Ministry of Internal Affairs and Communication stated under Article 121, paragraph (1) of the Broadcasting Act;
  - (ii) frequency allocation is possible based on the plan for the usage of frequencies allocated to basic broadcasting (referring to a plan that specifies available frequencies usable for basic broadcast stations and other information necessary for the use of the frequencies; the same applies below) established by the Minister of Internal Affairs and Communications;
  - (iii) a sufficient financial foundation and technical capability to maintain the service;
  - (iv) in case of a specified terrestrial basic broadcast station, conformity to all of the following:
    - (a) conformity of the telecommunications equipment to be used in the operations of basic broadcasting to the standards prescribed by Order of the Ministry of Internal Affairs and Communication stated under Article 111, paragraph (1) of the Broadcasting Act;
    - (b) the person that intends to obtain a license meets the requirements given in Article 93, paragraph (1), item (v) of the Broadcasting Act; and
    - (c) granting the license is in conformity with the plan to disseminate basic broadcasting stated under Article 91, paragraph (1) of the Broadcasting Act, and is otherwise appropriate for the dissemination and sound development of broadcasting;
  - (v) out of the radio stations to be used in the operations of another person's basic terrestrial broadcasting, those to be used in the operations of a person

- that intends to obtain approval pursuant to the provision of Article 93, paragraph (1) of the Broadcasting Act in relation to conducting the operations of basic terrestrial broadcasting, the person that intends to obtain the approval meets all of the requirements given in the items (except item (iv)) of that paragraph;
- (vi) out of the radio stations to be used in the operations of another person's basic terrestrial broadcasting, for those to be used in the operations of a person that intends to conduct the operations of basic terrestrial broadcasting by obtaining a license for a specified terrestrial basic broadcast station, conformity to both of the following:
    - (a) the person that intends to obtain the license does not fall under any of the items of Article 5, paragraph (4); and
    - (b) the application submitted by the person that intends to obtain the license conforms to all of items (i) through (iv), the following item, and item (viii);
  - (vii) in the case of a radio station which transmits, in addition to basic broadcasting, radio communications other than basic broadcasting; conformity to all of the following:
    - (a) frequency assignment is possible in relation to the transmission of radio communications other than basic broadcasting;
    - (b) conformity to the essential standards for the establishment of the radio station (except for basic broadcast stations) specified by Order of the Ministry of Internal Affairs and Communication stated under item (iv) of the preceding paragraph in relation to the transmission of radio communications other than basic broadcasting; and
    - (c) the transmission of radio communications other than basic broadcasting is in conformity with the standards prescribed by Order of the Ministry of Internal Affairs and Communication as not likely to hinder the appropriate and steady transmission of basic broadcasting;
  - (viii) beyond the matters stated in the preceding items, conformity with the essential standards for the establishment of the basic broadcast stations specified by Order of the Ministry of Internal Affairs and Communication.
- (3) The plan for the usage of frequencies allocated to basic broadcasting is to be established taking into consideration the prevention of interference and other matters necessary for ensuring the fair and efficient utilization of radio waves, in order to contribute to achieving the target number of broadcasting systems pursuant to Article 91, paragraph (2), item (iii), as prescribed in the plan to disseminate basic broadcasting under Article 91, paragraph (1) of the Broadcasting Act (referred to as "the target number of broadcasting systems" in the following paragraph), within the limits of assignable frequencies for basic broadcasting.
- (4) When it is found necessary due to a change in the target number of

broadcasting systems, the frequencies assignable for basic broadcasting and the prevention of interference and other matters necessary for ensuring the fair and efficient utilization of radio waves prescribed in the preceding paragraph, the Minister of Internal Affairs and Communications may change the plan for the usage of frequencies allocated to basic broadcasting.

- (5) When establishing or changing the plan for the usage of frequencies allocated to basic broadcasting, the Minister of Internal Affairs and Communications must issue a public notice for this without delay.
- (6) When it is found necessary in examining an application, the Minister of Internal Affairs and Communications may request the applicant to appear in person or submit any additional information.

#### (Pre-Permit)

Article 8 (1) As a result of the examination pursuant to the provisions of the preceding Article, when determining that the application conforms to each item of paragraph (1) or each item of paragraph (2) of that Article, the Minister of Internal Affairs and Communications is to issue a pre-permit for the radio station to the applicant, designating the following matters:

- (i) completion date of the construction work
  - (ii) type of radio waves and frequency
  - (iii) call sign (including beacon sign), call name, and identification signal specified by Order of the Ministry of the Internal Affairs and Communications (referred to below as "identification signal")
  - (iv) antenna power
  - (v) permitted operating hours
- (2) Upon receipt of an application from a person who has obtained a pre-permit, the Minister of Internal Affairs and Communications, when found appropriate, may extend the completion date of item (i) in the preceding paragraph.

#### (Changes in Construction Design)

Article 9 (1) When intending to make changes in the construction design, a person that has obtained a pre-permit pursuant to the preceding Article must obtain the permission of the Minister of Internal Affairs and Communications in advance; provided, however, that this does not apply to minor matters specified by Order of the Ministry of Internal Affairs and Communications.

- (2) A person that has made changes in the construction design related to the minor matters specified by Order of the Ministry of Internal Affairs and Communications referred to in the proviso to the preceding paragraph must notify the Minister of Internal Affairs and Communications to that effect without delay.
- (3) Any change in paragraph (1) must not cause any change to the frequencies,

type of radio waves, or antenna power, and must comply with the technical regulations (limited to those prescribed in the following Chapter) in Article 7, paragraph (1), item (i) or paragraph (2), item (i).

- (4) A person that has obtained a pre-permit pursuant to the preceding Article and intends to make changes to the purpose of the radio station, the radio stations with which the communications are conducted as its counterpart, communications matters, broadcasting matters, service area, or the location of the radio equipment, or changes to any of the matters stated in Article 6, paragraph (2), item (vi) (except for the minor changes specified by Order of the Ministry of Internal Affairs and Communications) must obtain permission from the Minister of Internal Affairs and Communications in advance; provided, however, that changes may not be made to the purpose of a radio station which contains the following matters:
- (i) to have a radio station other than a basic broadcast station transmit the basic broadcasting; or
  - (ii) to have the basic broadcast station not transmit basic broadcasting.
- (5) A person that has obtained the pre-permit referred to in the preceding Article for the radio station stated in any of the following items must, if there has been any of the changes specified respectively in those items, notify the Minister of Internal Affairs and Communications to that effect without delay:
- (i) a radio station other than a basic broadcast station (except the radio stations stated in the items of Article 5, paragraph (2)): a change in the matters stated in Article 6, paragraph (1), item (x) (except for a change specified by Order of the Ministry of Internal Affairs and Communications as being one that is unlikely to cause the person to fall under Article 5, paragraph (1), item (iv)); or
  - (ii) a basic broadcast station: a change in any of the matters stated in Article 6, paragraph (2), item (iii), (iv), (vi), (viii), or (ix) (in the case of the matters stated in item (vi) of that paragraph; limited to the minor change specified by Order of the Ministry of Internal Affairs and Communications referred to in the preceding paragraph (except for a change specified by Order of the Ministry of Internal Affairs and Communications as being particularly minor), and in the case of the matters stated in paragraph (2), item (ix) of that Article, except for a change specified by Order of the Ministry of Internal Affairs and Communications as being one that is unlikely to cause the person to fall under Article 5, paragraph (4), item (ii) or (iii)).
- (6) The provisions of Article 5, paragraphs (1) through (3) apply mutatis mutandis to the permission stated under paragraph (4) relating to a change in the purpose of the radio station.

(Inspection after Completion of Construction Work)



Article 10 (1) When construction work has been completed, a person who has obtained a pre-permit under Article 8 must submit a notification to that effect to the Minister of Internal Affairs and Communications, and submit themselves to inspection of the radio equipment, the qualifications (including those related to the requirements of the chief radio operators prescribed in Article 39, paragraph (3), the certification of ship radio station operator in Article 48-2, paragraph (1), and the responsible distress traffic operators prescribed in Article 50, paragraph (1); this applies to Article 12, and Article 73, paragraph (3)) and number of radio operators, timepieces and documents (referred to below as "radio equipment and other devices").

(2) A part of the inspection in the preceding paragraph may be omitted when a person who wishes to obtain inspection under that paragraph submits a notification pursuant to the preceding paragraph to the Minister of Internal Affairs and Communications, along with documents in which the results of an inspection related to the registration of the radio equipment and other devices subject to the inspection, conducted pursuant to Order of the Ministry of Internal Affairs and Communications by the person registered under Article 24-2, paragraph (1), or Article 24-13, paragraph (1), are entered.

(Denial of License)

Article 11 The Minister of Internal Affairs and Communications must deny the granting of a radio station license when a notification pursuant to the provisions of the preceding Article is not submitted within two weeks after expiration of the completion date under Article 8 paragraph (1) item (i) (the completion date, when the completion date has been extended pursuant to the provisions of paragraph (2) of that Article).

(Licensing)

Article 12 The Minister of Internal Affairs and Communications must grant a license to the applicant without delay if determining, as a result of the inspection pursuant to the provisions of Article 10, that the radio equipment satisfies the construction design prescribed in Article 6, paragraph (1), item (vii), or paragraph (2), item (ii) of that Article (the construction design, when the construction design has been changed pursuant to the provisions of Article 9, paragraph (1)), and that the qualifications or the number of radio operators are not contrary to the provisions of Articles 39, or Article 39-13, Article 40, and Article 50, and the timepiece or documents are not contrary to the provisions of Article 60.

(Period of Validity of Licenses)

Article 13 (1) The period of validity of licenses for radio stations must be

specified by Order of the Ministry of Internal Affairs and Communication, not exceeding five years from the day the license is granted; provided, however, renewal may be permitted.

- (2) Notwithstanding the provisions of the preceding paragraph, the period of validity of a license is indefinite for ship radio stations on ships as prescribed in Article 4 of the Act for Safety of Vessels (including cases where applied *mutatis mutandis* pursuant to the provisions of Cabinet Order pursuant to the provisions of Article 29-7 of that Act; the same applies below) (referred to below as "compulsory ship radio stations") and for aircraft stations onboard an aircraft that is to be equipped with radio equipment pursuant to the provisions of Article 60 of the Civil Aeronautics Act (referred to below as "compulsory aircraft stations").

(Validity of License for Multiplex Broadcasting Radio Stations)

Article 13-2 If the license for a radio station conducting FM broadcasting (referring to FM broadcasting under Article 2 item (xvii) of the Broadcasting Act) or television broadcasting (referring to the television broadcasting stated under item (xviii) of that Article; the same applies below) becomes invalid, the license for a radio station transmitting multiplex broadcast superimposed on the radio waves of the broadcast is to automatically become invalid.

(Certificates for Radio Station Licenses)

Article 14 (1) When granting a radio station license, the Minister of Internal Affairs and Communications is to issue a license certificate.

- (2) The following matters must be recorded on the certificate for a radio station license:

- (i) date and reference number of the license;
- (ii) name and address of the licensee (referring to the person who has obtained the radio station license; the same applies below);
- (iii) classification of the radio station;
- (iv) purpose of the radio station (if the radio station has a main purpose and subordinate purpose, including the categories of the main and subordinate purposes);
- (v) counterparts with which radio communications are conducted and communications matters;
- (vi) location of the radio equipment;
- (vii) period of validity of the license;
- (viii) identification signal;
- (ix) type of radio waves and frequencies;
- (x) antenna power; and
- (xi) permitted operating hours;

- (3) On the certificate for a license for a basic broadcast station, the following information must be entered, notwithstanding the provisions of the preceding paragraph:
- (i) information stated in each of the items of the preceding paragraph (except for item (v) in the case of the certificate for a license for a radio station transmitting only basic broadcasting);
  - (ii) service area;
  - (iii) in the case of the certificate for a license for a specified terrestrial basic broadcast station; the broadcasting matters; and
  - (iv) in the case of the certificate for a license for a radio station to be used in the operations of another person's basic terrestrial broadcasting; the name of that other person.

(Simplified Licensing Procedures)

Article 15 Notwithstanding the provisions of Article 6 (except paragraphs (8) and (9)) and Articles 8 through 12, the simplified procedures may apply, as specified by Order of the Ministry of Internal Affairs and Communications, to renewing a license pursuant to the proviso to Article 13, paragraph (1), to a license for a radio station that solely uses radio equipment labelled as conforming with technical regulations, and to licenses for other radio stations specified by Order of the Ministry of Internal Affairs and Communications.

(Notification on Commencement and Suspension of Operations)

- Article 16 (1) When obtaining a license, the licensee is to notify the Minister of Internal Affairs and Communications of the date of commencing radio station operations without delay. However, this does not apply to radio stations specified by Order of the Ministry of Internal Affairs and Communications.
- (2) When suspending the operation of a radio station for which notification has been given pursuant to the provisions of the preceding paragraph for at least one month, the licensee must notify the Minister of Internal Affairs and Communications of the period of suspension. This applies also to changes to the period of suspension.

(Changes to Permission)

Article 17 (1) A licensee that intends to make changes to the purpose of the radio station, radio stations with which the communications are conducted as its counterpart, matters regarding communications, matters regarding broadcasting, service areas, or the location of the radio equipment, or make changes to any of the matters stated in Article 6, paragraph (2), item (vi) (except for the minor changes specified by Order of the Ministry of Internal Affairs and Communications), or carry out construction work to change the

radio equipment, must obtain the permission of the Minister of Internal Affairs and Communications in advance; provided, however, that the changes may not be made to the purpose of a radio station regarding the following matters:

- (i) to have a radio station other than a basic broadcast station transmit the basic broadcasting; or
  - (ii) to have the basic broadcast station not transmit basic broadcasting.
- (2) A licensee of the radio station stated in any of the following items must, if there has been any of the changes specified respectively in those items, notify the Minister of Internal Affairs and Communications to that effect without delay:
- (i) a radio station other than a basic broadcast station (except the radio stations stated in the items of Article 5, paragraph (2)): a change in any of the matters stated in Article 6, paragraph (1), item (x) (except for a change specified by Order of the Ministry of Internal Affairs and Communications as being one that is unlikely to cause the person to fall under Article 5, paragraph (1), item (iv)); or
  - (ii) a basic broadcast station: a change in any of the matters stated in Article 6, paragraph (2), item (iii), (iv), (vi), (viii), or (ix) (in the case of the matters stated in item (vi) of that paragraph, limited to the minor change specified by Order of the Ministry of Internal Affairs and Communications referred to in the preceding paragraph (except for a change specified by Order of the Ministry of Internal Affairs and Communications as being particularly minor), and in the case of the matters stated in paragraph (2), item (ix) of that Article, except for a change specified by Order of the Ministry of Internal Affairs and Communications as being one that is unlikely to cause the person to fall under Article 5, paragraph (4), item (ii) or (iii)).
- (3) The provisions of Article 5, paragraphs (1) through (3) apply mutatis mutandis to the permission stated under paragraph (1) related to a change in the purpose of the radio station, and the provisions of the proviso to Article 9, paragraph (1), Article 9, paragraphs (2) and (3) apply mutatis mutandis to cases in which construction work is carried out to change the radio equipment pursuant to the provisions of paragraph (1), respectively.

(Inspection after Change)

Article 18 (1) A licensee who has obtained, pursuant to the provisions of paragraph (1) of the preceding Article, permission to change the location of the radio equipment or permission for construction work to change the radio equipment must not operate that radio equipment until after the Minister of Internal Affairs and Communications conducts an inspection of it and determines that the results of the change or construction work conform to the matters requiring permission in the paragraph. However, this does not apply to

cases specified by Order of the Ministry of Internal Affairs and Communications.

- (2) A part of the inspection of the preceding paragraph may be omitted when a person who wishes to obtain the inspection prescribed in the paragraph submits to the Minister of Internal Affairs and Communications documents in which the results of an inspection related to the registration of the radio equipment subject to inspection, conducted pursuant to Order of the Ministry of Internal Affairs and Communications by the person registered under Article 24-2, paragraph (1) or Article 24-13, paragraph (1), are entered.

(Applying for Changes of Frequencies)

Article 19 When a licensee or a person who has obtained a pre-permit pursuant to Article 8 applies for a change in the designation of the identification signal, type of radio waves, frequencies, antenna power, or permitted operating hours, the Minister of Internal Affairs and Communications may change the designation, when determining that that change is particularly necessary for the elimination of interference, etc.

(Transfer of a License)

Article 20 (1) When a licensee is involved in inheritance, the inheritor is to assume the status of the licensee.

- (2) When a corporation that is a licensee (except the licensees of radio stations under paragraphs (7) and (8), this applies through this and the following paragraphs) merges or divides (limited to cases in which the entire business using radio stations is transferred), the surviving corporation after the company merger or a new corporation to be established by the company merger, or a corporation to assume the entire business by company split may assume the status of the licensee, with the permission of the Minister of Internal Affairs and Communications.

- (3) When a licensee transfers the entire business that the radio station is used for, the transferee, with the permission of the Minister of Internal Affairs and Communications, may assume the status of licensee.

- (4) If a corporation which is the licensee of a specified terrestrial basic broadcast station has been split, and the corporation which assumed the relevant basic broadcast station and intends to conduct the operations of providing that specified terrestrial basic broadcast station for use in the operations of some other corporation which has assumed the operations of basic terrestrial broadcasting through the company split, has obtained permission from the Minister of Internal Affairs and Communications, the corporation is deemed to have inherited the position of licensee of the basic broadcast station related to those operations from the licensee of that specified terrestrial basic broadcast

station. This applies also if the licensee of a specified terrestrial basic broadcast station has assigned the basic broadcast station and the assignee that intends to conduct the operations of providing the basic broadcast station for use in the operations of basic terrestrial broadcasting of the assigner has obtained permission from the Minister of Internal Affairs and Communications, or to cases in which the licensee of a specified terrestrial basic broadcast station has assigned the operations of basic terrestrial broadcasting, and the assigner intending to conduct the operations of providing that basic broadcast station for use in the operations of basic terrestrial broadcasting of the assignee has obtained permission from the Minister of Internal Affairs and Communications.

- (5) If a licensee of a basic broadcast station provided for use in the operations of another person's basic terrestrial broadcasting has merged with an approved basic broadcasting operator (referring to the approved basic broadcasting operator referred to in Article 2, item (xxi) of the Broadcasting Act; this applies below in this paragraph and Article 75, paragraph (1), item (ii)) or a licensee of a specified terrestrial basic broadcast station conducting the operations of that basic terrestrial broadcasting, or has been assigned the business of conducting the operations of that basic terrestrial broadcasting and the corporation, which continues to exist after a company merger or the corporation formed through a company merger or the assignee has obtained permission from the Minister of Internal Affairs and Communications, the corporation or assignee is deemed to have assumed the position of the licensee of the specified terrestrial basic broadcast station from the licensee of that basic broadcast station. The same applies if an approved basic broadcasting operator or a licensee of a specified terrestrial basic broadcast station conducting the operations of basic terrestrial broadcasting has been assigned the business of the basic broadcast station provided for use in the operations of that basic terrestrial broadcasting, and has obtained permission from the Minister of Internal Affairs and Communications.
- (6) The provisions of Article 5 and Article 7 apply *mutatis mutandis* to the permission stated under paragraph (2) through the preceding paragraph.
- (7) When a person that operates the ship equipped with a ship radio station or a ship earth station (except a station for the purpose of conducting telecommunications services), or a ship equipped solely with an emergency position-indication radio beacon device or radar is changed, due to the transfer of ownership of the ship or for other reasons, the person that operates the ship after the change succeeds to the status of the licensee.
- (8) The provisions of the preceding paragraph apply *mutatis mutandis* to aircraft equipped with an aircraft station or an aircraft earth station (except those for which the purpose is to conduct telecommunications services), or to aircraft

equipped solely with radar.

- (9) A person who has assumed the status of a licensee pursuant to the provisions of paragraph (1) and the preceding two paragraphs, must notify the Minister of Internal Affairs and Communications to that effect, along with documents that verify it, without delay.
- (10) The provisions of the preceding nine paragraphs apply mutatis mutandis to a person who has obtained a pre-permit under Article 8.

(Correction to a Certificate for a Radio Station License)

Article 21 If there is a change to matters entered on a certificate for a radio station license, the licensee must submit the certificate for correction along with the radio station license to the Minister of Internal Affairs and Communications.

(Discontinuation of Radio Stations)

Article 22 When discontinuing a radio station, the licensee must notify the Minister of Internal Affairs and Communications to that effect.

Article 23 When a licensee has discontinued a radio station, the license becomes invalid.

(Return of a Certificate for a Radio Station License)

Article 24 When a license becomes invalid, the person who holds the certificate for the radio station license must return it within one month.

(Registration of Inspectors)

Article 24-2 (1) A person who performs the business of conducting inspections and maintenance checks of radio equipment and other devices may obtain registration from the Minister of Internal Affairs and Communications.

- (2) A person who wishes to obtain the registration under the preceding paragraph, pursuant to Order of the Ministry of Internal Affairs and Communications, must submit to the Minister of Internal Affairs and Communications an application in which the following matters are described:
- (i) name and address of the applicant, or if the applicant is a corporation, name of the representative;
  - (ii) name and address of the office;
  - (iii) outline of measuring instruments and other equipment used for maintenance checks; and
  - (iv) if the person is only performing the business of conducting maintenance checks of radio equipment and other devices, details to that effect.
- (3) The application under the preceding paragraph must be accompanied by a

document defining the method of performing the business of conducting maintenance checks and any other documents, as specified by Order of the Ministry of Internal Affairs and Communications.

(4) The Minister of Internal Affairs and Communications must grant registration to an applicant who has applied for registration under paragraph (1), when the applicant conforms to all of the following items (items (i), (ii) and (iv), if the person is only performing the business of maintenance checks of radio equipment and other devices):

(i) the maintenance checks of radio equipment and other devices must be conducted by a person with knowledge and experience conforming to any of the conditions stated in the Appended Table 1;

(ii) the maintenance checks of radio equipment and other devices is to be conducted by using the measuring instruments or other equipment stated in Appended Table 2, which have been subject to any of the types of calibration or correction (referred to below in this item, and in Article 38-3, paragraph (1), item (ii) and Article 38-8, paragraph (2) as "calibration, etc.") stated below (limited to those being calibrated, etc. within one year (in the case of those that correspond to the instruments or other equipment specified by Order of the Ministry of Internal Affairs and Communications as instruments or other equipment with excellent performance for conducting maintenance checks of radio equipment; a period specified by Order of the Ministry of Internal Affairs and Communications within a range exceeding one year but not exceeding three years, according to the category of the measuring instruments or other equipment) from the first day of the month following the month in which the day of calibration, etc. takes place):

(a) calibration conducted by the National Institute of Information and Communications Technology (NICT) (referred to below as "NICT") or a designated calibration agency under Article 102-18, paragraph (1);

(b) correction conducted pursuant to the provisions of Article 135 or Article 144 of the Measurement Act (Act No. 51 of 1992);

(c) calibration conducted in foreign countries, which is equivalent to the calibration conducted by the NICT or a designated calibration agency under Article 102-18 paragraph (1); or

(d) calibration, etc. conducted by using measuring instruments and other equipment stated in the right column of Appended Table 3, which is to have been subjected to any type of calibration, etc. stated above from sub-items (a) through (c);

(iii) a person with knowledge and experience conforming to all of the conditions stated in Appended Table 4 is to perform the inspections of the radio equipment and other devices (except for the part related to maintenance checks); and



- (iv) the methods of executing the operations necessary for conducting the appropriate inspection and maintenance checks of radio equipment and other devices are those which are prescribed (if the person is only conducting the operation of maintenance checks of radio equipment and other devices; limited to the methods of executing the operations necessary for conducting the appropriate maintenance checks of radio equipment and other devices).
- (5) A person who falls under any of the following items is not to be given registration under paragraph (1) of this Article:
  - (i) a person who has been sentenced for a crime pursuant to the provisions of this Act, and for which two years have yet to pass from the day on which the person completed the sentence or ceased to be subject to its enforcement;
  - (ii) a person whose registration was revoked pursuant to the provisions of Article 24-10, or Article 24-13, paragraph (3), and for which two years have yet to pass from the day of revocation; and
  - (iii) when the applicant is a corporation for which any of its officers fall under any of the preceding two items.
- (6) Beyond the provisions prescribed in the preceding paragraphs, the necessary matters related to registration as prescribed in paragraph (1) are specified by Order of the Ministry of Internal Affairs and Communications.

#### (Renewal of Registration)

- Article 24-2-2 (1) The registration stated under paragraph (1) of the preceding Article (except registration related to persons only conducting the operation of maintenance checks of radio equipment and other devices), unless renewed within every five- to ten-year period as specified by the applicable Cabinet Order, ceases to be effective once that period has passed.
- (2) The provisions from paragraph (2) through paragraph (6) of the preceding Article apply mutatis mutandis to the renewal of the registration under the preceding paragraph.

#### (Registry)

- Article 24-3 The Minister of Internal Affairs and Communications must prepare a registry of registered inspectors and register the following matters related to a person registered pursuant to paragraph (1) of Article 24-2 (referred to below as a "registered inspector") in the relevant registry of registered inspectors:
- (i) date of the registration and renewals and reference number of registration; and
  - (ii) matters stated in items (i), (ii) and (iv) of paragraph (2) of Article 24-2.

#### (Registration Certificate)

- Article 24-4 (1) When the Minister of Internal Affairs and Communications

performs registration or a renewal under Article 24-2, paragraph (1), the Minister of Internal Affairs and Communications is to issue a registration certificate.

- (2) The registration certificate as prescribed in the preceding paragraph must state the following matters:
  - (i) date of the registration and renewals and reference number of registration;
  - (ii) name and address of the person who was granted registration; and
  - (iii) if the person is only performing the business of maintenance checks of radio equipment and other devices; details to that effect.
- (3) All registered inspectors must display the registration certificate in a place accessible to the public at their place of business.

#### (Notification of Change)

Article 24-5 (1) If there has been any change in the matters stated in Article 24-2, paragraph (2), item (i) or (ii), the registered inspector must, without delay, submit a notification to that effect to the Minister of Internal Affairs and Communications.

- (2) In the case of the preceding paragraph, any registered inspector who has experienced any change in the information entered on their registration certificate must submit the certificate together with the notification under that paragraph to obtain corrections to the certificate.

#### (Transfer)

Article 24-6 (1) When the registered inspector transfers the entire business related to the registration, or is involved in inheritance, merger or corporate split (limited to cases in which the entire business related to the registration is transferred), the transferee of the entire business related to the registration or the inheritor of the business, the surviving corporation after the merger or the new corporation to be established by the merger, or a corporation who will assume the entire business related to the registration by corporate split, may assume the status of registered inspector.

- (2) A person who has assumed the status of registered inspector pursuant to the provisions of the preceding paragraph must submit a notification to that effect to the Minister of Internal Affairs and Communications, along with documents that verify this fact, without delay.

#### (Order for Compliance)

Article 24-7 (1) When the Minister of Internal Affairs and Communications determines that a registered inspector has failed to comply with any of the items in Article 24-2 paragraph (4) (item (i), (ii) or (iv)), if the person only conducts the business of maintenance checks of radio equipment or other

equipment), the Minister of Internal Affairs and Communications may order the relevant registered inspector to take the necessary measures for compliance with all those provisions.

- (2) When the Minister of Internal Affairs and Communications determines that a registered inspector performs the business of inspections or maintenance checks related to the registration through a method other than the method of conducting operations that is related to the registration, the Minister of Internal Affairs and Communications may order the relevant registered inspector to take the necessary measures to improve the method of performing the inspection, or maintenance checks of radio equipment or other equipment, or other method of operations.

#### (Reports and On-Site Inspections)

Article 24-8 (1) When it is found necessary to enforce this Act, the Minister of Internal Affairs and Communications may order the registered inspector to report on the status quo of the operations related to registration, or may order the ministerial staff to enter the place of business of the registered inspector and inspect the status quo of the services, equipment, account books, documents and other objects related to the registration.

- (2) Any ministerial staff who conducts an on-site inspection pursuant to the provisions of the preceding paragraph must carry identification, and upon request, present it to the persons concerned.
- (3) The authority of an on-site inspection pursuant to the provisions of paragraph (1) must not be interpreted as being granted for the purpose of a criminal investigation.

#### (Notification of Discontinuation)

Article 24-9 (1) When discontinuing the business related to the registration, the registered inspector must submit a notification to that effect, to the Minister of Internal Affairs and Communications without delay.

- (2) When a notification has been made pursuant to the provisions of the preceding paragraph, the registration under Article 24-2, paragraph (1) becomes invalid.

#### (Revocation of Registration)

Article 24-10 If a registered inspector falls under any of the following items, the Minister of Internal Affairs and Communications may revoke the registration or order the suspension of all or part of the business of the inspection or maintenance check related to that registration for a period specified by the Minister of Internal Affairs and Communications:

- (i) when the registered inspector has come to fall under any of the items

- (except item (ii)) in Article 24-2, paragraph (5);
- (ii) when the registered inspector has violated the provisions of Article 24-5, paragraph (1) or Article 24-6, paragraph (2);
- (iii) when the registered inspector has violated the order pursuant to the provisions of Article 24-7, paragraph (1) or (2);
- (iv) when it is discovered that the registered inspector has notified false results of a maintenance check related to a registration to a person who has undergone the inspection under Article 10, paragraph (1), Article 18, paragraph (1), or Article 73, paragraph (1), or has made a false entry in the certificate prescribed in paragraph (3) of that Article;
- (v) when the registered inspector has conducted the business of the inspection or maintenance check related to a registration without using the methods of business that relate to their registration in implementing the business; and
- (vi) when the registered inspector obtains registration or renewal under Article 24-2, paragraph (1) by unlawful means.

#### (Deletion of Registration)

Article 24-11 When the registration has lost its validity pursuant to the provisions of Article 24-2-2, paragraph (1), or Article 24-9, paragraph (2), or the Minister of Internal Affairs and Communications has revoked the registration pursuant to the provisions of the preceding Article, the Minister of Internal Affairs and Communications must delete the registration of the relevant registered inspector.

#### (Return of Registration Certificate)

Article 24-12 When the registration becomes invalid pursuant to the provisions of Article 24-2-2, paragraph (1) or Article 24-9, paragraph (2), or when the registration has been revoked pursuant to the provisions of Article 24-10, the person who was a registered inspector must return the registration certificate within one month.

#### (Registration of Foreign Inspectors)

Article 24-13 (1) A person who conducts the business of conducting inspections of radio equipment and other devices in foreign countries, may obtain registration from the Minister of Internal Affairs and Communications.

- (2) The provisions of Article 24-2-2, paragraph (2) (except for item (iv)), paragraph (3), paragraph (4) (except for item (iii)), and paragraph (5), Article 24-3, Article 24-4, paragraphs (1) and (2) (except for item (iii)), Article 24-9, paragraph (2), and Article 24-11 apply mutatis mutandis to the registration under the preceding paragraph; and the provisions of Article 24-4, paragraph (3), Articles 24-5 through 24-8, Article 24-9, paragraph (1), and the preceding

Article applies *mutatis mutandis* to those who obtained registration (referred to below as a "registered foreign inspector") under the preceding Article. In these cases, "all of the following items (items (i), (ii) and (iv), if the person only performs the business of maintenance checks of radio equipment or other equipment)" in Article 24-2, paragraph (4) is deemed to be replaced with "items (i), (ii) and (iv)"; the "inspection or maintenance check" is deemed to be replaced with "maintenance check"; the "method ... (limited to the method of executing the operations necessary for conducting the appropriate maintenance check of radio equipment or other equipment if the person only conducts the operation of maintenance checks of radio equipment or other equipment)" is deemed to be replaced with "method"; the "person registered... (referred to below as a "registered inspector") in the relevant registry of registered inspectors" in Article 24-3 is deemed to be replaced with "person registered"; the "registry of registered inspectors" is deemed to be replaced with "registry of registered foreign inspectors"; the "date of the registration and renewals" is deemed to be replaced with "date of ... and"; "Article 24-2, paragraph (2), items (i), (ii) and (iv)" is deemed to be replaced with "Article 24-2, paragraph (2), items (i) and (ii)"; the "or performs a renewal" in Article 24-4, paragraph (1), is deemed to be replaced with "performs"; the "date of ... and the renewals" in paragraph (2), item (i) of that Article is deemed to be replaced with "date of"; "order" in Article 24-7 is deemed to be replaced with "request"; "any of the items in Article 24-2, paragraph (4), (items (i), (ii) or (iv) if the person is only conducting the business of maintenance checks of radio equipment and other devices)" in paragraph (1) of that Article is deemed to be replaced with "Article 24-2, paragraph (4) items (i), (ii) or (iv)"; "inspections or maintenance checks" in paragraph (2) of that Article is deemed to be replaced with "maintenance checks"; "Article 24-2-2, paragraph (1), or Article 24-9, paragraph (2)" in Article 24-11 is deemed to be replaced with "Article 24-9, paragraph (2)"; "the preceding Article" in Article 24-11 is deemed to be replaced with "Article 24-13, paragraph (3)"; "Article 24-2-2, paragraph (1), or Article 24-9, paragraph (2)" in the preceding article is deemed to be replaced with "Article 24-9, paragraph (2)"; and "Article 24-10" in the preceding Article is deemed to be replaced with "paragraph (3) of the following Article".

- (3) The Minister of Internal Affairs and Communications may revoke the registration, when a registered foreign inspector falls under any of the following items:
- (i) when the registered foreign inspector has come to fall under any of items (except item (ii)) in Article 24-2, paragraph (5), as applied *mutatis mutandis* pursuant to the preceding paragraph;
  - (ii) when the registered foreign inspector has violated the provisions of Article 24-5, paragraph (1), or Article 24-6, paragraph (2), as applied *mutatis*

- mutandis pursuant to the preceding paragraph;
- (iii) when the registered foreign inspector has failed to meet the request under the provisions of Article 24-7, paragraphs (1) or paragraph (2), as applied mutatis mutandis pursuant to the preceding paragraph;
  - (iv) when it is discovered that the registered foreign inspector has made a false notification of the results of an inspection related to their registration to a person who has undergone the inspection under Article 10, paragraph (1), Article 18, paragraph (1), or Article 73, paragraph (1);
  - (v) when the registered foreign inspector conducted the business of inspection related to their registration without using the methods of business that relate to their registration in implementing the business;
  - (vi) when the registered foreign inspector has obtained the registration pursuant to paragraph (1) of this Article by unlawful means;
  - (vii) when the Minister of Internal Affairs and Communications attempted to have the registered foreign inspector report pursuant to the provisions of Article 24-8, paragraph (1), as applied mutatis mutandis pursuant to the preceding paragraph, if a report is not submitted or a false report is submitted; or
  - (viii) when the Minister of Internal Affairs and Communications attempted to have its delegated ministerial staff to inspect the place of business of a registered foreign inspector pursuant to the provisions of Article 24-8, paragraph (1), as applied mutatis mutandis pursuant to the preceding paragraph, if the registered foreign inspector refuses, hinders, or evades the inspection.
- (4) Beyond those prescribed in the preceding three paragraphs, the necessary matters related to registration under paragraph (1) are specified by Order of the Ministry of Internal Affairs and Communications.

(Publication of Information concerning Radio Stations)

Article 25 (1) Whenever granting licenses or registration under Article 27-21, paragraph (1) (referred to below as "licenses, etc."), except for radio stations specified by Order of the Ministry of Internal Affairs and Communications, the Minister of Internal Affairs and Communications is to make public the information entered on the certificate for the radio station license, or the information notified pursuant to the provisions of Article 27-6, paragraph (3) (limited to the information equivalent to those stated in each item of Article 14, paragraph (2)), or the information entered on the registration certificate under Article 27-25, paragraph (1). or the information notified pursuant to the provisions of Article 27-34 (limited to the matters equivalent to those provided for in Article 27-25, paragraph (2)), which are specified by Order of the Ministry of Internal Affairs and Communications, on the internet or using

other methods.

- (2) Beyond the information to be made public pursuant to the provisions of the preceding paragraph, at the request of a person intending to examine interference or traffic congestion or to take the termination promotion measures prescribed in Article 27-12, paragraph (3), item (vii) that are necessary when the person in question establishes the person's own radio station or changes frequencies, or when specified by Order of the Ministry of Internal Affairs and Communications, to the extent necessary for the relevant examinations or the relevant termination promotion measures, the Minister of Internal Affairs and Communications may provide the relevant persons with information specified by Order of the Internal Affairs and Communications, on the construction design of the radio equipment and other matters related to the radio stations.
- (3) Persons who have obtained information pursuant to the provisions of the preceding paragraph must not utilize or provide the relevant information for purposes other than the purpose of examination of the interference or the termination promotion measures under the preceding paragraph.

#### (Frequency Assignment Plan)

Article 26 (1) The Minister of Internal Affairs and Communications must prepare and offer for public inspection a list of available frequencies (referred to below as the "frequency assignment plan"), and is to issue a public notice of the frequency assignment plan. This applies also when the frequency assignment plan is revised.

- (2) In the frequency assignment plan, the following information is entered for each available frequency, in order to clarify the range of radio stations eligible to be allocated:
- (i) mode of radio communications conducted by the radio station;
  - (ii) purpose of the radio station;
  - (iii) requirements for using frequencies, including the period of validity for using frequencies;
  - (iv) whether the frequency is designated pursuant to the provision in Article 27-14, paragraph (6);
  - (v) in case of the frequencies related to the radio station transmitting broadcasts; by the following frequency classifications:
    - (a) frequencies allocated either exclusively or preferentially to radio stations transmitting broadcasts; and
    - (b) frequencies other than those given in (a).

#### (Survey of Actual Radio Spectrum Utilization)

Article 26-2 (1) Pursuant to the provisions of Order of the Ministry of Internal

Affairs and Communications, the Minister of Internal Affairs and Communications is to conduct a survey on the matters specified by Order of the Ministry of Internal Affairs and Communications as those necessary in assessing actual radio spectrum utilization, such as the number of radio stations, the traffic of radio communications operated by radio stations, and the usage modes of the radio equipment at the radio stations (referred to below as "actual utilization survey" in this Article and paragraph (1) of the following Article) for each survey category (referring to the category by the matters specified in the following items for the respective types of radio stations stated in those items for frequencies not exceeding 3,000,000 MHz; the same applies in paragraphs (1) and (3) of the following Article), in order to comprehensively and systematically establish or change the frequency assignment plan and promote other measures that contribute to the effective utilization of the radio spectrum:

- (i) a base station for telecommunications services: the frequency band (referring to each range of frequencies resulting from dividing the frequencies not exceeding 3,000,000 MHz into the frequency ranges specified by the Minister of Internal Affairs and Communications in consideration of the radio wave characteristics and other matters; the same applies in the following item and Article 27-12, paragraph (2), item (iii)), the licensee of the base station for telecommunications services, and other matters specified by Order of the Ministry of Internal Affairs and Communications; and
  - (ii) a radio station other than a base station for telecommunications services: the frequency band and other matters specified by Order of the Ministry of Internal Affairs and Communications.
- (2) When the Minister of Internal Affairs and Communications has conducted an actual utilization survey, the Minister is to report the survey results to the Radio Regulatory Council, and make public an outline of the survey results without delay, pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications.
- (3) To the extent necessary for conducting an actual utilization survey, the Minister of Internal Affairs and Communications may request the licensee or registrant to report on necessary matters.

(Assessment of the Degree of Effective Utilization of Radio Waves)

Article 26-3 (1) When the Radio Regulatory Council receives a report on the results of an actual utilization survey pursuant to the provisions of paragraph (2) of the preceding Article, it is to conduct an assessment of the degree of effective utilization of radio waves (referred to below as an "effective utilization assessment") in relation to the following matters (referred to as "assessment matters" in paragraph (3)) for each survey category based on the survey results,



by taking into consideration trends in technological development and demand related to the radio spectrum, international trends concerning the frequency allocation, and other circumstances:

- (i) the number of radio stations;
  - (ii) the traffic of radio communications operated by radio stations;
  - (iii) the situation of introduction of technology to secure efficient utilization of radio waves related to radio equipment for radio stations; and
  - (iv) other matters specified by Order of the Ministry of Internal Affairs and Communications.
- (2) The Radio Regulatory Council must establish the criteria for and the method of effective utilization assessments and other policies concerning the matters necessary for the implementation of effective utilization assessments, and make them public in advance. This applies also when the Radio Regulatory Council intends to make changes to them.
- (3) The method of effective utilization assessments prescribed in the preceding paragraph (limited to one related to base stations for telecommunications services) must be one which attaches symbols indicating the assessment results of the respective assessment matters, and also attaches a symbol indicating the overall comprehensive assessment result of these assessment matters for each survey category.
- (4) When the Radio Regulatory Council has conducted an effective utilization assessment, it must report the assessment results to the Minister of Internal Affairs and Communications and make public an outline of the assessment results without delay, pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications.
- (5) To the extent necessary for conducting an effective utilization assessment, the Radio Regulatory Council may request licensees or registrants to make a report or submit materials, or may conduct other necessary surveys concerning them.
- (6) When found necessary to establish or change the frequency assignment plan, based on results of an effective utilization assessment, the Minister of Internal Affairs and Communications may conduct a survey on the technical and economic effects on licensees and registrants that may be brought about by the establishment or change of the relevant frequency assignment plan, pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications.
- (7) To the extent necessary for conducting a survey under the provisions of the preceding paragraph, the Minister of Internal Affairs and Communications may request licensees or registrants to report on necessary matters.

(Special Provisions on License for a Radio Station on Ships or Aircrafts  
Acquired in Foreign Countries)

Article 27 (1) The Minister of Internal Affairs and Communications may grant a license, without applying the provisions of Articles 6 through 14, to a radio station established on ships or onboard an aircraft that has been acquired in a foreign country.

(2) The license pursuant to the provisions of the preceding paragraph becomes invalid when the ship or aircraft arrives at its destination in Japan.

(Special Provisions on a License for a Specified Radio Station)

Article 27-2 A person who wishes to establish two or more of the radio stations stated in any of the following items that use only radio equipment labelled as conforming with technical regulations of radio stations transmitting only radio waves at frequencies automatically selected by receiving the radio waves from the radio station with which radio communications are conducted (referred to below as "specified radio stations"), may apply for a blanket license for these specified radio stations pursuant to the provisions of the following Article through Article 27-11, if those specified radio stations have the same purpose, counterparts with which radio communications are conducted, and type of radio waves and frequency, and standards of radio equipment (limited to standards specified by Order of the Ministry of Internal Affairs and Communications):

- (i) a mobile radio station, which only emits radio wave frequencies which have been automatically selected by way of receiving frequencies from a radio station which is the counterpart with which communications are conducted, and which is specified by Order of the Ministry of Internal Affairs and Communications; and
- (ii) a fixed radio station established on land for the purpose of conducting telecommunication services, which communicates with a mobile radio station as its counterpart, taking into consideration the location of the radio equipment, the antenna power and other factors, and which is specified by Order of the Ministry of Internal Affairs and Communications.

(Application for a License for a Specified Radio Station)

Article 27-3 (1) A person who wishes to obtain the license prescribed in the preceding Article must submit an application to the Minister of Internal Affairs and Communications along with a document, on which the following matters are entered (the matters stated in the following items (except for the information stated in item (vi)), and the area in which the radio equipment is to be installed in case of an application for a license which comprehensively covers specified radio stations (limited to those related to the radio stations stated in item (ii) of that Article)):

- (i) purpose (if the radio station has two or more purposes and the purposes are

- categorized into a main purpose and subordinate purpose; include the categories of a main and subordinate purpose);
- (ii) necessity for establishing the radio stations;
  - (iii) counterparts with which radio communications are conducted;
  - (iv) type of radio waves, and desirable frequency range and antenna power;
  - (v) construction design of the radio equipment;
  - (vi) maximum number of operational radio stations (referring to the maximum number of specified radio stations to be operated simultaneously during the period of validity of the license);
  - (vii) expected commencement date of operation (referring to the earliest expected commencement date of operation out of various specified radio stations); and
  - (viii) if a contract is made with the licensees or registrants of other radio stations on measures necessary to prevent obstruction including interference; the details of the contract.
- (2) If radio communications are conducted with a foreign artificial satellite station as a counterpart, a person who wishes to obtain the license as prescribed in the preceding Article must enter in the document in the preceding paragraph such matters as the orbit or position of the artificial satellite, matters related to the radio station to be established on land for the purpose of controlling the position, attitude, and other characteristics of the artificial satellite, and other matters specified by Order of the Ministry of Internal Affairs and Communications, beyond those matters stated in that paragraph.

#### (Examination of Application)

Article 27-4 When receiving an application under the preceding Article paragraph (1), the Minister of Internal Affairs and Communications must examine without delay whether it conforms to the following items:

- (i) frequency assignment is possible;
- (ii) if the specified radio station has a main purpose and subordinate purpose, the fulfillment of the subordinate purpose is not likely to hinder the fulfillment of the main purpose; and
- (iii) beyond the matters stated in the preceding two items, conformity with the essential standards for the establishment of the specified radio stations specified by Order of the Ministry of Internal Affairs and Communications.

#### (Granting of a Blanket License)

Article 27-5 (1) When determining that the application conforms to each item in the preceding Article, as a result of the examination pursuant to the provisions of the Article, the Minister of Internal Affairs and Communications must issue

a license to the applicant, designating the following matters (the matters given in the following items (except for the matters given in item (iii)) and the area in which the radio equipment is to be installed in case of an application for a license which comprehensively covers specified radio stations (limited to those related to the radio stations given in Article 27-2 item (ii)):

(i) type of radio waves and frequencies;

(ii) antenna power;

(iii) designated number of radio stations (referring to the maximum number of specified radio stations operating simultaneously; the same applies below);  
and

(iv) time limit for the commencement of operation (referring to the earliest commencement date of operation of one or more specified radio stations).

(2) When granting a license under the preceding paragraph (referred to below as a "blanket license"), the Minister of Internal Affairs and Communications is to issue a certificate for a radio station license, on which the following matters and designated matters pursuant to the provisions of that paragraph are entered:

(i) date and reference number of the blanket license;

(ii) name and address of the blanket licensee (referring to the person who has obtained the blanket license; the same applies below);

(iii) classification of the specified radio station;

(iv) purpose of the specified radio station (if the specified radio station has a main purpose and subordinate purposes, including the categories of the main and subordinate purposes);

(v) counterparts with which radio communications are conducted; and

(vi) period of validity of the blanket license.

(3) The period of validity of the blanket license is specified by Order of the Ministry of Internal Affairs and Communications, not exceeding five years from the day the blanket license was granted; provided, however, renewal may be allowed.

#### (Commencement of Operations of a Specified Radio Station)

Article 27-6 (1) The Minister of Internal Affairs and Communications may extend the time limit under paragraph (1), item (iv) of the preceding Article, when found appropriate, upon receipt of the application for a blanket licensee.

(2) When commencing operation of one or more specified radio stations related to the blanket license, the blanket licensee of the specified radio station (limited to those related to the radio stations stated in Article 27-2, item (i) (referred to below as "item (i) blanket licensee)) must notify the Minister of Internal Affairs and Communications to that effect without delay; provided, however, this does not apply to cases specified by Order of the Ministry of Internal Affairs and

Communications.

- (3) When establishing specified radio stations related to the blanket license (except when continuing to establish those radio stations upon renewal of the license), the blanket licensee of the specified radio station (limited to those related to the radio stations stated in Article 27-2, item (ii) (referred to below as "item (ii) blanket licensee")), within a given period not exceeding fifteen days specified by Order of the Ministry of Internal Affairs and Communications, must submit to the Minister of Internal Affairs and Communications a notification describing the date of commencement of operation, the location of the radio equipment and other matters specified by Order of the Ministry of Internal Affairs and Communications related to each of the relevant specified radio stations. This applies also when making changes to these matters, or when discontinuing the relevant specified radio station.

(Prohibition on Establishing Specified Radio Stations Exceeding the Designated Number of Radio Stations)

Article 27-7 An item (i) blanket licensee must not establish specified radio stations exceeding the designated number of radio stations entered on the certificate for the radio station license.

(Permission for Changes)

Article 27-8 (1) When changing the purpose of the specified radio station or the radio station with which radio communications are conducted as a counterpart, or when intending to conduct radio communications using radio equipment based on a different construction design from the one submitted pursuant to the provisions of Article 27-3, paragraph (1), a blanket licensee must obtain the permission of the Minister of Internal Affairs and Communications in advance; provided, however, that changes may not be made when the change in the purpose of the specified radio station includes the transmission of basic broadcasting.

- (2) The provisions from Article 5, paragraph (1) through paragraph (3) apply mutatis mutandis to the permission under the preceding paragraph related to changing the purpose of the specified radio station.

(Changes in Frequencies, Designated Number of Radio Stations upon Application)

Article 27-9 When a blanket licensee applies for a change in the type of radio waves, frequencies, antenna power, the number of specified radio stations or the area where radio equipment may be installed, the Minister of Internal Affairs and Communications may change the designation when determining that the changes are particularly necessary to ensure the efficient utilization of

the radio waves and for the elimination of interference, etc.

(Discontinuation of a Specified Radio Station)

- Article 27-10 (1) When discontinuing all the specified radio stations covered by a blanket license, the item (i) blanket licensee must notify the Minister of Internal Affairs and Communications to that effect.
- (2) When a blanket licensee discontinues all the specified radio stations covered by the blanket license, the blanket license becomes invalid.

(Exemptions Related to a Specified Radio Station and Blanket Licensee)

- Article 27-11 (1) A specified radio station whose license has been obtained pursuant to the provisions of Article 27-5, paragraph (1), is to be exempted from the application under the provisions of Article 15, and that blanket licensee is to be exempted from the application under the provisions of Articles 16, 17, 19, 22, and 23.
- (2) In relation to an application under the provision of Article 20, paragraph (6) related to transfer of the status of blanket licensee, "Article 7" in that paragraph is deemed to be replaced with "Article 27-4".

(Establishment Guidelines for Specified Base Stations)

- Article 27-12 (1) Regarding fixed radio stations established on land that are required to be established in a large number by one person in order to secure the matters stated in any of the following items, for those in which the Minister of Internal Affairs and Communications determines that it is necessary to promote their smooth establishment to secure fair and efficient utilization of radio waves (referred to below as "specified base stations"), the Minister of Internal Affairs and Communications may specify guidelines concerning the establishment of specified base stations (referred to below as "establishment guidelines"):
- (i) radio communications for telecommunications services in the mobile operating area of a mobile radio station established on land, for the purpose of conducting the relevant telecommunications services (limited to those with an operating area that covers the entire area of one or more prefectures); or
- (ii) reception of basic terrestrial broadcasting for mobile reception in the target broadcast district related to the basic terrestrial broadcasting for mobile reception (referring to the target broadcast district provided for in Article 91, paragraph (2), item (ii) of the Broadcasting Act; the same applies in Article 27-14, paragraph (2), item (iii)).
- (2) In the case referred to in the preceding paragraph, in relation to a base station for telecommunications services which is to use frequencies that are currently used by a base station for telecommunications services that is

already established (referred to below as an "already-established base station for telecommunications services") (such frequencies are limited to those related to the area specified by the Minister of Internal Affairs and Communications as the area of the location of the radio equipment for that already-established base station for telecommunications services; the same applies below in this paragraph and paragraph (1) (except item (iii)) of the following Article), the Minister of Internal Affairs and Communications may treat such base station for telecommunications services as a specified base station only if it is one of the base stations specified in the following items for the categories of cases respectively stated in those items:

- (i) if the Minister has received a report of the results of an assessment of utilization effectiveness pursuant to the provisions of Article 26-3, paragraph (4), and finds that the results related to the frequencies currently used by an already-established base station for telecommunications services (except one established according to the approved plan prescribed in Article 27-15, paragraph (3), for which the period of validity of the approval for that approved plan has yet to expire; the same applies in item (iii) and Article 27-20) do not satisfy the criterion specified by Order of the Ministry of Internal Affairs and Communications: a base station for telecommunications services which is to use those frequencies;
  - (ii) if the Minister decides that it is necessary to establish the establishment guidelines to which a proposal under the provisions of paragraph (1) of the following Article relates pursuant to the provisions of paragraph (2) of that Article: a base station for telecommunications services which is to use the frequencies to which that decision relates; or
  - (iii) if, by taking into consideration the technological development, trends in demand, and other circumstances related to radio waves, it is deemed necessary for securing fair and efficient utilization of radio waves to conduct reorganization (referring to subdividing a single frequency category (referring to a category of frequencies that belong to that frequency band and that are currently used by radio stations established by that licensee; the same applies below in this item) or consolidating, or consolidating and then dividing two or more frequency categories; the same applies below in this item) of the frequencies currently used by an already-established base station for telecommunications services and to establish a base station for telecommunications services that is to use the frequencies newly categorized through the reorganization of the frequencies: that base station for telecommunications services.
- (3) Establishment guidelines are to specify the following matters (except the matters stated in items (iii) and (viii), in the case of the establishment guidelines related to specified base stations transmitting basic terrestrial

broadcasting for mobile reception):

- (i) matters concerning the coverage of specified base stations subject to establishment guidelines;
- (ii) matters concerning the frequencies allocated to the relevant specified base stations from among the available frequencies shown in the frequency assignment plan and the use of those frequencies, such as the area in which those frequencies are to be used (referred to below as the "frequency usage area") (in the case stated in sub-item (a) or (b) below, including the matters respectively specified in sub-item (a) or (b)):
  - (a) if all or part of the frequencies are currently used by any radio station other than those specified base stations, and a period of use of those frequencies is specified in the frequency assignment plan (except the case stated in sub-item (b)): those frequencies and the day of expiration of that period; or
  - (b) if all or part of the frequencies are currently used by any already-established base station for telecommunications services in that frequency usage area: those frequencies and the frequencies currently used by mobile radio stations with which that already-established base station for telecommunications services communicates as its counterparts, as well as the days of expiration of the periods of use of these frequencies.
- (iii) matters concerning measures for securing fair utilization of radio waves related to the radio equipment for those specified base stations, such as the matters stated in sub-item (a) or (b) below:
  - (a) for each category of the persons that intend to establish those specified base stations (referring to the category specified by taking into consideration matters such as whether the persons are licensees of already-established base stations for telecommunications services and the total of the frequency bandwidths currently used by already-established base stations for telecommunications services calculated for each of the licensees), matters concerning the maximum frequency bandwidth which the specified base stations to be established by persons that belong to that category will be allowed to use; and
  - (b) matters concerning promotion of the provision of interconnection/wholesale services (referring to the provision of interconnection between telecommunications equipment of another telecommunications carrier (referring to the telecommunications carrier prescribed in Article 2, item (v) of the Telecommunications Business Act) and telecommunications equipment provided for use in telecommunications services related to those specified base stations and the provision of wholesale telecommunications services (referring to the wholesale telecommunications services prescribed in Article 29, paragraph (1), item



- (x) of that Act) using that telecommunications equipment; the same applies in Article 27-14, paragraph (2), item (v));
  - (iv) matters concerning the locations and the schedule for commencement of operation of the specified base stations;
  - (v) matters concerning the introduction of technology to secure efficient utilization of radio waves related to radio equipment for the relevant specified base stations;
  - (vi) matters concerning the amount of money to be paid by a person that was granted the approval referred to in Article 27-14, paragraph (1) (referred to below as the "specified base station establishment fee"), the method and due date for the payment, and other matters concerning the specified base station establishment fee;
  - (vii) in the cases stated in item (ii), sub-item (a) or (b), when it is found that establishing the relevant specified base station before the date respectively specified in sub-item (a) or (b) of that item will contribute to the effective utilization of the radio waves; matters concerning the costs to be borne and other measures to be taken by the person that intends to establish the relevant specified base station to cause the radio station currently using the frequencies respectively specified in sub-item (a) or (b) to terminate use of the frequencies respectively specified in sub-item (a) or (b) before the dates respectively specified in sub-item (a) or (b) (referred to below as the "termination promotion measures");
  - (viii) in order to secure the radio communications stated in paragraph (1), item (i) related to those specified base stations, if it is deemed that adding a function for securing those radio communications to the radio equipment for already-established specified base stations and operating those stations contribute to the effective utilization of the radio waves; matters concerning the coverage, the locations, and the time of the commencement of operation of the advanced already-established specified base stations (referring to already-established specified base stations with that function added to their radio equipment; the same applies below);
  - (ix) the assessment criteria for granting the approval referred to in Article 27-14, paragraph (1); and
  - (x) beyond the matters stated in the preceding items, matters concerning the smooth establishment of the relevant specified base stations and other necessary matters.
- (4) When the Minister of Internal Affairs and Communications intends to establish establishment guidelines that treat the base stations for telecommunications services specified in paragraph (2), item (i) or (iii) as specified base stations, the Minister must hear the opinions of licensees of already-established base stations for telecommunications services that are

currently using the frequencies related to the establishment guidelines within the relevant frequency usage area, pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications.

- (5) If the Minister of Internal Affairs and Communications intends to establish establishment guidelines that treat the base stations for telecommunications services specified in the items of paragraph (2) as specified base stations, when it is found necessary, the Minister may conduct a survey on the technical and economic effects brought about by the establishment of those establishment guidelines on licensees of already-established base stations for telecommunications services that are currently using the frequencies related to the establishment guidelines within the relevant frequency usage area, pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications.
- (6) To the extent necessary for conducting a survey under the provisions of the preceding paragraph, the Minister of Internal Affairs and Communications may request licensees referred to in the paragraph (if the survey is necessary for establishing establishment guidelines that treat the base stations for telecommunications services specified in paragraph (2), item (ii) as specified base stations, the licensees referred to in the preceding paragraph and the requester related to the establishment guidelines) to report on necessary matters.
- (7) In the case stated in paragraph (2), item (i), if the Minister of Internal Affairs and Communications finds that there is no need to establish the establishment guidelines in consideration of the circumstances, such as the results of the hearing of opinions under the provisions of paragraph (4), and the results of a survey under the provisions of paragraph (5), the Minister must make a report to that effect to the Radio Regulatory Council, accompanied by the reasons for the decision.
- (8) The Minister of Internal Affairs and Communications must issue a public notice on the guidelines without delay when establishing or amending establishment guidelines for the specified base stations.

(Proposal for Establishment of Establishment Guidelines)

Article 27-13 (1) A person that intends to establish, as specified base stations, base stations for telecommunications services that use frequencies that are currently used by already-established base stations for telecommunications services (except a licensee of the already-established base stations for telecommunications services), may make a proposal to the Minister of Internal Affairs and Communications that establishment guidelines for those specified base stations should be established, accompanied by a document describing the following matters, pursuant to the provisions of Order of the Ministry of

Internal Affairs and Communications; provided, however, that this does not apply to a person that falls under any of the items of Article 5, paragraph (3), or a person specified by Order of the Ministry of Internal Affairs and Communications:

- (i) name and address of the person, and if the person is a corporation, name of the representative;
  - (ii) operating area of the mobile radio stations with which the specified base stations communicate as its counterparts;
  - (iii) frequencies used by the specified base stations;
  - (iv) total number of the specified base stations included in the communications system prescribed in paragraph (1) of the following Article to which the proposal relates, and the location of radio equipment for and the time of establishment of each specified base station;
  - (v) technology to secure efficient utilization of radio waves that is planned to be used in the radio equipment for the specified base stations; and
  - (vi) other matters specified by Order of the Ministry of Internal Affairs and Communications.
- (2) If the Minister of Internal Affairs and Communications receives a proposal under the provisions of the preceding paragraph, the Minister is to decide whether it is necessary to establish the establishment guidelines to which the proposal relates, by taking into consideration the results of the effective utilization assessments relating to the frequencies to which the proposal relates, the expected degree of effective utilization of radio waves of those frequencies by the specified base stations which the requester wishes to establish, and other matters specified by Order of the Ministry of Internal Affairs and Communications.
- (3) When the Minister of Internal Affairs and Communications intends to make a decision under the provisions of the preceding paragraph, the Minister must hear the opinions of the requester to whom that decision relates, and licensees of already-established base stations for telecommunications services, pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications.
- (4) When the Minister of Internal Affairs and Communications makes a decision pursuant to the provisions of paragraph (2), the Minister must notify the requester to whom that decision relates, and licensees of already-established base stations for telecommunications services to that effect, accompanied by the reasons for the decision, and also make the decision public without delay.

(Approval of an Establishment Plan for Specified Base Stations)

Article 27-14 (1) A person that intends to establish specified base stations, may formulate a plan concerning the establishment of the specified base stations

(referred to below as an "establishment plan") for a communications system (referring collectively to specified base stations established by one person with which radio communications is conducted as its counterparts is the same party; the same applies in item (vi) of the following paragraph and paragraph (4), item (iii)) or a broadcasting system (referring to the broadcasting system prescribed in Article 91, paragraph (2), item (iii) of the Broadcasting Act; the same applies in items (vi) and (x) of the following paragraph and item (iii) of paragraph (4)) respectively, may submit the plan to the Minister of Internal Affairs and Communications, along with a written application describing the following matters (except the matters stated in item (ii) in the case of a person that intends to establish specified base stations for the purpose of conducting telecommunications services), and be granted approval that the establishment plan is appropriate:

(i) name and address;

(ii) in the case of a corporation or organization, the following matters:

(a) name of the representative and the proportion of the persons stated in Article 5, paragraph (1), items (i) through (iii) in the total number of officers; and

(b) proportion of voting rights possessed directly by a foreign national; and

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

(2) The establishment plan for specified base stations must contain the following matters (except the matters stated in items (x) and (xi) in the case of an establishment plan related to specified base stations for the purpose of conducting telecommunications services and the matters stated in items (v), (ix), and (xiii) in the case of an establishment plan related to specified base stations transmitting basic terrestrial broadcasting for mobile reception):

(i) classification as to whether the specified base station is one which will secure either the matters stated in Article 27-12, paragraph (1), item (i), or the matters stated in item (ii) of that paragraph;

(ii) reason for establishing the specified base stations;

(iii) operating area for the mobile radio stations with which the specified base stations communicate as its counterparts or the target broadcast district related to the basic terrestrial broadcasting for mobile reception to be conducted by the specified base stations;

(iv) desirable frequency range;

(v) measures for securing fair utilization of radio waves, such as measures for promoting the provision of interconnection/wholesale services, which are planned to be implemented;

(vi) total number of specified base stations included in the relevant communications system and the relevant broadcasting system, locations of

- radio equipment at each specified base station, and expected commencement date of operations;
  - (vii) technology for securing efficient utilization of radio waves, which is planned to be used for radio equipment at the specified base stations;
  - (viii) amount of the specified base station establishment fee;
  - (ix) if the person that intends to establish specified base stations has obtained the registration referred to in Article 9 of the Telecommunications Business Act; the date of the registration and the registration number (if the person has obtained the renewal of registration referred to in Article 12-2, paragraph (1) of that Act; the dates of the registration and its renewal and the registration number), and if the person has not obtained the registration referred to in Article 9 of that Act; matters concerning the application for the registration referred to in that Article;
  - (x) methods for sharing the expenses of constructing the radio equipment and operating the radio station related to all specified base stations included in the relevant broadcasting system;
  - (xi) business plan, and estimated revenue and expenses;
  - (xii) if conducting the termination promotion measures; the contents of the relevant termination promotion measures and methods for sharing the expenses required for the termination promotion measures;
  - (xiii) in the case of operating advanced, already-established specified base stations, the reason for the need to operate the advanced, already-established specified base stations, the total number of the advanced, already-established specified base stations, and the locations of the radio equipment for and the times of the commencement of operation of the advanced, already-established specified base stations for each frequency used; and
  - (xiv) other matters prescribed by Order of the Ministry of Internal Affairs and Communications.
- (3) The application for approval under paragraph (1) must be filed within a period not shorter than one month as fixed in the public notices of the Minister of Internal Affairs and Communications.
- (4) Upon receipt of an application for the approval referred to in paragraph (1), the Minister of Internal Affairs and Communications must examine whether the application conforms to all of the following items (except item (v), in the case of an establishment plan related to specified base stations that transmit basic terrestrial broadcasting for mobile reception):
- (i) the establishment plan is adequate in the light of the establishment guidelines;
  - (ii) the establishment plan is deemed to be assuredly implemented;
  - (iii) the frequencies are currently available or are deemed to certainly become

- available at an early date for all of the specified base stations included in the communications system or the broadcasting system related to the establishment plan;
- (iv) the person that intends to establish the specified base stations to which the establishment plan relates does not fall under any of the items of Article 5, paragraph (3) (any of the items of paragraph (1), or any of the items of paragraph (3) of the Article, in the case of a person that intends to establish specified base stations transmitting basic terrestrial broadcasting for mobile reception); and
  - (v) the person that intends to establish the specified base stations related to the establishment plan has obtained or is sufficiently likely to obtain the registration referred to in Article 9 of the Telecommunications Business Act.
- (5) If, as a result of conducting examinations pursuant to the provisions of the preceding paragraph, the Minister of Internal Affairs and Communications finds that those applications conform to all of the items of the paragraph (except item (v), in the case of an establishment plan related to specified base stations that transmit basic terrestrial broadcasting for mobile reception), the Minister is to conduct an assessment of all applications that were found to be in conformity, according to the assessment criteria referred to in Article 27-12, paragraph (3), item (ix).
- (6) The Minister of Internal Affairs and Communications is to grant the approval referred to in paragraph (1), while designating frequencies, for the establishment plan relating to the application that is found to be the most appropriate for securing fair and efficient utilization of radio waves according to the assessment referred to in the preceding paragraph.
- (7) The period of validity of the approval under paragraph (1) is specified by Order of the Ministry of Internal Affairs and Communications, and does not exceed ten years (twenty years, in case of the approval of the establishment plan for specified base stations using the frequencies specified in Article 27-12, paragraph (3), item (ii), sub-item (a) or (b)) from the day of approval.
- (8) A person that was granted the approval referred to in paragraph (1) must pay to the national government the specified base station establishment fee in cash (including a check that may be used for the payment of national taxes, which is issued and guaranteed by a bank), by the time limit for payment specified in the establishment guidelines.
- (9) When granting approval under paragraph (1), the Minister of Internal Affairs and Communications is to issue a public notice of the date of that approval, the period of validity of approval, designated frequencies pursuant to the provisions under paragraph (6), and other matters specified by Order of the Ministry of Internal Affairs and Communications.

(Changes to an Establishment Plan)

- Article 27-15 (1) A person who was granted approval under paragraph (1) of the preceding Article, must obtain approval from the Minister of Internal Affairs and Communications when changing the establishment plan related to the approval (except the matters stated in paragraph (2), items (i),(iv), and (viii) of that Article).
- (2) Upon receipt of an application for the approval referred to in the preceding paragraph, if the Minister of Internal Affairs and Communications finds that the application conforms to all of the items (except item (v), in the case of an establishment plan related to specified base stations that transmit basic terrestrial broadcasting for mobile reception) of paragraph (4) of the preceding Article, the Minister is to grant the approval referred to in the preceding paragraph.
- (3) If the person who establishes specified base stations related to the establishment plan that was granted approval under paragraph (1) of the preceding Article (when the change of the establishment plan is approved, the changed plan; referred to below as "the approved plan") (the person is referred to below as "the approved establisher") files an application for a change in the designated frequency with the Minister of Internal Affairs and Communications, the Minister may change the designation, when determining that the change is particularly necessary for eliminating interference and other matters.
- (4) When the approved establisher applies for an extension of the period of validity of the approval, the Minister of Internal Affairs and Communications may extend the term for a period not exceeding one year, when found particularly necessary,
- (5) If there has been any change (except any of the following changes) in the matters stated in the items of paragraph (1) of the preceding Article (except the matters stated in item (ii) of that paragraph in the case of an approved establisher related to specified base stations for the purpose of conducting telecommunications services), an approved establisher must notify the Minister of Internal Affairs and Communications to that effect without delay:
- (i) any change in the matters stated in paragraph (1), item (ii) of the preceding Article, which is a change specified by Order of the Ministry of Internal Affairs and Communications as being one that is unlikely to cause the approved establisher to fall under Article 5, paragraph (1), item (iv); or
- (ii) any change in the matters stated in paragraph (1), item (iii) of the preceding Article, which is a minor change specified by Order of the Ministry of Internal Affairs and Communications.
- (6) When granting approval under paragraph (1) (limited to approval related to changes in matters specified by Order of the Ministry of Internal Affairs and

Communications under paragraph (9) of the preceding Article), when changing the designation of frequencies pursuant to the provisions of paragraph (3), or when extending the period of validity of approval pursuant to the provisions of paragraph (4), the Minister of Internal Affairs and Communications is to issue a public notice to that effect.

(Revocation of Approval)

Article 27-16 (1) When an approved establisher falls under any of the following items, the Minister of Internal Affairs and Communications must revoke the approval:

- (i) when the registration referred to in Article 9 of the Telecommunications Business Act for an approved establisher related to specified base stations for the purpose of conducting telecommunications services has been revoked, pursuant to the provisions of Article 14, paragraph (1) of that Act; or
  - (ii) when an approved establisher related to specified base stations that transmit basic terrestrial broadcasting for mobile reception has come to fall under any of the items of Article 5, paragraph (1).
- (2) Notwithstanding the provisions of the preceding paragraph, when an approved establisher (limited to one related to specified base stations that transmit basic terrestrial broadcasting for mobile reception; the same applies below until paragraph (5)) has come to fall under Article 5, paragraph (1), item (iv), if the Minister of Internal Affairs and Communications finds it to be necessary in consideration of the following matters, the minister may choose not to revoke the approval for a specified period, limited to the period within the remainder of the period of validity of the approval for the approved establisher:
- (i) the situation of coming to fall under Article 5, paragraph (1), item (iv);
  - (ii) the effects on the interests of the recipients of the basic terrestrial broadcasting for mobile reception, to which the approval relates that is caused by the revocation of the approval pursuant to the provisions of the preceding paragraph, or the non-revocation of the approval pursuant to the provisions of this paragraph; and
  - (iii) other matters specified by Order of the Ministry of Internal Affairs and Communications.
- (3) When the Minister of Internal Affairs and Communications deems that an approved establisher has come to fall under Article 5, paragraph (1), item (iv), the Minister must decide whether or not to revoke the approval for the approved establisher, pursuant to the provisions of the preceding paragraph.
- (4) When the Minister of Internal Affairs and Communications intends to make the decision referred to in the preceding paragraph, the Minister must hear the opinions of the approved establisher to which the decision relates.
- (5) When the Minister of Internal Affairs and Communications has made the



decision referred to in paragraph (3), the Minister must notify the approved establisher to which the decision relates to that effect, accompanied by the reasons for the decision, (if the decision is one of not revoking the approval for the approved establisher pursuant to the provisions of paragraph (2); a notice to that effect and the period specified pursuant to the provisions of that paragraph) without delay.

- (6) When an approved establisher falls under one of the following items, the Minister of Internal Affairs and Communications may revoke the approval:
- (i) when the Minister of Internal Affairs and Communications finds that the approved establisher has not established the specified base stations related to the approved plan according to the relevant approved plan or has not operated the advanced, already-established specified base stations related to the approved plan according to the relevant approved plan without due reason;
  - (ii) when the approved establisher has not paid the specified base station establishment fee by the time limit for payment specified in the establishment guidelines related to the approved plan without due reason;
  - (iii) when the approved establisher is granted approval under Article 27-14, paragraph (1) or paragraph (1) of the preceding Article, or has the Minister of Internal Affairs and Communications change the designation pursuant to the provisions of paragraph (3) of the preceding Article through unlawful means;
  - (iv) when the approved establisher has come to fall under Article 5, paragraph (3), item (i);
  - (v) when the approved establisher related to specified base stations for the purpose of conducting telecommunications services falls under any of the following sub-items:
    - (a) when the registration referred to in Article 9 of the Telecommunications Business Act has been refused pursuant to the provisions of Article 12, paragraph (1) of the Act;
    - (b) when the registration referred to in Article 9 of the Telecommunications Business Act becomes invalid pursuant to the provisions of Article 12-2, paragraph (1) of the Act; or
    - (c) when the registration of a change referred to in Article 13, paragraph (1) of the Telecommunications Business Act has been refused pursuant to the provisions of Article 12, paragraph (1) of that Act as applied mutatis mutandis pursuant to Article 13, paragraph (4) of that Act (limited to the case in which the registration of a change relates to a change in a matter concerning specified base stations or advanced, already-established specified base stations related to the approved plan); or
    - (d) when there has been notification of discontinuation of the entire

telecommunications business of the approved establisher or dissolution of the approved establisher pursuant to the provisions of Article 18 of the Telecommunications Business Act.

- (7) Upon revocation of approval pursuant to the provisions of the preceding paragraph (except items (iv) and (v)), the Minister of Internal Affairs and Communications may revoke the approval of other establishment plans of the approved establisher under Article 27-14, paragraph (1), or revoke the licenses, etc. for the radio stations.
- (8) Upon revocation pursuant to the provisions of paragraph (1) or the preceding two paragraphs, the Minister of Internal Affairs and Communications must send to the approved establisher a notification with statement of reasons.

(Application Mutatis Mutandis of the Provisions Concerning Company Mergers)

Article 27-17 The provisions of Article 20, paragraphs (1) through (3), paragraph (6), and paragraph (9) apply mutatis mutandis to the approved establisher. In this case, "Article 5 and Article 7" in paragraph (6) of the Article is deemed to be replaced with "Article 27-14, paragraph (4)"; "paragraph (2) through the preceding paragraph" is deemed to be replaced with "paragraph (2) and paragraph (3)"; and "paragraph (1) and the preceding two paragraphs" in paragraph (9) of that Article is deemed to be replaced with "paragraph (1), as applied mutatis mutandis pursuant to Article 27-17".

(Special Case of License Application Periods for Specified Base Stations Related to Approved Plans)

Article 27-18 The provisions of Article 6, paragraph (8) do not apply to the application for a license for specified base stations that an approved establisher establishes, according to the approved plan and mobile radio stations with which those specified base stations communicate as its counterparts.

(Responsibility of Approved Establishers of Specified Base Stations)

Article 27-19 In order to secure the radio communications stated in Article 27-12, paragraph (1), item (i) and to contribute to the effective utilization of radio waves of the frequencies used by the specified base stations, an approved establisher of specified base stations for the purpose of conducting telecommunications services must endeavor to establish the specified base stations also in places other than the locations of radio equipment for the specified base stations described in the approved plan (such places are limited to those within the frequency usage area related to the approved plan).

(Special Provisions on License Renewal Application Periods for Already-Established Base Stations for Telecommunications Services)

Article 27-20 When the Minister of Internal Affairs and Communications approves an establishment plan that treats the base stations for telecommunications services specified in the items of Article 27-12, paragraph (2) as specified base stations, the provisions of Article 6, paragraph (8) do not apply to an application for renewal of a license for already-established base stations for telecommunications services that are currently using the frequencies related to the approval within the frequency usage area or mobile radio stations with which those already-established base stations for telecommunications services communicate as its counterparts, during the period from the day of the approval to the day of expiration of the period of use of the frequencies currently used by these radio stations specified in the establishment guidelines related to the approval.

## **Section 2 Registration of Radio Stations**

(Registration)

Article 27-21 (1) When a person intends to establish a radio station that is to transmit radio waves and that possesses a function that enables it to stop radio waves transmission for a given period of time by receiving radio waves at the same frequency as those radio waves, or a radio station that can be operated without causing interference or obstruction that impairs the operation of other radio stations having the same standards for their radio equipment as those for the radio equipment of the relevant radio station (limited to standards specified by Order of the Ministry of Internal Affairs and Communications; the same applies below), and that is one of the radio stations specified by Order of the Ministry of Internal Affairs and Communications that exclusively uses radio equipment labelled as conforming with technical regulations within areas specified by Order of the Ministry of Internal Affairs and Communications, the person must obtain registration from the Minister of Internal Affairs and Communications.

(2) As specified by Order of the Ministry of Internal Affairs and Communications, a person who wishes to obtain registration under the preceding paragraph must submit an application form describing the following matters:

- (i) name and address of the applicant, and if the applicant is a corporation, name of the representative
- (ii) standards for radio equipment of radio stations to be established
- (iii) location of the radio equipment
- (iv) frequencies and antenna power

(3) Application under the preceding paragraph must be accompanied by a

document describing the purpose of establishment, and any other matters specified by Order of the Ministry of Internal Affairs and Communications (including details of the contract, if a contract is made with the licensees or registrants of other radio stations on measures necessary to prevent interference and other obstruction; the same applies to Article 27-32, paragraph (3)).

(Implementation of Registration)

Article 27-22 When an application for registration under paragraph (1) of the preceding Article is submitted, except if registration is denied pursuant to the provisions of the following Article, the Minister of Internal Affairs and Communications must implement registration of the following matters in the comprehensive radio station management file prescribed in Article 103-2 paragraph (4) item (ii).

- (i) matters stated in the items of paragraph (2) of the preceding Article
- (ii) date of registration and reference number of registration

(Denial of Registration)

Article 27-23 (1) If the application for registration under Article 27-21, paragraph (1) falls under any of the following items, the Minister of Internal Affairs and Communications must deny the registration:

- (i) when the locations of the radio equipment related to the application are in areas other than those specified by Order of the Ministry of Internal Affairs and Communications under Article 27-21, paragraph (1); or
  - (ii) when the application form or documents attached to it contain any false description on important matters or lack descriptions of important matters.
- (2) If the application for registration under Article 27-21, paragraph (1) falls under any of the following items, the Minister of Internal Affairs and Communications may deny the relevant registration:
- (i) when the applicant falls under any item of Article 5, paragraph (3);
  - (ii) when radio stations related to the registration that use that frequency as radio stations related to the application are prohibited from being established pursuant to the provisions of Article 76-2-2, or when the operation of the registered stations is restricted; or
  - (iii) beyond the conditions stated in the preceding two items, when the establishment of radio stations related to the application does not conform to the frequency assignment plan, or the establishment of those radio stations is likely to impair proper utilization of radio waves.

(Period of Validity of Registration)

Article 27-24 The period of validity of registration in Article 27-21, paragraph

(1) is specified by Order of the Ministry of Internal Affairs and Communications and is not to exceed five years from the day of registration; provided, however, registration renewal may be allowed.

(Registration Certificate)

Article 27-25 (1) When granting registration under Article 27-21, paragraph (1), the Minister of Internal Affairs and Communications is to issue a registration certificate.

(2) The matters stated in each item under Article 27-22 must be entered in the registration certificate in the preceding paragraph.

(Changes to the Registration Certificate)

Article 27-26 (1) Any registrant (referring to a person who is registered under Article 27-21, paragraph (1); the same applies below) intending to change matters stated in item (iii) or (iv), of paragraph (2) of that Article must obtain a registration of change from the Minister of Internal Affairs and Communications. However, this does not apply to minor changes specified by Order of the Ministry of Internal Affairs and Communications.

(2) As prescribed by Order of the Ministry of Internal Affairs and Communications, a person who wishes to obtain a registration of change as prescribed in the preceding paragraph must submit an application form describing matters related to the change to the Minister of Internal Affairs and Communications.

(3) The provisions of Article 27-22 and Article 27-23, paragraph (1) apply mutatis mutandis to the registration of change in paragraph (1). In this case, "the following Article" in Article 27-22 is deemed to be replaced with "paragraph (1) of the following Article"; "the following matters" in Article 27-22 is deemed to be replaced with "the matters related to the change"; and "the application form or documents attached to it" in Article 27-23, paragraph (1) is deemed to be replaced with "the application form".

(4) Any registrant, after changing matters stated in Article 27-21, paragraph (2), item (i), or after implementing minor changes specified by Order of the Ministry of Internal Affairs and Communications under the proviso to paragraph (1), must submit a notification to that effect to the Minister of Internal Affairs and Communications without delay. Upon receiving the notification, the Minister of Internal Affairs and Communications is to change the relevant registration without delay.

(Transfer)

Article 27-27 (1) When the transfer of the entire business, or inheritance, company merger, or company split (limited to those transferring the entire

business) for a registrant has been completed, the transferee who has taken over the entire business or its inheritor, the surviving corporation after the company merger or the new corporation to be established by the company merger, or the corporation which is to acquire the entire business after the company split, is to assume the status of registrant; provided, however, that this does not apply when the transferee which has taken over the relevant entire business or its inheritor, the surviving corporation after the company merger or the new corporation to be established by the company merger, or a corporation who is to acquire the relevant entire business after the company split falls under any of the items of Article 27-23, paragraph (2) (except item (ii)).

- (2) A person who has assumed the status of registrant pursuant to the provisions of the preceding paragraph must notify the Minister of Internal Affairs and Communications to that effect along with documents that verify the fact without delay.

(Correction of Registration Certificate)

Article 27-28 After changing the matters entered on the registration certificate, registrants must submit the registration certificate to the Minister of Internal Affairs and Communications and obtain amendments.

(Notification of Discontinuation of Radio Stations)

Article 27-29 (1) After discontinuing a registered station, registrants must submit a notification to that effect to the Minister of Internal Affairs and Communications without delay.

- (2) Having submitted the notification pursuant to the provisions of the preceding paragraph, the registration in Article 27-21, paragraph (1) becomes invalid.

(Deletion of Registration Record)

Article 27-30 The Minister of Internal Affairs and Communications, having revoked a registration pursuant to the provisions of Article 27-16, paragraph (7), Article 76, paragraphs (6) through (8), or Article 76-3, paragraph (1), when the period of validity of the registration in Article 27-21, paragraph (1) has expired, or when registration under Article 27-21, paragraph (1) has lost its validity pursuant to the provisions of paragraph (2) of the preceding Article, must delete the relevant registration.

(Return of Registration Certificates)

Article 27-31 When the registration of a person who was a registrant has been revoked pursuant to the provisions of Article 27-16, paragraph (7), Article 76, paragraphs (6) through (8), or Article 76-3, paragraph (1), or when the period

of validity of the registration under Article 27-21, paragraph (1) has expired, or when registration under Article 27-21, paragraph (1) has lost its validity pursuant to the provisions of Article 27-29, paragraph (2), the person who was a registrant must return the registration certificate to the Minister of Internal Affairs and Communications within one month.

(Special Case of Registration)

Article 27-32 (1) A person who intends to establish two or more radio stations to be registered under Article 27-21, paragraph (1) within areas specified by Order of the Ministry of Internal Affairs and Communications under that paragraph, limited to the case in which the radio stations have the same frequencies and standards for radio equipment, as prescribed in this Article through Article 27-37, may obtain registration under the same paragraph governing blanket registration for those radio stations.

(2) A person who wishes to obtain registration under the preceding paragraph, specified by Order of the Ministry of Internal Affairs and Communications must submit an application form describing the following matters to the Minister of Internal Affairs and Communications:

- (i) name and address of the applicant and, if the applicant is a corporation, name of the representative
- (ii) standards for radio equipment of radio stations to be established
- (iii) areas in which the radio equipment is to be installed (in the case of mobile radio stations; operating areas for the equipment)
- (iv) frequencies and antenna power

(3) Application under the preceding paragraph must be accompanied by a document describing the purpose of establishment, and any other matters as specified by Order of the Ministry of Internal Affairs and Communications.

(Registration of Change Concerning Blanket Registrants)

Article 27-33 (1) A person who has obtained registration pursuant to the provisions of paragraph (1) of the preceding Article (referred to below as a "blanket registrant"), when intending to change matters stated in item (iii) or item (iv) of paragraph (2) of the Article, must obtain registration of change from the Minister of Internal Affairs and Communications; provided, however, this does not apply to minor changes specified by Order of the Ministry of Internal Affairs and Communications.

(2) As specified by Order of the Ministry of Internal Affairs and Communications, a person who wishes to obtain registration of change under the preceding paragraph must submit an application form describing matters related to the change to the Minister of Internal Affairs and Communications.

(3) The provisions of Article 27-22 and Article 27-23, paragraph (1) apply mutatis

mutandis to registration of change under paragraph (1). In this case, "the following article" in Article 27-22 is deemed to be replaced with "paragraph (1) of the following Article"; "the following matters" in Article 27-22 is deemed to be replaced with "matters related to the change"; "the locations of the radio equipment" in Article 27-23, paragraph (1) is deemed to be replaced with "areas in which the radio equipment is to be installed (in the cases of mobile radio stations, its operating area)"; and "the application form or documents attached " in Article 27-23, paragraph (1) is deemed to be replaced with "the application form".

- (4) A blanket registrant, having changed matters stated in paragraph (2) item (i) of the preceding Article or having implemented minor changes specified by Order of the Ministry of Internal Affairs and Communications under the proviso to paragraph (1) must submit a notification to that effect to the Minister of Internal Affairs and Communications without delay. Upon receiving the notification, the Minister of Internal Affairs and Communications is to change the relevant registration without delay.

(Notification of the Establishment of Radio Stations)

Article 27-34 After establishing radio stations related to its registration (except when continuing to establish the relevant radio stations upon renewal of registration), within a given period not exceeding fifteen days specified by Order of the Ministry of Internal Affairs and Communications, a blanket registrant must submit to the Minister of Internal Affairs and Communications a notification describing the date of commencement of operation, the location of the radio equipment and other matters specified by Order of the Ministry of Internal Affairs and Communications related to each of the relevant radio stations.

(Notification of Change)

Article 27-35 Any blanket registrant, having changed matters submitted pursuant to the provisions of the preceding Article, must submit a notification to that effect to the Minister of Internal Affairs and Communications without delay.

(Loss of Validity of Registration)

Article 27-36 When a blanket registrant has discontinued all radio stations related to its registration, the relevant registration becomes invalid.

(Exemptions Concerning Blanket Registrants)

Article 27-37 (1) Blanket registrants are exempted from the application of the provisions in Article 27-26 and Article 27-29, paragraph (2).



(2) Regarding the application of the provisions of Article 27-22, Article 27-23, Article 27-25, paragraph (2), Article 27-27, Article 27-30, and Article 27-31 concerning registration pursuant to the provisions of Article 27-32, paragraph (1), "under paragraph (1) of the preceding article" in Article 27-22 is deemed to be replaced with "pursuant to the provisions of Article 27-32, paragraph (1)"; "the following Article" in Article 27-22 is deemed to be replaced with "the following Article that is deemed to be replaced otherwise and applied in Article 27-37, paragraph (2)"; "each item of paragraph (2) of the preceding article" in Article 27-22 is deemed to be replaced with "each item of Article 27-32, paragraph (2)"; "registration under Article 27-21, paragraph (1)" in Article 27-23 is deemed to be replaced with "registration pursuant to the provisions of Article 27-32, paragraph (1)"; "the locations of the radio equipment" in paragraph (1), item (i) of that Article is deemed to be replaced with "areas in which the radio equipment is to be installed (in the case of mobile radio stations, its operating areas)"; "are in areas" in paragraph (1), item (i) of that Article is deemed to be replaced with "include areas"; "each item under Article 27-22" in Article 27-25, paragraph (2) is deemed to be replaced with "each item under Article 27-22 that is deemed to be replaced otherwise and applied in Article 27-37, paragraph (2)"; "any of the items of Article 27-23, paragraph (2)" in Article 27-27, paragraph (1) is deemed to be replaced with "each of the items of Article 27-23, paragraph (2) that is deemed to be replaced otherwise and applied in Article 27-37, paragraph (2)"; "the preceding paragraph" in paragraph (2) of that Article is deemed to be replaced with "the preceding paragraph that is deemed to be replaced otherwise and applied in Article 27-37, paragraph (2)"; and "paragraph (2) of the preceding Article" in Article 27-30 and "Article 27-29, paragraph (2)" in Article 27-31 is deemed to be replaced with "Article 27-36".

### **Section 3 Mediation Concerning the Establishment of Radio Stations**

(Mediation and Arbitration by the Telecommunications Dispute Resolution Committee)

Article 27-38 (1) When a person that was granted licenses, etc., and has established a radio station (limited to those for the purpose of conducting telecommunications services and other business specified by Order of the Ministry of Internal Affairs and Communications; the same applies in this Article) or that intends to make changes to frequencies and other matters specified by Order of the Ministry of Internal Affairs and Communications concerning the radio station that was granted the licenses, etc. has requested to enter into consultation on the licensee or registrant of any other radio station regarding which the establishment of the relevant radio station or the

changes in matters concerning the relevant radio station are likely to cause interference with or other obstruction to the operations of the other radio station, concerning entering into a contract concerning the measures necessary to prevent obstruction, but the licensee or registrant of the relevant other radio station refuses to hold consultation or the consultation fails, then a concerned party may file an application for mediation with the Telecommunications Dispute Settlement Commission (referred to below as the "commission" in this Article); provided, however, that this does not apply after either party has filed an application for arbitration pursuant to the provisions of paragraph (4).

- (2) If an approved establisher makes an offer of consultation to the licensee or registrants of a radio station that is currently using the frequencies related to an approved plan on entering into a contract concerning termination promotion measures related to the approved plan, but the licensee or registrants refuses to hold consultation or the consultation fails, the concerned parties may file an application for mediation with the commission; provided, however, that this does not apply after the parties have filed an application for arbitration pursuant to the provisions of paragraph (4).
- (3) The provisions of Article 154, paragraphs (2) through (6) of the Telecommunications Business Act apply mutatis mutandis to the mediation in the preceding two paragraphs. In this case, "the parties file a petition under Article 35, paragraph (1) or (2), apply for an award for arbitration pursuant to the provisions of Article 35, paragraph (3), or apply for arbitration in accordance with paragraph (1) of the following paragraph" in paragraph (6) of that Article is deemed to be replaced with "the parties apply for arbitration in accordance with Article 27-38, paragraph (4) of the Radio Act."
- (4) If the consultation pursuant to the provisions of paragraph (1) or (2) fails, both parties may file an application for arbitration with the commission.
- (5) The provisions of Article 155, paragraphs (2) through (4) of the Telecommunications Business Act apply mutatis mutandis to the mediation prescribed under the previous paragraph.
- (6) Pursuant to the provisions of paragraph (1) or (2), or paragraph (4), the application for mediation or arbitration must be filed with the commission via the Minister of Internal Affairs and Communications.

(Entrustment to Cabinet Order)

Article 27-39 Beyond matters prescribed in the preceding Article, matters necessary for procedures for mediation and arbitration are specified by Cabinet Order.

### **Chapter III Radio Equipment**

(Quality of Radio Waves)

Article 28 The quality of radio waves from transmitting equipment, including the tolerance and bandwidth of frequencies, and the intensity of harmonics, must satisfy the requirements specified by Order of the Ministry of Internal Affairs and Communications.

(Requirements for Receiving Equipment)

Article 29 The radio waves or the high frequency current incidentally emitted from receiving equipment must not disturb the function of other radio equipment in excess of the limits specified by Order of the Ministry of Internal Affairs and Communications.

(Safety Devices)

Article 30 In order to mitigate the risk of causing physical injury or property damage to other objects, the radio equipment must be installed with safety devices as specified by Order of the Ministry of Internal Affairs and Communications.

(Installation of a Frequency Measuring Instrument)

Article 31 Any transmitting equipment specified by Order of the Ministry of Internal Affairs and Communications must be installed with a frequency measuring instrument that has an error of one half or less of the permissible deviation from the emitting frequencies.

(Installation of Meters and Spare Components)

Article 32 Radio equipment for a ship radio station must be installed with the meters and spare components required for operating the radio equipment, as specified by Order of the Ministry of Internal Affairs and Communications.

(Apparatus for Radio Equipment on Compulsory Ship Radio Stations)

Article 33 According to the classification of ships and navigating areas specified by Order of the Ministry of Internal Affairs and Communications, Radio equipment on a compulsory ship radio station must be installed with apparatus for transmitting equipment and receiving equipment, apparatus for emergency position-indicating radio beacon equipment, apparatus for receiving information on safe navigation, and other apparatus specified by Order of the Ministry of Internal Affairs and Communications.

(Requirements for Radio Equipment on Compulsory Ship Radio Stations)

Article 34 Radio equipment on a compulsory ship radio station and a ship earth station specified by Order of the Ministry of Internal Affairs and

Communications which is established on a ship with a compulsory ship radio station (referred to below as a "compulsory ship radio station, etc.") must be installed at a location that satisfies the requirements set out in the following items; provided, however, this does not apply to radio equipment specified by Order of the Ministry of Internal Affairs and Communications:

- (i) a place where the operation of the radio equipment is not interfered with by mechanical, electrical, or other causes of interference;
- (ii) a place on the ship as high as is practically possible, to ensure the safety of the radio equipment concerned; and
- (iii) a place that is not affected by water, temperature, or other environmental conditions that are likely to cause damage to the functioning of that radio equipment

Article 35 One or two of the following measures must be taken for radio equipment on a compulsory ship radio station, etc. specified by Order of the Ministry of Internal Affairs and Communications; provided, however, this does not apply to the radio equipment specified by Order of the Ministry of Internal Affairs and Communications:

- (i) installation of spare equipment;
- (ii) regular inspection of the ship in port and installation of necessary meters and spare components for maintenance in a mooring port; or
- (iii) installation of necessary meters and spare components for maintenance while the ship is navigating.

(Requirements for Compulsory Aircraft Stations)

Article 36 Transmitting equipment for compulsory aircraft stations must have an effective coverage as specified by Order of the Ministry of Internal Affairs and Communications.

(Requirements for Artificial Satellite Stations)

Article 36-2 (1) Radio equipment on artificial satellite stations must be capable of ceasing radio wave emissions immediately by remote control.

(2) The radio equipment on artificial satellite stations must be capable of being remotely controlled to change its location; provided however, this does not apply to the artificial satellite stations specified by Order of the Ministry of Internal Affairs and Transportation.

(Examination of Apparatus for Radio Equipment)

Article 37 The following radio equipment must not be installed unless it has passed an examination conducted by the Minister of Internal Affairs and Communications; provided, however, this does not apply to installation of the

apparatus that has passed a type examination equivalent to that conducted by the Minister of Internal Affairs and Communications, or installation of apparatus specified by Order of the Ministry of Internal Affairs and Communications:

- (i) frequency measuring instruments to be installed pursuant to the provisions of Article 31;
- (ii) radar to be installed on ships based on the order pursuant to the provisions of Article 2 of the Ship Safety Act (including cases in which applied *mutatis mutandis* to Cabinet Order pursuant to the provisions of Article 29-7 of that Act);
- (iii) apparatus for life-saving radio equipment installed on ships, which is specified by Order of the Ministry of Internal Affairs and Communications;
- (iv) apparatus for radio equipment to be installed pursuant to the provisions of Article 33 (except apparatus referred to in the preceding item);
- (v) apparatus for radio equipment on a ship earth station prescribed in the main clause of Article 34; and
- (vi) apparatus for radio equipment installed on aircraft, which is specified by Order of the Ministry of Internal Affairs and Communications.

(Other Technical Regulations)

Article 38 Radio equipment (except that used exclusively for broadcast receiving purposes) must conform to the technical regulations specified by Order of the Ministry of Internal Affairs and Communications, beyond those prescribed in this Chapter.

(Proposal of the Formulation of the Technical Regulations for Radio Equipment)

Article 38-2 (1) Concerning the technical regulations for the radio equipment required to be prescribed by Order of the Ministry of Internal Affairs and Communications pursuant to the provisions of Article 28 through Article 32 or the preceding Article specified by Order of the Ministry of Internal Affairs and Communications, an interested person may present the original draft and propose to the Minister of Internal Affairs and Communications for it to be formulated or changed.

(2) If the Minister of Internal Affairs and Communications has received the proposal pursuant to the provision of the preceding paragraph and finds that there is no need to formulate or change the technical regulations related to that proposal, the Minister of Internal Affairs and Communications must notify the requester to that effect, accompanied by its reasons.

## **Chapter III-2 Certification of Conformity with Technical Regulations for**

## **Specified Radio Equipment**

### **Section 1 Certification of Conformity with Technical Regulations and Certification of Designs for Specified Radio Equipment**

(Registration of Registered Certification Bodies)

Article 38-2-2 (1) Regarding radio equipment to be used for small-scale radio stations as specified by Order of the Ministry of Internal Affairs and Communications (referred to below as "specified radio equipment"), a person who wishes to conduct the business of certifying that radio equipment's conformity with the technical regulations prescribed in the preceding chapter (referred to below as a "technical regulations conformity certification") may obtain registration from the Minister of Internal Affairs and Communications according to each of the following classifications of business (referred to simply as "classification of business" in the following paragraph, Article 38-5, paragraph (1), Article 38-10, Article 38-31, paragraph (1), and the appended table No. 3):

- (i) business to conduct technical regulations conformity certification for specified radio equipment related to a radio station prescribed in Article 4, item (ii) or (iii);
  - (ii) business to conduct technical regulations conformity certification for specified radio equipment related to a specified radio station (limited to those related to the radio stations stated in Article 27-2, item (i)); or
  - (iii) business to conduct technical regulations conformity certification for specified radio equipment other than that stated in the preceding two items.
- (2) As specified by Order of the Ministry of Internal Affairs and Communications, a person who wishes to obtain registration under the preceding paragraph must submit to the Minister of Internal Affairs and Communications an application, in which the following matters are described:
- (i) name and address of the applicant, and if the applicant is a corporation, name of the representative;
  - (ii) classification of business;
  - (iii) name and address of the office;
  - (iv) outline of measuring instruments and other equipment used for the examination of the technical regulations conformity certification;
  - (v) matters related to the appointment of certification examiners under Article 38-8 paragraph (2); and
  - (vi) planned commencement date of operation.
- (3) The application under the preceding paragraph must be accompanied by a document describing the plan for conducting the technical regulations conformity certification service, and other documents specified by Order of the Ministry of Internal Affairs and Communications.

- (4) When intending to establish, revise or abolish Order of the Minister of Internal Affairs and Communications under paragraph (1), the Minister of Internal Affairs and Communications must consult with the Minister of Economy, Trade and Industry.

(Criteria for Registration)

Article 38-3 (1) The Minister of Internal Affairs and Communications must grant registration to a person who has applied for registration under paragraph (1) of the preceding Article (referred to below in this paragraph as the "applicant for registration"), if that person conforms to all of the following items:

- (i) the technical regulations conformity certification is to be conducted by a person with knowledge and experience conforming to any of the conditions stated in Appended Table 4;
- (ii) the certification service of technical regulations conformity is to be conducted by using measuring instruments and other equipment which are stated in the right column of Appended Table 3, according to the classification of business in its left column, and which have been given any type of calibration, etc. as stated in Article 24-2, paragraph (4), item (ii), sub-items (a) through (d) (limited to those that received calibration, etc. within one year (in the case of equipment that corresponds to the instruments or other equipment specified by Order of the Ministry of Internal Affairs and Communications as instruments or other equipment with excellent performance for conducting technical regulations conformity certification; a period specified by Order of the Ministry of Internal Affairs and Communications, within a range exceeding one year but not exceeding three years, according to the category of the relevant instruments or other equipment) from the first day of the month following the month containing the day of calibration, etc.);
- (iii) the applicant for registration does not fall under any of the following sub-items as someone controlled by a manufacturer, importer, or seller of specified radio equipment (referred to below in this item as a "specified manufacturer, etc."):
  - (a) if the applicant for registration is a stock company, in which a specified manufacturer, etc. is the parent company (referring to a "parent company" as prescribed in Article 879, paragraph (1) of the Companies Act (Act No. 86 of 2005); the same applies in Article 71-3-2, paragraph (4), item (iv), sub-item (a)) of the relevant applicant; or
  - (b) if officers or staff members of a specified manufacturer, etc. (including those who were officers or staff members of the relevant specified manufacturer, etc. in the past two years) account for more than half the number of officers of the applicant for registration (in the case of a

partnership corporation (referring to a "partnership corporation" as prescribed in Article 575, paragraph (1) of the Companies Act; the same applies in Article 71-3-2, paragraph (4), item (iv), sub-item (b)); the employees executing the business); and

(c) the applicant for registration (if the relevant applicant is a corporation; its representative officer) is an officer or a staff member of a specified manufacturer, etc. (including someone who was an officer or a staff member of the relevant specified manufacturer, etc. in the past two years).

(2) The provisions of Article 24-2, paragraphs (5) and (6) apply mutatis mutandis to the registration under paragraph (1) of the preceding Article. In this case, "Article 24-10, or Article 24-13, paragraph (3)" in Article 24-2, paragraph (5), item (ii) is deemed to be replaced with "Article 38-17, paragraph (1) or (2) (including cases as applied mutatis mutandis pursuant to Article 38-24, paragraph (3))"; and "the preceding paragraphs" in paragraph (6) of that Article is deemed to be replaced with "the preceding paragraph, Article 38-2-2, paragraphs (1) through (3), and Article 38-3, paragraph (1)".

#### (Renewal of Registration)

Article 38-4 (1) Unless renewed within every period of five to ten years as specified by Cabinet Order, the registration under Article 38-2-2, paragraph (1) becomes invalid with the elapse of that period.

(2) The provisions of Article 24-2, paragraphs (5) and (6), Article 38-2-2, paragraphs (2) and (3), and paragraph (1) of the preceding Article apply mutatis mutandis to the renewal of registration under the preceding paragraph. In this case, "Article 24-10, or Article 24-13, paragraph (3)" in Article 24-2, paragraph (5), item (ii) is deemed to be replaced with "Article 38-17, paragraph (1) or (2) (including cases as applied mutatis mutandis pursuant to Article 38-24, paragraph (3))", and "the preceding paragraphs" in paragraph (6) of that Article is deemed to be replaced with "the preceding paragraph, Article 38-2-2, paragraphs (1) through (3), and Article 38-3 paragraph (1)".

#### (Public Notice of Registration)

Article 38-5 (1) The Minister of Internal Affairs and Communications, upon granting registration under Article 38-2-2, paragraph (1), must issue a public notice of the name and address of the person who has obtained registration under that paragraph (referred to below as a "registered certification body"), as well as the classification of business related to its registration, the address of the office where the technical regulations conformity certification service is conducted, and the commencement date of the technical regulations conformity certification service.

(2) A registered certification body, when intending to change the matters stated



in Article 38-2-2, paragraph (2), item (i) or (iii), must notify the Minister of Internal Affairs and Communications to that effect at least two weeks before the intended date of the change.

- (3) The Minister of Internal Affairs and Communications, when receiving a notification pursuant to the provisions of the preceding paragraph (limited to the notification related to the change of names, or address of the person who has obtained registration, or the address of the office where the technical regulations conformity certification service is conducted), must issue a public notice to that effect.

(Technical Regulations Conformity Certification)

Article 38-6 (1) A registered certification body, when requested by a person who wishes to obtain the technical regulations conformity certification related to its registration, is to conduct examinations specified by Order of the Ministry of Internal Affairs and Communications and conduct the business of technical regulations conformity certification, only when the specified radio equipment related to the relevant request is found to conform to the technical regulations prescribed in the preceding Chapter.

- (2) A registered certification body, upon granting the technical regulations conformity certification related to its registration, must notify the Minister of Internal Affairs and Communications of the following matters specified by Order of the Ministry of Internal Affairs and Communications:

- (i) the names and address of the person that was granted the technical regulations conformity certification, or in the case of a corporation, the name of its representative;
- (ii) the classification of the specified radio equipment that was granted the technical regulations conformity certification; and
- (iii) other matters prescribed by Order of the Ministry of Internal Affairs and Communications.

- (3) When a change has been made to the matters stated in item (i) of the preceding paragraph, the person receiving the technical regulations conformity certification must notify the Minister of Internal Affairs and Communications to that effect without delay, as specified by Order of the Ministry of Internal Affairs and Communications.

- (4) The Minister of Internal Affairs and Communications, when receiving the notification pursuant to the provision of paragraph (2), as specified by Order of the Ministry of Internal Affairs and Communications, must issue a public notice to that effect. This applies also when a change has been made to the matters publicly notified, if the notification pursuant to the provision of the preceding paragraph has been made.

- (5) The Minister of Internal Affairs and Communications, when intending to

establish, revise, or abolish Order of the Ministry of Internal Affairs and Communications prescribed in paragraph (1) of this Article, must consult with the Minister of Economy, Trade and Industry.

(Mark)

- Article 38-7 (1) The registered certification body, upon granting the technical regulations conformity certification related to its registration, must affix a mark indicating a technical regulations conformity certification has been granted to the specified radio equipment, as specified by Order of the Ministry of Internal Affairs and Communications.
- (2) A person who performs the business of dealing in products incorporating radio equipment with a conformity mark, as specified by Order of Ministry of Internal Affairs and Communications, may affix to the relevant products that mark as the one affixed to the radio equipment with a conformity mark incorporated in the relevant products.
- (3) Except in the case of affixing a mark pursuant to the provisions of paragraph (1) (including cases as applied mutatis mutandis pursuant to Article 38-31, paragraph (4)), the preceding paragraph, Article 38-26, (including cases as applied mutatis mutandis pursuant to Article 38-31, paragraph (6)), Article 38-35, or Article 38-44, paragraph (3), no person must affix the mark or a misleadingly similar mark to a radio equipment or product incorporating radio equipment in Japan.
- (4) A person who has changed the specified radio equipment affixed with the mark pursuant to the provisions of paragraph (1) of this Article (including cases as applied mutatis mutandis pursuant to Article 38-31, paragraph (4)), Article 38-26 (including cases as applied mutatis mutandis pursuant to Article 38-31, paragraph (6)), or Article 38-35, or Article 38-44, paragraph (3), is to remove the mark (including the marks affixed to the products incorporating radio equipment with a conformity mark pursuant to the provisions of paragraph (2)), by means specified by Order of the Ministry of Internal Affairs and Communications.

(Obligation Related to Technical Regulations Conformity Certification)

- Article 38-8 (1) When requested to grant a technical regulations conformity certification related to its registration, a registered certification body must conduct examinations for the technical regulations conformity certification without delay unless there is due reason not to do so.
- (2) When conducting the examinations under the preceding paragraph, a registered certification body must use measuring instruments and other equipment stated in the right column of Appended Table 3, which have been given a type of calibration, etc. as stated in Article 24-2, paragraph (4), item

(ii), sub-items (a) through (d) (limited to that which has been calibrated, etc. within one year (in the case of equipment that correspond to the measuring instruments and other equipment specified by Order of the Ministry of Internal Affairs and Communications referred to in Article 38-3, paragraph (1), item (ii); the period specified by Order of the Ministry of Internal Affairs and Communications referred to in that item) from the first day of the following month of the month to which the day of calibration, etc. was applied), and instruct a person who has knowledge and experience conforming to the conditions stated in Appended Table 4 (referred to below as "certification examiner") to conduct the examination.

(Appointment and Dismissal of Officers)

Article 38-9 When appointing or dismissing an officer or certification examiner, a registered certification body must notify the Minister of Internal Affairs and Communications to that effect without delay.

(Operational Regulations)

Article 38-10 A registered certification body must establish its operational regulations for the classification of business related to its registration, the methods of conducting the technical regulations conformity certification service, and other matters specified by Order of the Ministry of Internal Affairs and Communications, and must notify the Minister of Internal Affairs and Communications of the operational regulations before the commencement of the relevant service. This applies also when those regulations are to be revised.

(Preparation of and Access to Financial Statements)

Article 38-11 (1) Within three months after the end of each business year, a registered certification body must prepare a list of property, balance sheet, a profit and loss statement, or income and expenditure statement, and a business report of the business year (including the electronic or magnetic records (any records that are produced by electronic, magnetic, or any other form that cannot be perceived by human senses, and are used for data-processing by a computer; the same applies below in this Article) if electronic or magnetic records are produced instead of those paper documents; referred to as "financial statements, etc." in the following paragraph and Article 116, item (xxiii)), and retain the documents or records for a five-year period at its office.

(2) Other interested persons, including a person who performs the business of dealing in specified radio equipment, may make the following requests at any time during the business hours of a registered certification body; provided, however, in order to make a request in item (ii) or item (iv), the fees stated by the registered certification body must be paid:

- (i) when financial statements, etc. are prepared in writing; a request for inspection or copying of the relevant documents;
- (ii) a request for a certified copy or an abridged copy of the documents under the preceding item;
- (iii) when financial statements, etc. are produced as electronic or magnetic records; a request for inspection or copying of matters recorded on the relevant electronic or magnetic records, which are displayed in a manner specified by Order of the Ministry of Internal Affairs and Communications; and
- (iv) a request for provision of the matters recorded on the relevant electronic or magnetic records under the preceding item, in an electronic or magnetic manner specified by Order of the Ministry of Internal Affairs and Communications, or a request for delivery of documents containing relevant matters.

(Preparation of Record Book)

Article 38-12 A registered certification body, specified by Order of the Ministry of Internal Affairs and Communications, must prepare and maintain a record book, in which matters related to technical regulations conformity certification and specified by Order of the Ministry of Internal Affairs and Communications, are entered.

(Order to Improve Business Activities for Registered Certification Bodies)

Article 38-13 (1) When a registered certification body is found not to fall under any of the items in Article 38-3, paragraph (1), the Minister of Internal Affairs and Communications may order the relevant registered certification body to take the measures necessary for conformation to the provisions of those items.

(2) When a registered certification body is determined to have violated the provisions of Article 38-6, paragraph (1), or Article 38-8, the Minister of Internal Affairs and Communications may order the relevant registered certification body to conduct examinations for a technical regulations conformity certification, or to take the necessary measures for improvements to its methods of business, including examination methods for the technical regulations conformity certification.

(Application Concerning Technical Regulations Conformity Certification and Order of the Minister of Internal Affairs and Communications)

Article 38-14 (1) When a registered certification body does not conduct examinations for the technical regulations conformity certification, or when the person has objections to the results of the technical regulations conformity certification conducted by the registered certification body in relation to the

specified radio equipment related to its request, a person who has requested a technical regulations conformity certification pursuant to the provisions of Article 38-6, paragraph (1), may file an application with the Minister of Internal Affairs and Communications, requesting for an order that the registered certification body conduct examinations for the technical regulations conformity certification, or that the registered certification body conduct the examinations for the technical regulations conformity certification again.

(2) If an application under the preceding paragraph is filed and the registered certification body related to the relevant application is found to have violated the provisions of Article 38-6, paragraph (1), or Article 38-8, the Minister of Internal Affairs and Communications must issue an order pursuant to the provisions of paragraph (2) of the preceding Article, to the registered certification body related to the relevant application.

(3) The Minister of Internal Affairs and Communications, in the case of the preceding paragraph, upon deciding whether to issue or not to issue an order pursuant to the provisions of paragraph (2) of the preceding Article, must notify the person who filed the relevant application of that decision without delay.

#### (On-Site Inspection of Registered Certification Bodies)

Article 38-15 (1) When found necessary to enforce this Act, the Minister of Internal Affairs and Communications may order a registered certification body to report on the situation of its technical regulations conformity certification service related to its registration, or delegate ministerial staff to enter the place of business of the relevant registered certification body to inspect the state of the technical regulations conformity certification service related to its registration or facilities, record books, documents and other objects.

(2) The provisions of Article 24-8 paragraphs (2) and (3) apply mutatis mutandis to the on-site inspection pursuant to the provisions of the preceding paragraph.

#### (Suspension and Discontinuation of Service)

Article 38-16 (1) A registered certification body, when intending to suspend or discontinue its technical regulations conformity certification service related to its registration, must notify the Minister of Internal Affairs and Communications to that effect in advance, as specified by Order of the Ministry of Internal Affairs and Communications.

(2) When a registered certification body discontinues its entire technical regulations conformity certification service, the registration of the relevant registered certification body becomes invalid.

(3) When notified pursuant to the provisions of paragraph (1) of this Article, the Minister of Internal Affairs and Communications must issue a public notice to

that effect.

(Revocation of Registration)

- Article 38-17 (1) When a registered certification body has come to fall under any of the items (except item (ii)) of Article 24-2, paragraph (5), as applied mutatis mutandis pursuant to Article 38-3, paragraph (2), the Minister of Internal Affairs and Communications must revoke its registration.
- (2) If a registered certification body falls under any of the following items, the Minister of Internal Affairs and Communications may revoke its registration or order it to suspend all or part of its technical regulations conformity certification service for a period specified by the Minister of Internal Affairs and Communications:
- (i) when violating the provisions of this Section;
  - (ii) when violating the orders pursuant to the provisions of Article 38-13, paragraph (1) or (2); or
  - (iii) when obtaining the registration or its renewal under Article 38-2-2, paragraph (1) through unlawful means;
- (3) When revoking the registration pursuant to the provisions of paragraph (1), or the preceding paragraph, or ordering the registration body to suspend all or part of the technical regulations conformity certification service pursuant to the provisions of that paragraph, the Minister of Internal Affairs and Communications must issue a public notice to that effect.

(Conduct of Technical Regulations Conformity Certification by the Minister of Internal Affairs and Communications)

- Article 38-18 (1) When no one has obtained registration under Article 38-2-2, paragraph (1); when a registered certification body has suspended or discontinued its technical regulations conformity certification service pursuant to the provisions of Article 38-16, paragraph (1); when the Minister of Internal Affairs and Communications has revoked the registration pursuant to the provisions of paragraphs (1) or (2) of the preceding Article; when the Minister of Internal Affairs and Communications has ordered a registered certification body to suspend all or part of the technical regulations conformity certification service pursuant to the provisions of that paragraph; or when a registered certification body has fallen into difficulties in executing all or part of the technical regulations conformity certification service related to its registration due to a natural disaster or any other reason, and if the Minister of Internal Affairs and Communications finds it necessary, the Minister is to conduct all or part of the technical regulations conformity certification service.
- (2) The Minister of Internal Affairs and Communications is to conduct the technical regulations conformity certification service pursuant to the

provisions of the preceding paragraph or, when discontinuing conducting the technical regulations conformity certification service pursuant to the provisions of that paragraph, must issue a public notice to that effect in advance.

- (3) When the Minister of Internal Affairs and Communications has decided to conduct the technical regulations conformity certification service pursuant to the provisions of paragraph (1) of this Article, the transfer of the technical regulations conformity certification service and other necessary matters are specified by Order of the Ministry of Internal Affairs and Communications.

(Application Mutatis Mutandis)

Article 38-19 The provisions of Article 24-3 and Article 24-11 apply mutatis mutandis to the registration of registered certification bodies. In this case, "a person registered pursuant to paragraph (1) of the preceding Article (referred to below as a "registered inspector")" in Article 24-3 is deemed to be replaced with "the person who has obtained the registration"; "registry of registered inspectors" in that Article is deemed to be replaced with "registry of registered certification bodies"; "Article 24-2, paragraph (2) items (i), (ii) and (iv)" is deemed to be replaced with "Article 38-2-2, paragraph (2), items (i) through (iii)"; "Article 24-2-2 paragraph (1) or Article 24-9, paragraph (2)" in Article 24-11 is deemed to be replaced with "Article 38-4, paragraph (1), or Article 38-16, paragraph (2)"; and "the preceding Article" in that Article is deemed to be replaced with "Article 38-17, paragraphs (1) or (2)".

(On-site Inspection of Those Who Have Been Granted a Technical Regulations Conformity Certification)

Article 38-20 (1) When the Minister of Internal Affairs and Communications finds it necessary to enforce this Act, the Minister may order those who have been granted the technical regulations conformity certification by a registered certification body to report on the specified radio equipment related to the relevant technical regulations conformity certification, or delegate the ministerial staff to enter the place of business of those who have been granted the technical regulations conformity certification, and inspect the relevant specified radio equipment and other objects.

- (2) The provisions of Article 24-8, paragraphs (2) and (3) apply mutatis mutandis to the on-site inspection, pursuant to the provisions of the preceding paragraph.

(Submission of Specified Radio Equipment)

Article 38-21 (1) When the Minister of Internal Affairs and Communications has ordered the delegated ministerial staff to conduct an on-site inspection pursuant to the provisions of paragraph (1) of the preceding Article, and when

there is specified radio equipment for which on-site inspection is found to be extremely difficult, or when particular objects are necessary for inspecting that specified radio equipment, the Minister of Internal Affairs and Communications may order the person who was granted the technical regulations conformity certification from a registered certification body to submit the relevant specified radio equipment or the relevant objects, within a period specified by the Minister of Internal Affairs and Communications.

- (2) The national government must compensate the person who was granted the relevant technical regulations conformity certification for the loss caused by the order issued, pursuant to the provisions of the preceding paragraph.
- (3) The loss to be compensated pursuant to the provisions of the preceding paragraph, is to be the ordinary loss incurred by the order under paragraph (1) of this Article.

#### (Order for Prevention of Obstruction)

Article 38-22 (1) When the Minister of Internal Affairs and Communications finds that the specified radio equipment that was granted a technical regulations conformity certification by a registered certification body, and affixed with the mark under Article 38-7, paragraph (1), or Article 38-44, paragraph (3), does not conform to the technical regulations prescribed in the preceding chapter and that the use of the relevant specified radio equipment is likely to induce interference and other obstruction that will impair other radio stations' operation or cause bodily injury, and when the Minister finds it particularly necessary to prevent the relevant obstruction or harm from expanding, the Minister may order the person who was granted the relevant technical regulations conformity certification, to take measures necessary for preventing the obstruction or harm caused by the specified radio equipment from expanding.

- (2) When intending to issue the order pursuant to the provisions of the preceding paragraph, the Minister of Internal Affairs and Communications must consult with the Minister of Economy, Trade and Industry.

#### (Cases Where No Mark is Deemed to be Affixed)

Article 38-23 (1) When the specified radio equipment that was granted the technical regulations conformity certification by a registered certification body and was affixed with the mark pursuant to the provisions of Article 38-7, paragraph (1), or Article 38-44, paragraph (3), does not conform to the technical regulations prescribed in the preceding Chapter, and when the Minister of Internal Affairs and Communications finds it particularly necessary to prevent the occurrence of interference and other obstruction that will impair other radio stations' operation or cause bodily harm, the relevant



- specified radio equipment is deemed not to be affixed with the mark pursuant to the provisions of Article 38-7, paragraph (1), or Article 38-44, paragraph (3).
- (2) When the specified radio equipment is deemed not to be affixed with the mark pursuant to the provisions of the preceding paragraph, the Minister of Internal Affairs and Communications must issue a public notice to that effect.

(Certification for the Construction design of Specified Radio Equipment)

- Article 38-24 (1) Upon request from a person who conducts the business of dealing in specified radio equipment, a registered certification body certifies that the construction design of the relevant specified radio equipment (including the method of confirmation that the equipment conforms to that design) (referred to below as "construction design certification") conforms to the technical regulations prescribed in the preceding chapter.
- (2) Upon request for the construction design certification related to its registration, a registered certification body is to conduct an examination specified by Order of the Ministry of Internal Affairs and Communications, and is to perform the construction design certification only when it is found that the construction design conforms to the technical regulations prescribed in the preceding Chapter, and that any and all specified radio equipment based on the relevant construction design is ensured to conform to the construction design.
- (3) The provisions of Article 38-6, paragraphs (2) and (4), Article 38-8, Article 38-9, Article 38-12, Article 38-13, paragraph (2), and Article 38-14 apply mutatis mutandis to cases in which a registered certification body performs the construction design certification; the provisions of Article 38-10, Article 38-15, Article 38-16, Article 38-17, paragraphs (2) and (3), and Article 38-18 apply mutatis mutandis to cases in which a registered certification body conducts the technical regulations conformity certification service and the construction design certification service. In these cases, "that was granted" in Article 38-6, paragraph (2), item (ii), is deemed to be replaced with "based on a construction design related to"; "the preceding paragraph" in paragraph (4) of that Article is deemed to be replaced with "the preceding paragraph, to be applied mutatis mutandis pursuant to Article 38-29"; "the relevant business" in Article 38-10 is deemed to be replaced with "these business"; "Article 38-6, paragraph (1), or Article 38-8" in Article 38-13 paragraph (2) is deemed to be replaced with "Article 38-8, or Article 38-24, paragraph (2)"; "Article 38-6, paragraph (1)" in Article 38-14, paragraph (1) is deemed to be replaced with "Article 38-24, paragraph (2)"; "the specified radio equipment" in Article 38-14, paragraph (1) is deemed to be replaced with "the construction design (including the method of confirmation for conformity with the relevant construction design)"; and "Article 38-6, paragraph (1) or Article 38-8," in Article 38-14, paragraph (2) is

deemed to be replaced with "Article 38-8, or Article 38-24, paragraph (2)".

(Obligations to Conform to Construction Designs)

Article 38-25 (1) A person who has received a construction design certification (referred to below as a "certified dealer") from a registered certification body, when dealing with specified radio equipment based on the construction design related to the relevant construction design certification (referred to below as "certified construction design") must ensure that the relevant specified radio equipment conforms to the relevant certified construction design.

(2) A certified dealer must inspect the specified radio equipment that it handles under the preceding paragraph, in accordance with the method of confirmation related to the construction design certification, and prepare and maintain the inspection records specified by Order of the Ministry of Internal Affairs and Communications.

(Indicating a Mark for Specified Radio Equipment Based on the Certified Construction Design)

Article 38-26 A certified dealer, upon performing the obligations pursuant to the provisions of paragraph (2) of the preceding Article, in relation to specified radio equipment based on a certified construction design, may affix, to the relevant specified radio equipment, the mark specified by Order of Internal Affairs and Communications.

(Order for Certified Dealers to Take Improvement Measures)

Article 38-27 When the Minister of Internal Affairs and Communications finds that a certified dealer has violated the provisions of Article 38-25, paragraph (1), the Minister of Internal Affairs and Communications may order the relevant certified dealer to take measures to improve the method of confirmation related to the construction design certification.

(Prohibition on Affixing a Mark)

Article 38-28 (1) In the cases stated in each of the following items, the Minister of Internal Affairs and Communications may prohibit a certified dealer from affixing the mark prescribed in Article 38-26, to the specified radio equipment based on the certified construction design, or the construction design prescribed in the following items, for a period not exceeding two years, as specified by the Minister of Internal Affairs and Communications:

(i) when a specified radio equipment based on the certified construction design does not conform to the technical regulations prescribed in the preceding Chapter, and when it is found particularly necessary by the Minister of Internal Affairs and Communications to prevent the occurrence of

- interference and other obstruction that impairs other radio stations' operation or cause bodily harm (except in the case stated in item (vi)): certified construction design of the relevant specified radio equipment;
- (ii) when a certified dealer has violated the provisions of Article 38-25, paragraph (2): certified construction design of the specified radio equipment related to the relevant violation;
  - (iii) when a certified dealer has violated the order under the provisions of the preceding Article: certified construction design of the specified radio equipment related to the relevant violation;
  - (iv) when a certified dealer has received the construction design certification from a registered certification body through unlawful means: construction design related to the relevant construction design certification;
  - (v) when a registered certification body has conducted the construction design certification in violation of the provisions of Article 38-24, paragraph (2), or the provisions of Article 38-8, paragraph (2), which are applied *mutatis mutandis* pursuant to Article 38-24, paragraph (3): construction design related to the relevant construction design certification; and
  - (vi) when the technical regulations prescribed in the preceding chapter are revised, and when it is determined that the construction design that received the construction design certification before that revision does not conform to the revised technical regulations: the relevant construction design.
- (2) When prohibiting the affixing of the mark pursuant to the provisions of the preceding paragraph, the Minister of Internal Affairs and Communications must issue a public notice to that effect.

(Application *Mutatis Mutandis*)

Article 38-29 The provisions of Article 38-6, paragraph (3), and Article 38-20 through Article 38-22 apply *mutatis mutandis* to certified dealers, and the provisions of Article 38-23 apply *mutatis mutandis* to the specified radio equipment based on the certified construction design. In these cases, "item (i) of the preceding paragraph" in Article 38-6, paragraph (3), is deemed to be replaced with "item (i) or item (iii) of the preceding paragraph as applied *mutatis mutandis* pursuant to Article 38-24, paragraph (3)"; "technical regulations conformity certification" in Article 38-20, paragraph (1) is deemed to be replaced with "construction design certification which the certified dealer was granted"; "was granted a technical regulations conformity certification by a registered certification body" in Article 38-22, paragraph (1) is deemed to be replaced with "based on the certified construction design"; "Article 38-7, paragraph (1)" in that paragraph and Article 38-23, paragraph (1), and Article 38-23, paragraph (1), is deemed to be replaced with "Article 38-26"; "the relevant" in Article 38-22 paragraph (1) is deemed to be replaced with "the

certified construction design related to the relevant".

(Foreign Dealers)

Article 38-30 (1) If a person who received a technical regulations conformity certification from a registered certification body is a foreign dealer (referring to a person whose business is to deal in foreign countries in specified radio equipment to be used in Japan; the same applies below), and when the provisions of Article 38-21 and Article 38-22 are applied to that foreign dealer, "order" in Article 38-21 paragraph (1) and Article 38-22 paragraph (1) is deemed to be replaced with "request", and "order" in Article 38-21 paragraphs (2) and (3) and Article 38-22 paragraph (2) is deemed to be replaced with "request".

(2) If a certified dealer is a foreign dealer, and in applying to that foreign dealer, the provisions of Article 38-27 and Article 38-28, paragraph (1), item (iii), as well as the provisions of Article 38-21 and Article 38-22, which are applied mutatis mutandis pursuant to the preceding Article; "order" in Article 38-27, and Article 38-21, paragraph (1), and Article 38-22, paragraph (1), which are applied mutatis mutandis pursuant to the preceding Article, is deemed to be replaced with "request"; "has violated the order" in Article 38-28, paragraph (1), item (iii) is deemed to be replaced with "has neglected the request"; and "the relevant violation" in that paragraph and item is deemed to be replaced with "the relevant request"; and "order" in Article 38-21, paragraphs (2) and (3), and Article 38-22, paragraph (2), as applied mutatis mutandis pursuant to the preceding Article, is deemed to be replaced with "request".

(3) Beyond the case of the provisions of Article 38-28, paragraph (1), in the cases stated in each of the following items, the Minister of Internal Affairs and Communications may prohibit a foreign dealer who was granted the construction design certification conducted by a registered certification body, from affixing the mark prescribed in Article 38-26 to a specified radio equipment based on the certified construction design prescribed in the following items, for a period not exceeding two years, as specified by the Minister of Internal Affairs and Communications:

- (i) when the relevant foreign dealer, in violation of the provisions of Article 38-6, paragraph (3), as applied mutatis mutandis pursuant to the preceding Article, has not made the notification or has made a false notification: certified construction design of the specified radio equipment related to the relevant notification;
- (ii) when the relevant foreign dealer has failed to submit a report, or has submitted a false report, upon a request made by the Minister of Internal Affairs and Communications pursuant to the provisions of Article 38-20, paragraph (1), as applied mutatis mutandis pursuant to the preceding

- Article: certified construction design of the specified radio equipment related to the relevant report;
- (iii) when the Minister of Internal Affairs and Communications delegates ministerial staff to inspect the place of business of a foreign dealer pursuant to the provisions of Article 38-20, paragraph (1), as applied *mutatis mutandis* pursuant to the preceding Article, and the foreign dealer refuses, hinders, or evades the inspection: certified construction design of the specified radio equipment related to the relevant inspection; and
  - (iv) when the relevant foreign dealer has neglected the request pursuant to the provisions of Article 38-21 paragraph (1), as applied *mutatis mutandis* pursuant to the preceding Article, where "order" is deemed to be replaced with "request" pursuant to the provisions of the preceding paragraph: certified construction design of the specified radio equipment related to the relevant request.
- (4) When prohibiting the affixing of the mark pursuant to the provisions of the preceding paragraph, the Minister of Internal Affairs and Communications must issue a public notice to that effect.

(Approval Certification Body)

- Article 38-31 (1) When an application is filed by a person who conducts inspection and testing, etc. of radio equipment based on a radio inspection system under foreign laws and regulations which are similar to the technical regulations conformity certification system, and who intends to conduct the technical regulations conformity certification in that foreign country on the specified radio equipment handled by a foreign dealer that is to be used in Japan, the Minister of Internal Affairs and Communications may approve it according to the classification of business.
- (2) If a person who obtained approval pursuant to the provisions of the preceding paragraph (referred to below as an "approval certification body") suspends or discontinues the technical regulations conformity certification service for which it obtained the approval, it must notify the Minister of Internal Affairs and Communications to that effect without delay.
  - (3) The Minister of Internal Affairs and Communications must issue a public notice to that effect, upon receipt of the notification pursuant to the provisions of the preceding paragraph.
  - (4) The provisions of Article 24-2, paragraphs (5) and (6), Article 38-2-2, paragraphs (2) and (3), Article 38-3, paragraph (1), and Article 38-5, paragraph (1) apply *mutatis mutandis* to the approval by the Minister of Internal Affairs and Communications of paragraph (1); the provisions of paragraphs (2) and (3) of that article, Article 38-6, paragraphs (1), (2), and the first sentence of paragraph (4), Article 38-7, paragraph (1), Article 38-8, Article 38-10, Articles

- 38-12 through 38-15, and Article 38-23 apply mutatis mutandis to an approval certification body; and the provisions of Article 38-6, paragraph (3), and the second sentence of paragraph (4), and Article 38-20 through Article 38-22 apply mutatis mutandis to a person who received the technical regulations conformity certification by an approval certification body. In these cases, "Article 24-10 or Article 24-13, paragraph (3)" in Article 24-2, paragraph (5), item (ii) is deemed to be replaced with "Article 38-32, paragraph (1) or (2)"; "the preceding paragraphs" in paragraph (6) of that Article is deemed to be replaced with "the preceding paragraph, Article 38-2-2, paragraphs (2) and (3), Article 38-3, paragraph (1), and Article 38-31, paragraph (1)"; "applicant for registration" in Article 38-3, paragraph (1) is deemed to be replaced with "applicant for approval"; "if that person conforms to" in that article and paragraph is deemed to be replaced with "unless that person conforms to"; "must" in that Article and paragraph is deemed to be replaced with "must not"; "Companies Act" in that paragraph item (iii), sub-item (a) is deemed to be replaced with "Companies Act in the foreign country", and "parent company" is deemed to be replaced with "an equivalent of parent company"; "person who has obtained registration under that paragraph (referred to below as a "registered certification body")" in Article 38-5, paragraph (1), and "registered certification body" in Article 38-22, paragraph (1) is deemed to be replaced with "approval certification body"; "registration" in Article 38-6, paragraphs (1) and (2), Article 38-7, paragraph (1), Article 38-8, paragraph (1), Article 38-10, and Article 38-15, paragraph (1), is deemed to be replaced with "approval"; "order" in Article 38-13, Article 38-21, paragraph (1), and Article 38-22, paragraph (1) is deemed to be replaced with "request"; "an order" in Article 38-14 paragraph (1) is deemed to be replaced with "a request"; and "order" in paragraphs (2) and (3) in that Article, Article 38-21 paragraphs (2) and (3), and Article 38-22 paragraph (2) is deemed to be replaced with "request".
- (5) Upon a foreign dealer's request, an approval certification body may conduct the construction design certification service for the specified radio equipment that is to be used in Japan.
- (6) The provisions of Article 38-6, paragraphs (2) and (4), Article 38-8, Article 38-12, Article 38-13, paragraph (2), Article 38-14, Article 38-23, and Article 38-24, paragraph (2) apply mutatis mutandis to the construction design certification by an approval certification body; the provisions of Article 38-10, Article 38-15, and paragraphs (2) and (3) apply mutatis mutandis to the technical regulations conformity certification service and construction design certification by an approval certification body; the provisions of Article 38-6, paragraph (3), Articles 38-20 through 38-22, Articles 38-25 through 38-28, and paragraphs (3) and (4) of the preceding Article apply mutatis mutandis to a person who received the construction design certification by an approval certification body.

In these cases, "registration" in Article 38-6, paragraph (2), Article 38-8, paragraph (1), Article 38-10, Article 38-15, paragraph (1), and Article 38-24, paragraph (2) is deemed to be replaced with "approval"; "that was granted" in Article 38-6 paragraph (2) item (ii) and Article 38-23, paragraph (1) is deemed to be replaced with "based on the construction design related to"; "item (i) of the preceding paragraph" in Article 38-6, paragraph (3) is deemed to be replaced with "item (i) or item (iii) of the preceding paragraph"; "the relevant service" in Article 38-10 is deemed to be replaced with "these services"; "Article 38-6, paragraph (1) or Article 38-8" in Article 38-13, paragraph (2), and Article 38-14, paragraph (2) is deemed to be replaced with "Article 38-8, or Article 38-24, paragraph (2)"; "order" in Article 38-13, paragraph (2), Article 38-21, paragraph (1), Article 38-22, paragraph (1), and Article 38-27 is deemed to be replaced with "request"; "Article 38-6, paragraph (1)" in Article 38-14, paragraph (1) is deemed to be replaced with "Article 38-24, paragraph (2)"; "specified radio equipment" in that Article and paragraph is deemed to be replaced with "construction design (including the method of confirmation for conformity with the relevant construction type)"; "an order" in that article and paragraph is deemed to be replaced with "a request"; "order" in paragraphs (2) and (3) in that Article, Article 38-21, paragraphs (2) and (3) and Article 38-22, paragraph (2) is deemed to be replaced with "request"; "related to the relevant technical regulations conformity certification" in Article 38-20, paragraph (1) is deemed to be replaced with "related to the relevant construction type certification"; "granted a technical regulations conformity certification by a registered certification body" in Article 38-22, paragraph (1) is deemed to be replaced with "based on the certified construction design"; "Article 38-7, paragraph (1)" in that Article and Article 38-23, paragraph (1) is deemed to be replaced with "Article 38-26"; "granted the relevant technical regulations conformity certification" in Article 38-22 paragraph (1) is deemed to be replaced with "granted the relevant technical regulations conformity certification related to the relevant certified construction design"; "that paragraph" in Article 38-23 paragraph (1) is deemed to be replaced with "that Article"; "has violated the order" in Article 38-28 paragraph (1) item (iii) is deemed to be replaced with "has neglected the request"; "the relevant violation" in that Article and paragraph is deemed to be replaced with "the relevant request"; "registered certification body" in item (iv) of that paragraph is deemed to be replaced with "approval certification body"; "registered certification body has conducted the construction design certification in violation of the provisions of Article 38-24, paragraph (2), or the provisions of Article 38-8, paragraph (2), which are applied mutatis mutandis pursuant to Article 38-24, paragraph (3)" in that paragraph, item (v) is deemed to be replaced with "approval certification body has conducted the construction

design certification in violation of the provisions of Article 38-8 paragraph (2) or Article 38-24 paragraph (2)"; "the preceding Article" in paragraph (3) items (i) through (iii) in the preceding Article, and "the preceding Article, where "order" is deemed to be replaced with "request" pursuant to the provisions of the preceding paragraph" in item (iv) of that paragraph is deemed to be replaced with "paragraph (6) of the following Article."

(Revocation of Approval)

- Article 38-32 (1) The Minister of Internal Affairs and Communications must revoke the approval, when the approval certification body has lost its status in the foreign country referred to in the provisions of paragraph (1) of the preceding Article, or when it has come to fall under any of the items (except item (ii)) of Article 24-2, paragraph (5), as applied mutatis mutandis pursuant to paragraph (4) of that Article.
- (2) The Minister of Internal Affairs and Communications may revoke the approval when the approval certification body falls under any of the following items:
- (i) when the body has violated the provisions of paragraph (2) of the preceding Article (including cases as applied mutatis mutandis pursuant to paragraph (6) of that Article); the provisions of Article 38-5, paragraph (2), Article 38-6, paragraph (2), Article 38-8, Article 38-10, or Article 38-12, as applied mutatis mutandis pursuant to paragraph (4) of the preceding Article, or the provisions of Article 38-6, paragraph (2), Article 38-8, Article 38-10, or Article 38-12, as applied mutatis mutandis pursuant to paragraph (6) of the preceding Article;
  - (ii) when the body has failed to respond to the request pursuant to the provisions of Article 38-13, paragraph (1) or (2), as applied mutatis mutandis pursuant to paragraph (4) of the preceding Article, or the provisions of Article 38-13 paragraph (2), as applied mutatis mutandis pursuant to paragraph (6) of the preceding Article;
  - (iii) when the body has obtained the approval through unlawful means;
  - (iv) when the Minister of Internal Affairs and Communications requests the approval certification body to report pursuant to the provisions of Article 38-15, paragraph (1), as applied mutatis mutandis pursuant to paragraphs (4) or (6) of the preceding Article, the body fails to make that report or a false report is submitted; or
  - (v) when the Minister of Internal Affairs and Communications delegates ministerial staff to inspect the place of business of the approval certification body pursuant to the provisions of Article 38-15 paragraph (1), as applied mutatis mutandis pursuant to paragraphs (4) or (6) of the preceding Article, the approval certification body refuses, hinders, or evades that inspection.
- (3) The Minister of Internal Affairs and Communications, when revoking the



approval pursuant to the provisions of the preceding two paragraphs, must issue a public notice to that effect.

## **Section 2 Self-Confirmation of Conformity with Technical Regulations for Special Specified Radio Equipment**

(Self-Confirmation of Technical Regulations Conformity)

Article 38-33 (1) A manufacturer or an importer of the specified radio equipment that is, from the viewpoints of the technical regulations or usage modes or other aspects of the radio equipment, specified by Order of the Ministry of Internal Affairs and Communications as not likely to cause the occurrence of interference or other obstruction that significantly impair other radio stations' operation (referred to below as "special specified radio equipment") may self-confirm that the construction design (including the method of confirmation for conformity with the relevant construction design) of the special specified radio equipment conforms to the technical regulations prescribed in the preceding Chapter.

(2) A manufacturer or importer is to conduct verification specified by Order of the Ministry of Internal Affairs and Communications, and is to conduct self-confirmation pursuant to the provisions of the preceding paragraph (referred to as "self-confirmation of technical regulations conformity" in the following paragraph) only when the construction design of the special specified radio equipment conforms to the technical regulations prescribed in the preceding chapter, and when it is determined that any special specified radio equipment based on those construction designs is ensured to conform to the relevant construction design.

(3) Upon conducting self-confirmation of technical regulations conformity, a manufacturer or an importer may, pursuant to Order of the Ministry of Internal Affairs and Communications, notify the Minister of Internal Affairs and Communications of the following items:

- (i) name and address of the manufacturer or importer, and if the manufacturer or importer is a corporation, the name of the representative;
- (ii) classification and construction design of the special specified radio equipment, on which self-confirmation of technical regulations conformity was made;
- (iii) outline of the verification results under the preceding paragraph;
- (iv) method of confirmation for any special specified radio equipment based on the construction design in item (ii) conforms to the relevant construction design; and
- (v) other matters concerning the methods or procedures of self-confirmation of technical regulations conformity, which are specified by Order of the

Ministry of Internal Affairs and Communications.

- (4) A person who has submitted a notification pursuant to the provisions of the preceding paragraph (referred to below as a "notifying supplier") must prepare and maintain records related to the verification under paragraph (2) of this Article, pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications.
- (5) A notifying supplier, when changing any of the matters stated in the items (except items (ii) and (iii)) of paragraph (3) of this Article, must notify the Minister of Internal Affairs and Communications to that effect without delay, as specified by Order of the Ministry of Internal Affairs and Communications.
- (6) When a notification pursuant to the provisions of paragraph (3) of this Article is filed, the Minister of Internal Affairs and Communications must issue a public notice to that effect, as specified by Order of the Ministry of Internal Affairs and Communications. This applies also when a notification was filed pursuant to the provisions of the preceding paragraph, and any change was made in the matters included in its public notice.
- (7) When intending to establish, revise, or abolish Order of the Ministry of Internal Affairs and Communications as prescribed in paragraph (1) of this Article, the Minister of Internal Affairs and Communications must consult with the Minister of Economy, Trade and Industry.

(Obligation to Conform to the Construction Design)

- Article 38-34 (1) When manufacturing or importing the special specified radio equipment based on the construction design related to the notification under the provisions of paragraph (3) of the preceding Article (referred to below simply as "notified construction design"), the notifying supplier must make that special specified radio equipment conform to the relevant notified construction design.
- (2) A notifying supplier must inspect the manufactured or imported special specified radio equipment referred to in the preceding paragraph, in accordance with the method of confirmation related to the notification under the provisions of paragraph (3) of the preceding Article, and prepare and maintain the inspection records specified by Order of the Ministry of Internal Affairs and Communications.

(Mark)

- Article 38-35 Upon performing the obligation under the provisions of paragraph (2) of the preceding Article, in relation to the special specified radio equipment based on the notified construction design, a notifying supplier may affix the mark specified by Order of Ministry of Internal Affairs and Communications to the relevant special specified radio equipment.

(Prohibition on Affixing a Mark)

Article 38-36 (1) The Minister of Internal Affairs and Communications, in the cases set out in the following items, may prohibit a notifying supplier from affixing the mark under the preceding Article, to the special specified radio equipment based on the notified construction design or construction design prescribed in the relevant items, for a period not exceeding two years, as specified by the Minister of Internal Affairs and Communications:

- (i) when the special specified radio equipment based on the notified construction design does not conform to the technical regulations prescribed in the preceding chapter, and when found particularly necessary by the Minister of Internal Affairs and Communications to prevent the occurrence of interference and other obstruction that impair other radio stations' operation or cause bodily harm (except for cases in item (v) of this paragraph): notified construction design of the relevant special specified radio equipment;
  - (ii) when a notifying supplier filed a false notification in notifying under the provisions of Article 38-33, paragraph (3): Construction design related to the relevant false notification;
  - (iii) when a notifying supplier has violated the provisions of Article 38-33 paragraph (4) or Article 38-34, paragraph (2): notified construction design of the special specified radio equipment related to the relevant violation;
  - (iv) when a notifying supplier has violated the order pursuant to the provisions of Article 38-27, as applied mutatis mutandis pursuant to Article 38-38: notified construction design of the special specified radio equipment related to the relevant violation; and
  - (v) when the technical regulations prescribed in the preceding chapter are revised, and when it is determined that the construction design notified before that revision pursuant to the provisions of Article 38-33 paragraph (3) does not conform to the technical regulations after the relevant revision: the relevant construction design.
- (2) When prohibiting the affixing of the mark pursuant to the provisions of the preceding paragraph, the Minister of Internal Affairs and Communications, must issue a public notice to that effect.

Article 38-37 (1) When a notifying supplier has fallen under any of paragraph (1) items (ii) through (iv) of the preceding Article and when the Minister of Internal Affairs and Communications determines that the notifying supplier is likely to again fall under any of items (ii) through (iv) of that paragraph, the Minister of Internal Affairs and Communications may prohibit the relevant notifying supplier from affixing the mark under Article 38-35 to the special

specified radio equipment for a period specified by the Minister of Internal Affairs and Communications not exceeding two years.

- (2) The Minister of Internal Affairs and Communications, when prohibiting the affixing of the mark pursuant to the provisions of the preceding paragraph, must issue a public notice to that effect.

(Application Mutatis Mutandis)

Article 38-38 The provisions of Article 38-20 through Article 38-22, and Article 38-27 apply mutatis mutandis to a notifying supplier and the special specified radio equipment, and the provisions of Article 38-23 apply mutatis mutandis to the special specified radio equipment based on the notified construction design. In these cases, "to the relevant technical regulations conformity certification" in Article 38-20 paragraph (1) is deemed to be replaced with "to its notification"; "given a technical regulations conformity certification by a registered certification body" in Article 38-22 paragraph (1) is deemed to be replaced with "based on the notified construction design"; "Article 38-7 paragraph (1)" in that Article and Article 38-23 paragraph (1) is deemed to be replaced with "Article 38-35"; "the relevant technical regulations conformity certification" in Article 38-22 paragraph (1) is deemed to be replaced with "technical regulations conformity certification related to the relevant notified construction design"; "that paragraph" in Article 38-23 paragraph (1) is deemed to be replaced with "that Article"; "Article 38-25 paragraph (1)" in Article 38-27 is deemed to be replaced with "Article 38-34 paragraph (1)"; and "construction design certification" in that Article is deemed to be replaced with "notification pursuant to the provisions of Article 38-33 paragraph (3)".

### **Section 3 Registered Repairers**

(Registration of a Repairer)

- Article 38-39 (1) A person who performs the business of repairing the special specified radio equipment (limited to radio equipment labelled as conforming with technical regulations; the same applies below in this section) may obtain registration from the Minister of Internal Affairs and Communications.
- (2) As specified by Order of the Ministry of Internal Affairs and Communications, a person who wishes to obtain registration under the preceding paragraph must submit to the Minister an application in which the following matters are described:
- (i) name and address of the applicant, and if the applicant is a corporation, name of the representative;
  - (ii) name and address of the office;
  - (iii) scope of the special specified radio equipment to be repaired;

- (iv) outline of the methods for repairing the special specified radio equipment;  
and
  - (v) outline of the method of confirmation that the special specified radio equipment as repaired conforms to the technical regulations prescribed in the preceding chapter (referred to below as the "repair confirmation" in this Section).
- (3) As specified by Order of the Ministry of Internal Affairs and Communications, the application under the preceding paragraph must be accompanied by the written repair rules describing the methods for repairing the special specified radio equipment and the methods for repair confirmation, and any other documents as specified by Order of the Ministry of Internal Affairs and Communications.

(Criteria for Registration)

- Article 38-40 (1) The Minister of Internal Affairs and Communications must grant registration to a person who has applied for registration under paragraph (1) of the preceding Article, if the registration applicant conforms to all of the following items:
- (i) the methods for repairing the special specified radio equipment conform to the standards specified by Order of the Ministry of Internal Affairs and Communications as not likely to cause the interference or other obstruction that significantly impairs the other radio stations' operation due to the use of the special specified radio equipment that has been repaired;
  - (ii) the method of confirmation that the repair can confirm that the repaired special specified radio equipment conforms to the technical regulations prescribed in the preceding chapter.
- (2) The provisions of Article 24-2 paragraph (5) (except item (i)) and paragraph (6) apply mutatis mutandis to the registration under paragraph (1) of the preceding Article. In this case, "Article 24-10, or Article 24-13, paragraph (3)" in Article 24-2, paragraph (5), item (ii) is deemed to be replaced with "Article 38-47"; "any of the preceding two items" in item (iii) of the paragraph is deemed to be replaced with "the preceding item"; and "the preceding paragraphs" in paragraph (6) of that Article is deemed to be replaced with "the preceding paragraph, Article 38-39, and Article 38-40, paragraph (1)".

(Registry)

- Article 38-41 The Minister of Internal Affairs and Communications must prepare a registry of registered repairers and register the following matters related to a person registered pursuant to Article 38-39 paragraph (1) (referred to below as a "registered repairer") in the relevant registry of registered repairers:

- (i) date of the registration and reference number of registration; and
- (ii) matters stated in the items of paragraph (2) of Article 38-39.

#### (Registration of Change)

- Article 38-42 (1) Any registered repairer, when intending to change matters stated in Article 38-39, paragraph (2), items (iii) through (v), must obtain registration of change from the Minister of Internal Affairs and Communications; provided, however, this does not apply to minor changes specified by Order of the Ministry of Internal Affairs and Communications.
- (2) A person who seeks to obtain registration of change as prescribed in the preceding paragraph must, as specified by Order of the Ministry of Internal Affairs and Communications, submit an application form describing matters related to the change to the Minister.
- (3) The provisions of Article 24-2, paragraph (5) (except item (i)), and paragraph (6), Article 38-39, paragraph (3), and Article 38-40, paragraph (1) apply mutatis mutandis to the registration of change in paragraph (1). In this case, "Article 24-10, or Article 24-13, paragraph (3)" in Article 24-2, paragraph (5), item (ii) is deemed to be replaced with "Article 38-47"; "any of the preceding two items" in item (iii) of the paragraph is deemed to be replaced with "the preceding item"; and "the preceding paragraphs" in paragraph (6) of that Article is deemed to be replaced with "the preceding paragraph, Article 38-39, and Article 38-40, paragraph (1)".
- (4) Any registered repairer, after changing matters stated in Article 38-39, paragraph (2), item (i) or (ii), after modifying the repair rules (except when obtaining the registration of change under paragraph (1)), or after implementing minor changes specified by Order of the Ministry of Internal Affairs and Communications under the proviso to paragraph (1), must submit a notification to that effect to the Minister of Internal Affairs and Communications without delay.

#### (Obligations of Registered Repairer)

- Article 38-43 (1) When a registered repairer repairs any special specified radio equipment related to its registration, it must conduct the repair and the repair confirmation, according to the repair rules.
- (2) When a registered repairer repairs any special specified radio equipment related to its registration, it must prepare and maintain records of the repair and the repair confirmation, as specified by Order of the Ministry of Internal Affairs and Communications.

#### (Marks)

- Article 38-44 (1) When a registered repairer has repaired any special specified

radio equipment related to its registration, as specified by Order of the Ministry of Internal Affairs and Communications, it must affix a mark indicating that the relevant special specified radio equipment has been repaired

- (2) Except in the case of affixing a mark pursuant to the provisions of the preceding paragraph, no person is to affix the mark under that paragraph or a misleadingly similar mark, to a radio equipment in Japan.
- (3) When a registered repairer has conducted the repair and the repair confirmation of any special specified radio equipment related to its registration according to the repair rules, as specified by Order of the Ministry of Internal Affairs and Communications, it may affix to the relevant special specified radio equipment that mark as the one affixed to the relevant special specified radio equipment pursuant to the provisions of Article 38-7, paragraph (1) (including cases where applied *mutatis mutandis* pursuant to Article 38-31, paragraph (4)), Article 38-26 (including cases where applied *mutatis mutandis* pursuant to Article 38-31, paragraph (6)), Article 38-35, or this paragraph.

(Order to Improve Business Activities for a Registered Repairer)

- Article 38-45 (1) When a registered repairer is found not to comply with any of the items in Article 38-40 paragraph (1), the Minister of Internal Affairs and Communications may order the relevant registered repairer to take the necessary measures to comply with these provisions.
- (2) When a registered repairer is found to have violated the provisions of Article 38-43, the Minister of Internal Affairs and Communications may order the registered repairer to improve its repair methods or its method of confirmation of repair, or take other measures.
  - (3) When finding that special specified radio equipment related to its registration repaired by a registered repairer does not conform to the technical regulations prescribed in the preceding Chapter, and that the use of the relevant special specified radio equipment is likely to cause interference or other obstruction that impairs the other radio stations' operation or cause bodily harm, and when found as particularly necessary to prevent the relevant obstruction or harm from spreading, the Minister of Internal Affairs and Communications may order the relevant registered repairer to take necessary measures to prevent the relevant obstruction or harm caused by the relevant special specified radio equipment from expanding.

(Notification of Discontinuation)

- Article 38-46 (1) When discontinuing the business related to the registration, the registered repairer must submit a notification to that effect to the Minister of Internal Affairs and Communications without delay.

- (2) When a notification has been made under the provisions of the preceding paragraph, the registration under Article 38-39, paragraph (1) becomes invalid.

(Revocation of Registration)

Article 38-47 (1) When a registered repairer has come to fall under Article 24-2, paragraph (5), item (iii), as applied mutatis mutandis pursuant to Article 38-40, paragraph (2), the Minister of Internal Affairs and Communications must revoke its registration.

- (2) When a registered repairer falls under any of the following items, the Minister of Internal Affairs and Communications may revoke its registration:
- (i) when the registered repairer has violated the provisions of this Section;
  - (ii) when the registered repairer has violated the orders under Article 38-45, paragraphs (1) through (3); or
  - (iii) when the registered repairer has obtained the registration under Article 38-39, paragraph (1), or has obtained the registration of change under Article 38-42, paragraph (1), by unlawful means.

(Application Mutatis Mutandis)

Article 38-48 The provisions of Article 24-11 apply mutatis mutandis to the registration of a registered repairer, and the provisions Article 38-20, and Article 38-21 apply mutatis mutandis to the registered repairer and the special specified radio equipment. In this case, "Article 24-2-2 paragraph (1), or Article 24-9 paragraph (2)" in Article 24-11 is deemed to be replaced with "Article 38-46, paragraph (2)"; "the preceding Article" in that Article is deemed to be replaced with "Article 38-47"; and "specified radio equipment related to the relevant technical regulations conformity certification" in Article 38-20 paragraph (1) is deemed to be replaced with "specified radio equipment as repaired by the relevant registered repairer related to its registration".

## **Chapter IV Radio Operators**

(Operation of Radio Equipment)

Article 39 (1) No person other than a radio operator who is permitted to engage in the operation of radio equipment pursuant to the provisions of Article 40 (referring to radio operators who has received the certification for ship radio station radio operator prescribed in Article 48-2 paragraph (1) in the case of the operation of radio equipment on a compulsory ship radio station, etc. which is specified by Order of the Ministry of Internal Affairs and Communications; the same applies in this Article) may operate radio equipment in a radio station (except easy-to-operate radio equipment specified by Order of the Ministry of Internal Affairs and Communications), unless the person is under



the supervision of someone who is appointed as a supervisor (referred to below as a "chief radio operator") of the operation of radio equipment in a radio station (except amateur radio stations; the same applies in this Article) and whose appointment has been notified pursuant to the provisions of paragraph (4). However, this does not apply when no radio operator can be assigned because the ship or aircraft is navigating, or when otherwise specified by Order of the Ministry of Internal Affairs and Communications.

- (2) The operation of radio telegraphy that transmits or receives Morse code signals and the operation of radio equipment specified by Order of the Ministry of Internal Affairs and Communications must not be conducted by anyone other than a radio operator pursuant to the provisions of Article 40, notwithstanding the provisions of the main clause of the preceding paragraph.
- (3) The chief radio operator is a radio operator who is capable of supervising the operation of radio equipment pursuant to the provisions of Article 40, and who does not fall under matters specified by Order of the Ministry of Internal Affairs and Communications.
- (4) When a licensee or registrants of a radio station has appointed a chief radio operator, the registrant must notify the Minister of Internal Affairs and Communications to that effect without delay. This applies also to cases in which the registrant has dismissed the chief radio operator.
- (5) Any chief radio operator whose appointment has been notified pursuant to the provisions of the preceding paragraph must perform with integrity the duties specified by Order of the Ministry of Internal Affairs and Communications, regarding supervising the operation of radio equipment.
- (6) A person who is engaged in operating radio equipment under the supervision of a chief radio operator, whose appointment has been notified pursuant to the provisions of paragraph (4), must obey any instructions of the chief radio operator which are found necessary to perform the duties of the preceding paragraph.
- (7) The licensee or registrants of a radio station (except those specified by Order of the Ministry of Internal Affairs and Communications) must order the chief radio operator, whose appointment has been notified pursuant to the provisions of paragraph (4) to take a training course administered by the Minister of Internal Affairs and Communications for supervision of the operation of radio equipment, in every fixed period specified by Order of the Ministry of Internal Affairs and Communications.

(Designation of a Designated Training Agency)

Article 39-2 (1) The Minister of Internal Affairs and Communications may designate a person (referred to below as "designated training agency") to conduct the training courses prescribed in paragraph (7) of the preceding

Article (referred to below simply as "training courses").

- (2) Designation of a designated training agency is to be done upon application by the person who wishes to conduct the training courses for each of the classifications specified by Order of the Ministry of Internal Affairs and Communications.
- (3) Upon designating a designated training agency, the Minister of Internal Affairs and Communications does not conduct training courses in the classification related to that designation.
- (4) The Minister of Internal Affairs and Communications must not designate a designated training agency, unless the Minister finds that the application under paragraph (2) conforms to all of the following items:
  - (i) the plans on executing a training course service regarding the staff, equipment, methods for implementing the training course service, and other issues, are suitable for the proper and certain implementation of the training course service;
  - (ii) the applicant has a sufficient financial foundation for the proper and certain implementation of the plans to implement the training course service prescribed in the preceding item;
  - (iii) if engaged in services other than training course services, engaging in those services do not lead to the risk of the training becoming unfair; and
  - (iv) the designation does not impair the proper or certain implementation of the training course service in the classification related to the application.
- (5) The Minister of Internal Affairs and Communications must not designate a designated training agency, if those who filed an application under paragraph (2) fall under any of the following items:
  - (i) a person other than a general incorporated association or general incorporated foundation;
  - (ii) a person who has been sentenced for a crime prescribed by this Act, and two years have not yet elapsed since the person completed the sentence, or ceased to be subject to the sentence;
  - (iii) a person whose designation was revoked pursuant to the provisions of Article 39-11, paragraph (1), or paragraph (2), and two years have not yet elapsed since the day on which the revocation was made; or
  - (iv) a person who has an officer who falls under item (ii).

(Public Notice of Designation)

Article 39-3 (1) The Minister of Internal Affairs and Communications, upon designating a designated training agency, must issue a public notice of the name and address of the designated training agency, the classification related to its designation, the location of the office where the training course service is conducted, and the day of commencement of the training course service.

- (2) A designated training agency, when intending to change its name, address or the location of the office where the training course service is conducted, must notify the Minister of Internal Affairs and Communications to that effect, at least two weeks before the intended date of the change.
- (3) When receiving a notification under the provisions of the preceding paragraph, the Minister of Internal Affairs and Communications must issue a public notice to that effect.

(Status of Officers and Staff Members as Public Employees)

Article 39-4 An officer or staff member of a designated training agency engaged in the training course service, is deemed to be engaged in public service under laws and regulations regarding the application of the Criminal Code (Act No. 45 of 1907) and other penal provisions.

(Operational Regulations)

- Article 39-5 (1) A designated training agency must establish operational regulations for matters related to the implementation of the training course service specified by Order of the Ministry of Internal Affairs and Communications, and must obtain authorization of the regulations from the Minister of Internal Affairs and Communications. This applies also when a designated training agency intends to change the regulations.
- (2) When the Minister of Internal Affairs and Communications finds that the operational regulations that received authorization under the preceding paragraph have become inappropriate for proper and certain implementation of the training course service, the Minister of Internal Affairs and Communications may order a designated training agency to change the operational regulations.

(Business Plan of a Designated Training Agency)

- Article 39-6 (1) A designated training agency must formulate its business plan and revenues and expenditures budget for each business year, and must submit them to the Minister of Internal Affairs and Communications before the commencement of the relevant business year (for the business year during which the training agency is designated; without delay after designation). This applies also to cases in which the designated examination agency intends to change its business plan or revenues and expenditures budget.
- (2) A designated training agency must formulate its annual business report and financial settlement report for each business year, and must submit them to the Minister of Internal Affairs and Communications, within three months after the end of the relevant business year.

(Keeping of Books)

Article 39-7 A registered training agency, as specified by Order of the Ministry of Internal Affairs and Communication, must prepare and maintain a record book, in which matters related to the training courses and specified by Order of the Ministry of Internal Affairs and Communications are stated.

(Supervisory Orders)

Article 39-8 When deemed necessary to enforce this Act, the Minister of Internal Affairs and Communications may give a designated training agency the orders necessary for supervision regarding the training course service.

(Reporting and On-site Inspection)

Article 39-9 (1) When found necessary to enforce this Act, the Minister of Internal Affairs and Communications may order a designated training agency to report on the state of the training course service, or delegate ministerial staff to enter the place of business of the designated training agency, to inspect the state of the training course service, or equipment, record books, documents, and other objects.

(2) All ministerial staff who conducts an on-site inspection pursuant to the provisions of the preceding paragraph must carry an identification card, and show it to persons concerned upon request.

(3) The authority for inspection pursuant to the provisions of paragraph (1) must not be construed as one that is authorized for a criminal investigation.

(Suspension and Discontinuation of Service)

Article 39-10 (1) A designated training agency must not suspend or discontinue all or part of its training course services, unless it has obtained permission from the Minister of Internal Affairs and Communications.

(2) When granting the permission referred to in the preceding paragraph, the Minister of Internal Affairs and Communications must issue a public notice to that effect.

(Revocation of Designation)

Article 39-11 (1) When a designated training agency has come to fall under any of the items (except item (iii)) of Article 39-2, paragraph (5), the Minister of Internal Affairs and Communications must revoke its designation.

(2) If a designated training agency falls under any of the following items, the Minister of Internal Affairs and Communications may revoke its designation, or order the relevant designated training agency to suspend all or part of its training courses for a period specified by the Minister of Internal Affairs and Communications:

- (i) when violating the provisions of Article 39-3, paragraph (2), Article 39-5, paragraph (1), Article 39-6, Article 39-7, or paragraph (1) of the preceding Article;
  - (ii) when it is found not to conform to one or more of the items (except item (iv)) of Article 39-2, paragraph (4);
  - (iii) when violating the order pursuant to the provisions of Article 39-5, paragraph (2), or Article 39-8;
  - (iv) when conducting the training courses without following the operational regulations authorized pursuant to the provisions of Article 39-5, paragraph (1); or
  - (v) when obtaining the designation through unlawful means.
- (3) When revoking the designation pursuant to the provisions of paragraph (1) or the preceding paragraph, or ordering the suspension of all or part of the training courses pursuant to the provisions of the preceding paragraph, the Minister of Internal Affairs and Communications must issue a public notice to that effect.

(Implementation of Training Courses by the Minister of Internal Affairs and Communications)

- Article 39-12 (1) When a designated training agency has suspended all or part of the training course service pursuant to the provisions of Article 39-10, paragraph (1), or the Minister of Internal Affairs and Communications has ordered a designated training agency to suspend all or part of the training course service pursuant to the provisions of paragraph (2) of the preceding Article, or a designated training agency has fallen into difficulties in implementing all or part of the training course service due to a natural disaster or for any other reason, and if the Minister of Internal Affairs and Communications finds it necessary, the Minister of Internal Affairs and Communications is to personally conduct all or part of the training course service, notwithstanding the provisions of Article 39-2, paragraph (3).
- (2) When the Minister of Internal Affairs and Communications decides to conduct the training course service pursuant to the provisions of the preceding paragraph, or to discontinue that training course service being conducted pursuant to the provisions of that paragraph, the Minister of Internal Affairs and Communications must issue a public notice to that effect.
- (3) When the Minister of Internal Affairs and Communications conducts the training course service pursuant to the provisions of paragraph (1), or the Minister of Internal Affairs and Communications has permitted a designated training agency to discontinue the training course service pursuant to the provisions of Article 39-10, paragraph (1), or the Minister of Internal Affairs and Communications has revoked the designation pursuant to the provisions of

paragraphs (1) or (2) of the preceding Article, necessary matters including the succession of the training course service are prescribed by Order of the Ministry of Internal Affairs and Communications.

(Operation of Radio Equipment in Amateur Radio Stations)

Article 39-13 The operation of radio equipment in amateur radio stations is to be conducted by a radio operator pursuant to the provisions of the following Article; provided, however, this does not apply to cases in which the operation of radio equipment in an amateur radio station is conducted, as prescribed by Order of the Ministry of Internal Affairs and Communications, by someone who holds a qualification in a foreign country, which is specified by Order of the Ministry of Internal Affairs and Communications as equivalent to the qualifications specified under paragraph (1), item (v) of that Article, or to other cases specified by Order of the Ministry of Internal Affairs and Communications.

(Qualifications of Radio Operators)

Article 40 (1) The qualifications of radio operators are to be as stated in the following items, corresponding to the classification stated in the relevant items.

(i) qualifications of Radio Operators for General Services:

- (a) First-Class Radio Operator for General Services
- (b) Second-Class Radio Operator for General Services
- (c) Third-Class Radio Operator for General Services

(ii) qualifications for Maritime Radio Operators:

- (a) Maritime First-Class Radio Operator
- (b) Maritime Second-Class Radio Operator
- (c) Maritime Third-Class Radio Operator
- (d) Maritime Fourth-Class Radio Operator
- (e) Maritime Special Radio Operators specified by Cabinet Order

(iii) qualifications for Aeronautical Radio Operators:

- (a) Aeronautical Radio Operator
- (b) Aeronautical Special Radio Operators specified by Cabinet Order

(iv) qualifications for Technical Radio Operators for On-the-Ground Services:

- (a) First-Class Technical Radio Operator for On-the-Ground Services
- (b) Second-Class Technical Radio Operator for On-the-Ground Services
- (c) On-the-Ground Special Radio Operators specified by Cabinet Order

(v) qualifications for Radio Operators for Amateur Services:

- (a) Amateur First-Class Radio Operator
- (b) Amateur Second-Class Radio Operator
- (c) Amateur Third-Class Radio Operator
- (d) Amateur Fourth-Class Radio Operator

- (2) The scope of operations of or the scope of supervision of radio equipment by radio operators with the qualifications stated in items (i) through (iv) of the preceding paragraph, and the scope of the operation of radio equipment by a radio operator with the qualification stated in item (v) of that paragraph, are specified by Cabinet Order for each qualification.

(License)

Article 41 (1) A person who wishes to be a radio operator must obtain a license from the Minister of Internal Affairs and Communications.

- (2) No license for a radio operator may be granted to a person, unless the person falls under one or more of the following items (for persons that fall under items (ii) through (iv), excluding those who are prohibited from taking an examination for the period specified pursuant to the provisions of the second sentence of Article 48, paragraph (1), and yet are within the period):

(i) a person who has passed the state examination to become a radio operator, which is held for each of the qualifications of paragraph (1) of the preceding Article;

(ii) a person who has completed a training course for the development of radio operators with the qualifications (limited to those specified by Order of the Ministry of Internal Affairs and Communications) of paragraph (1) of the preceding Article, which is approved by the Minister of Internal Affairs and Communications to conform to the regulations specified by Order of the Ministry of Internal Affairs and Communications;

(iii) a person who has graduated from a school under the School Education Act (Act No. 26 of 1947), having completed the subjects related to radio communications specified by Order of the Ministry of Internal Affairs and Communications for each of the qualifications (limited to those specified by Order of the Ministry of Internal Affairs and Communications) referred to in paragraph (1) of the preceding Article, according to the category of the school stated below (in the case of the lower course of a professional and vocational university under that Act; a person that has completed the course):

(a) a university or a college (except a junior college);

(b) a junior college (including the lower course of a professional and vocational university under the School Education Act) or a college of technology; or

(c) a high school or a secondary education school; or

(iv) for each of the qualifications specified in paragraph (1) of the preceding Article (limited to those specified by Order of the Ministry of Internal Affairs and Communications), a person who satisfies the requirements specified by Order of the Ministry of Internal Affairs and Communications that include the relevant qualification of paragraph (1) of the preceding Article and career

experience, as a person who has knowledge and skills equivalent to or exceeding those of the persons stated in the preceding three items.

(Cases in which Licenses are not Granted)

Article 42 The Minister of Internal Affairs and Communications may decide not to grant a radio operator license to a person who falls under any of the following items:

- (i) a person who has been subject to a fine or heavier punishment for any crime detailed in Chapter IX, and for which two years have not yet passed since the date on which the person finished serving the sentence, or to be subject to its enforcement;
- (ii) a person whose radio operator license has been revoked pursuant to the provisions of Article 79, paragraph (1), item (i) or item (ii), and for which two years have not yet passed since the day of the revocation; or
- (iii) a person who is not suitable as a radio operator due to a serious physical or mental deficiency.

(Registry of Radio Operators)

Article 43 The Minister of Internal Affairs and Communications is to prepare and maintain a registry of radio operators and enter matters related to licenses in it.

(State Examinations for Radio Operators)

Article 44 State examinations for radio operators are to be held concerning the knowledge and skills necessary for the operation of radio equipment.

Article 45 The Minister of Internal Affairs and Communications is to hold state examinations for radio operators at least once a year, for each of the qualification classifications of Article 40.

(Designation of an Examination Agency)

Article 46 (1) The Minister of Internal Affairs and Communications may designate a person (referred to below as a "designated examination agency") and have the person conduct all or part of operations related to the holding of state examinations for radio operators (referred to below as the "examination service").

(2) Upon application by a person who wishes to conduct the examination service, the designation of a person as a designated examination agency is to be made to only one agency for each of the classifications specified by Order of the Ministry of Internal Affairs and Communications.

(3) After designating a designated examination agency, the Minister of Internal



Affairs and Communications is not to conduct an examination service related to the classification for which the designation was made.

- (4) The Minister of Internal Affairs and Communications must not designate a person who filed an application under paragraph (2) as a designated examination agency, if they fall under any of the following items:
- (i) a person other than a general incorporated association or general incorporated foundation;
  - (ii) a person who has committed a crime prescribed in this Act and has been sentenced to a penalty, and for which two years have not yet passed since the date on which the person finished serving the sentence or was subject to its enforcement;
  - (iii) a person whose designation was revoked pursuant to the provisions of Article 39-11, paragraphs (1) or (2), as applied *mutatis mutandis* pursuant to Article 47-5, and for which two years have not yet passed since the day of the revocation;
  - (iv) a person, any of whose officers fall under any of the following items:
    - (a) a person who falls under item (ii); and
    - (b) a person who was dismissed by an order pursuant to the provisions of Article 47-2, paragraph (3), and for which two years have not yet passed since the day of the dismissal.

#### (Conducting an Examination Service)

Article 47 In conducting the examination service, a designated examination agency must order a person who satisfies the requirements specified by Order of the Ministry of Internal Affairs and Communications (referred to below as an "examination conductor") to conduct the service to determine examinees' knowledge and skills required for radio operators.

#### (Appointment and Dismissal of Officers)

- Article 47-2 (1) The appointment or dismissal of officers of a designated examination agency is not valid without the approval of the Minister of Internal Affairs and Communications.
- (2) Upon the appointment or dismissal of an examination conductor, a designated examination agency must notify the Minister of Internal Affairs and Communications to that effect without delay.
- (3) If the officers or examination conductors of a designated examination agency violate this Act, orders based on this Act or administrative dispositions based on it, or operational regulations under Article 39-5 paragraph (1), as applied *mutatis mutandis* pursuant to Article 47-5, the Minister of Internal Affairs and Communications may order the designated examination agency to dismiss those officers or examination conductors.

(Confidentiality)

Article 47-3 (1) An officer or staff member (including an examination conductor; this applies to the following paragraph) of a designated examination agency, or a person who was in that a position, must not disclose any confidential information that comes to their knowledge in connection with the examination service.

(2) All officers and staff members of a designated examination agency engaged in the examination service are deemed to be persons engaged in public service, as pursuant to laws and regulations regarding the application of the Criminal Code and other penal provisions.

(Business Plan of a Designated Examination Agency)

Article 47-4 For each business year, a designated examination agency must formulate its business plan and revenues and expenditures budget, and obtain approval from the Minister of Internal Affairs and Communications before the commencement of the relevant business year (in the business year to which the day of the designation belongs; without delay after designation). This applies also to cases in which the designated examination agency intends to change its business plan or revenues and expenditures budget.

(Application Mutatis Mutandis)

Article 47-5 The provisions of Article 39-2, paragraph (4) (except item (iv)), Article 39-3, Article 39-5, Article 39-6, paragraph (2), and Article 39-7 through Article 39-12 apply mutatis mutandis to designated examination agencies. In these cases, "paragraph (2)" in Article 39-2, paragraph (4) is deemed to be replaced with "Article 46, paragraph (2)"; "training course service" in that paragraph, Article 39-3 paragraphs (1) and (2), Article 39-5, Article 39-8, Article 39-9, paragraph (1), Article 39-10, paragraph (1), Article 39-11, paragraphs (2) and (3), and Article 39-12, and "training courses" in Article 39-7 is deemed to be replaced with "examination service under Article 46, paragraph (1)"; "insufficient attention to the training courses" in Article 39-2, paragraph (4), item (iii) is deemed to be replaced with "insufficient attention to the examination service under Article 46, paragraph (1)"; "Article 39-2, paragraph (5)" in Article 39-11, paragraph (1) is deemed to be replaced with "Article 46, paragraph (4)"; "Article 39-6, Article 39-7, or paragraph (1) of the preceding Article" in Article 39-11, paragraph (2), item (i) is deemed to be replaced with "Article 39-6, paragraph (2), Article 39-7, paragraph (1) of the preceding Article, or Articles 47 through Article 47-4"; "or Article 39-8" in Article 39-11, paragraph (2), item (iii), is deemed to be replaced with "Article 39-8, or Article 47-2, paragraph (3)"; and "Article 39-2, paragraph (3)" in Article 39-12,

paragraph (1) is deemed to be replaced with "Article 46, paragraph (3)".

(Suspension of Examinations)

Article 48 (1) In the event that a misconduct is committed regarding the state examinations for radio operators, the Minister of Internal Affairs and Communications may suspend an examinee related to the illegal act from taking the examinations or may regard the examination as invalid. In this case, the Minister of Internal Affairs and Communications may prohibit the relevant examinee from taking further examinations for a specified period.

(2) The designated examination agency may execute the authority of the Minister of Internal Affairs and Communications prescribed in the first sentence of the preceding paragraph regarding conduct of the examination service.

(Certification for Ship Radio Station Operator )

Article 48-2 (1) Anyone who wishes to operate or supervise the operation of radio equipment on a compulsory ship radio station, etc. which is specified by Order of the Ministry of Internal Affairs and Communications in the main clause of Article 39, paragraph (1), may receive certification for ship radio station radio operator, upon application to the Minister of Internal Affairs and Communications.

(2) The Minister of Internal Affairs and Communications must approve anyone who applies for a certification for ship radio station radio operator, the certification for a ship radio station radio operator, if they hold an appropriate qualification as a radio operator, as specified by Order of the Ministry of Internal Affairs and Communications, as long as they fall under any of the following items:

- (i) when an applicant has completed the training course for operation, or supervision of operation, of radio equipment on compulsory ship radio stations, etc., which the Minister of Internal Affairs and Communications organizes for the relevant applicant;
- (ii) when an applicant has completed a training course which has been approved by the Minister of Internal Affairs and Communications that has contents equivalent to those of the training course in the preceding item, and for which five years have not yet passed since the day of completion

(3) The provisions of Article 42 (except item (iii)) apply mutatis mutandis to approval for a certification for ship radio station radio operator. In this case, "Article 79, paragraph (1), item (i)," in item (ii) of that Article is deemed to be replaced with "Article 79, paragraph (1), item (i), as applied mutatis mutandis pursuant to Article 79, paragraph (2)".

(Loss of Validity of a Certification for Ship Radio Station Radio Operator)

Article 48-3 A certification for ship radio station radio operator becomes invalid, when the person who received that certification for ship radio station radio operator falls under any of the following items after the date of receiving it:

- (i) when a person is not engaged in operation or supervision of operation of radio equipment on a compulsory ship radio station, etc., which is specified by Order of the Ministry of Internal Affairs and Communications in the main clause of Article 39, paragraph (1), or in other radio stations specified by Order of the Ministry of Internal Affairs and Communications, during a period of five years starting on the day of completion of the training course related to the certification for ship radio station radio operator, and does not complete either the training course which the Minister of Internal Affairs and Communications organizes for operation, or supervision of operation of radio equipment on compulsory ship radio stations, etc. for those having received a certification for ship radio station radio operator, or a training course which the Minister approved as having the equivalent contents;
- (ii) when a person who has not been engaged in the operation referred to in the preceding item for an uninterrupted period of five years, and has not completed any of the training courses under the preceding item during that period;
- (iii) when a person is no longer qualified as a radio operator under paragraph (2) of the preceding Article; or
- (iv) when a person whose certification for ship radio station radio operator has been suspended pursuant to the provisions of Article 79-2, paragraph (1), and the period of suspension has exceeded five years.

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

Article 49 Beyond the matters prescribed in Article 39, and Articles 41 through to the preceding Article, matters related to conducting the training course service, including subjects of training courses; procedural matters related to radio operator licenses, including application for a license, the issuance, reissuance, and return of licenses; matters related to the approval in Article 41, paragraph (2), item (ii); and detailed matters for holding state examinations for radio operators, including examination subjects and procedures for examinations; as well as matters related to implementing certification for ship radio station radio operators, including applications for certification for ship radio station radio operators, the issuance, reissuance, and return of certificates of certification for ship radio station radio operators; training courses which the Minister of Internal Affairs and Communications organizes pursuant to the provisions of Article 48-2, paragraph (2), item (i), and item (i) of the preceding Article; and approvals under Article 48-2, paragraph (2), item

(ii), and item (i) of the preceding Article; is specified by Order of the Ministry of Internal Affairs and Communications.

(Stationing of a Person Responsible for the Duties of Distress Traffic Operator)

Article 50 (1) A person who is a radio operator specified by Order of the Ministry of Internal Affairs and Communications and received certification for ship radio station radio operator must be stationed as a person responsible for the duties of distress traffic operator (referring to a person who controls and manages the matters related to communications onboard the ship, as stated in Article 52 item (i) through item (iii)), at a compulsory ship radio station on a passenger ship, or a ship of 300 gross tons or more, that is engaged on international voyages.

(2) Beyond the requirements prescribed in the preceding paragraph, when found necessary to enforce this Act, as specified by Order of the Ministry of Internal Affairs and Communications, the Minister of Internal Affairs and Communications may specify the number of radio operators for each classification of the qualifications (including qualifications related to chief radio operator and certification for ship radio station radio operator) to be stationed at radio stations.

(Notification on Appointment and Discharge)

Article 51 The provisions of Article 39, paragraph (4) apply mutatis mutandis to the appointment or dismissal of radio operators other than chief radio operators.

## **Chapter V Operation of Stations**

### **Section 1 General Rules**

(Prohibition on Utilizing Radio Stations Beyond Their Purpose)

Article 52 No radio station is to be operated beyond the scope of the purpose or counterparts with which radio communications are being conducted, or matters of communications (broadcast matters for specified terrestrial basic broadcast stations), which are entered on the radio station license; provided, however, this does not apply to the following types of communication:

- (i) distress traffic (referring to radio communication conducted by a method in which communication starts with a distress signal or other method specified by Order of the Ministry of Internal Affairs and Communications, when a ship or aircraft is in grave and imminent danger; the same applies below);
- (ii) urgency traffic (referring to radio communication conducted by a method in which communication starts with an urgency signal or other method specified by Order of the Ministry of Internal Affairs and Communications,

- when a ship or aircraft is potentially in grave and imminent danger, or at a time of urgency; the same applies below);
- (iii) safety traffic (referring to radio communication conducted by a method in which communication starts with a safety signal or other method specified by Order of the Ministry of Internal Affairs and Communications, for the purpose of preventing grave danger to the navigation of a ship or aircraft; the same applies below);
  - (iv) emergency traffic (referring to radio communication conducted to save lives, provide disaster relief, ensure telecommunications for transportation, or maintain public order, when it is impossible or extremely difficult to rely upon wired communications, when an emergency situation, including earthquakes, typhoons, floods, tsunamis, snow damage, fires, and riots, has occurred or is anticipated to occur; the same applies below);
  - (v) receiving broadcasts; and
  - (vi) other communications specified by Order of the Ministry of Internal Affairs and Communications.

Article 53 When operating a radio station, the location of its radio equipment, identification signal, type of radio waves, and frequencies must observe the terms of the radio station license of the relevant radio station, or the registration certificate under Article 27-25, paragraph (1) (referred to as a "radio station license or related license" in item (i) of the following Article and in Article 103-2, paragraph (4), item (ii)); provided, however, this does not apply to distress traffic.

Article 54 In operating a radio station, its antenna power must be pursuant to the provisions of each of the following items; provided, however, this does not apply to distress traffic:

- (i) the antenna power is within the range entered on the radio station license or related license; and
- (ii) the antenna power is the lowest possible level required for conducting communications.

Article 55 A radio station must not be operated beyond the permitted operating hours entered on the radio station license; provided, however, this does not apply when conducting any of the communication types stated in the items of Article 52, or specified by Order of the Ministry of Internal Affairs and Communications.

#### (Prevention of Radio Interference)

Article 56 (1) A radio station must be operated in such a way as not to cause

interference, or any other obstruction that impairs the operation of other radio stations, receiving equipment that is used for radio astronomy (referring to a service to receive radio waves from outer space), or other receiving equipment specified by Order of the Ministry of Internal Affairs and Communications (except equipment in radio stations), which is designated by the Minister of Internal Affairs and Communications; provided, however, this does not apply to the communications stated in Article 52, items (i) through (iv).

- (2) The designation prescribed in the preceding paragraph is made upon an application by a person who has installed receiving equipment related to the relevant designation.
- (3) The Minister of Internal Affairs and Communications, upon making a designation prescribed in paragraph (1), must issue a public notice of the matters specified by Order of the Ministry of Internal Affairs and Communications, for the receiving equipment related to the relevant designation.
- (4) Beyond the matters prescribed in the preceding two paragraphs, application procedures for the designation, standards for the designation, revocation of the designation, and other matters necessary for the designation prescribed in paragraph (1) are specified by Order of the Ministry of Internal Affairs and Communications.

#### (Use of Dummy Antenna Circuits)

Article 57 In the following cases, a radio station must use a dummy antenna circuit to the extent practicable:

- (i) when operating a radio station for testing or adjusting an apparatus for radio equipment;
- (ii) when operating an experimental radio station

#### (Communications by Amateur Radio Stations)

Article 58 No amateur radio stations are to use encryption in their communications.

#### (Protection of Secrecy)

Article 59 Unless otherwise specified by law, no one must intercept, and divulge or take advantage of misappropriates the existence or content of radio communications that are conducted to a specific person (except communications under Article 4, paragraph (1), or Article 164, paragraph (3) of the Telecommunications Business Act; this applies also to Article 109, and Article 109-2, paragraphs (2) and (3)).

#### (Provision of a Timepiece and Service Documents)

Article 60 A radio station must be provided with an accurate timepiece, a radio service log, and other documents specified by Order of the Ministry of Internal Affairs and Communications; provided, however, all or part of this provision may be omitted for radio stations specified by Order of the Ministry of Internal Affairs and Communications.

(Methods of Communication)

Article 61 The calling or answering method and other communication methods for radio stations, as well as details on the matters necessary for maintaining the function of radio equipment, including the collation of timepieces and the adjustment of radio equipment on lifeboats and direction-finding apparatus, are specified by Order of the Ministry of Internal Affairs and Communications.

## **Section 2 Operation of Coastal Stations**

(Operation of Ship Radio Stations)

Article 62 (1) The operation of a ship radio station is allowed only while the ship is navigating. However, this does not apply to cases where only receiving equipment is operated, or when the communication types stated in individual items of Article 52 are being conducted, or to cases which are specified by Order of the Ministry of Internal Affairs and Communications.

(2) When a coastal station (referring to a radio station established on land to communicate with ship radio stations; the same applies below) receives any obstruction to its operation from a ship radio station, the coastal station may request the ship radio station causing the obstruction to take the measures necessary to eliminate it.

(3) When communicating with a coastal station, if a ship radio station receives instructions from the coastal station related to the order or time of communication, or the type or frequency of the radio waves, the ship radio station must observe those instructions.

(Operation of Coastal Stations)

Article 63 Coastal stations and coastal earth stations (referring to radio stations established on land, which communicate with ship earth stations via a relay from an artificial satellite station; the same applies below) must be operated at all times; provided, however, this does not apply to coastal stations and the coastal earth stations specified by Order of the Ministry of Internal Affairs and Communications.

Article 64 (Deleted)



(Watchkeeping Obligations)

Article 65 The radio stations stated in the left column of the following Table and specified by Order of the Ministry of Internal Affairs and Communications, must keep watch on the frequencies stated in the right column; respectively, on a continuous basis for those stated in rows 1 and 2 of the Table, during the hours specified by Order of the Ministry of Internal Affairs and Communications for those stated in row 3, and during the obligated operating hours (referring to the hours during which radio stations are obliged to operate; the same applies below) for those stated in row 4; provided, however, this does not apply when specified by Order of the Ministry of Internal Affairs and Communications.

Radio Stations	Frequency
(i) Ship stations and coastal stations equipped with a digital selective-calling system	Frequency specified by Order of the Ministry of Internal Affairs and Communications
(ii) Ship earth stations and coastal earth stations	Frequency specified by Order of the Ministry of Internal Affairs and Communications
(iii) Ship stations	156.65 MHz, 156.8 MHz and frequency specified by Order of the Ministry of Internal Affairs and Communications
(iv) Coastal stations	Frequency specified by Order of the Ministry of Internal Affairs and Communications

(Distress Traffic)

Article 66 (1) Any coastal station, coastal earth station, ship radio station or ship earth station (referred to as "coastal station or other station" in the following Article and Article 68), must reply immediately when receiving distress traffic, giving absolute priority over all other radio communications, and take the best measures for communications related to the rescue, such as informing the radio station that is in the most convenient position to help save the ship or aircraft in distress, as specified by Order of the Ministry of Internal Affairs and Communications.

(2) Any radio station, when receiving distress traffic or radio communications conducted by the methods specified by Order of the Ministry of Internal Affairs and Communications under Article 52, item (i), must immediately stop transmitting radio waves that are likely to interfere with the distress traffic.

(Urgency Traffic)

Article 67 (1) Any coastal station or other station, must give distress traffic

priority, second only to distress traffic.

- (2) Any coastal station or other station, when receiving urgency signals or radio communications conducted by the methods specified by Order of the Ministry of Internal Affairs and Communications, under Article 52, item (ii), must receive the urgency traffic continuously until that communication is confirmed to have no relation to the station itself (at least for three minutes, in the case specified by the Order of the Ministry of Internal Affairs and Communications), unless this occurs while receiving distress traffic.

(Safety Traffic)

Article 68 (1) Any coastal station or other station must deal with safety traffic promptly and with certainty.

- (2) Any coastal station or other station, when receiving safety signals or radio communications conducted by the methods specified by Order of the Ministry of Internal Affairs and Communications under Article 52, item (iii), must receive the safety traffic until that communication is confirmed to have no relation to the station itself.

(Communications to Adjust the Ship Radio Station Radio Equipment)

Article 69 Any coastal or ship radio station, requested by any other ship radio station to communicate to adjust their radio equipment, must accept the request to the extent possible.

Article 70 (Deleted)

### **Section 3 Operation of Aeronautical Stations**

(Operation of Aircraft Stations)

Article 70-2 (1) The operation of an aircraft station is only allowed during flight or preparation for flight; provided, however, this does not apply to cases when only receiving equipment or the communication types set out in each individual items under Article 52 are being operated, or to cases which are specified by Order of the Ministry of Internal Affairs and Communications.

- (2) An aeronautical station (referring to a radio station established on land to communicate with aircraft stations; the same applies below) or a coastal station, when receiving any obstruction to its operation from an aircraft station, may request the aircraft station causing the obstruction to take the necessary measures to eliminate it.
- (3) When communicating with an aeronautical station, if an aircraft station receives instructions from the aeronautical station related to the order or time of communication, or the type or frequency of radio waves, the aircraft station

must observe those instructions.

(Obligatory Operating Hours)

Article 70-3 (1) Compulsory aircraft stations and aircraft earth stations must operate during the hours specified by Order of the Ministry of Internal Affairs and Communications.

(2) Aeronautical stations and aeronautical earth stations (referring to radio stations established on land, which communicate with aircraft earth stations via an artificial satellite station relay; this applies to the following Article) must operate at all times; provided, however, this does not apply to cases specified by Order of the Ministry of Internal Affairs and Communications.

(Watchkeeping Obligations)

Article 70-4 Aeronautical stations, aeronautical earth stations, aircraft stations, and aircraft earth stations (referred to as "aeronautical stations, etc." in Article 70-6 paragraph (2)) must keep watch during obligatory operating hours on the frequencies specified by Order of the Ministry of Internal Affairs and Communications. However, this does not apply to cases specified by Order of the Ministry of Internal Affairs and Communications.

(Communications for Aircraft Stations)

Article 70-5 During flight, an aircraft station must communicate with an aeronautical station specified by Order of the Ministry of Internal Affairs and Communications by methods specified by Order of the Ministry of Internal Affairs and Communications.

(Approval for Maintenance Regulations of Radio Equipment and Other Devices)

Article 70-5-2 (1) A licensee of an aircraft station and other stations (referring to an aircraft station or aircraft earth station (except a station for the purpose of conducting telecommunications services); the same applies below in this Article) pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications, may prepare regulations concerning maintenance, such as inspection of radio equipment and other devices, for ensuring conformity with standards (referring to the state in which the radio equipment for the radio station conforms to its construction design, and the state in which the qualifications of its radio operators (including those related to the requirements for a chief radio operator prescribed in Article 39, paragraph (3)), and the number of radio operators are not in violation of the provisions of Articles 39 and 40, and its timepiece and documents are not in violation of the provisions of Article 60; the same applies in the following paragraph) of the

- radio station related to that aircraft station and other stations (such regulations are referred to below as "radio equipment or other devices maintenance regulations"), submit the regulations to the Minister of Internal Affairs and Communications, and obtain the Minister's approval.
- (2) Upon receipt of an application for the approval referred to in the preceding paragraph, if the Minister of Internal Affairs and Communications finds that the maintenance regulations for the radio equipment and other devices related to the application conform to all of the following items, the Minister is to grant the approval referred to in that paragraph:
- (i) the regulations provide for the confirmation that the conformity with standards of the radio station related to the aircraft station or other station for which the application was filed, at intervals specified by Order of the Ministry of Internal Affairs and Communications in consideration of the intervals specified by Order of the Ministry of Internal Affairs and Communications referred to in Article 73, paragraph (1); and
  - (ii) the regulations are sufficient for ensuring the conformity with standards of the radio station related to the aircraft station or other station, for which the application was filed.
- (3) When a licensee that was granted the approval referred to in paragraph (1) (referred to below as an "approved licensee" in this Article) intends to make a change to maintenance regulations for radio equipment and other devices for which the approval was granted, the approved licensee must obtain the approval of the Minister of Internal Affairs and Communications, pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications; provided, however, that this does not apply to a minor change specified by Order of the Ministry of Internal Affairs and Communications.
- (4) The provisions of paragraph (2) apply mutatis mutandis to the approval for the change referred to in the preceding paragraph.
- (5) If an approved licensee has made the minor change specified by Order of the Ministry of Internal Affairs and Communications referred to in the proviso to paragraph (3), the approved licensee must notify the Minister of Internal Affairs and Communications to that effect without delay.
- (6) Every year, an approved licensee must report to the Minister of Internal Affairs and Communications the implementation status of the maintenance, such as inspection of radio equipment and other devices for the aircraft station and other stations related to the approval in paragraph (1), conducted in accordance with the maintenance regulations for radio equipment and other devices for which the approval referred to in the paragraph was granted (if there was the approval for a change referred to in paragraph (3), or the notification of a change referred to in the preceding paragraph; the regulations

after the change; the same applies in the following paragraph), pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications

- (7) If any of the following items apply, the Minister of Internal Affairs and Communications may revoke the approval referred to in paragraph (1):
- (i) if it is found that the maintenance regulations for radio equipment and other devices for which the approval referred to in paragraph (1) was granted no longer conform to any of the items of paragraph (2);
  - (ii) if it is found that an approved licensee is not conducting maintenance, such as inspection, of radio equipment and other devices for the aircraft station and other stations related to the approval referred to in paragraph (1), in accordance with the maintenance regulations for radio equipment and other devices for which the approval was granted; or
  - (iii) if an approved licensee has obtained the approval referred to in paragraph (1), or the approval for a change referred to in paragraph (3), by unlawful means.
- (8) When the Minister of Internal Affairs and Communications revokes the approval referred to in paragraph (1) pursuant to the provisions of the preceding paragraph (except item (i)), the Minister may revoke the approval referred to in that paragraph for maintenance regulations for any other radio equipment and other devices that has been granted to the person that was the approved licensee.
- (9) The provisions of Article 20, paragraphs (1), (7), and (9) apply mutatis mutandis to an approved licensee. In this case, the phrase "a ship equipped with a ship radio station or a ship earth station (except a station that for the purpose of conducting telecommunications services) or a ship equipped solely with an emergency position-indication radio beacon device or radar" in paragraph (7) of that Article is deemed to be replaced with "aircraft equipped with the aircraft station and other stations prescribed in Article 70-5-2, paragraph (1) related to the approval referred to in that paragraph," the phrase "of the ship" in that paragraph is deemed to be replaced with "of the aircraft"; the phrase "operates the ship" in that paragraph is deemed to be replaced with "operates the aircraft"; and the phrase "the preceding two paragraphs" in paragraph (9) of that Article is deemed to be replaced with "paragraph (7)".
- (10) The provisions of Article 73, paragraph (1) do not apply to an aircraft station and other stations related to the approval referred to in paragraph (1), that are established by an approved licensee.

(Application Mutatis Mutandis)

Article 70-6 (1) The provisions of Article 69 (communications to adjust the ship radio station radio equipment) is to apply mutatis mutandis to the operation of

aeronautical and aircraft stations.

- (2) The provisions of Article 66 (Distress Traffic) and Article 67 (Urgency Traffic) apply mutatis mutandis to the operation of aeronautical stations, etc.

#### **Section 4 Special Cases of Operating Radio Stations**

(Operation of Radio Stations by Emergency Operators)

- Article 70-7 (1) When an emergency situation, including earthquakes, typhoons, floods, tsunamis, snow damage, fires, and riots, has occurred or is anticipated to occur, and when conducting radio communications to save lives, provide disaster relief, ensure telecommunications for transportation, or maintain public order, the licensee or registrant of a radio station (limited to an easy-to-operate (referred to in paragraph (1) of the following Article simply as "easy operation") station exclusively specified by Order of the Ministry of Internal Affairs and Communications in the main clause of Article 39 paragraph (1)), during the period of validity of the license or other approval of the radio station, may appoint a person other than themselves to operate the relevant radio station.
- (2) Any licensee or registrant who has appointed a person other than themselves to operate the radio station pursuant to the provisions of the preceding paragraph (referred to below as an "emergency operator" in this Article), must notify the Minister of Internal Affairs and Communications, without delay, of the name of the emergency operator, the relevant period of operation, and other matters specified by Order of the Ministry of Internal Affairs and Communications.
- (3) The licensee or registrant prescribed in the preceding paragraph must supervise the emergency operator as necessary and appropriately, in a manner specified by Order of the Ministry of Internal Affairs and Communications, so that the relevant radio station is operated properly.
- (4) The provisions of Article 74-2 paragraph (2), Article 76 paragraphs (1) and (3), Article 76-2-2, and Article 81 apply mutatis mutandis to an emergency operator. In this case, the technical terms in those Articles and paragraphs that need to be replaced are specified by Cabinet Order.

(Operation through Easy Operation of a Specific Radio Station by a Person Other Than the Licensee)

- Article 70-8 (1) If the operation (limited to that through easy operation; the same applies below in this Article) of the radio station by a person other than the licensee contributes to the efficient utilization of the radio waves, the licensee of the radio station established for the purpose of conducting telecommunications services (limited to a station which is specified by Order of

the Ministry of Internal Affairs and Communications, as being able to operate through easy operation without causing interference or some other obstruction that impairs the operation of other radio stations taking into consideration the location of the radio equipment, antenna power and other factors) may have a person other than the operator operate the relevant radio station during the valid period of the license for the radio station; provided, however, this does not apply if the person other than the licensee falls under any of the items of Article 5, paragraph (3).

- (2) The provisions of paragraphs (2) and (3) of the preceding Article apply mutatis mutandis to a licensee who has had a person other than the operator to operate the radio station, pursuant to the provisions of the preceding paragraph.
- (3) The provisions of Article 74-2, paragraph (2), Article 76, paragraph (1), and Article 81 apply mutatis mutandis to the person other than the licensee of the relevant radio station who operates the radio station, pursuant to the provisions of paragraph (1).
- (4) The technical terms in the preceding two paragraphs that need to be replaced, are specified by Cabinet Order.

(Operation of a Registered Station by a Person Other than the Registrant)

Article 70-9 (1) The registrant of a registered station, when determining that the operation of the registered station by a person other than the registrant contributes to the efficient utilization of the radio spectrum, and is not likely to cause interference or other obstruction to other radio stations, may appoint another person to operate the registered station during the period of validity of their registration; provided, however, this does not apply when the appointed person falls under any of the items (except item (ii)) in Article 27-23, paragraph (2).

- (2) The provisions of paragraphs (2) and (3) of Article 70-7 apply mutatis mutandis to a registrant who has appointed a person other than themselves to operate a registered station, pursuant to the provisions of the preceding paragraph.
- (3) The provisions of Article 39, paragraphs (4) and (7), Article 51, Article 74-2, paragraph (2), Article 76, paragraphs (1) and (3), Article 76-2-2, and Article 81 apply mutatis mutandis to a person other than the registrant of the relevant registered station who operates the registered station, pursuant to the provisions of paragraph (1).
- (4) In the cases under the preceding two paragraphs, the technical terms in those Articles and paragraphs that need to be replaced are specified by Cabinet Order.

## Chapter VI Supervision

### (Change of Frequencies)

Article 71 (1) When necessary for the purpose of regulating radio waves or other activities in the public interest, the Minister of Internal Affairs and Communications may change the designation for the frequency or antenna power of radio stations (except registered stations), or order a change in the frequency or antenna power of registered stations, or the location of radio equipment on artificial satellite stations, only within a range that does not hinder the fulfillment of the purpose of the radio stations.

(2) The national government must compensate the licensee or registrant of a radio station for any losses resulting from ordering the change pursuant to the provisions of the preceding paragraph in the designation of the frequency or antenna power of a radio station, the frequency or antenna power of a registered station, or the location of radio equipment on an artificial satellite station.

(3) The losses to be compensated pursuant to the provisions of the preceding paragraph are the losses which normally result from the administrative disposition under the paragraph.

(4) A person who is dissatisfied with the amount of compensation under paragraph (2) may file an action in a court to demand an increase in the compensation amount, within six months from the day of receiving notification of the amount of compensation.

(5) The national government is to be the defendant in the action under the preceding paragraph.

(6) A licensee who receives an order to change the location of radio equipment on an artificial satellite station, after implementing the measures related to the order, must notify the Minister of Internal Affairs and Communications to that effect without delay.

### (Specific Frequency Change Support Service and Specific Frequency Termination Support Service)

Article 71-2 (1) When changing the frequency assignment plan or the plan for the usage of frequencies allocated to basic broadcasting (referred to below as the "frequency assignment plan, etc.") that fall under the requirements stated in the following items, when found necessary for ensuring the proper utilization of radio waves, the Minister of Internal Affairs and Communications may provide the licensees or other establishers of radio equipment who will carry out the work to modify the radio equipment concerning the change of the frequency or antenna power prescribed in item (iii) with benefits to be allocated for the cost of the relevant work and other



necessary support (referred to below as the "specific frequency change support service") within the extent of the available budget.

- (i) in relation to the conditions concerning the use of frequencies by a specific radio station classification (referring to the classification of radio stations specified by Order of the Ministry of Internal Affairs and Communications, in line with the technical regulations prescribed in Chapter III concerning modes of radio communications, the purpose of the radio stations, and the radio equipment; the same applies below), the time limit on the use of frequencies is determined as not exceeding ten years from the day public notice of the change in the frequency assignment plan, etc., is given, and the frequencies assignable (referred to below as the "newly assignable frequencies" in this Article) to the relevant radio station classification (referred to below as the "old assignment classification" in this Article) is assigned to radio station classifications other than the old assignment classification.
- (ii) Among the radio station classifications to which the newly assignable frequencies can be assigned, if there is a radio station classification that has the same radio communications mode and the same radio station purpose as the old assignment classification (referred to below as "classification with the same purpose" in this item) and that is a classification other than the old assignment classification (referred to as "new assignment classification" in the following item), the ratio of frequencies that can be assigned to the classification with the same purpose as the newly assignable frequencies is not to exceed three fourths.
- (iii) in response to an application for a license for a radio station for which the Minister of Internal Affairs and Communications issues a public notice along with the public notice on the change in the frequency assignment plan, etc. (referred to below as a "newly established specific radio station"), for those radio stations in the new assignment classification, the newly assignable frequencies are to be assignable within five years from the day that public notice of the change in the relevant frequency assignment plan, etc. is given. In this case, it is possible to change in advance the frequencies or antenna power of existing established radio stations (limited to the extent that the change does not disturb the implementation of the purpose of existing established stations; in the case of a change of frequency, limited to the extent that the change is within the range of the newly assignable frequencies), so that those radio stations in the old assignment classification, which have already been assigned newly assignable frequencies upon public notice of the change in the frequency assignment plan, etc. (referred to below as "existing established radio stations"), do not cause interference or other obstruction that significantly impairs the operation of the newly established

specific radio station.

- (2) In order to facilitate the establishment of radio stations notified to the public by the Minister of Internal Affairs and Communications (referred to below as "notified specified stations"), when the Minister of Internal Affairs and Communications changes the frequency assignment plan based on the results of the effective utilization assessment, and when the Minister of Internal Affairs and Communications specifies the period for using all or part of the frequencies (referred to below as the "old assignment period") that can be assigned to radio station classifications other than those related to the relevant notified specified stations for which no more than five years (or ten years, if it is found especially necessary in consideration of the financial impact of the relevant change in the frequency assignment plan on licensee or registrant; referred to below as the "standard period" in this paragraph) have passed from the day public notice on the relevant change in the frequency assignment plan was given (except for cases prescribed in parts other than those prescribed in the individual items of the preceding paragraph), the Minister of Internal Affairs and Communications may compensate the licensee or registrant who apply for a change in the designation of frequencies (in the cases of registered stations, registration of change in frequencies), or who intend to abolish the radio station before the day of expiration of the old assignment period due to the establishment of the relevant old assignment period, for the ordinary costs arising from the establishment of the relevant old assignment period that is shorter than the standard period and other necessary support (referred to below as the "specific frequency termination support service") within the extent of the available budget.

(Designated Frequency Change Support Agency)

- Article 71-3 (1) The Minister of Internal Affairs and Communications may designate a person (referred to below as a "designated frequency change support agency") to conduct the specific frequency change support service.
- (2) Designation of a designated frequency change support service agency is to be made upon application by a person who seeks to conduct specific frequency change support service, limited to only one agency for each change in the frequency assignment plan, etc. accompanying the specific frequency change support service.
- (3) If the Minister of Internal Affairs and Communications designates a designated frequency change support agency, the Minister of Internal Affairs and Communications is not to conduct a specific frequency change support service related to the relevant designation.
- (4) Standards concerning the provision of benefits related to the specific frequency change support service conducted by a designated frequency change

support agency pursuant to the provisions of paragraph (1), are specified by Order of the Ministry of Internal Affairs and Communications.

- (5) A designated frequency change support agency, as specified by Order of the Ministry of Internal Affairs and Communications, and when approved by the Minister of Internal Affairs and Communications, may commission other parties to conduct part of the specific frequency change support service (except for decision-making on the delivery of benefits).
- (6) A designated frequency change support agency may require the person that received the benefits to produce and provide reports on necessary matters, when deemed necessary for the specific frequency change support service.
- (7) A designated frequency change support agency must formulate an annual business report, balance sheet, financial settlement report, and list of property each business year, and submit them to the Minister of Internal Affairs and Communications within three months after the end of the relevant business year, for approval by the Minister of Internal Affairs and Communications.
- (8) A designated frequency change support agency, when also conducting services other than the specific frequency change support service, must separate the accounts related to the relevant services from the accounts related to the specific frequency change support service.
- (9) Within the extent of the available budget, the Minister of Internal Affairs and Communications may provide a designated frequency change support agency with an amount of money equivalent to all or part of the costs required to conduct the specific frequency change support service.
- (10) Beyond the matters prescribed in this Article, matters necessary for the financial affairs and accounts of a designated frequency change support agency are specified by Order of the Ministry of Internal Affairs and Communications.
- (11) The provisions of Article 39-2, paragraph (4) (except item (iv)), Article 39-3, Article 39-5, Articles 39-7 through 39-12, Article 46, paragraph (4), Article 47-2, paragraphs (1) and (3), Article 47-3, and Article 47-4 apply *mutatis mutandis* to designated frequency change support agencies. In these cases, "application under paragraph (2)" in Article 39-2, paragraph (4) and Article 46, paragraph (4), is deemed to be replaced with "application under Article 71-3, paragraph (2)"; "training course service" in Article 39-2, paragraph (4), Article 39-3, paragraph (2), Article 39-5, Article 39-8, Article 39-9, paragraph (1), Article 39-10, paragraph (1), Article 39-11, paragraphs (2) and (3), and Article 39-12, "training courses" in Article 39-7, and "examination service" in Article 47-3 is deemed to be replaced with "specific frequency change support service"; "to the training courses" in Article 39-2, paragraph (4), item (iii) is deemed to be replaced with "to the specific frequency change support service"; "classification related to its designation, the location of the office where the training course service is conducted, and the date of commencing the training course service"

in Article 39-3 is deemed to be replaced with "address of the office where the specific frequency change support service is conducted, and the date of commencing the specific frequency change support service"; "Article 39-2, paragraph (5)" in Article 39-11, paragraph (1) is deemed to be replaced with "Article 46, paragraph (4)"; "Article 39-6, Article 39-7, or paragraph (1) of the preceding Article" in Article 39-11, paragraph (2), item (i) is deemed to be replaced with "Article 39-7, paragraph (1) of the preceding Article, Article 47-4, or Article 71-3, paragraph (5), (7), or (8)"; "or Article 39-8" in Article 39-11, paragraph (2), item (iii) is deemed to be replaced with ", Article 39-8, or Article 47-2, paragraph (3)"; "Article 39-2, paragraph (3)" in Article 39-12, paragraph (1) is deemed to be replaced with "Article 71-3, paragraph (3)"; "Article 47-5" in Article 46, paragraph (4), item (iii) and Article 47-2, paragraph (3) is deemed to be replaced with "Article 71-3, paragraph (11)"; "officers or examination conductors" in Article 47-2, paragraph (3) is deemed to be replaced with "officers"; and "staff member (including an examination conductor; the same applies in the following paragraph)" in Article 47-3 is deemed to be replaced with "staff member".

(Registered Frequency Termination Support Agency)

- Article 71-3-2 (1) The Minister of Internal Affairs and Communications may appoint a person who is registered by the Minister of Internal Affairs and Communications (referred to below as a "registered frequency termination support agency") to conduct all or part of the specific frequency termination support service.
- (2) After appointing a registered frequency termination support agency to conduct the specific frequency termination support service pursuant to the provisions of the preceding paragraph, the Minister of Internal Affairs and Communications is not to conduct the relevant specific frequency termination support service.
- (3) As specified by Order of the Ministry of Internal Affairs and Communications, the registration referred to in paragraph (1) is to be made upon the application by a person who seeks to conduct the specific frequency termination support service.
- (4) The Minister of Internal Affairs and Communications must register a person who has submitted an application for registration pursuant to the provisions of the preceding paragraph (referred to below in this paragraph as an "applicant for registration"), provided they conform to all of the following items:
- (i) staff working for the applicant for registration who possess knowledge and experience conforming to any of the conditions stated in the Appended Table 5, and is to take part in decision-making on the delivery of compensation related to the specific frequency termination support service;

- (ii) the liabilities of the applicant for registration do not exceed their assets;
- (iii) the applicant for registration is not to be a person who has established radio stations using radio frequencies related to the old assignment period;
- (iv) the applicant for registration does not fall under any of the following sub-items as being under the control of a specified person:
  - (a) if the applicant for registration is a stock company, and any other stock company is the parent company of the relevant applicant; or
  - (b) if officers or staff members of the specified person (including those who were officers or staff members of the relevant specified person within the past two years) account for more than half the number of officers (in the case of a partnership corporation, the employees conducting the business) of the applicant for registration.
- (5) The provisions of Article 24-2, paragraphs (5) and (6) apply *mutatis mutandis* to the registration under paragraph (1). In this case, "Article 24-10 or Article 24-13, paragraph (3)" in paragraph (5), item (ii) of that Article is deemed to be replaced with "Article 38-17, paragraph (1) or (2) as applied *mutatis mutandis* pursuant to Article 71-3-2, paragraph (11)"; and "preceding paragraphs" in paragraph (6) of that Article is deemed to be replaced with "preceding paragraph and Article 71-3-2, paragraphs (1) through (4) and paragraph (6)."
- (6) The registration under paragraph (1) is made by entering the following matters in the registration book of the registered frequency termination support agency:
  - (i) date of registration and reference number of registration;
  - (ii) name and address of the person who has obtained registration, and, in the case for which the person is a corporation, name of the representative; and
  - (iii) name and address of the office, where the person who has obtained registration conducts the specific frequency termination support service.
- (7) Unless renewed every period three years or longer, as specified by Cabinet Order, the registration under paragraph (1) will lose its validity with the passage of the period.
- (8) The provisions of paragraphs (3) through (6) apply *mutatis mutandis* to the renewal of registration under the preceding paragraph.
- (9) After the Minister of Internal Affairs and Communications has requested a registered frequency termination support agency to conduct a specific frequency termination support service, the agency must start the specific frequency termination support service without delay, unless there is due reason not to do so.
- (10) When finding that a registered frequency termination support agency violates the provisions of the preceding paragraph, or when it is found necessary to ensure proper implementation of its specific frequency termination support service, the Minister of Internal Affairs and

Communications may order the relevant registered frequency termination support agency to conduct its specific frequency termination support service, or take the necessary measures to improve its methods of operation, including the method of operating its specific frequency termination support service.

- (11) The provisions of Article 24-7, paragraph (1), Article 24-11, Article 38-5, Article 38-9, Article 38-11, Article 38-12, Article 38-15, Article 38-17, Article 38-18, Article 39-5, Article 39-10, Article 47-3, and paragraphs (4) through (6) and paragraphs (8) and (9) of the preceding article apply mutatis mutandis to the registered frequency termination support agency. In these cases, the words and phrases stated in the middle column of the following table for the provisions stated in the left column of that table are deemed to be replaced with the words and phrases stated in the right column of that table.

Article 24-7, paragraph (1)	any of the items in Article 24-2, paragraph (4) (in cases where the person is only performing the business of maintenance checks of radio equipment, etc., items (i), (ii) or (iv))	any of the items in Article 71-3-2, paragraph (4)
Article 24-11	Article 24-2-2, paragraph (1), or Article 24-9, paragraph (2)	Article 71-3-2, paragraph (7)
	has lost its validity pursuant to the provisions of Article 24-9, paragraph (2)	has lost its validity pursuant to the provisions of Article 71-3-2, paragraph (7), when the registered frequency termination support agency has terminated all of its specific frequency termination support service pursuant to the provisions of Article 39-10, paragraph (1), as applied mutatis mutandis pursuant to Article 71-3-2, paragraph (11)
	the preceding article	Article 38-17, paragraph (1) or (2), as applied mutatis mutandis pursuant to Article 71-3-2, paragraph (11)

Article 38-5, paragraph (1)	Article 38-2-2, paragraph (1)	Article 71-3-2, paragraph (1)
	the person who has obtained registration under the same paragraph (referred to below as a "registered certification body")	the person who has obtained registration under the same paragraph
	the classification of business related to its registration, the address of the office where the technical standards conformity certification service	the address of the office where the specific frequency termination support service
	date of the technical standards conformity certification service	date of the specific frequency termination support service
Article 38-5, paragraph (2)	Article 38-2-2, paragraph (2), item (i) or (iii)	Article 71-3-2, paragraph (6), item (ii) or (iii)
Article 38-5, paragraph (3), Article 36-15, paragraph (1), part other than those listed in the individual items of Article 38-17, paragraph (2), paragraph (3), Article 38-18, paragraph (2) and paragraph (3)	date of the technical standards conformity certification service	specific frequency termination support service
Article 38-9	officer or certification examiner	officer or person who has knowledge and experience conforming to the conditions set forth in appended Table 5
Article 38-11, paragraph (2)	person who performs the business of dealing in specified radio equipment	licensee who has applied for the provision of compensation related to the specific frequency termination support service
Article 38-12	technical standards conformity certification	specific frequency termination support service
Article 38-17, paragraph (1)	Article 38-3, paragraph (2)	Article 71-3-2, paragraph (5)

Article 38-17, paragraph (2), item (iii)	Article 38-2-2, paragraph (1)	Article 38-5, paragraph (2), Article 38-9, Article 38-11, paragraph (1), Article 38-12, Article 39-5, paragraph (1), Article 39-10, paragraph (1), or Article 71-3, paragraph (5) or (8), as applied mutatis mutandis in Article 71-3-2, paragraph (11)
Article 38-17, paragraph (2), item (ii)	Article 38-13, paragraph (1) or (2)	Article 24-7, paragraph (1) or Article 39-5, paragraph (2), as applied mutatis mutandis pursuant to Article 71-3-2, paragraph (10) or paragraph (11) of the same Article
Article 38-17, paragraph (2), item (iii)	Article 38-2-2, paragraph (1)	Article 71-3-2, paragraph (1)
Article 38-18, paragraph (1)	When there is no one who has obtained registration under Article 38-2-2, paragraph (1), or when the Minister of Internal Affairs and Communications	When the Minister of Internal Affairs and Communications
	Article 38-16, paragraph (1)	Article 39-10, paragraph (1), as applied mutatis mutandis pursuant to Article 71-3-2, paragraph (11)
	technical standards conformity certification service	specific frequency termination support service
Article 39-5 and Article 39-10, paragraph (1)	training course service	specific frequency termination support service
Article 47-3, paragraph (1)	staff member (including an examination executor; the same applies to the following paragraph)	staff member
	examination service	specific frequency termination support service



Article 47-3, paragraph (2)	examination service	specific frequency termination support service
paragraph (4) of the preceding article	paragraph (1)	paragraph (1) of the following article
	specific frequency change support service	specific frequency termination support service
paragraphs (5), (6), (8) and (9) of the preceding Article	specific frequency change support service	specific frequency termination support service

(Obligation of Licensee or Registrant Subject to a Decision to Deliver Benefits)

Article 71-4 (1) A licensee that is subject to a decision to deliver benefits related to its specific frequency change support service, must apply to change the designation of the frequency or antenna power without delay.

(2) Any licensee or registrant that is subject to a decision to deliver benefits related to its specific frequency termination support service, must apply for a change in the designation of the frequency (in the cases of a registrant; registration of change in the frequency) or abolish the radio station, without delay.

(3) The provisions of the preceding three Articles are not to hinder the Minister of Internal Affairs and Communications from changing the designation of the frequency or antenna power of existing established radio stations pursuant to the provisions of Article 71, paragraph (1); or pursuant to the provisions of Article 76-3, paragraph (1), from changing the designation of the frequency of radio stations using radio frequencies related to the old assignment period under Article 71-2, paragraph (2), ordering a change in the frequencies of registered stations using the relevant radio frequencies, or revoking licenses, etc. of radio stations using the relevant radio frequencies.

(Technical Regulations Conformity Order)

Article 71-5 On determining that the radio equipment does not conform to the technical regulations provided for in Chapter III, the Minister of Internal Affairs and Communications may order the licensee or registrant of the radio station using the relevant radio equipment to take measures to repair the relevant radio station so that it conforms to the technical regulations or to take other necessary measures.

(Suspension of Transmission of Radio Waves)

Article 72 (1) When it is found that the quality of radio waves transmitted by a radio station does not satisfy the requirements specified by Order of the Minister of Internal Affairs under Article 28, the Minister of Internal Affairs

and Communications may order the radio station to temporarily suspend the transmission of radio waves.

- (2) After receiving a notification from the radio station that has received an order under the preceding paragraph that its radio waves have come to satisfy the requirements specified by Order of the Ministry of Internal Affairs and Communications under Article 28, the Minister of Internal Affairs and Communications must require the radio station to carry out a trial transmission of radio waves.
- (3) When the radio waves transmitted pursuant to the provisions of the preceding paragraph satisfy the requirements specified by Order of the Minister of Internal Affairs and Communications under Article 28, the Minister of Internal Affairs and Communications must immediately terminate the suspension order under paragraph (1).

(Inspection)

- Article 73 (1) The Minister of Internal Affairs and Communications is to send ministerial staff to radio stations (except stations specified by Order of the Ministry of Internal Affairs and Communications) to inspect the radio equipment and other devices at intervals on a day notified in advance that is specified by Order of the Ministry of Internal Affairs and Communications; provided, however, regarding radio stations for which the Minister of Internal Affairs and Communications finds it unnecessary to inspect matters involving radio equipment other than matters related to the quality of the radio waves transmitted by the radio stations or the antenna power of the radio stations, the quality of the transmitted radio waves or antenna power is to be inspected by having the radio station transmit radio waves.
- (2) The inspection under the preceding paragraph, notwithstanding the provisions of the paragraph, may be postponed or omitted when inspection of the radio station is deemed unnecessary during the period specified by Order of the Ministry of Internal Affairs and Communications under that paragraph, or when a ship or aircraft with a radio station installed is on a voyage between foreign countries during the relevant period.
  - (3) The inspection under paragraph (1) may be omitted, notwithstanding the provisions of paragraph (1), when, at least one month before the date notified by the Minister of Internal Affairs and Communications pursuant to the provisions of paragraph (1), the licensee of the radio station (except for those specified by Order of the Ministry of Internal Affairs and Communications as radio stations for which it is necessary to ensure proper operation to ensure the safety of individuals' lives and bodies; this applies below in this paragraph) submits a certificate stating that, in relation to the radio equipment and other devices of the radio station, the person registered (except for persons

- conducting only the business of maintenance checks of radio equipment and other devices) under the provisions of Article 24-2 paragraph (1) has conducted the inspection related to the relevant registration specified by Order of the Ministry of Internal Affairs and Communications and that the radio equipment of the relevant radio station conforms to the construction design, and in addition, the qualifications and number of radio operators are not in violation of the provisions of Article 39 or Article 39-13, Article 40, and Article 50, and the timepiece or documents are not in violation of the provisions of Article 60.
- (4) Part of the inspection under paragraph (1) may be omitted, notwithstanding the provisions of paragraph (1), when, at least one month before the date notified by the Minister of Internal Affairs and Communications pursuant to the provisions of that paragraph, the licensee of the radio station submits documents stating the results of an inspection of the radio equipment and other devices in the radio station related to the registration conducted by a person registered under the provisions of Article 24-2 paragraph (1) or Article 24-13, paragraph (1), as specified by Order of the Ministry of Internal Affairs and Communications.
- (5) When ordering the repair of a radio station under Article 71-5 or the implementation of other necessary measures, or ordering the suspension of transmission of radio waves under paragraph (1) of the preceding Article, receiving notification under paragraph (2) of that Article, being notified of the fact that a ship or aircraft with a radio station installed is departing for a foreign country, or when it is particularly necessary to enforce this Act, the Minister of Internal Affairs and Communications may dispatch ministerial staff to the radio station to inspect its radio equipment and other devices
- (6) When it is found necessary to inspect only the matters related to the quality of the radio waves transmitted by the radio station or the antenna power of the radio station, when a ship or aircraft with a radio station installed is departing for a foreign country or when inspection is particularly necessary to enforce this Act, the Minister of Internal Affairs and Communications may order the radio station to transmit radio waves in order to inspect the quality of the transmitted radio waves or the antenna power of the radio station.
- (7) The provisions of Article 39-9, paragraphs (2) and (3) apply *mutatis mutandis* to the inspection pursuant to the provisions of the main clause of paragraph (1), or the provisions of paragraph (5).

(Radio Communications in Case of Emergencies)

Article 74 (1) When an emergency situation, including earthquakes, typhoons, floods, tsunamis, snow damage, fires, and riots, has occurred or is anticipated to occur, the Minister of Internal Affairs and Communications may order any radio station to conduct radio communications necessary for saving lives, for

disaster relief, for ensuring telecommunications for transportation, or for maintaining public order.

- (2) When the Minister of Internal Affairs and Communications has ordered a radio station to conduct radio communications pursuant to the provisions of the preceding paragraph, the national government must compensate the radio station for the actual expenses required for the radio communications.

(Development of Telecommunications Systems in Case of Emergencies)

Article 74-2 (1) In case of emergency, the Minister of Internal Affairs and Communications must develop telecommunications plans, conduct telecommunications training, and take other necessary measures in order to maintain and improve the systems as necessary, to ensure good communications as prescribed in paragraph (1) of the preceding Article.

- (2) The Minister of Internal Affairs and Communications may request the cooperation of licensees and registrants when taking measures as prescribed in the preceding paragraph.

(Revocation of a Radio Station License)

Article 75 (1) In the cases stated in the following items, the Minister of Internal Affairs and Communications must revoke the radio station licenses specified in those items, respectively:

- (i) when a licensee becomes a person that is unable to hold a license pursuant to the provisions of Article 5, paragraph (1), (2), or (4): the license of the licensee that becomes a person that is unable to hold a license;
  - (ii) when the approval for an approved basic broadcasting operator conducting the operations of basic terrestrial broadcasting becomes invalid: the license for the radio station used for the operations of that basic terrestrial broadcasting; and
  - (iii) when the licenses held by a licensee of specified terrestrial basic broadcast stations for all specified terrestrial basic broadcast stations used for the operations of the licensee's basic terrestrial broadcasting cease to be valid: the licenses for radio stations used for the operations of that basic terrestrial broadcasting which are not specified terrestrial basic broadcast stations.
- (2) Notwithstanding the provisions of the preceding paragraph, when a licensee becomes a person that is unable to hold a license pursuant to the provisions of Article 5, paragraph (1) (limited to the part related to item (iv); the same applies in the following paragraph) or paragraph (4) (limited to the part related to item (ii) or (iii)), the Minister of Internal Affairs and Communications, if found necessary in consideration of the following matters, may choose not to revoke the license for a specified period limited to the period within the remainder of the period of validity of the license:

- (i) the situation of coming to fall under Article 5, paragraph (1), item (iv), or paragraph (4), item (ii) or (iii);
  - (ii) the effects on the matter specified in sub-item (a) or (b) below, according to the category of the radio station respectively stated in sub-item (a) or (b) brought about by the revocation of the license pursuant to the provisions of the preceding paragraph, or the non-revocation of the license pursuant to the provisions of this paragraph:
    - (a) a basic broadcast station: the interests of the recipients of the basic broadcasting related to the license; and
    - (b) a radio station other than a basic broadcast station: public interests; and
  - (iii) other matters specified by Order of the Ministry of Internal Affairs and Communications.
- (3) When the Minister of Internal Affairs and Communications finds that a licensee has become a person that is unable to hold a license pursuant to the provisions of Article 5, paragraph (1) or (4), the Minister must decide whether or not to revoke the license of the licensee pursuant to the provisions of the preceding paragraph.
- (4) When the Minister of Internal Affairs and Communications intends to make the decision referred to in the preceding paragraph, the Minister must hear the opinions of the licensee subject to the decision.
- (5) When the Minister of Internal Affairs and Communications has made the decision referred to in paragraph (3), the Minister must notify the licensee subject to the decision to that effect, accompanied by the reasons for the decision (if the decision is one of not revoking the license of the licensee pursuant to the provisions of paragraph (2); a notice to that effect and the period specified pursuant to the provisions of that paragraph).

Article 76 (1) The Minister of Internal Affairs and Communications, when a licensee or registrant has violated the provisions of this Act or the Broadcasting Act, or any orders or administrative dispositions under the Acts, may order the licensee or registrant to suspend operation of the radio station for a specified period not exceeding three months, or impose a limitation on the permitted operating hours, frequencies, or antenna power for a specified period.

- (2) When a blanket licensee or a blanket registrant has violated the provisions of this Act or the Broadcasting Act, or any orders or administrative dispositions under the Acts, the Minister of Internal Affairs and Communications may prohibit the new establishment of the radio station related to the blanket license or the registration pursuant to the provisions of Article 27-32, paragraph (1).
- (3) Beyond the provisions of the two preceding paragraphs, when a registrant is likely to cause harmful effects on the operation of other registered stations by

using radio equipment not conforming to the technical regulations prescribed in Chapter III, or when the efficient utilization of radio waves is most likely to be impeded due to the inappropriate operation of the registered station, the Minister of Internal Affairs and Communications may order the suspension of the operation of the radio station related to that registration, or impose a limitation on the permitted operating hours, frequencies, or antenna power, or prohibit the new establishment of a radio station for a specified period not exceeding three months.

(4) The Minister of Internal Affairs and Communications may revoke the license of a licensee (except a blanket licensee) who falls under any of the following items:

- (i) when suspending operation of the radio station for a period of six months or longer consecutively without due reason;
- (ii) when obtaining a radio station license, receiving permission under Article 17, or changing the designated matters pursuant to the provisions of Article 19, through unlawful means;
- (iii) when failing to observe any order or limitation pursuant to the provisions under paragraph (1);
- (iv) when the licensee now falls under Article 5, paragraph (3), item (i); and
- (v) when the licensee of the specified terrestrial basic broadcast station no longer meets the requirements stated under Article 7, paragraph (2), item (iv), sub-item (b).

(5) The Minister of Internal Affairs and Communications may revoke the blanket license of a blanket licensee who falls under any of the following items:

- (i) when failing completely to commence the operation of a specified broadcast station by the deadline given in Article 27-5, paragraph (1), item (iv), (when there has been an extension of the deadline pursuant to the provisions of Article 27-6, paragraph (1); that deadline);
- (ii) when suspending operation of all the specified radio stations related to a blanket license for a consecutive period of six months or longer, without due reason;
- (iii) when obtaining a blanket license, receiving permission under Article 27-8 paragraph (1), or changing the designated matters pursuant to the provisions of Article 27-9, through unlawful means;
- (iv) when not complying with the order or limitation pursuant to the provisions of paragraph (1), or the prohibition pursuant to the provisions of paragraph (2); or
- (v) when the blanket licensee now falls under Article 5, paragraph (3), item (i).

(6) The Minister of Internal Affairs and Communications may revoke the registration of a registrant who falls under any of the following items:

- (i) when obtaining the registration under Article 27-21, paragraph (1), or

- obtaining the registration of change under Article 27-26, paragraph (1), or Article 27-33, paragraph (1), through unlawful means;
  - (ii) when failing to observe an order or limitation pursuant to the provisions of paragraph (1), or a prohibition pursuant to the provisions of paragraph (2), or an order, limitation or prohibition under the provisions of paragraph (3); or
  - (iii) when the registrant now falls under Article 5, paragraph (3), item (i).
- (7) Beyond the provisions of the preceding three paragraphs, when a licensee or registrant of a radio station for the purpose of conducting telecommunications services falls under any of the following items, the Minister of Internal Affairs and Communications may revoke the license or registration:
- (i) when the registration referred to in Article 9 of the Telecommunications Business Act has been refused, pursuant to the provisions of Article 12, paragraph (1) of that Act;
  - (ii) when the registration of a change referred to in Article 13, paragraph (1) of the Telecommunications Business Act has been refused pursuant to the provisions of Article 12, paragraph (1) of that Act, as applied mutatis mutandis pursuant to Article 13, paragraph (4) of that Act (limited to the case in which the registration of a change relates to a change in a matter concerning the radio station); or
  - (iii) when the registration referred to in Article 9 of the Telecommunications Business Act is deleted pursuant to the provisions of Article 15 of that Act.
- (8) When revoking a license pursuant to the provisions of paragraph (4) (except item (iv)) and paragraph (5) (except item (v)), and a registration pursuant to the provisions of paragraph (6) (except item (iii)), the Minister of Internal Affairs and Communications may revoke the licenses or registrations of the other radio stations granted to the person that was the licensee or registrant, or the approval for the establishment plan, or the maintenance regulations of the radio equipment and other devices of the relevant person.

Article 76-2 Regarding specified radio stations (limited to those related to the radio stations stated in Article 27-2, item (i)), The Minister of Internal Affairs and Communications may reduce the designated number of radio stations when sufficient reasons are found to show that the maximum number of specified radio stations in operation simultaneously during the period of validity of the blanket license, is likely to fall far below the designated number of radio stations related to the relevant blanket license. In this case, the Minister of Internal Affairs and Communications is to also change the frequency designation of the blanket license.

Article 76-2-2 When found necessary, in cases specified by Order of the Ministry

of Internal Affairs and Communications, when there is a large number of registered stations using a specific radio frequency among registered stations, and a further increase in the number of registered stations using radio waves of the relevant specific frequency is likely to have serious effects on the operation of other radio stations, the Minister of Internal Affairs and Communications may prohibit the registrant using radio waves of the relevant specific frequency from establishing new radio stations related to the registration, to the extent necessary to prevent those effects, or limit the operation of registered stations established by the relevant registrant.

- Article 76-3 (1) Beyond cases involving changing the frequency designation pursuant to the provisions of Article 71, paragraph (1) or cases involving ordering a change of frequency, when having specified a period for using part or all of the frequencies assignable to a specific radio station classification after changing the frequency assignment plan based on the results of the effective utilization assessment, or when having specified a period for using part or all of the frequencies prescribed in Article 27-12, paragraph (3), item (ii), sub-item (b) in the establishment guidelines, after the expiration of the relevant period, the Minister of Internal Affairs and Communications may change the designation of frequencies for radio stations (except registered stations) using radio waves of frequencies related to the relevant period, order the registrant to change the frequencies of registered stations that are using radio waves of the relevant frequencies, or revoke the licenses or registrations of radio stations that are using radio waves of the relevant frequencies.
- (2) The national government must compensate the licensee or registrant of the radio station for losses resulting from the change in the frequency designation for the radio station, the order to change the frequency of the registered station, or revocation of the license or registration of the radio station, pursuant to the provisions of the preceding paragraph.
- (3) The provisions under Article 71, paragraphs (3) through (5) apply mutatis mutandis to the compensation for losses pursuant to the provisions of the preceding paragraph.

Article 77 When administrative dispositions have been taken under the provisions of Articles 75 through the preceding Article (except Article 75, paragraphs (2) through (5), and paragraphs (2) and (3) of the preceding Article), the Minister of Internal Affairs and Communications must send the licensee or registrant a notification that contains a statement of the reasons.

(Prevention of the Transmission of Radio Waves)

Article 78 When the license or registration of a radio station has lost its validity,



the person who was the licensee or registrant of that radio station must without delay, dismantle the antennas and take other necessary measures as specified by Order of the Ministry of Internal Affairs and Communications to prevent the transmission of radio waves.

(Revocation of Radio Operators' Licenses)

Article 79 (1) The Minister of Internal Affairs and Communications may revoke a radio operator's license, or order a radio operator to cease engaging in that service for a specified period not exceeding three months, if the radio operator falls under one of the following items:

- (i) when violating the provisions of this Act or any orders under this Act, or administrative dispositions under the Act;
  - (ii) when obtaining the radio operator's license through unlawful means; or
  - (iii) when the situation now falls under Article 42, item (iii).
- (2) The provisions of the preceding paragraph (except item (iii)) apply mutatis mutandis to a person who received certification for ship radio station radio operator. In this case, "radio operator's license" in that paragraph is deemed to be replaced with "certification for ship radio station radio operator".
- (3) The provisions of Article 77 applies mutatis mutandis to revocation or suspension pursuant to the provisions of paragraph (1) (including cases as applied mutatis mutandis under the preceding paragraph).

(Suspension of Validity of Certification for Ship Radio Station Radio Operator)

- Article 79-2 (1) When a person who has been required to submit a document pursuant to the provisions of Article 81-2 paragraph (2) fails to submit the document, the Minister of Internal Affairs and Communications may suspend the validity of the ship radio station radio operator certification.
- (2) The Minister of Internal Affairs and Communications, upon the submission of the document as prescribed in the preceding paragraph after the validity of a certification for ship radio station radio operator has been suspended pursuant to the preceding paragraph, may terminate the suspension without delay.
- (3) The provisions of Article 77 apply mutatis mutandis to the suspension pursuant to the provisions of paragraph (1).

(Reporting)

Article 80 A licensee or registrant of a radio station must report to the Minister of Internal Affairs and Communications, by using the procedures specified by Order of the Ministry of Internal Affairs and Communications in the following cases:

- (i) when conducting distress, urgency, safety, or emergency traffic (including cases where it is conducted by a person other than a licensee or registrant

- who is appointed to operate the radio station pursuant to the provisions of Article 70-7 paragraph (1), Article 70-8 paragraph (1) or Article 70-9 paragraph (1));
- (ii) when finding any other radio station operated in violation of the provisions of this Act or any orders under this Act; and
  - (iii) when, in a foreign country, a radio station is restricted from operating beyond the scope of a public notice issued in advance by the Minister of Internal Affairs and Communications.

Article 80-2 A licensee (limited to one that is a corporation or organization, and excluding one specified by Order of the Ministry of Internal Affairs and Communications) of a basic broadcast station (except a radio station that transmits the relay broadcasting for preventing obstructions to reception prescribed in Article 5, paragraph (5), basic satellite broadcasting, or basic terrestrial broadcasting for mobile reception), for each period specified by Order of the Ministry of Internal Affairs and Communications, must report the following matters related to that period to the Minister of Internal Affairs and Communications, pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications:

- (i) the implementation status of measures taken in order not to fall under Article 5, paragraph (4), item (ii) or (iii) (in the case of a licensee of a basic broadcast station that transmits community broadcasting, item (ii) of that paragraph);
- (ii) if there was the change specified by Order of the Ministry of Internal Affairs and Communications referred to in Article 17, paragraph (2), item (ii) to the matters stated in Article 6, paragraph (2), item (ix), the details of the change; and
- (iii) other matters specified by Order of the Ministry of Internal Affairs and Communications as matters concerning not falling under Article 5, paragraph (4), item (ii) or (iii).

Article 81 When found necessary for the purpose of maintaining order in radio communications or ensuring the proper operation of radio stations, the Minister of Internal Affairs and Communications may request a licensee or registrant to report on the radio station.

Article 81-2 (1) When deemed necessary to enforce this Act, the Minister of Internal Affairs and Communications may request a person who received a certification for ship radio station radio operator to report on the certification for ship radio station radio operator.

(2) When it is suspected that a person receiving a certification for ship radio

station radio operator falls under Article 48-3 item (i) or (ii), the Minister of Internal Affairs and Communications, as specified by Order of the Ministry of Internal Affairs and Communications, may request the person to submit documents specified by Order of the Ministry of Internal Affairs and Communications, for confirmation of the validity of the ship radio station radio operator certification.

(Supervision of Radio Stations Requiring No License, and Receiving Equipment)

- Article 82 (1) When radio waves transmitted from radio equipment in the radio stations stated in Article 4, items (i) through (iii) (referred to below as "radio stations requiring no license or registration"), or radio waves or high frequency currents incidentally transmitted from receiving equipment in the relevant radio stations, cause successive and serious obstruction to the function of other radio equipment, the Minister of Internal Affairs and Communications may order the person who holds or occupies the equipment, to take necessary measures to eliminate the obstruction.
- (2) When found particularly necessary after issuing an order to take measures, as prescribed in the preceding paragraph for radio equipment in a radio station requiring no license or registration, or for receiving equipment other than receiving equipment for the purpose of receiving broadcasts, the Minister of Internal Affairs and Communications may dispatch ministerial staff to the place where the equipment is located, to inspect the equipment.
- (3) The provisions of Article 39-9, paragraphs (2) and (3) apply mutatis mutandis to the inspection specified in the preceding paragraph.

## **Chapter VII Requests for Administrative Review and Lawsuits**

(Procedure for Requests for Administrative Review)

Article 83 A person who request for administrative review against an administrative disposition taken by the Minister of Internal Affairs and Communications, pursuant to the provisions of this Act or any orders under it, must submit one original and one copy of the written request for administrative review.

Article 84 (Deleted)

(Reference to the Radio Regulatory Council)

Article 85 When a request for administrative review is filed pursuant to the provisions of Article 83, unless that request for administrative review is dismissed, the Minister of Internal Affairs and Communications must submit it

without delay to the Radio Regulatory Council.

(Commencement of Proceedings)

Article 86 The Radio Regulatory Council must commence proceedings on the case referred to the Council pursuant to the provisions of the preceding Article, within thirty days from the day on which it received the request for administrative review.

Article 87 The proceedings may be presided over by a proceedings officer whom the Radio Regulatory Council nominates upon specifying the matter to be dealt with; provided, however, this does not apply to cases in which the Council nominates one of its members to preside over the proceedings when the matter is particularly important.

Article 88 (1) The proceedings commence with the delivery of a notice of the commencement of proceedings, to the requestor for review in the name of the proceedings officer (or the member of the Radio Regulatory Council, in the case of the proviso to the preceding Article; the same applies below), on which the purport, date and place of the proceedings, and a request for an appearance by the requestor for review, are entered.

(2) When a notice of the commencement of proceedings has been sent out, the Minister must issue a public notice, stating the purport of the matter and the date and place of the proceedings, and notify interested parties whose names and whereabouts are known.

(Intervenors)

Article 89 (1) With the permission of the proceedings officer, the interested parties may be involved in the procedures for the proceedings as intervenors.

(2) The proceedings officer may request the interested parties to be involved in the procedures for the proceedings as intervenors, if the proceedings officer finds it necessary.

(Proxy and Designated Ministerial Staffs)

Article 90 (1) The interested parties may appoint lawyers and other appropriate persons as their proxies.

(2) The Minister of Internal Affairs and Communications may designate a ministerial staff member (referred to below as an "designated ministerial staff") to be involved in the procedures for the proceedings.

(3) Any proxy under paragraph (1) may fully act in the proceedings on behalf of the requestor for review, intervenors, or designated ministerial staff.

(Expression of Opinions)

- Article 91 (1) The requestor for review, intervenors, or designated ministerial staff, may attend on the date of the proceedings and express their opinions.
- (2) In the case of the preceding paragraph, the requestor for review and intervenors, with the permission of the proceedings officer, may attend the proceedings accompanied by their assistants.
- (3) The proceedings officer, when it is found necessary for the proceedings, may request the requestor for review, intervenors, or designated ministerial staff, to state their opinions.

(Submission of Documents as Evidence)

Article 92 The requestor for review, intervenors, or designated ministerial staff, may submit both documentary and physical evidence at the proceedings; provided, however, when the proceedings officer specifies a reasonable period for submission of documentary or physical evidence, that evidence must be submitted within that specified period.

(Request for Witnesses' Statements and Expert Opinions)

Article 92-2 At the request of the requestor for review, intervenor, or designated ministerial staff, or by the proceedings officer's own authority, the proceedings officer may request a person deemed appropriate to attend the proceedings as a witness, to state the facts the witness knows or give an expert opinion. In this case, the requestor for review, intervenor, and designated ministerial staff may also request the witness to make a statement.

(Request for Submission of Objects)

Article 92-3 At the request of the requestor for review, participants, or appointed officer, or by their own authority, the proceedings officer may request the possessor of any relevant documents or other objects to submit them, and may retain them.

(Observation)

- Article 92-4 (1) At the request of the requestor for review, intervenor, or appointed officer, or by the proceeding officer's own authority, the proceedings officer may conduct an on-the-spot observation of a relevant place.
- (2) When conducting an on-the-spot observation under the preceding paragraph at the request of the requestor for review, intervenor or appointed officer, the proceedings officer must notify in advance the person requesting the inspection of the date and place of the observation, to give them the opportunity to attend the observation.

(Hearings Involving the Requestor for Review or Intervenor)

Article 92-5 At the request of the requestor for review, intervenor, or appointed officer, or by the proceedings officer's own authority, may conduct hearings involving the requestor for review or intervenor. In this case, the provisions of the second sentence of Article 92-2 apply mutatis mutandis.

(Record and Written Opinion)

Article 93 (1) The proceedings officer must make a record of the proceedings.

(2) The proceedings officer must prepare a written opinion based on the record specified under the preceding paragraph, and submit the written opinion along with the record to the Radio Regulatory Council.

(3) The Radio Regulatory Council must offer certified copies of the record specified in paragraph (1), and of the written opinions specified in the preceding paragraph for public inspection.

(Return of Documentary Evidence)

Article 93-2 If the proceedings officer submits a written opinion pursuant to the provisions of paragraph (2) of the preceding Article, the proceeding officer must return without delay the documentary evidence or objects of evidence submitted pursuant to the provisions of Article 92, and the documents or other objects submitted in response to the request pursuant to the provisions of Article 92-3, to the person who submitted them.

(Restriction on Requests for Administrative Review)

Article 93-3 No request for administrative review may be filed against a disposition or inaction by a proceedings officer in the procedures for the proceedings..

(Resolution)

Article 93-4 The Radio Regulatory Council must pass a resolution on a draft determination on the matter based on the record and written opinions specified in Article 93.

(Stay of Execution of an Administrative Disposition)

Article 93-5 When a petition is filed under the provisions of Article 25, paragraph (2) of the Administrative Complaint Review Act (Act No. 68 of 2014), against a disposition related to the matter referred to the Radio Regulatory Council pursuant to the provisions of Article 85, the Minister of Internal Affairs and Communications must hear the opinions of the Radio Regulatory Council.

(Determination)

Article 94 (1) When the resolution specified in Article 93-4 is made, the Minister of Internal Affairs and Communications, based on the resolution, is to make an administrative determination on the request for administrative review, within seven days of the passing of the resolution.

(2) The facts found by the Radio Regulatory Council through the proceedings must be entered in the written determination.

(3) When making a determination, the Minister of Internal Affairs and Communications must observe the provisions of Article 51 of the Administrative Complaint Review Act, and send a certified copy of the written decision to the intervenors pursuant to the provisions of Article 89.

(Traveling and Other Expenses for Witnesses)

Article 95 A witness requested to attend proceedings pursuant to the provisions of Article 92-2, is to receive the amounts for traveling expenses, daily allowance, and lodging charges specified by Cabinet Order.

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

Article 96 Beyond the provisions in this Chapter, other procedures relating to the proceedings are specified by Order of the Ministry of Internal Affairs and Communications.

(Filing of an Action)

Article 96-2 A person who is dissatisfied with an administrative disposition by the Minister of Internal Affairs and Communications pursuant to the provisions of this Act or orders based on this Act, may file an action seeking revocation only against the determination on the request for administrative review regarding that disposition..

(Exclusive Jurisdiction)

Article 97 The filing of an action (except filing of an action against a determination dismissing the request for administrative review) under the preceding Article is subject to the exclusive jurisdiction of the Tokyo High Court.

(Submission of Records)

Article 98 When an action under the preceding Article has been filed, the court must request the Minister of Internal Affairs and Communications, without delay, to submit records related to the relevant case.

(Binding Effect of Fact Finding)

- Article 99 (1) Regarding the filing of an action referred to in Article 97, the lawful findings of the Radio Regulatory Council are binding on the court, when there is substantial evidence to prove that the facts exist.
- (2) Evaluation of the evidence prescribed in the preceding paragraph is left to the discretion of the court.

## **Chapter VII-2 The Radio Regulatory Council**

(Establishment)

Article 99-2 The Radio Regulatory Council is established in the Ministry of Internal Affairs and Communications, to ensure fair and efficient administrative operation of matters relating to radio waves and the broadcasting, as provided for in Article 2, item (i) of the Broadcasting Act, in order to handle the matters that are attributed to the authority of the Council pursuant to the provisions of this Act and the Broadcasting Act.

(Organization)

- Article 99-2-2 (1) The Radio Regulatory Council is composed of five members.
- (2) The Radio Regulatory Council has a chairperson, who is elected by a mutual vote among the members.
- (3) The chairperson presides over the operation of the Council.
- (4) The Radio Regulatory Council must nominate a person from the members, who is to act on behalf of the chairperson in the event that the chairperson is unable to fulfill their duties.

(Appointment of Members)

- Article 99-3 (1) The members of the Radio Regulatory Council are to be appointed by the Minister of Internal Affairs and Communications, with the consent of both the House of Representatives and the House of Councillors from persons possessing the extensive experience and knowledge necessary to make fair judgments from the standpoint of the public welfare.
- (2) When the term of office of a member expires or when there is a vacancy among the members, the Minister of Internal Affairs and Communications, notwithstanding the provisions of the preceding paragraph, may appoint a person as a member without the consent of both the House of Representatives and the House of Councillors, when it is impossible to obtain the consent of both Houses for the appointment of the member due to the Diet being in the closed period or due to the House of Representatives being dissolved. In this case, the Minister of Internal Affairs and Communications must obtain the consent of both Houses during the first Diet session after the appointment.



- (3) A person who falls under any of the following items is not eligible to become a member of the Radio Regulatory Council:
- (i) a person who has been sentenced to imprisonment or a more severe penalty;
  - (ii) a person who has been subjected to disciplinary dismissal as a national public employee, and for which two years have not yet passed since the day of dismissal;
  - (iii) a person that is a broadcasting operator provided for in Article 2, item (xxvi) of the Broadcasting Act; a certified broadcasting holding company provided for in item (xxvii) of that Article; a paid broadcasting management operator provided for in Article 152, paragraph (2) of that Act; a telecommunications carrier prescribed in Article 2, item (v) of the Telecommunications Business Act (limited to a person who installs telecommunications circuit facilities (referring to transmission line facilities connecting transmitting points with receiving points, and switching facilities installed as inseparable units of the transmission line facilities, and ancillary facilities of the transmission line and switching facilities)); a manufacturer or a dealer in radio equipment; or when a person is a corporation, an officer of the corporation, (referring to a person, whatever their title may be, who has authority or management power equal to or above that of an officer; the same applies in this Article); or a holder of one tenth or more of the voting rights in the corporation (including a person who falls under the categories above within a year before the day of appointment); or
  - (iv) a person who is an officer of any of the entities stated in the preceding item (including a person who falls under any of the above within a year before the day of appointment).

(Service Regulations)

Article 99-4 The provisions of Articles 96, Articles 98 through 102, and Article 105 of the National Public Service Act (Act No. 120 of 1947) apply *mutatis mutandis* to the members of the Radio Regulatory Council.

(Term of Office)

Article 99-5 (1) A member's term of office is three years. However, a member who has been appointed to fill a vacancy holds the office for the remainder of the predecessor's term.

(2) A member may be reappointed.

(Retirement)

Article 99-6 A member of the Radio Regulatory Council naturally loses their membership if the appointment fails to obtain the consent of both the House of Representatives and the House of Councillors, pursuant to the provisions of the

second sentence in Article 99-3 paragraph (2).

(Dismissal)

Article 99-7 If a member of the Radio Regulatory Council falls under any of the items of Article 99-3 paragraph (3), the Minister of Internal Affairs and Communications must dismiss the member.

Article 99-8 When finding that a member is incapable of performing their duties due to a mental or physical deficiency, or that a member has committed a violation of obligations in the course of the duties, or any other misconduct not befitting membership of the Council, the Minister of Internal Affairs and Communications may dismiss the member, with the consent of both the House of Representatives and the House of Councillors.

(Restrictions on Employment Following Retirement)

Article 99-9 A person who has been a member of the Radio Regulatory Council, may obtain any post stated in Article 99-3, paragraph (3), items (iii) and (iv), within a period of one year from the day of their retirement.

(Meetings and Procedures)

Article 99-10 (1) The Radio Regulatory Council may not hold a meeting or pass a resolution, unless three or more members, including the chairperson, attend the meeting.

(2) The Council is to decide on matters by a majority vote of the members present. If the voting is equal, the presiding chairperson has the final decision.

(Mandatory Consultation)

Article 99-11 (1) The Minister of Internal Affairs and Communications must consult with the Radio Regulatory Council concerning any of the following matters:

- (i) establishment or abolition of Order of the Ministry of International Affairs and Communications under the provisions of Article 4, items (i) through (iii) (Radio Stations Requiring No License), Article 4-2, paragraph (1), paragraph (2) (limited to those related to the specifying of a radio station in consideration of conditions such as usage and frequency), and paragraph (3) (Conditions for Deeming Radio Equipment as Radio Equipment Labelled as Conforming with Technical Regulations), Article 4-3 (Designation of Call Signs or Call Names), Article 6, paragraph (8) (Period of Application for a Radio Station License), Article 7, paragraph 1, item (iv) (Essential Standards for Establishment of Radio Stations Other Than Basic Broadcast Stations), paragraph (2), item (vii), sub-item (c) of that Article (Standards for Radio

Stations Transmitting Radio Communications Other Than Those of Basic Broadcasting in Addition to the Basic Broadcasting), item (viii) of that paragraph (Essential Standards for Establishment of Basic Broadcast Stations), Article 8, paragraph (1), item (iii) (Identification Signal), the proviso to Article 9, paragraph (1) (Changes in Construction Designs Not Requiring Permission), paragraph (4) of that Article, and Article 17, paragraph (1) (Changes to the Matters Stated in Article 6, Paragraph (2), Item (vi)), Article 13, paragraph (1) (Period of validity of Licenses for Radio Stations), Article 15 (Simplified Licensing Procedures), Article 24-2, paragraph (4), item (ii) (Registration of Inspectors), Article 26-2, paragraph (1) (Survey of Actual Radio Spectrum Utilization), Article 26-3, paragraph (1), item (iv) (Assessment Matters of Effective Utilization Assessment), Article 27-2 (Specified Radio Station), Article 27-4, item (iii) (Essential Standards for Establishment of Specified Radio Stations), Article 27-5, paragraph (3) (Period of validity of the Blanket License), Article 27-6, paragraph (3) (Notification of the Establishment of Specified Radio Stations), Article 27-12, paragraph (2), item (i) (Standards on the Degree of Effective Utilization of Radio Waves), the proviso to Article 27-13, paragraph (1) (Matters Concerning Requesters), paragraph (2) of that Article (Matters to Take into Consideration for Deciding Whether It Is Necessary to Establish Establishment Guidelines), Article 27-14, paragraph (7) (Period of Validity of Establishment Plan Authorization), Article 27-16, paragraph (2), item (iii) (Matters to Take into Consideration for a Grace Period for Revocation of Approval for an Establishment Plan), Article 27-21, paragraph (1) (Registration), Article 27-24 (Period of Validity of Registration), Article 27-26, paragraph (1) (Minor Changes Not Requiring Registration), Article 27-33, paragraph (1) (Minor Changes Concerning Blanket Registrants Not Requiring Registration), Article 27-34, (Notification of Establishment of Radio Stations), Article 27-38, paragraph (1) (Mediation and Arbitration by the Telecommunications Dispute Resolution Committee), Article 28 (including cases as applied mutatis mutandis pursuant to Article 100, paragraph (5)) (Quality of Radio Waves), Article 29 (Requirements for Receiving Equipment), Article 30 (including cases as applied mutatis mutandis pursuant to Article 100 paragraph (5)) (Safety Devices), Article 31 (Installation of a Frequency Measuring Instrument), Article 32 (Installation of Meters and Spare Components), Article 33 (Apparatus for Radio Equipment on Compulsory Ship Radio Stations), Article 35 (Requirements for Radio Equipment on Compulsory Ship Radio Stations, etc.), Article 36 (Requirements for Compulsory Aircraft Stations), Article 37 (Approval of Apparatus for Radio Equipment), Article 38 (including cases where applied mutatis mutandis pursuant to Article 100, paragraph (5)) (Technical

Regulations), Article 38-2-2, paragraph (1) (Specified Radio Equipment), Article 38-3, paragraph (1), item (ii) (Criteria for Registration), Article 38-33, paragraph (1) (Special Specified Radio Equipment), Article 39, paragraphs (1) through (3), and paragraphs (5), and (7) (Operation of Radio Equipment), the proviso to Article 39-13 (Operation of Radio Equipment in Amateur Radio Stations), Article 41, paragraph (2), items (ii) through (iv) (Regulations for Authorization Related to Training Courses for Radio Operators), Article 47 (Conducting an Examination Service), Article 48-3, item (i) (Loss of Validity of Authorization as a Ship radio station Radio Operator), Article 49 (Details of State Examinations), Article 50 (Stationing of a Distress Traffic Operator in Charge), Article 52, items (i) through (iii) and item (vi) (Utilization Beyond Purpose), Article 55 (Operation Beyond Permitted Operating Hours), Article 61 (Methods of Communication), Article 65 (Watchkeeping Obligations), Article 66, paragraph (1) (Distress Traffic), Article 67, paragraph (2) (Urgency Traffic), Article 70-4 (Watchkeeping Obligations), Article 70-5 (Communications for Aircraft Stations), Article 70-5-2, paragraph (2), item (i) and the proviso to paragraph (3) (Approval for Radio Equipment and Other Devices Maintenance Regulations), Article 70-8, paragraph (1) (Radio Stations Which May Allow Operation through Easy Operations by a Person Other Than the Licensee), Article 71-3, paragraph (4) (including cases as applied *mutatis mutandis* pursuant to Article 71-3-2, paragraph (11)) (Standards Concerning Provision of Compensation), Article 73, paragraph (1) (Inspection), paragraph (3) of that Article (limited to those related to the provisions of radio stations for which it is necessary to ensure proper operation to ensure the safety of individuals' lives and bodies) (Radio Stations Requiring a National Periodic Inspection), Article 75, paragraph (2), item (iii) (Matters to Take into Consideration for a Grace Period for Revocation of a Radio Station License), Article 78 (including cases as applied *mutatis mutandis* pursuant to Article 4-2, paragraph (5)) (Measures to Prevent the Transmission of Radio Waves), Article 100, paragraph (1), item (ii) (Equipment Utilizing High Frequency Current), Article 102-11, paragraph (4) (Radio Stations for Which It Is Necessary to Ensure Proper Operation), Article 102-13, paragraph (1) (Designation of Radio Equipment Using Specified Frequencies), Article 102-14, paragraph (1) (Notification in Sales of Designated Radio Equipment and Other Devices), Article 102-14-2 (Utilization of Information Communications Technology), Article 102-18, paragraph (1) (Measuring Instruments), paragraph (9) of that article (Conducting a Calibration Service), and the proviso to Article 103-2, paragraph (7) and paragraph (11) (Collection of Spectrum User Fees);

(ii) on establishing or changing the plan for the usage of frequencies allocated to basic broadcasting under the provisions of Article 7, paragraph (3) or

- paragraph (4); establishing or changing the frequency assignment plan under Article 26, paragraph (1) (except the part related to paragraph (2), item (iv) of that Article); establishing or changing the establishment guidelines under Article 27-12, paragraph (1); deciding whether it is necessary or not to establish establishment guidelines under Article 27-13, paragraph (2); and determining or changing notified specified stations under Article 71-2, paragraph (2);
- (iii) on revoking the approval of an establishment plan under the provisions of Article 27-16, paragraph (6) or (7); revoking a license or registration of a radio station under the provisions of that paragraph; revoking the designation of a designated training agency, a designated examination agency, a designated frequency change support agency, a center, or a designated calibration agency under the provisions of Article 39-11, paragraph (2) (including cases as applied *mutatis mutandis* pursuant to Article 47-5, Article 71-3, paragraph (11), Article 102-17, paragraph (5), and Article 102-18, paragraph (13)); ordering the dismissal of officers of a designated examination agency, or a designated frequency change support agency, or of examination conductors at a designated examination agency, or calibrators at a designated calibration agency under the provisions of Article 47-2, paragraph (3) (including cases where applied *mutatis mutandis* pursuant to Article 71-3, paragraph (11), and Article 102-18, paragraph (13)); revoking an approval for radio equipment and maintenance regulations of other devices under the provisions of Article 70-5-2, paragraph (7) or (8); revoking a radio station license under the provisions of Article 76, paragraph (4), (5), (7) or (8); revoking an approval for an establishment plan or maintenance regulations of radio equipment and other devices under the provisions of that paragraph; revoking the registration under Article 27-21, paragraph (1) under the provisions of paragraph (6), (7), or (8) of that Article; reducing the designated number of radio stations and changing the designation of frequencies pursuant to the provisions of Article 76-2; prohibiting the establishment of radio stations related to registration or limitations on the operation of registered stations under the provisions of Article 76-2-2; changing the designation of frequencies for radio stations, ordering a change in frequencies for registered stations; or revoking radio station licenses or registrations under the provisions of Article 76-3, paragraph (1); or revoking a radio operator license or ship radio station radio operator certificate under the provisions of Article 79, paragraph (1) (including cases where applied *mutatis mutandis* pursuant to Article 79, paragraph (2));
- (iv) on issuing a license under the provisions of Article 4 (limited to the renewed license of a radio station transmitting basic terrestrial

- broadcasting); issuing a pre-permit for a radio station under the provisions of Article 8; granting permission to make changes in construction design under the provisions of Article 9, paragraph (1); granting permission for making changes in the purpose of the radio station, broadcasting matters, or the matters stated in Article 6, paragraph (2), item (vi), under the provisions of paragraph (4) of that Article or Article 17, paragraph (1); issuing a blanket license under the provisions of Article 27-5, paragraph (1); granting permission for making changes in the purpose of the specified radio station, under the provisions of Article 27-8, paragraph (1); granting approval to an establishment plan under the provisions of Article 27-14, paragraph (1); designating a training agency under the provisions of Article 39-2, paragraph (1); designating an examination agency under the provisions Article 46, paragraph (1); granting an approval for radio equipment and other devices maintenance regulations under the provisions of Article 70-5-2, paragraph (1); changing the designation of frequencies, etc. of radio stations or ordering a change in the frequencies, etc. for registered stations or the location of radio equipment on artificial satellite stations, under the provisions of Article 71, paragraph (1); designating a frequency change support agency pursuant to the provisions of Article 71-3, paragraph (1), designating an area for prevention of radio propagation obstruction pursuant to the provisions of Article 102-2, paragraph (1); designating the center under the provisions of Article 102-17, paragraph (1); or designating a calibration agency under the provisions of Article 102-18, paragraph (1); and
- (v) notice under the provisions of Article 38-2, paragraph (2) (including cases as applied mutatis mutandis pursuant to Article 100, paragraph (5)).
- (2) Of the matters stated in the items of the preceding paragraph (except for item (iii)), the Minister of Internal Affairs and Communications may take measures without consulting the Radio Regulatory Council for matters which the Council determines to be minor.

(Hearing)

- Article 99-12 (1) When consultation is requested pursuant to the provisions of item (iii) of paragraph (1) of the preceding Article, the Radio Regulatory Council must hold a hearing.
- (2) Beyond the provision of the preceding paragraph, the Radio Regulatory Council may hold a hearing when found necessary if the Minister requests consultation pursuant to the provisions of the items of paragraph (1) of the preceding Article (except for item (iii)).
- (3) The hearing provided for in the preceding two paragraphs commences with a public notice granted in the name of the proceedings officer (or a member of the Council in the case of the proviso to Article 87, as applied mutatis mutandis

pursuant to paragraph (6); the same applies below) of the purport and the date and place of the hearing; provided, however, if the matter involves an administrative disposition made to a particular person, a hearing commencement notification is sent to that person, indicating the purport and the date and place of the hearing, as well as a request that the person appear at the hearing.

- (4) For the proviso to the preceding paragraph, a public notice must be issued indicating the purport of the hearing and the date and place of the hearing.
- (5) A person with an interest in the hearing prescribed under paragraphs (1) and (2) (except matters related to adverse dispositions prescribed in Article 2 item (iv) of the Administrative Procedure Act (Act No. 88 of 1993)) (referred to simply as "adverse dispositions" in paragraphs (6) and (8)) may attend on the day of the hearing and express their opinion, upon receipt of a permit from the proceedings officer.
- (6) The provisions of Article 87, Articles 90 through 93-3, and Article 96 apply mutatis mutandis to the hearing provided for under paragraphs (1) and (2), and the provisions of Article 89, and the Administrative Procedure Act Article 18 apply mutatis mutandis to the hearing provided for under paragraphs (1) and (2) related to adverse dispositions. In these cases, "the requestor for review" in Article 90 paragraph (3) is deemed to be replaced with "the persons who received a hearing commencement notification under the proviso to Article 99-12, paragraph (3) (where at the hearing related to dispositions to order a designated examination agency to dismiss its officer or examination conductor, or a designated frequency change support agency to dismiss its officer or a designated calibration agency to dismiss its calibrator under the provisions of Article 47-2, paragraph (3) (including cases as applied mutatis mutandis pursuant to Article 71-3, paragraph (11), and Article 102-18, paragraph (13)), persons who have received a hearing commencement notification under the proviso to Article 99-12, paragraph (3), and the relevant officer, the relevant examination conductor, or the relevant calibrator; collectively referred to as "the party" below through Article 92-5); "the requestor for review" in the provisions of Article 91 through 92-5 is deemed to be replaced with "the party"; "this Chapter" in Article 96 is deemed to be replaced with "Article 99-12"; and in Article 18, paragraph (1) of the Administrative Procedure Act, "the party" is deemed to be replaced with "the party under Article 90, paragraph (3) of the Radio Act, deemed to be replaced and applied mutatis mutandis pursuant to Article 99-12, paragraph (6) of that Act"; "the participants" is deemed to be replaced with "the participants under Article 89, paragraphs (1) or (2) of that Act, as applied mutatis mutandis pursuant to Article 99-12, paragraph (6) of that Act"; and "the hearing notification" is deemed to be replaced with "sending to the person a hearing commencement notification, as prescribed in the

proviso to Article 99-12, paragraph (3) of that Act".

- (7) The Radio Regulatory Council must resolve matters for which the Council has held a hearing pursuant to the provisions of paragraphs (1) or (2), based upon the record and written opinions of Article 93, as applied *mutatis mutandis* pursuant to the preceding paragraph.
- (8) The provisions of Chapter III (except Articles 12 and 14) of the Administrative Procedure Act do not apply to an administrative disposition made after proceeding with the hearings under the provisions of paragraph (1) or (2), which falls under adverse dispositions.

#### (Recommendations)

- Article 99-13 (1) The Radio Regulatory Council may make necessary recommendations to the Minister of Internal Affairs and Communications regarding matters concerning effective utilization assessment, and the matters stated in the items of Article 99-11, paragraph (1).
- (2) Upon receipt of recommendations under the preceding paragraph, the Minister of Internal Affairs and Communications must make the content public.
  - (3) The Minister of Internal Affairs and Communications must report to the Radio Regulatory Council on measures taken based on the recommendations referred to in paragraph (1).

#### (Proceedings Officers)

- Article 99-14 (1) The Radio Regulatory Council appoints no more than five proceedings officers.
- (2) The proceedings officers preside over the proceedings prescribed in the preceding Chapter (including cases as applied *mutatis mutandis* pursuant to Article 180 of the Broadcasting Act), or the procedures for the hearings prescribed under Article 99-12, or Article 178 of this Act.
  - (3) The proceedings officers are appointed by the Minister of Internal Affairs and Communications, following a resolution of the Radio Regulatory Council.

#### (Entrustment to Cabinet Order)

Article 99-15 Beyond what is specified in this Chapter, the organization and members of the Radio Regulatory Council and other necessary matters concerning the Radio Regulatory Council are specified by Cabinet Order.

### **Chapter VIII Miscellaneous Provisions**

#### (Equipment Utilizing High Frequency Current)

Article 100 (1) A person who wishes to install the following equipment, must obtain permission from the Minister of Internal Affairs and Communications:



- (i) telegraphy, telephony, or other communications equipment that conducts high frequency current at frequencies of 10 kHz or higher through electric lines (except cable carrier equipment, twin twisted wire balanced type carrier equipment, or other communications equipment specified by Order of the Ministry of Internal Affairs and Communications); or
  - (ii) equipment other than radio equipment and the equipment in the preceding item, which utilizes electric current at a frequency of 10 kHz or higher, and is specified by Order of the Ministry of Internal Affairs and Communications;
- (2) Upon receipt of an application for permission under the preceding paragraph, the Minister of Internal Affairs and Communications must permit the construction in the application, after determining that the application conforms to the technical regulations in Articles 28, 30, or 38, as applied *mutatis mutandis* pursuant to paragraph (5), and that the use of frequencies related to the application causes no interference with other communications (including monitoring of radio waves by the Minister of Internal Affairs and Communications, at places specified by public notices issued by the Minister of Internal Affairs and Communications).
- (3) When a person who has obtained permission under paragraph (1) transfers the equipment to another person, or is involved in inheritance, company merger, or company split (limited to cases in which the relevant equipment is transferred), the transferee of the relevant equipment or its inheritor, the surviving corporation after the company merger, or the new corporation established by the company merger, or the corporation that has assumed the relevant equipment by company split, is to assume the status of the person that has obtained permission in that paragraph.
- (4) A person who has assumed the status of a person who has obtained permission under paragraph (1) pursuant to the provisions of the preceding paragraph, must notify the Minister of Internal Affairs and Communications, without delay, of the fact along with documents that verify it.
- (5) The provisions of Article 14, paragraphs (1) and (2) (Certificates for Radio Station Licenses), Article 17 (Permission for Changes), Article 21 (Correction to a Certificate for a Radio Station License), Articles 22 and 23 (Abolition of Radio Stations), Article 24 (Return of a Certificate for a Radio Station License), Article 28 (Quality of Radio Waves), Article 30 (Safety Devices), Article 38 (Technical Regulations), Article 38-2 (Proposal of the Formulation, etc. of the Technical Regulations for Radio Equipment), Article 71-5 (Technical Regulations Conformity Order), Article 72 (Suspension of Transmission of Radio Waves), Article 73 paragraphs (5) and (7) (Inspection), Articles 76 and 77 (Revocation of a Radio Station License), and Article 81 (Reporting) apply *mutatis mutandis* to the equipment for which permission has been obtained pursuant to the provisions of paragraph (1).

(Protection of the Functions of Radio Equipment)

Article 101 The provisions of Article 82, paragraph (1) applies *mutatis mutandis* to cases, in which the radio waves or high frequency current incidentally transmitted by any equipment other than radio equipment (except the equipment in the preceding Article) causes continuous and serious obstruction to the functions of radio equipment.

Article 102 (1) A person who wishes to construct, at a place within one kilometer of the site of radio direction finding equipment installed by the Minister of Internal Affairs and Communications, any buildings or structures specified by Order of the Ministry of Internal Affairs and Communications which may cause obstructions in the electronic or magnetic field, must notify the Minister of Internal Affairs and Communications of that construction in advance.

(2) The Minister of Internal Affairs and Communications is to issue a public notice, of the sites of the radio direction finding equipment in the preceding paragraph.

(Designation of Areas for Prevention of Radio Propagation Obstruction)

Article 102-2 (1) When determined necessary to prevent any obstruction to the radio propagation in the radio propagation route for radio communications on frequencies of 890 MHz or higher between specific fixed points, which fall under any of the following items (referred to below as "important radio communications"), and to ensure important communications, the Minister of Internal Affairs and Communications may, within the scope necessary to ensure important radio communications, designate an area up to one hundred meters wide on each side of the estimated center line of the plane on the ground along the radio propagation route as an area for prevention of radio propagation obstruction:

- (i) radio communications by means of radio equipment in a radio station used for a telecommunications service;
- (ii) radio communications by means of radio equipment in a radio station used for a broadcasting service;
- (iii) radio communications by means of radio equipment used for a service for the purpose of protecting lives or property or of maintaining public peace and order;
- (iv) radio communications by means of radio equipment used for a meteorological service;
- (v) radio communications by means of radio equipment used for an electrical power supply service related to the electricity business; or
- (vi) radio communications by means of radio equipment used for the operation

- of trains related to the railway business;
- (2) The designation of an area for prevention of radio propagation obstruction pursuant to the provisions of the preceding paragraph, must become be made by issuing a public notice specified by Cabinet Order.
  - (3) The Minister of Internal Affairs and Communications, as specified by Cabinet Order, must keep, for public inspection, the charts showing areas for prevention of radio propagation obstruction related to the public notice under the preceding paragraph, at the offices of the Ministry of Internal Affairs and Communications and of relevant local public entities.
  - (4) When there is no longer any reason for a designation of an area for prevention of radio propagation related to the public notice specified in paragraph (2) under the provisions of paragraph (1), the Minister of Internal Affairs and Communications must cancel the designation without delay.

(Notification of Construction of Tall Buildings and Structures within Areas for Prevention of Radio Propagation Obstruction)

Article 102-3 (1) A person that makes a contract with a constructor or carries out the construction personally (referred to below simply as a "building owner") for any construction that involves an act which falls under any of the following items (referred to below as the "specified act") within an area for prevention of radio propagation obstruction related to the public notice in paragraph (2) of the preceding Article (including cases in which the construction extends from the area to other areas), as specified by Order of the Ministry of Internal Affairs and Communications, must notify the Minister of Internal Affairs and Communications in writing before starting, or having the contractor (including subcontractors; the same applies below) start the construction related to the specified act, in relation to those details of the structure related to the specified act, including the location of the site and its height, form, structural properties, and major materials used for its highest part (referring to the whole or any part of the structure higher than thirty-one meters above the ground surface; the same applies below), and further, when the person makes a contract with a contractor for a construction project related to the specified act, the name, address and other necessary matters:

- (i) the construction of a new building or structure, for which the height from the ground surface of the highest portion exceeds thirty-one meters (including those structures that are fixed to the ground, that have one or more structures constructed on their upper parts, that result in the highest portion of the structures being higher than thirty-one meters above the ground surface; referred to below as "tall buildings or other structures");
- (ii) the extension or transfer of a structure excluding tall buildings or other structures which as a result of an extension or transfer, makes the structure

- a tall building or other structure; and
- (iii) the extension, transfer, rebuilding, repair, or alteration of a tall building or other structure (the rebuilding, repair, and alteration is limited to the extent specified by Order of the Ministry of Internal Affairs and Communications);
- (2) When intending to make any change in the notified details, a building owner who has notified the Minister of Internal Affairs and Communications under the provisions of the preceding paragraph must further notify the Minister of Internal Affairs and Communications, in writing, of the matters related to the change specified by Order of the Ministry of Internal Affairs and Communications.
- (3) When the notification under the provisions of the preceding two paragraphs has been made, and based solely on the entries in the documents related to the notification, it is difficult to judge whether the highest portion of the structure in the area for prevention of radio propagation obstruction on the radio propagation route may cause interference to the propagation of important radio communications (referred to below as an "important radio communications interference cause"), the Minister of Internal Affairs and Communications may request the building owner, within the extent necessary to make that decision on the matter, to submit any additional necessary information within a specified period.
- (4) When a new prevention area for radio propagation obstruction is designated under the provisions of paragraph (1) of the preceding Article, none of the provisions in paragraph (1) apply to a specified act already in progress (including cases where preparation for the construction has proceeded to the extent specified by Order of the Ministry of Internal Affairs and Communications) in an area for prevention of radio propagation obstruction (including cases where the construction extends from the area to other areas).
- (5) A building owner related to the specified act prescribed in the provisions of the preceding paragraph, as specified by Order of the Ministry of Internal Affairs and Communications, must notify the Minister of Internal Affairs and Communications of the plan for the construction related to the specified act without delay after designation of the area for prevention of radio propagation obstruction.
- (6) The provisions of paragraphs (2) and (3) apply *mutatis mutandis* to cases in which a building owner related to the specified act prescribed in the provisions of paragraph (4), intends to make a change in the matters specified by Order of the Ministry of Internal Affairs and Communications in the plan related to the specified act, at the time of the designation of the area for prevention of radio propagation obstruction (or in the new plan after the change where the plan related to the notification under the provisions of this paragraph was changed).

Article 102-4 (1) When notification is required under the provisions of paragraph (1) or (2) of the preceding Article (including cases as applied mutatis mutandis pursuant to paragraph (6) of the preceding Article and the following paragraph), when it has come to the knowledge of the Minister of Internal Affairs and Communications that a building owner has started, or has asked a contractor to start the construction related to the specified act or the construction of the part related to any matters related to the change (except the construction specified by Order of the Ministry of Internal Affairs and Communications) without notification, the Minister of Internal Affairs and Communications must immediately order the building owner to notify the Minister of Internal Affairs and Communications in writing, within a specified period, of the matters required pursuant to the provisions of paragraph (1) or (2) of that Article (including cases as applied mutatis mutandis pursuant to paragraph (6) of that Article and the following paragraph).

(2) The provisions of paragraph (2) of the preceding Article apply mutatis mutandis to a person that was ordered to notify the Minister of Internal Affairs and Communications of the matters required to be notified pursuant to the provisions of paragraph (1) of the preceding Article based on the provisions of the preceding paragraph and that has notified the Minister of Internal Affairs and Communications of the relevant matters.

(3) The provisions of paragraph (3) of the preceding Article apply mutatis mutandis to any notification under an order based on the provisions of paragraph (1) or under the provisions of paragraph (2) of the preceding Article, as applied mutatis mutandis pursuant to the preceding paragraph.

(Notice of Possibility of Radio Propagation Interference)

Article 102-5 (1) When a notification is submitted under the provisions of Article 102-3 paragraphs (1) or (2) (including cases as applied mutatis mutandis pursuant to paragraph (6) of that Article and paragraph (2) of the preceding Article), or in response to an order pursuant to the provisions of paragraph (1) of the preceding Article, the Minister of Internal Affairs and Communications must study the matters related to the notification, and when the Minister of Internal Affairs and Communications finds that the highest part of the building or other structure. related to the notification (in cases related to a change in the notification, the highest part of the building or other structure after the change; the same applies below) constitutes an important radio communications interference cause in the area for prevention of radio propagation obstruction, the Minister of Internal Affairs and Communications must notify the building owner to that effect with a document indicating the part causing important radio communications interference (referred to below

as the "the part causing interference") and the reason for the finding, or when the Minister of Internal Affairs and Communications finds that the highest part does not constitute an important radio communications interference cause in the area for prevention of radio propagation obstruction, the Minister of Internal Affairs and Communications must notify the building owner to that effect with a document showing the results of the study.

(2) The notice pursuant to the provisions of the preceding paragraph must be given within three weeks from the day on which the notification is received (or from the day on which the report is received, if a report is requested under the provisions of Article 102-3, paragraph (3) (including cases as applied *mutatis mutandis* pursuant to paragraph (6) of that Article and paragraph (3) of the preceding Article)).

(3) In the case of paragraph (1), when the Minister of Internal Affairs and Communications has issued a notice, pursuant to the provisions of the preceding two paragraphs, that the highest part of a building or other structure is the cause of an important radio communications obstruction in an area for prevention of radio propagation obstruction, immediately after that notice, the Minister of Internal Affairs and Communications must notify in writing the licensee of the radio station conducting important radio communications in the area for prevention of radio propagation obstruction of the name and address of the owner of the tall building or other structure, the location of the site and its height, and the form, structural properties, and major materials used for its highest parts, the part that is causing interference, and other necessary matters, and must also notify in writing the contractor for the construction related to the notification by the building owner of the part that is causing interference, and other necessary matters.

(Restriction on the Construction of a Highest Part of Structure that Could Cause Important Radio Communications Interference)

Article 102-6 A building owner who has been notified pursuant to the provisions of the preceding Article paragraphs (1) and (2) that the highest part of the structure referred to in the notification, is found to constitute a potential important radio communications interference cause in the area for prevention of radio propagation obstruction, must not start or have their contractor start construction related to the specified act, which relates to the interference causing part, for a period of two years from the day of the notice, except in cases that fall under any of the following items:

(i) when a change has been made in the plan for the construction related to the specified act and the change has been notified under the provisions of Article 102-3, paragraph (2) (including cases as applied *mutatis mutandis* pursuant to paragraph (6) of that Article and Article 102-4, paragraph (2)), and when a

- notice is received that the relevant highest part does not constitute an important radio communications interference cause in the relevant area for prevention of radio propagation obstruction, pursuant to the provisions of paragraphs (1) and (2) of the preceding Article;
- (ii) when agreement under the provisions of paragraph (1) of the following Article has been reached with the licensee of the radio station conducting the important radio communications in the area for prevention of radio propagation obstruction; or
  - (iii) other cases specified by Order of the Ministry of Internal Affairs and Communications.

(Consultation for Preventing Interference with Important Radio Communications)

- Article 102-7 (1) A building owner as prescribed in the preceding Article and the licensee of a radio station conducting important radio communications in the area for prevention of radio propagation obstruction, may mutually request consultation with the other party on the measures necessary for changing either the radio propagation route of the important radio communications or the construction plan related to the highest portion, and also on the coordination needed to assure the important radio communications and exercise of the property rights related to the tall building or other structure.
- (2) When requested by either or both of the parties, the Minister of Internal Affairs and Communications is to make the necessary arrangements for consultation under the provisions of the preceding paragraph.

(Measures to Be Taken in Case of a Violation)

- Article 102-8 (1) When found necessary in the case in which a building owner falls under one of the following items, to the extent necessary, the Minister of Internal Affairs and Communications may order the building owner to discontinue the construction work referred to in each item that they are currently doing themselves, or having their contractor conduct, or order the building owner to inform their contractor that the construction work should be discontinued, or specify a reasonable period and order the building owner to neither conduct the construction work themselves nor have it done by their contractor within that period:
- (i) for cases in which the building owner has failed to submit a notification under the provisions of Article 102-3, paragraphs (1) or (2) (including cases as applied mutatis mutandis pursuant to paragraph (6) of that Article, and Article 102-4, paragraph (2)) in violation of the provisions (except cases in which a notification has been submitted in response to the order based on the provisions of Article 102-4, paragraph (1) and a notice has been given under

- the provisions of Article 102-5, paragraphs (1) and (2)), when among the construction related to the relevant specified act, the construction related to the highest part of the building or other structure is currently being conducted by the building owner themselves, or the business owner is having their contractor conduct the construction, or in the near future it is fully expected that the relevant construction will be conducted by the building owner themselves or the business owner will have their contractor conduct the construction; or
- (ii) in the case where a building owner has failed to report within the specified period in spite of a request by the Minister of Internal Affairs and Communications under the provisions of Article 102-3 paragraph (3) (including cases where applied *mutatis mutandis* pursuant to paragraph (6) of that Article and Article 102-4 paragraph (3)), when among the construction related to the relevant specified act, the construction related to the highest part of the building or other structure is currently being conducted by the building owner themselves, or the business owner is having their contractor conduct the construction, or in the near future it is fully expected that the relevant construction will be conducted by the building owner themselves, or the business owner will have their contractor conduct the construction.
- (2) The reasonable period in the preceding paragraph is specified on the basis of the period prescribed in Article 102-6, taking into account the circumstances, including the extent to which the relevant highest part of the building or other structure constitutes an important radio communications interference in the relevant area for prevention of radio propagation obstruction, and the expected period normally required for making any changes in the radio propagation route of the relevant important radio communications.
- (3) Having issued an order pursuant to the provisions of paragraph (1) to a building owner not to conduct or order a contractor to conduct construction concerning the highest part of the building or other structure for a specified period, without delay, the Minister of Internal Affairs and Communications must withdraw the order if agreement is reached within that period between the building owner and the licensee of the radio station conducting important radio communications in the area for prevention of radio propagation obstruction, or if the situation now falls under Article 102-6, item (i) or (iii), or if the order is no longer necessary.

(Collection of Reports)

Article 102-9 The Minister of Internal Affairs and Communications, to the extent necessary to enforce the provisions of the preceding seven Articles, may collect from the building owner a report on matters that are found to be



necessary among the matters related to the plan or execution of the construction related to the specified act.

(Cooperation between the Minister of Internal Affairs and Communications and the Minister of Land, Infrastructure and Transport)

Article 102-10 The Minister of Internal Affairs and Communications and the Minister of Land, Infrastructure and Transport, must cooperate in enforcing the provisions of Articles 102-2 through 102-8.

(Recommendations Concerning Non-Conforming Equipment)

Article 102-11 (1) In order to contribute to maintaining orderly radio communications, a manufacturer, importer, or seller of radio equipment must endeavor not to manufacture, import, or sell radio equipment that does not conform to the technical regulations specified in Chapter III.

(2) In the cases stated in the following items, when the Minister of Internal Affairs and Communications finds that if radio equipment, which is manufactured or modified based on a design identical or similar to the designs respectively specified in those items, and which does not conform to the technical regulations specified in Chapter III (referred to below as "non-conforming equipment" in this paragraph and the following Article) is widely sold, and radio stations using that non-conforming equipment are likely to cause serious adverse effects on the operation of other radio stations, the Minister may recommend the manufacturer, importer, or seller of the non-conforming equipment to take necessary measures to correct the situation, to the extent necessary to maintain orderly radio communications:

(i) when a radio station causes interference or any other obstruction that significantly impairs the operation of other radio stations, and it is deemed that the obstruction is caused by the use of radio equipment manufactured or modified based on a design that does not conform to the technical regulations specified in Chapter III: the design related to that radio equipment; and

(ii) when it is found that radio equipment has been manufactured or modified based on a design that does not conform to the technical regulations specified in Chapter III, and that if a radio station that uses the radio equipment is established, that radio station is likely to cause interference or any other obstruction that significantly impairs the operation of other radio stations: the design related to that radio equipment.

(3) When a person who has been given a recommendation under the provisions of the preceding paragraph fails to implement the recommendation, the Minister of Internal Affairs and Communications may make that fact public.

(4) After the fact has been made public pursuant to the provisions of the preceding paragraph that a manufacturer, importer, or seller that has been

given the recommendations prescribed in paragraph (2) has failed to follow the recommendations, if the manufacturer, importer, or seller still fails to implement measures related to the recommendations without due reason, and if a radio station whose operation is therefore found likely to receive serious adverse effects is a station specified by Order of the Ministry of Internal Affairs and Communications as a radio station conducting important radio communications and other functions for which it is necessary to ensure proper operation, the Minister of Internal Affairs and Communications may order the manufacturer, importer, or seller to implement measures related to the recommendations, to the extent necessary for maintaining orderly radio communications.

- (5) When intending to make a recommendation under the provisions of paragraph (2), or issue an order under the provisions of the preceding paragraph, the Minister of Internal Affairs and Communications must obtain the consent of the Minister of Economy, Trade and Industry.

(Requesting a Report)

Article 102-12 To the extent necessary for enforcing the provisions of the preceding Article, the Minister of Internal Affairs and Communications may collect a report from the manufacturer, importer, or seller of non-conforming equipment on its activities.

(Designation of Radio Equipment Using Specified Frequencies)

Article 102-13 (1) When it is found that an extremely high number of the radio stations established in violation of the provisions of Article 4 in using radio waves within a specified frequency range (referred to below as "unlicensed specified radio stations"), when determining that the radio equipment using radio waves within the specified frequency range (referred to below as "specified frequency radio equipment" except radio equipment used for radio stations not requiring a license, etc., and radio equipment found unlikely to be used for the relevant unlicensed specified radio stations) is so widely sold that it is difficult to decrease the number of unlicensed specified radio stations, by Order of the Ministry of Internal Affairs and Communications, the Minister of Internal Affairs and Communications may designate the specified frequency radio equipment as radio equipment for which the usage as unlicensed specified radio stations is to be prevented.

- (2) When it is found that it is no longer necessary to maintain the designation pursuant to the provisions of the preceding paragraph, the Minister of Internal Affairs and Communications must cancel the designation.
- (3) When intending to establish, revise, or abolish Order of the Ministry of Internal Affairs and Communications in paragraph (1), the Minister of Internal

Affairs and Communications must consult with the Minister of Economy, Trade and Industry.

(Notification in Sales of Designated Radio Equipment)

Article 102-14 (1) A person who is retailing specified frequency radio equipment designated pursuant to the provisions of paragraph (1) of the preceding Article (that equipment is referred to below as "designated radio equipment", and that person is referred to below as a "designated radio equipment retailer"), before entering into a sales contract for the relevant designated radio equipment, must notify the other party or indicate by the method specified by Order of the Ministry of Internal Affairs and Communications, that a person who wishes to establish a radio station using the relevant designated radio equipment must obtain a radio station license or registration.

(2) Any designated radio equipment retailer, when entering into a sales contract for designated radio equipment, must issue the purchaser with a document describing the following matters specified by Order of the Ministry of Internal Affairs and Communications, without delay:

- (i) the matters that are to be notified or indicated pursuant to the provision of the preceding paragraph;
- (ii) the fact that a person who establishes a radio station using designated radio equipment without a license or registration, is sentenced to the penalty prescribed under this Act; and
- (iii) the name and address of the government office, to which an application for a license or registration of a radio station using designated radio equipment is to be submitted.

(Utilization of Information Communications Technology)

Article 102-14-2 Instead of issuing the document pursuant to the provisions of paragraph (2) of the preceding Article, as specified by Cabinet Order and with the consent of the purchaser, a designated radio equipment retailer may provide the purchaser with the information to be entered on the document, using a method that utilizes an electronic data processing system or other information communications technology specified by Order of the Ministry of Internal Affairs and Communications. In this case, the relevant designated radio equipment retailer is deemed to have issued the relevant document.

(Instruction)

Article 102-15 (1) In the case in which a designated radio equipment retailer violates the provisions of Article 102-14, when it is found that the violation would promote the establishment of unlicensed specified radio stations and hamper the maintenance of orderly radio communications, the Minister of

Internal Affairs and Communications may instruct the designated radio equipment retailer to take any necessary measures.

- (2) When intending to give instruction pursuant to the provisions of the preceding paragraph, the Minister of Internal Affairs and Communications must obtain the consent of the Minister of Economy, Trade and Industry.

(Reporting and On-site Inspection)

Article 102-16 (1) To the extent necessary to enforce the provisions of the preceding Article, the Minister of Internal Affairs and Communications may order a designated radio equipment retailer to submit a report on its activities, or delegate ministerial staff to enter the place of business of the designated radio equipment retailer to inspect the designated radio equipment, account books, documents, and other objects.

- (2) The provisions of Article 39-9, paragraphs (2) and (3) apply mutatis mutandis to the on-site inspection pursuant to the provisions of the preceding paragraph.

(Center for Promotion of Effective Utilization of the Radio Spectrum)

Article 102-17 (1) When it is found that a general incorporated association or general incorporated foundation with the objective of contributing to effective and proper utilization of radio waves, is capable of properly and securely conducting the service prescribed in the following paragraph, on application from the corporation, the Minister of Internal Affairs and Communications may designate the corporation as a center for promoting the effective utilization of the radio spectrum (referred to below as the "center").

- (2) The center is to conduct services stated as follows:

- (i) answer inquiries or give consultation on investigation of interferences or other matters necessary for establishing radio stations, or changing any matters concerning radio stations;
- (ii) answer inquiries on matters necessary for operating a radio station that uses the same frequencies as another radio station in a manner that does not cause interference, or any other obstruction to that other radio station;
- (iii) collect and provide information on matters related to changing frequency designations for radio stations to properly enforce conventions on radio waves, matters related to equipment that significantly contribute to the efficient utilization of radio waves, and other matters that contribute to the effective and proper utilization of radio waves;
- (iv) survey and research the utilization of radio waves;
- (v) conduct educational activities on the effective and proper utilization of radio waves; and
- (vi) engage in activities incidental to those stated in the preceding items.

- (3) When an officer of the center violates this Act, the orders issued under it, or

the administrative dispositions based on these Act and orders, or the operational regulations of Article 39-5, paragraph (1), as applied mutatis mutandis pursuant to paragraph (5), the Minister of Internal Affairs and Communications may recommend the center to dismiss the officer.

(4) The Minister of Internal Affairs and Communications may provide the center with information on radio stations, or instructions and advice which are necessary for conducting the services stated in items (i) and (ii) of paragraph (2).

(5) The provisions of Article 39-2, paragraph (5) (except item (i)), Article 39-3, Article 39-5, Article 39-6, Article 39-8, Article 39-9, Article 39-11, and Article 47-3 apply mutatis mutandis to the center. In this case, "application under paragraph (2)" in Article 39-2, paragraph (5) is deemed to be replaced with "application under Article 102-17, paragraph (1)"; "classification related to its designation, the location of the office where the training course service is conducted, and the date of commencing the training course service" in Article 39-3, paragraph (1) is deemed to be replaced with "location of the office where the service prescribed in Article 102-17, paragraph (2) is conducted, and the date of commencing the service prescribed in that paragraph"; "training course service" in Article 39-3, paragraph (2), Article 39-8, and Article 39-11, paragraphs (2) (excluding item (iv)) and (3) is deemed to be replaced with "service prescribed in Article 102-17, paragraph (2)"; "training course service" in Article 39-5 is deemed to be replaced with "service stated in Article 102-17, paragraph (2), items (i) through (iii)"; "report on the state of the training course service" in Article 39-9, paragraph (1) is deemed to be replaced with "report on the state of the service prescribed in Article 102-17, paragraph (2)"; "inspect the state of the training course service" in 39-9, paragraph (1) is deemed to be replaced with "inspect the state of the service prescribed in that paragraph"; "Article 39-6, Article 39-7, or paragraph (1) of the preceding Article" in Article 39-11, paragraph (2), item (i) is deemed to be replaced with "or Article 39-6"; "found not to conform to one or more of the items (except item (iv)) of Article 39-2, paragraph (4)" in Article 39-11, paragraph (2), item (ii) is deemed to be replaced with "found that it is impossible to conduct the service prescribed in Article 102-17, paragraph (2) properly and surely"; "training course service" in Article 39-11, paragraph (2), item (iv) is deemed to be replaced with "service stated in any of Article 102-17, paragraph (2), items (i) through (iii)"; "examination service" in Article 47-3 is deemed to be replaced with "service stated in Article 102-17, paragraph (2), item (i) or (ii)"; and "staff member (including an examination conductor; this applies to the following paragraph)" in Article 47-3, paragraph (1) is deemed to be replaced with "staff member".

(Calibration of Measuring Instruments)

- Article 102-18 (1) The National Institute of Information and Communications Technology is to calibrate the measuring instruments and other equipment to be used for the inspection of radio equipment as specified by Order of the Ministry of Internal Affairs and Communications (referred to below as "measuring instruments and other devices" in this Article), or the Minister of Internal Affairs and Communications may designate a person and require the person (referred to below as a "designated calibration agency") to conduct the calibration service.
- (2) The designation of the designated calibration agency is made by the application of a person who intends to perform the calibration under the preceding paragraph.
- (3) Upon completion of the calibration under the provisions of paragraph (1), the National Institute of Information and Communications Technology or the designated calibration agency is to affix a mark indicating that the calibration service has been duly completed to the measuring instruments and other devices, specified by Order of the Ministry of Internal Affairs and Communications.
- (4) The mark in the preceding paragraph or a misleadingly similar mark must not be affixed to measuring instruments and other devices, other than those calibrated by the National Institute of Information and Communications Technology or a designated calibration agency.
- (5) The Minister of Internal Affairs and Communications must not designate a calibration agency, unless the Minister of Internal Affairs and Communications finds that the application specified in paragraph (2) satisfies all of the following items:
- (i) the calibration service implementation plan on matters including the staff, equipment, and calibration service methods are suitable for implementing the service properly and reliably;
  - (ii) the applicant has a financial base sufficient for implementing the calibration service plan specified in the preceding item properly and reliably;
  - (iii) if the applicant is a corporation, its officers or the structure of its members specified by Order of the Ministry of Internal Affairs and Communications according to the type of corporation, does not have an adverse effect on fair implementation of the calibration service; and
  - (iv) beyond the case prescribed for in the preceding item, the applicant satisfies the criteria specified by Order of the Ministry of Internal Affairs and Communications as not likely to cause any unfair calibration in practice.
  - (v) the designation does not impede the proper and reliable implementation of the calibration service.
- (6) The Minister of Internal Affairs and Communications must not designate an

applicant as a designated calibration agency, if the applicant who filed an application under paragraph (2) of this Article falls under any of the following items:

- (i) a person who was sentenced for a crime pursuant to the provisions of this Act, and for which two years have not yet passed since the date on which the person finished serving the sentence, or to be subject to its enforcement;
  - (ii) a person whose designation was revoked pursuant to the provisions of Article 39-11, paragraph (1) or (2), as applied mutatis mutandis pursuant to paragraph (13) of this Article, and for which two years have not yet passed since the day of revocation; or
  - (iii) if an applicant is a corporation, when its officers falls under either of the preceding two items.
- (7) The designation of a calibration agency becomes invalid at the expiration of the registration period, unless renewed every five to ten years, as specified by Cabinet Order.
- (8) The provisions of paragraphs (2), (5), and (6) of this Article apply mutatis mutandis to renewal of the designation under the preceding paragraph.
- (9) A designated calibration agency, when conducting calibration, must use measuring instruments and other equipment specified by Order of the Ministry of Internal Affairs and Communications, and have the calibration conducted by a person who satisfies the requirements specified by Order of the Ministry of Internal Affairs and Communications (referred to below as a "calibrator")
- (10) An officer (if a designated calibration agency is not a corporation, a person who is designated as a calibration agency; this applies to Article 110-2 and Article 113-2) or staff member (including calibrators) of a designated calibration agency engaged in the calibration service, is deemed to be a person engaged in public service under laws and regulations regarding the application of the Criminal Code and other penal provisions.
- (11) A designated calibration agency, when intending to suspend or discontinue all or part of its calibration service, as specified by Order of the Ministry of Internal Affairs and Communications, must notify the Minister of Internal Affairs and Communications to that effect in advance.
- (12) The Minister of Internal Affairs and Communications, upon receipt of the notification pursuant to the provisions of the preceding paragraph, must issue a public notice to that effect.
- (13) The provisions of Article 39-3, Articles 39-5 through Article 39-9, Article 39-11, and Article 47-2, paragraphs (2) and (3) apply mutatis mutandis to a designated calibration agency. In these cases, "classification related to its designation, the location of the office where the training course service is conducted, and the date of commencing the training course service" in Article 39-3, paragraph (1) is deemed to be replaced with "location of the office where

the calibration service is conducted, and the date of commencing the calibration service"; "training course" in Article 39-3, paragraph (2), Article 39-5, Article 39-7, Article 39-8, Article 39-9, paragraph (1), and Article 39-11, paragraphs (2) and (3) is deemed to be replaced with "calibration"; "any of the items (except item (iii)) of Article 39-2, paragraph (5)" in Article 39-11, paragraph (1) is deemed to be replaced with "any of the items (except item (ii)) of Article 102-18, paragraph (6)"; "or paragraph (1) of the preceding article" in Article 39-11, paragraph (2), item (i) is deemed to be replaced with ", Article 47-2, paragraph (2), or Article 102-18, paragraph (9) or (11)"; "one or more of the items (except item (iv)) of Article 39-2, paragraph (4)" in Article 39-11, paragraph (2), item (ii) is deemed to be replaced with "one or more of the items (except item (v) of Article 102-18, paragraph (5)"; "or Article 39-8" in Article 39-11, paragraph (2), item (iii) is deemed to be replaced with ", Article 39-8, or Article 47-2, paragraph (3)"; "an examination conductor" in Article 47-2, paragraph (2) is deemed to be replaced with "an officer or calibrator"; and "officers or examination conductor" and "Article 47-5" in Article 47-2, paragraph (3) is deemed to be replaced with "calibrators" and "Article 102-18, paragraph (13)".

#### (Collection of Fees)

Article 103 (1) A person stated in the following items, specified by Cabinet Order, must pay the fee that is specified by Cabinet Order, taking actual expenses into account, to the national government (for a person who takes a training course conducted by a designated training agency; to the relevant designated training agency; for a person who takes the state examination for radio operators at a designated examination agency that administers the administrative work concerning the exam; to the relevant designated examination agency; or for a person for which the calibration is conducted by the National Institute of Information and Communications Technology; to the National Institute of Information and Communications Technology):

- (i) a person who applies for a license under the provisions of Article 6;
- (ii) a person who is subject to an inspection under the provisions of Article 10;
- (iii) a person who is subject to inspection under the provisions of Article 18 (except a person who has obtained permission under Article 17, paragraph (1), due to the designation being changed pursuant to the provisions of Article 71, paragraph (1) or Article 76-3, paragraph (1));
- (iv) a person who applies to renew a registration under the provisions of Article 24-2-2, paragraph (1);
- (v) a person who is provided with information under the provisions of Article 25, paragraph (2);
- (vi) a person who applies for a license under the provisions of Article 27-3;



- (vii) a person who applies for an approval under the provisions of Article 27-14, paragraph (1);
- (viii) a person who applies for registration under the provisions of Article 27-21, paragraph (1);
- (ix) a person who applies for registration under the provisions of Article 27-32, paragraph (1);
- (x) a person who takes an examination under the provisions of Article 37;
- (xi) a person who applies for renewal of registration under the provisions of Article 38-4, paragraph (1);
- (xii) a person who wishes to obtain a technical regulations conformity certification under the provisions of Article 38-18, paragraph (1);
- (xiii) a person who wishes to obtain a construction design certification pursuant to the provisions of Article 38-18, paragraph (1), as applied *mutatis mutandis* pursuant to Article 38-24, paragraph (3);
- (xiv) a person who applies for registration under the provisions of Article 38-39, paragraph (1);
- (xv) a person who applies for a registration of change under the provisions of Article 38-40, paragraph (1);
- (xvi) a person who takes a training course under the provisions of Article 39, paragraph (7);
- (xvii) a person who takes a state examination for radio operators under the provisions of Article 41;
- (xviii) a person who applies for a license under the provisions of Article 41;
- (xix) a person who applies for certification for ship radio station radio operator under the provisions of Article 48-2, paragraph (1);
- (xx) a person who takes a training course organized by the Minister of Internal Affairs and Communications pursuant to the provisions of Article 48-2, paragraph (2), item (i);
- (xxi) a person who takes a training course organized by the Minister of Internal Affairs and Communications referred to in the provisions of Article 48-3, item (i);
- (xxii) a person who applies for re-issuance of a certificate for a radio station license, a certificate for the radio station registration, a registration certificate, a radio operator's license, or a certificate of certification for ship radio station radio operator;
- (xxiii) a person who applies for an authorization under the provisions of Article 70-5-2, paragraph (1);
- (xxiv) a person who receives an inspection under the provisions of Article 73, paragraph (1); and
- (xxv) a person for which the calibration is conducted under the provisions of paragraph (1) of the preceding Article (except calibration by a designated

calibration agency).

- (2) Among the radio stations which solely conduct necessary communications for saving lives, providing disaster relief, or ensuring telecommunications for transportation, or to maintain public order in the event that an emergency situation, including earthquakes, typhoons, floods, tsunamis, snow damage, fires, and riots (referred to below as "earthquakes or other emergency situations" in this paragraph) has occurred or is anticipated to occur, or conduct radio communications stated in each item of Article 102-2, paragraph (1) (except those falling under the relevant necessary communications), those which are specified by the Minister of Internal Affairs and Communications as radio stations conducting necessary communications for preventing occurrence of, or reducing damage arising from the relevant earthquakes and other emergency situations, and are established temporarily, the person stated in item (i), (ii), (vi), (viii) or (ix) of the preceding paragraph is not required to pay the fees, notwithstanding the provisions of that paragraph.
- (3) Fees paid to a designated training agency, a designated examination agency, or the National Institute of Information and Communications Technology pursuant to the provisions of the preceding paragraph, are the revenues of the relevant designated training agency, the relevant designated examination agency, or the National Institute of Information and Communications Technology.

#### (Collection of Spectrum User Fees)

Article 103-2 (1) Licensees or registrants must pay to the national government the amount of money stated in the right column of the Appended Table 6, corresponding to the classification of radio stations stated in the left column of that table (if the period from the day of the license or registration of the radio station, or the corresponding day in each subsequent year (referred to as the "the corresponding day in each subsequent year" in this paragraph) on which the license of the radio station expires is less than a year; an amount of money equivalent to the amount obtained by multiplying the amount of money stated in the table by the number obtained by dividing the number of months in the period by 12), as the spectrum user fee, within thirty days of the day of the license or registration or within thirty days of the day corresponding to the day of the license or registration in each subsequent year (referred to below as the "corresponding day" in this Article; if there is no corresponding day, it is to be the following day ) for the one-year period beginning from the day of license or registration of the radio station or the corresponding day; if this period begins on March 1 of the year preceding a leap year under the condition that if the day of the license or registration is February 29, the period is to be from March 1 to February 28 of the following year, and if the period from the initial day of

reckoning to the day on which the license of the radio station expires is less than one year, the period is to be that period).

- (2) Beyond the fee under the provisions of the preceding paragraph, a licensee of radio stations established in considerable numbers over a wide area by one person (referred to below as "radio stations established over a wide area") that uses radio waves of frequencies (limited to frequencies of 6,000 MHz or less) designated by the Minister of Internal Affairs and Communications for each of the areas stated in the left column of Appended Table 7 for use by radio stations established over a wide area (such radio waves are referred to below as "radio waves for use in a wide area"), is to pay to the national government, as a spectrum user fee, an amount of money equivalent to the amount obtained by multiplying the figure for the frequency bandwidth of the radio waves for use in a wide area related to the licensee, expressed in megahertz, by the coefficient stated in the right column of that table for the respective area, and multiplying that figure by the amount stated in the right column of Appended Table 8 according to the category of the radio waves for use in a wide area stated in the left column of that table, before November 1 every year for a period of one year beginning on October 1 of the year. In this case, regarding the application of the provisions in the first sentence of this paragraph to the period from the day of the license to the last day of the first September after the day of the license, if the day of the license of the radio station that first commences to use the radio waves for use in a wide area (in the case of being able to use radio waves for use in a wide area owing to a change in the designation of the frequencies of the radio station; the day of the change in the designation; the same applies below in this paragraph) is other than October 1, the phrase "before November 1 every year for a period of one year beginning on October 1 of the year" is deemed to be replaced with "within thirty days from the last day of the month to which the day of the license for the radio station that first uses the radio waves for use in a wide area (if it has become possible to use the relevant radio waves for use in a wide area through receiving a change in the designation of the frequency of the radio station, the day of the change of that designation; the same applies below in this paragraph) belongs, for a period from the day of the license to the last day of the first September after the day of the license" and the phrase "the amount obtained by ... in the left column of that table" is deemed to be replaced with "the amount obtained by ... in the left column of that table, and further multiplying that amount by the number that is obtained, by dividing the number of months in the period by 12."
- (3) If radio waves of the designated frequencies related to the approved plan are radio waves for use in a wide area; when the approved establisher related to the approved plan does not obtain a license for any of the specified base

stations related to the approved plan within six months from the day on which the approval was obtained (if the radio waves of the designated frequency related to the approved plan became radio waves for use in a wide area, following the day on which the approval was obtained by the approved establisher, whichever comes later of the day on which six months have passed since the day on which the approval was obtained, and the day on which the radio waves of the designated frequency became radio waves for use in a wide area; referred to below in this paragraph as "day on which six months have passed"), the relevant approved establisher is deemed to be a licensee who has obtained the license for the specified base station that first uses radio waves for use in a wide area on the day on which six months have passed, and the provisions of the preceding paragraph and paragraph (19) apply to the relevant approved establisher.

(4) The "spectrum user fee" in this Article and the following Article means the money which the licensee or registrant, the person who has established specified radio stations not requiring a license or registration under paragraph (12), or the person affixing marks under paragraph (13) is to pay, which is to be allocated for the expenses (referred to as the "expenses for spectrum users' common benefit" in the following Article and Article 103-4, paragraph (1)) required by the Minister of Internal Affairs and Communications for the following administrative work, with the direct objective of benefiting radio stations as a whole concerning the ensuring of the proper utilization of radio waves:

- (i) monitor and control radio waves, and search for illegally established radio stations;
- (ii) establishment and management of the integrated radio stations database (referring to a database that, using an electronic data processing system, registers for all radio stations matters that must be entered on documents and applications specified in Article 6, paragraphs (1) and (2), Article 27-3, Article 27-21, paragraphs (2) and (3), and Article 27-32, paragraphs (2) and (3), and on certificates of radio station licenses and registrations, and other matters related to licenses or registrations);
- (iii) research and development on establishing technical regulations for radio equipment concerning technologies to be developed within about five years as technologies for the efficient utilization of frequencies, technologies to promote the common utilization of frequencies, or technologies to promote the shift to higher frequencies and issuance of subsidies for that research and development (including those to be appropriated to a fund for implementing the research and development over several fiscal years, such as the information and communications research and development fund prescribed in Article 15-3, paragraph (1) of the Act on the National Institute

- of Information and Communications Technology, Independent Administrative Agency (Act No. 162 of 1999)), as well as communication and coordination with international organizations, administrative organizations of foreign countries, and other organizations in foreign countries in order to establish technical regulations for radio equipment in relation to radio equipment using technologies already developed for the efficient utilization of frequencies, technologies to promote the common use of frequencies, or technologies to promote the shift to higher frequencies, tests, and analyses of the test results;
- (iv) survey relating to the physical effects of radio waves on the human body, etc.;
  - (v) transmission of standard frequencies;
  - (vi) administrative work for performing observation, transmitting forecasts and abnormality warnings, and making other reports in relation to how radio waves propagate, and administrative work for conducting survey, research, and development of technologies necessary in relation to those administrative work;
  - (vii) specific frequency change support services (including delivery of grants to a designated frequency change support agency under the provisions of Article 71-3, paragraph (9));
  - (viii) specific frequency termination support services (including delivery of grants to a registered frequency termination support agency under the provisions of Article 71-3, paragraph (9), as applied *mutatis mutandis* pursuant to Article 71-3-2, paragraph (11); the same applies to paragraphs (12) and (13));
  - (ix) in relation to radio communications by means of radio equipment currently established for the purpose of protecting lives or properties, issuance of subsidies to improve and maintain the radio equipment (including ancillary equipment specified by Order of the Ministry of Internal Affairs and Information, installed as an inseparable unit with the relevant radio equipment and the structure required to install the relevant radio equipment and the relevant ancillary equipment) to be used for the purpose of protecting lives or properties using technology that contributes to the efficient utilization of radio waves, when it is found necessary for the purpose of enabling the relevant communications to be conducted by means of radio equipment using the relevant technology, taking into consideration the content of the technology used for the relevant radio equipment, status of utilization of radio waves of frequencies used by the relative radio equipment, trend in demand for the utilization of the relevant radio communications and other circumstances;
  - (x) beyond the matters stated in the preceding item, issuance of subsidies and

- other necessary support to improve and maintain the following equipment (including ancillary equipment specified by Order of the Ministry of Internal Affairs and Communications installed as an inseparable unit with the relevant equipment and the structure required to install the relevant equipment and that ancillary equipment) for the purpose of enabling the utilization of radio communications conducted using technology that contributes to the efficient utilization of radio waves, using antenna power to the lowest extent possible required in areas where it is difficult to utilize those radio communications:
- (a) radio equipment of a radio station provided for the use of the operations of the relevant radio communications, and transmission circuit equipment required to establish the relevant radio station; and
  - (b) transmission circuit equipment that enables reception of the relevant radio communications;
- (xi) beyond the matters stated in the preceding two items, issuance of subsidies for the purpose of improving and maintaining equipment to enable the utilization of the relevant radio communications conducted using technology that contributes to the efficient utilization of radio waves in a tunnel or other environment where it is difficult to utilize the relevant radio communications;
- (xii) necessary support for the use of frequencies to ensure the efficient utilization of radio waves or to prevent the adverse effects of radio waves on human bodies or health, or for activities to increase health literacy concerning the protection of human bodies or health; and
- (xiii) planning or drafting a plan for a system related to the spectrum user fee, or administrative work incidental to the administrative work stated in each of the preceding items.
- (5) Regarding a blanket licensee or a blanket registrant (referred to below as a "blanket licensee or registrant" in this Article), notwithstanding the provisions of paragraph (1); in the case of an item (i) blanket licensee, the item (i) blanket licensee must notify the Minister of Internal Affairs and Communications of the number of specified radio stations that have already been established (referred to below as the "number of established radio stations" in this paragraph and the following paragraph) as of the last day of the month to which the day of issue of the blanket license belongs, and the day corresponding to the day of issue of the blanket license in each of the following years belongs (the previous day, if there is no corresponding day) by the fifteenth day of the following month, and, within thirty days from the day of acceptance of the relevant notification, must pay to the national government as the spectrum user fee; in the case of an item (ii) blanket licensee, the item (ii) blanket licensee, within forty-five days from the last day of the month to which

the day of issue of the blanket license belongs and the day corresponding to the day of issue of the blanket license in each of the following years belongs (the previous day, if there is no corresponding day) must pay to the national government as the spectrum user fee; and in the case of a blanket registrant, the blanket registrant, within forty-five days from the last day of the month to which the day of registration pursuant to the provisions of Article 27-32, paragraph (1) belongs and the day corresponding to the day of the blanket registration in each of the following years belongs (the previous day, if there is no corresponding day) must pay to the national government as the spectrum user fee, for each one-year period commencing from the respective days of the blanket license and registration pursuant to the provisions of that paragraph (referred to below as the "blanket license or registration") or the day corresponding to the day of issue of the blanket license or registration (the following day if there is no corresponding day) in each of the following years (if this period begins on March 1 of the year preceding a leap year under the condition that if the day of issue of a blanket license or registration is February 29, the period is to be from March 1 to February 28 of the following year; and if the period from the day of issue of the relevant blanket license or registration or the day corresponding to the day of issue of the relevant blanket license or registration (the following day, if there is no corresponding day) to the day of expiration of the validity period of the relevant blanket license or registration is less than one year, the period is to be that period; the same applies below in this paragraph and the following paragraph), the amount obtained by multiplying 360 yen for an item (i) blanket licensee (150 yen for a radio station that communicates with radio stations established over a wide area using radio waves for use in a wide area as its counterpart), or for an item (ii) blanket licensee, the amount of money stated in the right column of Appended Table 6 according to the classification of radio stations in the left column of that table, or 400 yen for a blanket registrant (or the amount of money stated in the right column of Appended Table No. 9 according to the classification of radio stations in the left column of that table for fixed radio stations), by the number of established radio stations or established registered stations (referring to the number of established registered stations on the last day of the month to which the day of registration belongs and the day corresponding to the day of the registration in each of the following years belongs (the previous day if there is no corresponding day); this applies to the following paragraph) related to the relevant period of one year (if the period from the day of issue of the relevant blanket license or registration or the day corresponding to the day of issue of the relevant blanket license or registration (the following day if there is no corresponding day) to the day of expiration of the validity period of the relevant blanket license or registration is less than

one year, the amount is to be equivalent to the amount obtained by multiplying the amount by the number that is obtained by dividing the number of months in the relevant period by 12).

- (6) Beyond the fee under the provisions of the preceding paragraph, if, during the one-year period commencing from the day of issue of a blanket license or registration, or the day corresponding to the day of issue of a blanket license or registration in each of the following years (the following day, if there is no corresponding day), the number of specified radio stations or registered stations established on the last day of each month following the month to which the day of issue of the relevant blanket license or registration belongs, or the day corresponding to the day of issue of the relevant blanket license or registration in each following year (the previous day, if there is no corresponding day) belongs exceeds the number of established radio stations (in relation to specified radio stations (limited to those related to the radio stations given in Article 27-2, item (i)), if a notification has already been submitted under the provisions of this paragraph; the number of specified radio stations related to the notification after the day of notification; or in relation to specified radio stations (limited to those related to the radio stations given in item (ii) of that Article) for which there is a month in which the number of specified radio stations has exceeded the number of established radio stations; the number of specified radio stations established on the last day of each month subsequent to that month) or registered stations (if there is a month in which the number of registered stations has exceeded the number of established registered stations; the number of registered radio stations established on the last day of each month subsequent to that month) related to the relevant one-year period, an item (i) blanket licensee is to notify the Minister of the number of the relevant established specified radio stations by the fifteenth day of the month following the month of the excess number of registered stations, and as the spectrum user fee, is to pay to the national government within thirty days from the day of acceptance of the relevant notification the amount obtained by multiplying the relevant excess number of specified radio stations or the relevant excess number of registered stations by 360 yen (150 yen for a radio station that communicates with radio stations established over a wide area using radio waves for use in a wide area as its counterpart); as the spectrum user fee, an item (ii) blanket licensee is to pay to the national government within forty-five days from the last day of the month of the relevant excess number of stations the amount obtained by multiplying the excess number of registered stations by the amount stated in the right column of Appended Table No. 6 according to the classification of radio stations in the left column of that table; and a blanket registrant is to pay to the national government as the spectrum user fee within forty-five days from the



last day of the month of said excess the amount obtained by multiplying the relevant excess number of registered stations by 400 yen (or the amount of money stated in the right column of Appended Table No. 9 according to the classification of radio stations in the left column of that table for radio stations that do not move), (if the relevant blanket registrant who is granted another blanket license or registration (limited to a license related to radio stations specified by Order of the Ministry of Internal Affairs and Communications as having the functions equivalent to those of radio stations related to the blanket license or registration of the relevant registrant), when the number of specified radio stations or registered stations established based on the relevant other blanket license or registration on the last day of the month of the relevant excess is less than the number of specified radio stations or registered stations established based on the relevant other blanket license or registration on the last day of the month previous to the month of the relevant excess; the number obtained by deducting the shortage in the number of specified radio stations or registered stations from each of these numbers with the number of deductions limited to the relevant excess number of specified radio stations or registered stations) and by the number obtained by dividing the number of months in the relevant period by 12, for the period from the month of the relevant excess to the month before the month to which the corresponding day of the subsequent blanket license or registration (the previous day if there is no corresponding day) belongs, or to the month before the month to which the day following the expiration day of the relevant blanket license or registration belongs.

- (7) Notwithstanding the provisions of paragraph (1) and the preceding two paragraphs, an item (i) blanket licensee using radio waves for use in a wide area (limited to one that is a licensee of radio stations established over a wide area; the same applies in the following paragraph) is to notify the Minister of Internal Affairs and Communications of the number of specified radio stations (limited to those related to radio stations stated in Article 27-2, item (i), which are radio stations established over a wide area using radio waves for use in a wide area; the same applies below in this paragraph and the following paragraph) that have already been established under the blanket license granted to the relevant item (i) blanket licensee on the last day of October every year (referred to below as the "number of established specified radio stations" in the following paragraph) for each of the classifications specified by Order of the Ministry of Internal Affairs and Communications as the classifications of specified radio stations with equivalent functions (referred to below as the "classification of equivalent specified radio stations" in this paragraph and the following paragraph) on or before November 15 of that year and is to pay to the national government as the spectrum user fee within thirty days from the day of acceptance of the relevant notification, 150 yen per

station (or, in the case of specified radio stations for which the period from October 1 of that year to the day of expiration of the validity of the relevant blanket license is less than one year; the amount is to be equivalent to the amount obtained by multiplying 150 yen by the number that is obtained by dividing the number of months in the period by 12) for the period of one year commencing on October 1 of that year (or, in the case of specified radio stations for which the period from October 1 of that year to the day of expiration of the validity of the relevant blanket license is less than one year; for the relevant period); provided, however, that if the amount calculated in relation to each classification of equivalent specified radio stations pursuant to the provisions of the main text of this paragraph exceeds the maximum amount for the relevant classification of equivalent specified radio stations (referring to an amount obtained by multiplying 150 yen by the frequency bandwidth for the classification of equivalent specified radio stations (referring to the value obtained by multiplying the figure for the bandwidth of the radio waves for use in a wide area used by the specified radio stations established related to the relevant classification of equivalent specified radio stations, expressed in megahertz, by the coefficient stated in the right column of Appended Table 7 corresponding to the area stated in left column of that table related to the radio waves for use in a wide area) and the standard number of radio stations (referring to the number of specified radio stations per megahertz specified by Order of the Ministry of Internal Affairs and Communications considering the degree of effective utilization of radio waves); the same applies below in this paragraph and the following paragraph), the amount of the spectrum user fee which the relevant item (i) blanket licensee is required to pay to the national government for the relevant classification of equivalent specified radio stations pursuant to the provisions of this paragraph, is to be the relevant maximum amount for the relevant classification of equivalent specified radio stations.

- (8) An item (i) blanket licensee using radio waves for use in a wide area, beyond the fee under the provisions of the preceding paragraph, for each classification of equivalent specified radio stations, during each one-year period commencing on October 1 every year, if the number of specified radio stations established on the last day of November or a later month of that year (limited to specified radio stations established under a blanket license for which the date is November 1 or a later date of that year; referred to below as the "stations established under new license" in this paragraph) exceeds the number of the stations established under new license related to the notification pursuant to the provisions of this paragraph (if no notification has been made on the number of the stations established under new license pursuant to the provisions of this paragraph; zero) or if the number of specified radio stations established on the relevant last day (except the stations established under new

license; referred to below as the "stations established under existing license" in this paragraph) exceeds the number of established specified radio stations related to the relevant one-year period (or, if a notification has already been made on the number of the stations established under existing license pursuant to the provisions of this paragraph, the number of the stations established under existing license related to the relevant notification; on and after the day of the relevant notification), is to notify the Minister of Internal Affairs and Communications of the number of stations established under new license on the last day of the month of the relevant excess in the case of stations established under new license, or the number of stations established under existing license on the last day of the month of the excess number of relevant stations in the case of stations established under existing license by the fifteenth day of the following month and, within thirty days from the day of acceptance of the relevant notification, is to pay to the national government as the spectrum user fee, the total of an amount of money equivalent to the amount obtained by multiplying 150 yen by the number of the stations established under the new license exceeding the number in the notification concerning stations established under new licenses, or the number of the stations established under the existing license exceeding the number in the notification concerning stations established under the existing license, and further by the number that is obtained by dividing the number of months in the period by 12, for the period from the month related to the relevant notification to September of the following year (or, in the case of specified radio stations for which the blanket license expires before the last day of September of the following year, the month before the month to which the day following the expiration day of the validity of the relevant blanket license belongs). Provided, however, that if an amount obtained by adding the already paid amount for each classification of equivalent specified radio stations (referring to the total of the amount of spectrum user fee for the relevant classification of equivalent specified radio stations already paid by the item (i) blanket licensee to the national government for the one-year period or a period of less than one year included in the relevant one-year period pursuant to the provisions of the preceding paragraph and this paragraph; the same applies below in this paragraph) to the amount calculated for each relevant classification of equivalent specified radio stations related to the specified radio stations established by the item (i) blanket licensee pursuant to the provisions of the main text of this paragraph exceeds the maximum amount for the relevant classification of equivalent specified radio stations, the amount of the spectrum user fee which the relevant item (i) blanket licensee is required to pay to the national government for the relevant classification of equivalent specified radio stations pursuant to the provisions of this paragraph is to be an amount

equivalent to the amount obtained by deducting the already paid amount for the relevant classification of equivalent specified radio stations from the maximum amount for the relevant classification of equivalent specified radio stations.

- (9) If licensees are licensees of existing established radio stations, in applying the provisions of paragraph (1) related to the relevant existing established radio stations, during a period not exceeding ten years specified by Cabinet Order from the day of a public notice on changes to the frequency assignment plan, etc. related to the relevant existing established radio stations (limited to those related to the time limit on the use of frequencies in the classification of radio stations related to the relevant existing established radio stations) to the day subsequent to the period, "the amount of money)" in that paragraph is to be replaced by "the amount of money), and the additional amount of money specified by Cabinet Order according to the frequency and antenna power for the relevant existing established radio stations, considering the amount obtained by multiplying the amount equivalent to half the estimated costs required for a specific frequency change support service (including delivery of subsidies to a designated frequency change support agency pursuant to the provisions of Article 71-3, paragraph (9)) related to the relevant licensee or registrant by the ratio of the average of the periods during which each licensee of existing established radio stations related to the relevant specific frequency change support service establishes new specified radio stations in addition to the relevant existing established radio stations to the period from the day of the public notice on changes to the frequency assignment plan, etc. (limited to those related to the time limit on the use of frequencies in the classification of radio stations related to the relevant existing established radio stations) related to the relevant existing established radio stations to the time limit on the use of the relevant frequency".
- (10) If licensees or registrants are licensees or registrants of notified specified stations, in applying the provisions of paragraphs (1), and (5) through (8) related to the relevant notified specified stations, during a period not exceeding ten years specified by Cabinet Order from the day following the day of expiration of the old assignment period (referred to below as the "day of expiration") related to the relevant notified specified stations to the day subsequent to the period, "the amount of money)" in paragraph (1) is replaced by "the amount of money), and the additional amount of money specified by Cabinet Order according to the type, frequency, and antenna power for radio stations considering the amount equivalent to half the estimated costs (including costs estimated to be required for compensation in the cases of compensating licensees or registrants of radio stations using radio frequencies with the old assignment period related to a specific frequency termination

support service based on the provisions of Article 71, paragraph (2) or Article 76-3, paragraph (2)) estimated to be required for a specific frequency termination support service (including delivery of subsidies to a registered frequency termination support agency pursuant to the provisions of Article 71-3, paragraph (9), as applied mutatis mutandis pursuant to Article 71-3-2, paragraph (11)) related to the relevant blanket licensees or registrants as well as the number of notified specified stations related to the relevant specific frequency termination support service that are estimated to be established during the period specified by Cabinet Order under paragraph (10)"; and "the amount of money stated)" in paragraphs (5) and (6) is to be replaced by "the amount of money stated)" and the additional amount of money specified by Cabinet Order according to the type, frequency, and antenna power for radio stations considering the amount equivalent to half the estimated costs (including costs to be required for compensation in the case of compensating licensees or registrants of radio stations using radio frequencies with the old assignment period related to a specific frequency termination support service based on the provisions of Article 71, paragraph (2) or Article 76-3, paragraph (2)) to be required for a specific frequency termination support service (including delivery of subsidies to a registered frequency termination support agency under the provisions of Article 71-3, paragraph (9), as applied mutatis mutandis pursuant to Article 71-3-2, paragraph (11)) related to the relevant licensee or registrant as well as the number of notified specified stations related to the relevant specific frequency termination support service that are estimated to be established during the period specified by Cabinet Order under paragraph (10)"; "150 yen per station" in paragraph (7) is to be replaced by "150 yen per station, and the additional amount of money specified by Cabinet Order according to the type, frequency, and antenna power for radio stations considering the amount equivalent to half the estimated costs (including costs to be required for compensation in the case of compensating licensees, etc. of radio stations using radio frequencies with the old assignment period related to a specific frequency termination support service pursuant to the provisions of Article 71, paragraph (2) or Article 76-3, paragraph (2)) to be required for a specific frequency termination support service (including delivery of subsidies to a specific frequency termination support agency pursuant to the provisions of Article 71-3, paragraph (9), as applied mutatis mutandis pursuant to Article 71-3-2, paragraph (11)) related to the relevant item (i) blanket licensee as well as the number of notified specified stations related to the relevant specific frequency termination support service that are estimated to be established during the period specified by Cabinet Order under paragraph (10) (referred to below as the "amount related to specific frequency termination support service" in this paragraph and the following paragraph)", ", an amount of money

equivalent to the amount obtained by multiplying 150 yen" in that paragraph is replaced by ", an amount of money equivalent to the amount obtained by multiplying 150 yen and the additional amount related to specific frequency termination support service", "(referring to an amount obtained by multiplying 150 yen" in that paragraph is to be replaced by "(referring to an amount obtained by multiplying 150 yen and the additional amount related to specific frequency termination support service"; and "150 yen" in paragraph (8) is to be replaced by "150 yen and the additional amount related to specific frequency termination support service".

- (11) Notwithstanding the provisions of the preceding paragraph, if licensees are licensees of notified specified stations, in applying the provisions of paragraphs (1) or (5) related to the first specified base station (if the relevant specified base station is one which is related to a blanket license; including other specified base stations related to the relevant blanket license; the same applies below in this paragraph) in cases in which the relevant licensees establish a specified base station for the first time in accordance with the approved plan, during a period not exceeding five years specified by Cabinet Order from the day following the day of expiration related to the relevant notified specified stations to the day subsequent to the period, "an amount of money ...)" in paragraph (1) is to be replaced by "an amount of money ...), related to the relevant licensee or registrant"; "to the national government" in that paragraph and paragraph (5) is to be replaced by "and the additional amount of money specified by Cabinet Order according to frequencies and areas to be used by specified base stations considering the amount equivalent to half the estimated costs (including costs estimated to be required for compensation in cases involving compensation of licensees and registrants of radio stations using radio frequencies with the old assignment period related to a specific frequency termination support service based on the provisions of Article 71, paragraph (2) or Article 76-3, paragraph (2)) to be required for a specific frequency termination support service (including delivery of subsidies to a specific frequency termination support agency under the provisions of Article 71-3, paragraph (9), as applied mutatis mutandis pursuant to Article 71-3-2, paragraph (11)) related to the relevant licensee or registrant, and further an additional amount of money, which is less than the amount specified by the relevant Cabinet Order, calculated as specified by Order of the Ministry of Internal Affairs and Communications considering the period of validity of approval related to the relevant approved plan, the total number of specified base stations and other matters including the extent to which the relevant approved plan can contribute to the smooth establishment of specified base stations, in total is to be paid to the national government"; and "an amount of money equivalent...)" in that paragraph is to be replaced by "an amount of

money equivalent...), related to the relevant blanket licensee or registrant." In this case, the provisions of the preceding paragraph do not apply to specified base stations other than the relevant specified base stations to be established for the first time in accordance with the relevant authorized plan or to mobile radio stations with which specified base stations to be established in accordance with the relevant authorized plan communicate as its counterpart.

(12) A person who establishes specified radio stations not requiring a license or registration (limited to those using radio equipment specified by Order of the Ministry of Internal Affairs and Communications exclusively used for radio stations for telecommunications business or equivalent business) related to a specific frequency termination support service during the period specified by Cabinet Order not exceeding ten years from the day following the day of expiration related to the relevant notified specified stations (referred to below as a "covered period" in this Article) if all notified specified stations related to the relevant specific frequency termination support service are radio stations under Article 4 item (iii) (referred to below as "specified radio stations not requiring a license or registration"), is to notify the Minister of Internal Affairs and Communications of the name of the person (in the case of a corporation; its name and the name of its representative; the same applies in the following paragraph) and their address, and the number of the relevant specified radio stations not requiring a license or registration (referred to below as the "number of established specified radio stations not requiring a license or registration" in this paragraph) established on the corresponding day (the previous day, if there is no corresponding day) to the day of expiration related to the relevant specified radio stations not requiring a license or registration in each year during the covered period, according to the functions of radio stations specified by Cabinet Order, by the fifteenth day of the month following the month to which the day belongs, and pay to the national government within thirty days from the day of acceptance of the relevant notification, as the spectrum user fee for a one-year period to the relevant corresponding day, an amount of money obtained by multiplying the amount specified by Cabinet Order according to functions of radio stations specified by the relevant Cabinet Order considering the amount equivalent to half the estimated costs (including costs estimated to be required for compensation in the case of compensating licensees and registrants of radio stations using radio frequencies with the old assignment period related to a specific frequency termination support service based on the provisions of Article 71, paragraph (2), or Article 76-3, paragraph (2); the same applies below in the following paragraph) to be required for the specific frequency termination support service related to the relevant specified radio stations not requiring a license or registration and the number of specified radio stations not requiring a license or registration related to the

relevant specific frequency termination support service estimated to be established within the covered period, by the number of specified radio stations not requiring a license or registration established related to the relevant one-year period.

(13) In the cases prescribed for in the preceding paragraph, a person who has affixed marks (referring to the mark pursuant to the provisions of Article 38-7, paragraph (1), Article 38-26 (except for cases applying to foreign dealers), or Article 38-35; the same applies in this paragraph and paragraph (21)) to radio equipment (except those specified by Order of the Ministry of Internal Affairs and Communications under that paragraph) (referred to below as a "person affixing marks" in this Article) that may be used for specified radio stations not requiring a license or registration related to the relevant specific frequency termination support service, is to notify the Minister of Internal Affairs and Communications of the name of the person and their address, and the number of items of the relevant radio equipment to which the person has affixed the marks during the one-year period before the corresponding day (the previous day, if there is no corresponding day) to the day of expiration in each year within the covered period, and other matters specified by Order of the Ministry of Internal Affairs and Communications, according to the functions of radio stations specified by Cabinet Order, by the fifteenth day of the month following the month to which the day belongs, and pay to the national government within thirty days from the day of acceptance of the relevant notification, as the spectrum user fee, the total amount of money obtained by multiplying the amount of money specified by Cabinet Order according to the functions of radio stations specified by the relevant Cabinet Order, considering the amount equivalent to half the estimated costs required for the specific frequency termination support service related to the relevant specified radio stations not requiring a license or registration using the relevant radio equipment, the number of specified radio stations not requiring a license or registration related to the relevant specific frequency termination support service estimated to be established during the covered period, and the average period during which the relevant radio equipment is estimated to be used, by the number of items (if, among the relevant radio equipment, there is radio equipment that is estimated to either be exclusively used in foreign countries or not used at all due to functional faults in transit or storage and other similar reasons; the number calculated after deducting the number of items of the radio equipment specified by Order of the Ministry of Internal Affairs and Communications; the same applies in the second sentence of paragraph (21)) of radio equipment to which the marks have been affixed within the relevant one-year period.

(14) The provisions of paragraphs (1), (2), and (5) through (12) do not apply to



licensees of radio stations which have obtained a license pursuant to the provisions of Article 27, paragraph (1), or to the licensees or registrants of radio stations provided for in paragraph (2) of the preceding Article (except radio stations established by one of the persons in the following items for the purpose of being solely used for the administrative affairs prescribed in the relevant items (referred to below as "radio stations established by a national government organ or agency" in this paragraph)) or radio stations established by a national government organ, or agency or other radio stations prescribed as being similar to them by Cabinet Order (if a relevant radio station is a specified radio stations not requiring a license or registration, the person who established the specified radio stations not requiring a license or registration) in relation to the relevant radio stations; provided, however, that this does not apply if those radio stations (limited to radio stations established by a national government organ or agency, or radio stations specified by the Cabinet Order referred to in the main clause of this paragraph) are those specified by Cabinet Order as radio stations that do not use radio equipment that uses technology that contributes to the efficient utilization of radio waves (except those for which there is found to be little need to promote introduction of radio equipment using that technology in consideration of circumstances concerning radio waves of the frequencies used by their radio equipment; such as trends in demand; the same applies in the following paragraph):

- (i) the National Police Agency: administrative work for conduct of the duties prescribed in Article 2, paragraph (1) of the Police Act (Act No. 162 of 1954);
- (ii) the Fire and Disaster Management Agency and local public entities: administrative affairs for conduct of the duties prescribed in Article 1 of the Fire and Disaster Management Organization Act (Act No. 226 of 1947);
- (iii) the Ministry of Justice: administrative affairs relating to the management and operation of the penal institutions prescribed in Article 3 of the Act on Penal Detention Facilities and Treatment of Inmates and Detainees (Act No. 50 of 2005), the juvenile training schools provided for in Article 3 of the Juveniles Training Schools Act (Act No. 58 of 2014), and the juvenile classification homes provided for in Article 3 of the Juvenile Classification Home Act (Act No. 59 of 2014);
- (iv) the Immigration Services Agency: the administrative affairs prescribed in Article 61-3-2, paragraph (2) of the Immigration Control and Refugee Recognition Act (Cabinet Order No. 319 of 1951);
- (v) the Public Security Intelligence Agency: the administrative affairs prescribed in Article 4 of the Act on the Establishment of the Public Security Intelligence Agency (Act No. 241 of 1952);
- (vi) the Ministry of Health, Labour and Welfare: administrative affairs for execution of the duties prescribed in Article 54, paragraph (5) of the

- Narcotics and Psychotropic Control Act (Act No. 14 of 1953);
- (vii) the Ministry of Land, Infrastructure, Transport and Tourism:  
administrative affairs relating to the instructions prescribed in Article 96, paragraph (1) of the Civil Aeronautics Act (Act No. 231 of 1952);
  - (viii) the Japan Meteorological Agency: administrative affairs relating to the warnings prescribed in Article 23 of the Meteorological Service Act (Act No. 165 of 1952);
  - (ix) the Japan Coast Guard: administrative affairs for conduct of the duties prescribed in Article 2, paragraph (1) of the Japan Coast Guard Act (Act No. 28 of 1948);
  - (x) the Ministry of Defense: administrative affairs for conduct of the duties prescribed in Article 3 of the Self-Defense Forces Act (Act No. 165 of 1954);
  - (xi) a national government organ, a local public entity or flood prevention management entity provided for in Article 2, paragraph (2) of the Flood Control Act (Act No. 193 of 1949): flood prevention administrative affairs (except for those provided for in item (ii)); and
  - (xii) a national government organ: administrative affairs for execution of the duties prescribed in Article 3, paragraph (1) of the Basic Act on Disaster Control Measures (Act No. 223 of 1961) (except for those provided for in each of the preceding items).
- (15) The amount of money for the spectrum user fee that a licensee or registrant (if the radio station is one which does not require a special license; the person who established that radio station not requiring a special license) of a radio station stated in the following items (except for those prescribed by Cabinet Order under the main clause of the preceding paragraph) must pay, notwithstanding the provisions of each of the relevant items, is the amount of money equivalent to half the amount of money prescribed in the relevant provisions; provided, however, that this does apply if the radio station (except one stated in item (iii)) is the one stated in Cabinet Order as a radio station that is found not to be using radio equipment which uses technology that contributes to the efficient utilization of radio waves:
- (i) a radio station established by a licensee stated in the preceding items for the purpose of the station being used for the administrative affairs prescribed in the relevant items (except for the radio stations established for the purpose of it being solely used for the administrative affairs prescribed in each of the items): paragraphs (1), (2), and paragraphs (5) through (12);
  - (ii) a radio station established by local public entities for the purpose of conducting communications required for disaster prevention as prescribed in the Local Disaster Prevention Plan stated in Article 2 item (x) of the Disaster Control Fundamental Act (except for radio stations established for the purpose of being solely used for the administrative affairs prescribed in

- items (ii) and (xi) of the preceding paragraph and radio stations stated in the preceding item): paragraphs (1), and (5) through (12); and
- (iii) if the period of validity for all or part of the frequencies used by a radio station is specified by the frequency assignment plan (except cases when the provisions of Article 71-2 paragraph (1) apply), a licensee or registrant of a radio station for which the Minister of Internal Affairs and Communications has given confirmation that the relevant radio station will be abolished within two years from the day of the license or registration, or the corresponding day: paragraph (1).
- (16) The number of months in paragraphs (1), (2), (5), and (7), is to be calculated according to the calendar, and any fraction of less than one month is to be counted as one month.
- (17) In paying the spectrum user fee pursuant to the provisions of paragraph (1), licensees or registrants (except blanket licensees or registrants) may prepay the spectrum user fee for the period after the corresponding day of the following year.
- (18) When the portion of the spectrum user fee that was prepaid pursuant to the provisions of the preceding paragraph only relates to the period after the first corresponding day following the request, it is to be refunded upon the request of the person who has prepaid.
- (19) As specified by Order of the Ministry of Internal Affairs and Communications, the Minister of Internal Affairs and Communications may allow delayed payment of the spectrum user fee payable by a licensee pursuant to the provisions of first sentence of paragraph (2), at the request of the licensee.
- (20) Notwithstanding the provisions of paragraph (13), after approval from the Minister of Internal Affairs and Communications, a person affixing marks may pay an estimated total amount for the spectrum user fee to be paid pursuant to the provisions of that paragraph during a period specified by Order of the Ministry of Internal Affairs and Communications (referred to below as a "prepayment period" in this Article) within the subject period. In this case, the relevant person affixing marks is not required to submit a notification pursuant to the provisions of that paragraph, during the prepayment period.
- (21) A person affixing marks who has prepaid pursuant to the provisions of the preceding paragraph, on or before the fifteenth day of the month following the month to which the day on which the prepayment period has passed belongs (if the relevant person affixing marks has suspended or discontinued its service related to marks, or due to the occurrence of reasons specified by Order of the Ministry of Internal Affairs and Communications; the day when the relevant reasons occurred), must notify the Minister of Internal Affairs and Communications of the number of items of radio equipment under paragraph

- (13) to which marks have been affixed during the prepaid period. In this case, the relevant person affixing marks, if the amount of the prepaid spectrum user fee falls short of the amount obtained by multiplying the amount of money specified by Cabinet Order in that paragraph by the number of items of radio equipment to which marks have been affixed during the prepaid period (referred to as the "amount to be paid" in the following paragraph), must pay to the national government that shortage in amount within thirty days from the day when the relevant notification is accepted.
- (22) If the amount of the spectrum user fee prepaid by the person affixing marks pursuant to the provisions of paragraph (20) exceeds the amount to be paid, the excess amount is to be refunded upon the request of the relevant person affixing marks.
- (23) Upon receipt of a proposal from a person who wishes to pay the spectrum user fee, to entrust a financial institution with which that person has a bank account or a postal savings account with the payment of the spectrum user fee by transfer of funds in the form of bank deposits or postal savings held in the relevant account, the Minister of Internal Affairs and Communications may approve the proposal only after finding that the payment is certain, and that approval of the proposal is advantageous for the collection of the spectrum user fee.
- (24) If the spectrum user fee related to the approval in the preceding paragraph is paid by the date specified by Order of the Ministry of Internal Affairs and Communications as the time limit for payment of the spectrum fee by the financial institution in that paragraph, the payment is deemed to have been made by the original time limit, even though the date of payment is after the original time limit.
- (25) The Minister of Internal Affairs and Communications must demand payment from a person who has not paid the due spectrum user fee for payment, by sending a written demand that sets a time limit.
- (26) The Minister of Internal Affairs and Communications is to make a disposition concerning the unpaid amount of the person, to whom the demand for payment was made pursuant to the provisions of the preceding paragraph who has not paid the relevant spectrum user fee and delinquency charges pursuant to the provisions of the following paragraph by the designated time limit, in the manner of disposition for failure to pay national taxes. In this case, the order of the statutory lien on the spectrum user fee and its delinquency charges is to come next to that of national taxes and local taxes.
- (27) When making a demand for payment pursuant to the provisions of paragraph (25), the Minister of Internal Affairs and Communications may collect delinquency charges on the relevant spectrum user fee calculated according to the number of days from the day following the time limit to the

day preceding payment or seizure of property, with the rate being set at 14.5% per year; provided, however, this does not apply when the nonpayment is found to have occurred under unavoidable conditions, or to other cases specified by Order of the Ministry of Internal Affairs and Communications.

- (28) Beyond matters prescribed in paragraph (17) through to the preceding paragraph, matters necessary for the payment of the spectrum user fee, including procedures for payment of the spectrum user fee, are specified by Order of the Ministry of Internal Affairs and Communications.

Article 103-3 (1) Every fiscal year, the government is to allocate as a fund for the expenses for spectrum users' common benefit, an amount of money equivalent to the budgeted amount for the revenue of the spectrum user fees for the relevant year as prescribed in the national budget; provided, however, when the amount of money is found to exceed the amount budgeted for the expenses for spectrum users' common benefit in the relevant year, this does not apply to the excess amount of money.

- (2) When found necessary, in light of the expenses for spectrum users' common benefit required for the relevant fiscal year, beyond the amount budgeted from the revenue of the spectrum user fee for the relevant year, the government may allocate as a fund for the expenses for spectrum users' common benefit for the relevant fiscal year as prescribed in the national budget, all or part of the money equivalent to the amount obtained by deducting the total amount in the settlement account (for the year preceding the relevant year; the budgeted amount) for the expenses for spectrum users' common benefit for each year from 1993 to the year preceding the relevant year, from the total amount in the settlement account (for the year preceding the relevant year; the budgeted amount) for the revenue from the spectrum user fee for each year from 1993 to the year preceding the relevant year.

- (3) The Minister of Internal Affairs and Communications is to make public the results of the research and development prescribed in paragraph (4), item (iii) of the preceding Article, and other data concerning the status of the implementation of the administrative affairs stated in each of the items in that paragraph.

- (4) When the Minister of Internal Affairs and Communications issues subsidies to be appropriated to the fund prescribed in paragraph (4), item (iii) of the preceding Article, the Minister is to investigate the remaining amount of the fund and the status of use of the fund every fiscal year, and make the investigation results public.

(Use of Specified Base Station Establishment Fees)

Article 103-4 (1) The government is to allocate an amount of money equivalent

to the expected amount of revenue from specified base station establishment fees to expenses (except those categorized as expenses for spectrum users' common benefit) required for implementing measures necessary for promoting development of advanced information and telecommunications networks that use radio waves, measures necessary for promoting creation of high added value through utilization of diverse and large volumes of information distributed via those advanced information and telecommunications networks, and measures necessary for promoting utilization of that high added value for solving various social issues.

- (2) In relation to application of the provisions of the preceding paragraph, the calculation of the amount of money for each fiscal year is to be based on the amount of budget for that year.

(Foreign Radio Stations Established on Ships or Aircraft)

Article 103-5 (1) No provisions under Chapter II or IV apply to foreign radio stations established on ships or aircraft.

- (2) Radio stations under the preceding paragraph may be operated only when conducting communications that fall under the following items:

- (i) communications under any of the items of Article 52;
- (ii) communications with radio stations for the purpose of conducting telecommunications services; or
- (iii) communications for the purpose of navigating safely (except those in the preceding item).

(Foreign Radio Stations that Conduct Radio Communications as its Counterpart with the Same Persons as Specified Radio Stations)

Article 103-6 (1) Notwithstanding the provisions of Chapter II, Chapter III, and Chapter IV, an item (i) blanket licensee, with the permission of the Minister of Internal Affairs and Communications, may operate the following radio stations that conduct radio communications in Japan with the same counterparts as specified radio stations related to the blanket license, and that transmit only radio waves of a frequency automatically selected by receiving radio waves from the radio station with which the relevant radio communications are conducted as its counterparts:

- (i) foreign radio stations (including radio stations established by using radio equipment for the foreign radio stations to which the permission relates to, and excluding the radio stations stated in the following item); and
- (ii) experimental radio stations.

- (2) Upon receipt of an application for permission under the preceding paragraph, the Minister of Internal Affairs and Communications must grant permission, when finding that the radio equipment of the radio station under application

conforms to the technical regulations equivalent to the technical regulations prescribed in Chapter III.

- (3) When the blanket license of the item (i) blanket licensee becomes invalid, the permission under paragraph (1) that has been granted to the item (i) blanket licensee becomes invalid.
- (4) When the item (i) blanket licensee has been granted permission under paragraph (1), the provisions of Chapter V and Chapter VI (if the radio stations are those established by using radio equipment for the foreign radio stations related to the permission or the radio stations stated in item (ii) of that paragraph; the provisions of Articles 26-2, 26-3, 27-7, 103-2, and 103-3, in addition to these provisions) apply by deeming the radio stations related to the permission to be specified radio stations established by the relevant item (i) blanket licensee under the blanket license; provided, however, that this excludes the provisions of Article 71, paragraph (2), Article 76, paragraph (5), items (i) and (ii), Article 76-2, and Article 76-3, paragraph (2).

(Exemption from Application for the National Government and Other Governmental Organizations)

- Article 104 (1) None of the provisions of Article 103 nor those of the next Chapter apply to the national government, and none of the provisions of Article 103 apply to Incorporated Administrative Agency (limited to those institutions specified by Cabinet Order, considering the relevant independent administrative institutions' activities and other circumstances) prescribed in Article 2, paragraph (1) of the Act on General Rules for Incorporated Administrative Agencies (Act No. 103 of 1999); provided, however, that the provisions of that article are to apply to those entities which are regarded to be the national government pursuant to the provisions of other laws.
- (2) When the provisions of this Act apply to the national government, "license" or "permission" is deemed to be replaced with "authorization".

(Conditions of Pre-permits)

- Article 104-2 (1) A pre-permit, license, permission, or registration under Article 27-21, paragraph (1), may be provided with some conditions or terms.
- (2) The conditions or terms in the preceding paragraph must be limited to the minimum extent necessary, for promoting the public interest or ensuring the implementation of matters related to a pre-permit, license, permission, or registration under Article 27-21, paragraph (1), without undue obligations be placed upon the persons subject to the relevant administrative dispositions.

(Entrustment of Authority)

- Article 104-3 (1) The authority of the Minister of Internal Affairs and

Communications prescribed in this Act may partially be entrusted, as stipulated by Order of the Ministry of Internal Affairs and Communications, to the Directors-General of Regional Bureaus of Telecommunications and to the Director-General of Okinawa Office of Telecommunications.

- (2) The provisions of Chapter VII apply *mutatis mutandis* to a request for administrative review or an action against administrative dispositions which the Directors-Generals of Regional Bureaus of Telecommunications or the Director-General of Okinawa Office of Telecommunications has or have made with the authority entrusted under the provisions of the preceding paragraph. In this case, "the Minister of Internal Affairs and Communications" in Article 96-2 is deemed to be replaced with "the Directors-General of Regional Bureaus of Telecommunications or the Director-General of Okinawa Office of Telecommunications".

(Request for Administrative Review on Administrative Dispositions Made by a Designated Examination Agency)

Article 104-4 (1) A person who is dissatisfied with an administrative disposition by a designated examination agency pursuant to the provisions of this Act may request the Minister of Internal Affairs and Communications to conduct a request for administrative review. In this case, in relation to the application of Article 25, paragraphs (2) and (3), Article 46, paragraphs (1) and (2), and Article 47 of the Administrative Complaint Review Act, the Minister of Internal Affairs and Communications is deemed to be the higher administrative authority of a designated examination agency.

- (2) The provisions of Article 83, Articles 85 through 96 apply *mutatis mutandis* to a request for administrative review pursuant to the provisions of the preceding paragraph; and the provisions of Articles 96-2 through 99, to a lawsuit against administrative dispositions pursuant to the provisions of that paragraph. In this case, "the Minister of Internal Affairs and Communications" in Article 90, paragraph (2), and Article 96-2, is deemed to be replaced with "the designated examination agency"; "the ministerial staff" in Article 90, paragraph (2) is deemed to be replaced with "an officer or a staff member."

(Transitional Measures)

Article 104-5 When an order is established, revised, or abolished pursuant to the provisions of this Act, necessary transitional measures (including those related to penal provisions) may be specified by that order, within the scope deemed to be reasonably necessary in establishing, revising, or abolishing that order.

## **Chapter IX Penal Provisions**



Article 105 (1) When a person engaged in a radio communications service, fails to handle distress traffic under the provisions of Article 66, paragraph (1) (including cases where applied *mutatis mutandis* pursuant to Article 70-6, paragraph (2)), or causes its handling to be delayed, the person is punished by imprisonment for a definite term of one year or longer.

(2) The provisions of the preceding paragraph also apply to a person who causes interference with the handling of distress traffic.

(3) Any attempt to commit an offense under the preceding two paragraphs is punished.

Article 106 (1) A person who transmits a false message by means of radio equipment or other communication equipment under Article 100, paragraph (1), item (i), with the aim of benefiting themselves or another person, or inflicting damage on another person, is punished by imprisonment for a period not exceeding three years, or a fine not exceeding one million five hundred thousand yen.

(2) A person who transmits distress traffic by means of radio equipment, irrespective of the fact that neither a ship nor aircraft is in distress, is punished by imprisonment from a period of three months to ten years.

Article 107 A person who uses radio equipment or other communications equipment under Article 100, paragraph (1), item (i), to advocate destruction, through the use of violence, of the Constitution of Japan or the Government that has been established under that Constitution, is punished by imprisonment for a period not exceeding five years.

Article 108 A person who transmits indecent content by means of radio equipment or communications equipment under Article 100, paragraph (1), item (i) is punished by imprisonment for a period not exceeding two years or a fine not exceeding one million yen.

Article 108-2 (1) A person who destroys, has an object come into contact with, or impairs the functions of radio equipment of a radio station used for telecommunications or broadcasting services or radio equipment used for the protection of life or property, for the maintenance of public peace, for meteorological services, for the supply of electric power related to the electricity supply business, or for the operation of trains related to the railway business, thereby causing interference with radio communications, is punished by imprisonment for a period not exceeding five years or a fine not exceeding two million five hundred thousand yen.

(2) An attempted offense under the preceding paragraph is punished.

Article 109 (1) A person who discloses or takes advantage of a secret related to radio communications being handled by a radio station, is punished by imprisonment for a period not exceeding one year or a fine not exceeding five hundred thousand yen.

(2) A person who is engaged in a radio communications service and discloses or takes advantage of a secret as specified in the preceding paragraph related to a service that came to their knowledge, is punished by imprisonment for a period not exceeding two years or a fine not exceeding one million yen.

Article 109-2 (1) When a person, who has intercepted encrypted communications or mediates encrypted communications and has received the relevant encrypted communications, has decoded their content for the purposes of divulging or taking advantage of secrets contained in the relevant encrypted communications, that person is punished by imprisonment for a period not exceeding one year or a fine not exceeding five hundred thousand yen.

(2) A person engaged in a radio communications service who commits a crime under the preceding paragraph (limited to cases of interception or reception of encrypted communications related to the service), is punished by imprisonment for a period not exceeding two years or a fine not exceeding one million yen.

(3) The term "encrypted communications" in the preceding two paragraphs means radio communications that are processed to prevent the content from being decoded by persons other than parties to the communication (including a person that mediates the relevant communications, and is authorized to decode its content).

(4) An attempted offense under paragraphs (1) and (2) is punished.

(5) The offenses referred to in paragraphs (1) and (2), and the preceding paragraph, are governed by Article 4-2 of the Penal Code.

Article 109-3 A person who discloses, in violation of the provisions of Article 47-3, paragraph (1) (including cases as applied *mutatis mutandis* pursuant to Article 71-3, paragraph (11), Article 71-3-2, paragraph (11) and Article 102-17, paragraph (5)), a secret which came to their knowledge related to their duties, is punished by imprisonment for a period not exceeding one year or a fine not exceeding five hundred thousand yen.

Article 110 If any of the following items apply, the person that has committed the violation is punished by imprisonment for a period not exceeding one year or a fine not exceeding one million yen:

(i) if a person establishes a radio station without a license under the provisions of Article 4, or registration under Article 27-21, paragraph (1);

- (ii) if a person operates a radio station without a license under the provisions of Article 4, or registration under Article 27-21, paragraph (1), without complying with the provisions of Article 70-7, paragraph (1), Article 70-8, paragraph (1), or Article 70-9, paragraph (1);
- (iii) if a person establishes a specified radio station in violation of the provisions of Article 27-7;
- (iv) if a person operates equipment under the provisions of Article 100, paragraph (1) without the permission under the provisions of that paragraph;
- (v) if a person operates a radio station in violation of the provisions of Article 52, Article 53, Article 54, item (i), or Article 55;
- (vi) if a person operates radio equipment in violation of the provisions of Article 18, paragraph (1);
- (vii) if a person violates an order under the provisions of Article 71-5 (including cases where applied *mutatis mutandis* pursuant to Article 100, paragraph (5));
- (viii) if a person operates a radio station or the equipment specified in Article 100, paragraph (1), irrespective of its radio wave transmissions or operation being suspended under the provisions of Article 72, paragraph (1) (including cases as applied *mutatis mutandis* pursuant to Article 100, paragraph (5)), or Article 76, paragraph (1) (including cases as applied *mutatis mutandis* pursuant to Article 70-7, paragraph (4), Article 70-8, paragraph (3), Article 70-9, paragraph (3), and Article 100, paragraph (5));
- (ix) if a person fails to observe administrative dispositions under the provisions of Article 74, paragraph (1);
- (x) if a person establishes a radio station in violation of the prohibition under the provisions of Article 76, paragraph (2);
- (xi) if a person violates an order under the provisions of Article 38-22, paragraph (1) (including cases as applied *mutatis mutandis* pursuant to Article 38-29 and Article 38-38); or
- (xii) if a person violates the prohibition under the provisions of Article 38-28, paragraph (1) (limited to those related to item (i)), Article 38-36, paragraph (1) (limited to those related to item (i)), or Article 38-37, paragraph (1).

Article 110-2 If any of the following items applies, the person that has committed the violation is punished by imprisonment for a period not exceeding one year or a fine not exceeding five hundred thousand yen:

- (i) if a person violates an order under the provisions of Article 24-10, or Article 38-17, paragraph (2) (including cases as applied *mutatis mutandis* pursuant to Article 38-24, paragraph (3), and Article 71-3-2, paragraph (11));
- (ii) if a person carries out personally, or orders a contractor to carry out

construction of a part that causes interference in violation of the provisions of Article 102-6; or

- (iii) if a person fails to discontinue, or to order a contractor to discontinue construction of the highest part of a tall building or other structure, or carries out that construction personally, or orders a contractor to carry out that construction, in violation of an order based on the provisions of Article 102-8, paragraph (1).

Article 110-3 An officer or staff member of a designated training agency, a designated examination agency, a designated frequency change support agency, the center, or a designated calibration agency, who violates an order to suspend the respective services under the provisions of Article 39-11, paragraph (2) (including cases as applied *mutatis mutandis* pursuant to Article 47-5, Article 71-3, paragraph (11), Article 102-17, paragraph (5), and Article 102-18, paragraph (13)), is punished by imprisonment for a period not exceeding one year or a fine not exceeding five hundred thousand yen.

Article 110-4 A person who violates the provisions of Article 99-9, is punished by imprisonment for a period not exceeding one year or a fine not exceeding five hundred thousand yen.

Article 111 If any of the following items apply, the person that has committed the violation is punished by imprisonment for a period not exceeding six months or a fine not exceeding three hundred thousand yen:

- (i) if a person fails to make a report under the provisions of Article 70-5-2, paragraph (6), or makes a false report;
- (ii) if a person refuses, hinders, or evades an inspection to be conducted under the provisions of Article 73, paragraphs (1), (5) (including cases where applied *mutatis mutandis* pursuant to Article 100, paragraph (5)), or (6), or Article 82, paragraph (2) (including cases as applied pursuant to Article 4-2, paragraph (3), following the deemed replacement of terms); or
- (iii) if a person makes a false entry in the certificate prescribed in the provisions of Article 73, paragraph (3).

Article 112 If any of the following items apply, the person that has committed the violation is punished by a fine not exceeding five hundred thousand yen:

- (i) if a person makes a change to any of the matters stated in Article 6, paragraph (2), item (vi), in violation of the provisions of Article 9, paragraph (4), or Article 17, paragraph (1);
- (ii) if a person affixes a mark in violation of the provisions of Article 38-7, paragraph (3);

- (iii) if a person fails to remove a mark in violation of the provisions of Article 38-7, paragraph (4);
- (iv) if a person affixed a mark in violation of the provisions of Article 38-44, paragraph (2);
- (v) if a person operates a ship radio station in violation of the provisions of Article 62, paragraph (1);
- (vi) if a person operates an aircraft station in violation of the provisions of Article 70-2, paragraph (1);
- (vii) if a person violates the limitation on operation under the provisions of Article 76, paragraph (1) (including cases as applied *mutatis mutandis* pursuant to Article 70-7, paragraph (4), Article 70-8, paragraph (3), Article 70-9, paragraph (3), and Article 100, paragraph (5));
- (viii) if a person fails to make a notification or makes a false notification in violation of an order under the provisions of Article 102-4, paragraph (1); or
- (ix) if a person affixes a mark in violation of the provisions of Article 102-18, paragraph (4).

Article 113 If any of the following items apply, the person that has committed the violation is punished by a fine not exceeding three hundred thousand yen:

- (i) if, when making a notification under the provisions of Article 4-2, paragraph (2), a person makes a false notification and establishes the experimental radio station referred to in that paragraph, that uses the radio equipment referred to in that paragraph;
- (ii) if, in violation of the provisions of Article 4-2, paragraph (4) (limited to the part related to notification of a change to any of the matters stated in paragraph (2), items (iv) through (vi) of that Article), a person makes a change to that matter without making the notification, or by making a false notification;
- (iii) if a person fails to make a report under the provisions of Article 24-8, paragraph (1) or makes a false report, or refuses, hinders, or evades an inspection to be conducted under the provisions of that paragraph;
- (iv) if a person fails to make a report under the provisions of Article 26-2, paragraph (3), or makes a false report;
- (v) if a person fails to make a report under the provisions of Article 26-3, paragraph (7), or makes a false report;
- (vi) if a person fails to make a notification, or makes a false notification in violation of the provisions of Article 27-6, paragraph (3) (limited to the provisions related to notification of establishment of a specified radio station, or notification of changes to it);
- (vii) if a person fails to make a report under the provisions of Article 27-12, paragraph (6) or makes a false report;

- (viii) if a person changes any of the matters stated in Article 27-21, paragraph (2), item (iii), or (iv), in violation of the provisions of Article 27-26, paragraph (1);
- (ix) if a person changes any of the matters stated in Article 27-32, paragraph (2), item (iii) or (iv), in violation of the provisions of Article 27-33, paragraph (1);
- (x) if a person fails to make a notification, or makes a false notification, in violation of the provisions of Article 27-34;
- (xi) if a person fails to make a notification, or makes a false notification, in violation of the provisions of Article 27-35;
- (xii) if a person fails to make a report under the provisions of Article 38-6, paragraph (2) (including cases as applied mutatis mutandis pursuant to Article 38-24, paragraph (3)), or makes a false report;
- (xiii) if a person fails to prepare a record book, fails to make an entry, or makes a false entry to it, or fails to maintain that record book, in violation of the provisions of Article 38-12 (including cases as applied mutatis mutandis pursuant to Article 38-24, paragraph (3), and Article 71-3-2, paragraph (11));
- (xiv) if a person fails to make a report under the provisions of Article 38-15, paragraph (1) (including cases where applied mutatis mutandis pursuant to Article 38-24, paragraph (3), and Article 71-3-2, paragraph (11); the same applies below in this item) or makes a false report, or refuses, hinders, or evades an inspection to be conducted pursuant to the provisions of Article 38-15, paragraph (1);
- (xv) if a person discontinues the service without notification under the provisions of Article 38-16, paragraph (1) (including cases where applied mutatis mutandis pursuant to Article 38-24 paragraph (3)), or submits a false notification;
- (xvi) if a person fails to make a report under the provisions of Article 38-20, paragraph (1) (including cases as applied mutatis mutandis pursuant to Article 4-2, paragraph (5), Article 38-29, Article 38-38, and Article 38-48; the same applies below in this item) or makes a false report, or refuses, hinders, or evades the inspection to be conducted pursuant to the provisions of Article 38-20, paragraph (1);
- (xvii) if a person violates an order under the provisions of Article 38-21, paragraph (1) (including cases applied mutatis mutandis pursuant to Article 4-2, paragraph (5), Article 38-29, Article 38-38, and Article 38-48);
- (xviii) if a person submits a false notification when making a notification under the provisions of Article 38-33, paragraph (3);
- (xix) if a person fails to prepare a record book, prepares a false record book, or fails to maintain a record book, in violation of the provisions of Article 38-33, paragraph (4);

- (xx) if a person operates radio equipment, in violation of the provisions of Article 39, paragraph (1) or (2), or Article 39-13;
- (xxi) if a person fails to make a notification, or makes a false notification, in violation of the provisions of Article 39, paragraph (4) (including cases as applied mutatis mutandis pursuant to Article 70-9, paragraph (3));
- (xxii) if a person fails to make a report under the provisions of Article 71-3, paragraph (6) (including cases as applied mutatis mutandis pursuant to Article 71-3-2, paragraph (11)), or makes a false report;
- (xxiii) if a person fails to take measures necessary for preventing the transmission of radio waves, in violation of the provisions of Article 78 (including cases as applied mutatis mutandis pursuant to Article 4-2, paragraph (5));
- (xxiv) if a person operates radio equipment, irrespective of the fact that the person has been ordered to cease engaging in services pursuant to the provisions of Article 79, paragraph (1) (including cases as applied mutatis mutandis pursuant to Article 79, paragraph (2));
- (xxv) if a person operates radio equipment on a ship radio station specified by Order of the Ministry of Internal Affairs and Communications under the main clause of Article 39, paragraph (1), irrespective of the fact that the validity of the certification for ship radio station radio operator has been suspended pursuant to the provisions of Article 79-2, paragraph (1);
- (xxvi) if a person violates an order under the provisions of Article 82, paragraph (1) (including cases as applied pursuant to Article 4-2, paragraph (3), following the deemed replacement of terms, and cases as applied mutatis mutandis pursuant to Article 101);
- (xxvii) if a person fails to make a notification or makes a false notification in violation of the provisions of Article 102-3, paragraph (1), or (2) (including cases as applied mutatis mutandis pursuant to Article 102-3, paragraph (6), and Article 102-4, paragraph (2));
- (xxviii) if a person fails to make a report under the provisions of Article 102-9, or makes a false report;
- (xxix) if a person violates an order under the provisions of Article 102-11, paragraph (4);
- (xxx) if a person fails to make a report under the provisions of Article 102-12, or makes a false report;
- (xxxi) if a person violates an instruction under the provisions of Article 102-15, paragraph (1); or
- (xxxii) if a person fails to make a report under the provisions of Article 102-16, paragraph (1), or makes a false report, or refuses, hinders, or evades an inspection to be conducted under the provisions of that paragraph.

Article 113-2 An officer or staff member of a designated training agency, a designated examinations agency, a designated frequency change support agency, a registered frequency termination support agency, the center, or a designated calibration agency who falls under any of the following items is punished by a fine not exceeding three hundred thousand yen:

- (i) when a person fails to prepare a record book, fails to make an entry, or makes a false entry in it, or fails to maintain the record book, in violation of the provisions of Article 39-7 (including cases as applied mutatis mutandis pursuant to Article 47-5, Article 71-3, paragraph (11), and Article 102-18, paragraph (13));
- (ii) when a person fails to make a report, or makes a false report under the provisions of Article 39-9 paragraph (1) (including cases as applied mutatis mutandis pursuant to Article 47-5, Article 71-3, paragraph (11), Article 102-17, paragraph (5), and Article 102-18, paragraph (13); the same applies below in this item), or refuses, hinders, or evades an inspection to be conducted under the provisions of Article 39-9 paragraph (1);
- (iii) when a person has completely discontinued a training service, examination service, specific frequency change support service, or specific frequency termination support service, without permission under Article 39-10, paragraph (1) (including cases as applied mutatis mutandis pursuant to Article 47-5, Article 71-3 paragraph (11), and Article 71-3-2, paragraph (11)); or
- (iv) when a person has discontinued all of the services without notification or submits a false notification pursuant to the provisions of Article 102-18 paragraph (11).

Article 114 When a representative of a corporation, or an agent, employee, or other worker of a person or corporation violates the provisions of the articles stated in the following items regarding the business activities of the person or corporation, not only is the violator to be punished, but also the relevant corporation is punished with the fine prescribed under the relevant item, and the relevant person is to be punished with the fine prescribed under the relevant Article:

- (i) Article 110 (limited to the provisions related to items (xi) and (xii)): fine not exceeding one hundred million yen; or
- (ii) Article 110 (except for the provisions related to items (xi) and (xii)), Article 110-2, or Articles 111 through 113: fine under the relevant Article.

Article 115 A person who fails to appear for the proceedings, fails to make a statement, or makes a false statement, or fails to give an expert opinion, or submits a false expert opinion, in violation of the administrative dispositions



made by the proceedings officer pursuant to the provisions of Article 92-2, is punished by a non-penal fine not exceeding three hundred thousand yen.

Article 116 A person that falls under any of the following items is liable to a non-penal fine not exceeding three hundred thousand yen:

- (i) a person that fails to make a notification, or makes a false notification, in violation of the provisions of Article 4-2, paragraph (4) (limited to the part related to notification of a change to any of the matters stated in paragraph (2), item (i) of that Article);
- (ii) a person that fails to make a notification, in violation of the provisions of Article 4-2, paragraph (6);
- (iii) a person that fails to make a notification, or makes a false notification, in violation of the provisions of Article 9, paragraph (5);
- (iv) a person that fails to make a notification, or makes a false notification, in violation of the provisions of Article 17, paragraph (2);
- (v) a person that fails to make a notification, in violation of the provisions of Article 20, paragraph (9) (including cases where applied *mutatis mutandis* pursuant to paragraph (10) of that Article, Article 27-17, and Article 70-5-2, paragraph (9));
- (vi) A person that fails to make a notification, in violation of the provisions of Article 22 (including cases where applied *mutatis mutandis* pursuant to Article 100, paragraph (5));
- (vii) A person that fails to return the certificate for a radio station license, in violation of the provisions of Article 24 (including cases where applied *mutatis mutandis* pursuant to Article 100, paragraph (5));
- (viii) A person that fails to make a notification or makes a false notification, in violation of the provisions of Article 24-5, paragraph (1);
- (ix) A person that fails to make a notification or makes a false notification, in violation of the provisions of Article 24-6, paragraph (2);
- (x) A person that fails to make a notification or makes a false notification, in violation of the provisions of Article 24-9, paragraph (1);
- (xi) A person that fails to return the registration certificate, in violation of the provisions of Article 24-12;
- (xii) A person that utilizes or provides information for purposes other than the purpose of conducting the interference examinations, or the termination promotion measures stated under Article 25, paragraph (2), in violation of the provisions of paragraph (3) of that Article;
- (xiii) A person that fails to make a notification in violation of the provisions of Article 27-6, paragraph (3) (limited to the provisions related to notification of the abolition of a specified radio station);
- (xiv) A person that fails to make a notification, in violation of the provisions of

- Article 27-10, paragraph (1);
- (xv) A person that fails to make a notification, or makes a false notification, in violation of the provisions of Article 27-15, paragraph (5);
  - (xvi) A person that fails to make a notification, or makes a false notification, in violation of the provisions of Article 27-26, paragraph (4);
  - (xvii) A person that fails to make a notification, in violation of the provisions of Article 27-27, paragraph (2) (including cases as applied pursuant to Article 27-37, paragraph (2), following the deemed replacement of terms);
  - (xviii) A person that fails to make a notification, in violation of the provisions of Article 27-29, paragraph (1);
  - (xix) A person that fails to return a certificate of registration, in violation of the provisions of Article 27-31 (including cases as applied pursuant to Article 27-37, following the deemed replacement of terms);
  - (xx) A person that fails to make a notification, or makes a false notification, in violation of the provisions of Article 27-33, paragraph (4);
  - (xxi) A person that fails to make a notification, or makes a false notification, in violation of the provisions of Article 38-5, paragraph (2) (including cases as applied mutatis mutandis pursuant to Article 71-3-2, paragraph (11));
  - (xxii) A person that fails to make a notification, or makes a false notification, in violation of the provisions of Article 38-6, paragraph (3) (including cases as applied mutatis mutandis pursuant to Article 38-29);
  - (xxiii) A person that fails to prepare financial statements or other reports, that fails to make an entry, or that makes a false entry in the financial statements or other reports, in violation of the provisions of Article 38-11, paragraph (1) (including cases as applied mutatis mutandis pursuant to Article 71-3-2, paragraph (11)), or without due reason refuses a request under the provisions of Article 38-11, paragraph (2) (including cases as applied mutatis mutandis pursuant to Article 71-3-2, paragraph (11));
  - (xxiv) A person that fails to make a notification, or makes a false notification, in violation of the provisions of Article 38-33, paragraph (5);
  - (xxv) A person that fails to make a notification, or makes a false notification, in violation of the provisions of Article 38-42, paragraph (4);
  - (xxvi) A person that fails to make a notification, or makes a false notification, in violation of the provisions of Article 38-46, paragraph (1);
  - (xxvii) A person that fails to make a notification, or makes a false notification, in violation of the provisions of Article 70-5-2, paragraph (5);
  - (xxviii) a person that fails to make a notification, or makes a false notification, in violation of the provisions of Article 70-7, paragraph (2) (including cases as applied mutatis mutandis pursuant to Article 70-8, paragraph (2), and Article 70-9, paragraph (2));
  - (xxix) a person that fails to make a notification under the provisions of Article

- 80-2, or makes a false notification;
- (xxx) a person that fails to make a notification, in violation of the provisions of Article 100, paragraph (4);
- (xxxi) a person that fails to make a notification, in violation of the provisions of Article 102-3, paragraph (5); or
- (xxxii) a person that fails to make a notification, or makes a false notification, in violation of the provisions of Article 103-2, paragraphs (5) through (8), (12), (13), or (21).

### **Supplementary Provisions [Extract]**

(Effective Date)

- (1) This Act comes into effect on the day on which thirty days have passed from the date of promulgation.

(Repeal of the Radiotelegraphy Act)

- (2) The Radiotelegraphy Act (Act No. 26 of 1915; referred to below as "the former Act") is repealed.

(Application of Penal Provisions of the former Act)

- (4) In relation to the application of penal provisions to acts committed before the enforcement of this Act, the former Act remains in force even after the enforcement of this Act.

(Transitional Measures Concerning Radio Operators)

- (5) A person who holds the qualification of First-Class, Second-Class, Third-Class, Radiotelephone-Class, or Listener-Class Radio Operator pursuant to the provisions of the Regulations for the Radio Operator Qualification Examination (Ordinance of the Ministry of Communications No. 8 of 1931) at the time of enforcement of this Act is deemed to be granted at the time of enforcement of this Act, a license as a First-Class Radio Operator, Second-Class Radio Operator, Third-Class Radio Operator, Radiotelephone-Class Radio Operator, or Listener-Class Radio Operator, respectively, pursuant to the provisions of this Act.
- (6) On the day on which the old Regulations for the Telecommunications Engineer Qualification Examination (Ordinance of the Ministry of Communications: Ordinance No. 13 of 1940) was repealed (June 1, 1949), a person who holds the qualification of First-Class or Second-Class Telecommunications Engineer or the qualification of Third-Class Telecommunications Engineer (radio) is deemed on the effective date of this Act to be granted a license as a First-Class Technical Radio Operator or

Second-Class Technical Radio Operator, respectively, under the provisions of this Act.

(Dispositions Before the Enforcement of this Act)

- (9) Beyond the matters prescribed in paragraphs (5) and (6), dispositions, procedures, or other acts based on the provisions of the former Act or the orders under it, if there are equivalent provisions in this Act, are deemed to have been made under this Act. In this case, the period of validity of a license for a radio station (except ship radio stations on ships under Article 4 of the Ship Safety Act or onboard fishing boats under Article 5 of the Cabinet Order for Restricting Fishing Areas for Fishing Boats), notwithstanding the provisions of Article 13, paragraph (1), is to be for a period of one year or longer and not exceeding three years from the effective date of this Act specified by Order of the Ministry of Posts and Telecommunications, for each type of radio station.

(Transitional Measures Concerning Telegrams)

- (13) In the period during which the telegram business is deemed to be a telecommunications business pursuant to the provisions of Article 5, paragraph (1) of the Supplementary Provisions of the Telecommunications Business Act, the telecommunications business prescribed in Article 27-38, paragraph (1), Article 102-2, paragraph (1), item (i), Article 102-2, paragraph (1), item (i), and Article 108-2, paragraph (1) includes operations related to the relevant telegram business.

(Review)

- (14) The government, at least once every three years, is to review the status of enforcement of the provisions of Article 103-2 from the viewpoint of ensuring the suitability of the spectrum user fee, and take the necessary measures based on the results of the review when found necessary.

(Special Provisions on the Spectrum User Fee)

- (15) In relation to application of the provisions of Article 103-2, paragraph (4), until otherwise provided for by law, the phrase "(xii) necessary support for the use of frequencies to ensure the efficient utilization of radio waves or to prevent the adverse effects of radio waves on human bodies or health, or for activities to enhance literacy concerning the protection of human bodies or health" in that paragraph is deemed to be replaced with "/(xii) necessary support for the use of frequencies to ensure the efficient utilization of radio waves or to prevent the adverse effects of radio waves on human bodies or health, or for activities to enhance literacy concerning the protection of the

human body or health)/(xii)-2 issuance of subsidies and other support in order to install the equipment necessary for the reception of terrestrial digital broadcasting for those people who have installed reception equipment able to receive television broadcasting (except for those broadcasts transmitted through an artificial satellite station; the same applies below in this item), and for which the reception of terrestrial digital broadcasting is difficult owing to economic hardship or other grounds (except for those persons who have installed reception equipment able to receive, among the television broadcasting through digital signals, broadcasting transmitting instantaneous images of stationary or moving objects, and speech and other sounds accompanying the images (referred to below in this item as "terrestrial digital broadcasting"))/(xii)-3 issuance of subsidies in order to install the relay stations or other equipment (including ancillary equipment specified by Order of the Ministry of Internal Affairs and Communications, installed as an inseparable unit with the relevant equipment and the structure required to install the relevant equipment and the relevant ancillary equipment) for purposes of enabling the reception of basic terrestrial broadcasting (limited to those broadcasts transmitting speech and other sounds only), using antenna power to the lowest extent possible required in areas where it is difficult to receive that basic terrestrial broadcasting directly./ (xii)-4 Issuance of subsidies for developing telecommunications equipment used in the operations of basic terrestrial broadcasting or basic terrestrial broadcasting for mobile reception (including ancillary equipment specified by Order of the Ministry of Internal Affairs and Information, installed as an inseparable unit with the relevant radio equipment and the structure required to install the relevant radio equipment and the relevant ancillary equipment) (except development conducted for making the radio equipment conform to the standards specified by Order of the Ministry of Internal Affairs and Communications referred to in Article 111, paragraph (1) of the Broadcasting Act or the standards specified by Order of the Ministry of Internal Affairs and Communications referred to in Article 121, paragraph (1) of that Act) conducted for ensuring that, even if a large-scale natural disaster occurs, the operations are not seriously hindered due to damage or failure of the telecommunications equipment./".

**Supplementary Provisions [Act No. 249 of July 31, 1952 Excerpts]  
[Extract]**

- (1) This Act comes into effect on the date of promulgation. However, the amended provisions of Article 33, paragraph (3), Article 33-2 through Article 36, Article 37 (limited to the part related to mobile radiotelegraphy for lifeboats to be installed on ships by the order based on the provisions of Article 2 of the Ship

Safety Act), Article 63, Article 65, and Article 99-11, item (i) come into effect on November 19, 1952.

**Supplementary Provisions [Act No. 251 of July 31, 1952 Excerpts]  
[Extract]**

- (1) This Act comes into effect on the effective date of the Nippon Telegraph and Telephone Public Corporation Act.

**Supplementary Provisions [Act No. 280 of July 31, 1952]**

- (1) This Act comes into effect on the effective date of the Act Partially Amending the Act for Establishment of the Ministry of Posts and Telecommunications (Act No. 279 of 1952).
- (2) The organization and staff (except chairperson or members) of the former Radio Regulatory Commission are to remain as the relevant organization and staff of the Ministry of Posts and Telecommunications, and retain their status.
- (3) The Rules of the Radio Regulatory Commission which are in effect at the time of enforcement of this Act are to remain effective, even after this Act comes into effect as Order of the Ministry of Posts and Telecommunications.

**Supplementary Provisions [Act No. 301 of August 7, 1952 Excerpts]  
[Extract]**

(Effective Date)

- (1) The effective date of this Act is specified by Cabinet Order. However, the date must be no later than March 31, 1953.

**Supplementary Provisions [Act No. 98 of July 31, 1953 Excerpts]**

This Act comes into effect on August 1, 1953.

**Supplementary Provisions [Act No. 140 of May 6, 1958 Excerpts]**

- (1) This Act comes into effect on the day specified by Cabinet Order, within a period not exceeding six months from the date of promulgation.
- (2) A person who holds a qualification in the left column of the following table at the time of enforcement of this Act is deemed to be granted at the time of enforcement of this Act a license for the respective qualification in the right column of that table under the provisions of the Radio Act amended by this Act.

Old Qualification	New Qualification
First-Class Radio Operator	First-Class Radio Operator for General Services
Second-Class Radio Operator	Second-Class Radio Operator for General Services
Third-Class Radio Operator	Third-Class Radio Operator for General Services
Aeronautical-Class Radio Operator	Aeronautical-Class Radio Operator
Radiotelephone-Class Radio Operator	Radiotelephone-Class Radio Operator
First-Class Technical Radio Operator	First-Class Technical Radio Operator for On-the-Ground Services
Second-Class Technical Radio Operator	Second-Class Technical Radio Operator for On-the-Ground Services
Special Technical Radio Operator	Special Technical Radio Operator
Amateur First-Class Radio Operator	Amateur First-Class Radio Operator
Amateur Second-Class Radio Operator	Amateur Radiotelephone-Class Radio Operator

**Supplementary Provisions [Act No. 140 of May 16, 1962 Excerpts]  
[Extract]**

- (1) This Act comes into effect on October 1, 1962.
- (2) The provisions amended by this Act, unless otherwise provided for in these Supplementary Provisions, apply to events that occurred before the enforcement of this Act; provided, however, this does not preclude the effect of the provisions before amendment by this Act.
- (3) In relation to an action pending at the time of enforcement of this Act, notwithstanding the provisions amended by this Act providing that the relevant action may not be filed, prior laws continue to govern.
- (4) In relation to the jurisdiction of an action pending at the time of enforcement of this Act, notwithstanding the provisions amended by this Act providing that the relevant jurisdiction is the exclusive jurisdiction, prior laws continue to govern.
- (5) Prior laws continue to govern the statute of limitations for filing an action concerning an administrative disposition or determination for which the statute of limitations under the provisions before amendment by this Act is running when this Act comes into effect; provided, however, this is limited to cases in which the statute of limitations for filing an action under the provisions amended by this Act is shorter than the statute of limitations for filing an action under the provisions before amendment by this Act.

- (6) The statute of limitations determined pursuant to the provisions amended by this Act regarding filing a public law related action for a disposition or determination before this Act comes into effect starts from the day on which this Act comes into effect.
- (7) Prior laws continue to govern actions for the revocation of a disposition or a determination pending at the time of enforcement of this Act, notwithstanding the provisions amended by this Act that prescribe that either party to the legal relationship concerned is a defendant. However, at the request of the plaintiff, the court may allow the plaintiff to change the relevant action into a public law related action, upon its decision.
- (8) The provisions of the second sentence of Article 18, and the provisions of Article 21, paragraph (2) through paragraph (5) of the Administrative Case Litigation Act apply mutatis mutandis to cases under the proviso to the preceding paragraph.

**Supplementary Provisions [Act No. 161 of September 15, 1962 Excerpts]  
[Extract]**

- (1) This Act comes into effect on October 1, 1962.
- (2) Unless otherwise provided for in these Supplementary Provisions, the provisions amended by this Act are to apply also to dispositions made by administrative agencies before the enforcement of this Act, inaction by administrative agencies related to applications filed before the enforcement of this Act, and other matters that occurred before the enforcement of this Act; provided, however, this does not preclude the validity arising pursuant to the provisions before amendment by this Act.
- (3) In relation to a petition, an application for administrative review, the filing of an objection, or other appeal (referred to below as a "petition or appeal") before the enforcement of this Act, prior laws continue to govern even after the enforcement of this Act. That applies also to a petition or appeal in the case of further objection to the determination, decision, or any other disposition (referred to below as "the determination or decision") made after the enforcement of this Act on a determination or decision made before the enforcement of this Act, or on a petition or appeal filed before the enforcement of this Act.
- (4) The petition or appeal prescribed in the preceding paragraph related to the disposition, against which an appeal may be entered under the Administrative Complaint Review Act after the enforcement of this Act, in relation to the application of acts other than the relevant Act, is deemed to be an appeal under the Administrative Complaint Review Act.
- (5) Appeals under the Administrative Complaint Review Act may not be filed



against a determination or decision on an application for examination, the filing of an objection, or an appeal filed after the enforcement of this Act pursuant to the provisions of paragraph (3).

- (6) In relation to a disposition made by an administrative agency before the enforcement of this Act, for which a petition or appeal may be filed pursuant to the provisions before amendment by this Act, and for which the time period for filing was not specified, the time period during which an appeal may be entered under the Administrative Complaint Review Act is calculated from the effective date of this Act.
- (8) Prior laws continue to govern the applicability of penal provisions to conduct in which a person engages in before this Act comes into force.
- (9) Beyond those measures prescribed in the preceding eight paragraphs, transitional measures necessary for the enforcement of this Act are specified by Cabinet Order.
- (10) When there are amended provisions in this Act and in the Act Concerning the Arrangement of Relevant Acts for Enforcement of the Administrative Case Litigation Act (Act No. 140 of 1962) on identical Acts, the relevant Acts are first to be amended by this Act, and then amended by the Act Concerning the Arrangement of Relevant Acts for Enforcement of the Administrative Case Litigation Act.

**Supplementary Provisions [Act No. 82 of April 4, 1963 Excerpts] [Extract]**

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

**Supplementary Provisions [Act No. 149 of July 4, 1964 Excerpts]  
[Extract]**

(Effective Date)

- (1) This Act comes into effect on the day specified by Cabinet Order within a period not exceeding sixty days from the date of promulgation; provided, however, the amended provisions of Article 33, Article 33-2 (including the Article title), Article 35, Article 35-2, Article 63, Article 65, and Article 99-11, paragraph (1), item (i), and the provisions of the following paragraph comes into effect on the day when the International Convention for the Safety of Life at Sea of 1960 becomes effective for Japan.

**Supplementary Provisions [Act No. 114 of June 2, 1965]**

- (1) This Act comes into effect on the day specified by Cabinet Order within a

period not exceeding three months from the date of promulgation.

- (2) In relation to a radio station that holds a license or a pre-permit, which has been granted under Article 8 at the time of enforcement of this Act, within the period of validity of the license related to a license or pre-permit, notwithstanding the amended provisions of Article 56 paragraph (1), prior laws continue to govern.

**Supplementary Provisions [Act No. 36 of June 12, 1967]**

- (1) This Act comes into effect on the effective date of the Registration and License Tax Act.

**Supplementary Provisions [Act No. 44 of May 10, 1968 Excerpts]  
[Extract]**

(Effective Date)

- Article 1 This Act comes into effect on the day when the International Convention on Load Lines of 1966 becomes effective for Japan. However, the amended provisions of Article 4 and the provisions of Article 2 paragraph (3), Article 3, and Article 4 of Supplementary Provisions come into effect on October 1, 1969.

**Supplementary Provisions [Act No. 96 of June 1, 1971 Excerpts] [Extract]**

(Effective Date)

- (1) This Act comes into effect on the date of promulgation.  
(16) In relation to the application of penal provisions to acts committed before the enforcement of this Act (or for the provisions stated in each item of paragraph (1) of the Supplementary Provisions; the relevant provisions), prior laws continue to govern.

**Supplementary Provisions [Act No. 130 of December 31, 1971 Excerpts]  
[Extract]**

(Effective Date)

- (1) This Act comes into effect on the day when the Agreement between Japan and the United States of America on the Ryukyu Islands and Daito Islands becomes effective.

**Supplementary Provisions [Act No. 111 of July 1, 1972 Excerpts]  
[Extract]**

(Effective Date)

- (1) This Act comes into effect on the date of promulgation.
- (9) In relation to the application of penal provisions to acts made before the enforcement of this Act (or for the provisions prescribed in the proviso to paragraph (1) of the Supplementary Provisions; the relevant provisions), prior laws continue to govern.

**Supplementary Provisions [Act No. 114 of July 1, 1972 Excerpts]**  
**[Extract]**

(Effective Date)

- (1) This Act comes into effect on the day on which six months have passed from the date of promulgation; provided, however, the provisions of Chapter IV, the provisions of paragraph (6) of Supplementary Provisions, and the amended provisions in paragraph (12) of Supplementary Provisions of Article 10-2, paragraph (1), item (i) of the Ministry of Posts and Telecommunications Establishment Act (Act No. 244 of 1948) and of the table in Article 19, paragraph (1) (limited to the part related to the Cable Broadcast Council) of that Act, is to come into effect on the date of promulgation.

**Supplementary Provisions [Act No. 80 of September 14, 1973 Excerpts]**  
**[Extract]**

(Effective Date)

- Article 1 This Act comes into effect on the day on which three months have passed from the date of promulgation.

**Supplementary Provisions [Act No. 58 of July 10, 1975 Excerpts]**  
**[Extract]**

(Effective Date)

- (1) This Act comes into effect on the day on which three months have passed from the date of promulgation.

**Supplementary Provisions [Act No. 27 of April 24, 1978 Excerpts]**  
**[Extract]**

(Effective Date)

- (1) This Act comes into effect on the date of promulgation.

**Supplementary Provisions [Act No. 67 of December 18, 1979 Excerpts]  
[Extract]**

(Effective Date)

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

(Transitional Measures)

- (2) A type of radar that has passed the type examination conducted by the Minister of Posts and Telecommunications before the enforcement of this Act, is deemed to be of a type that has passed the examination prescribed in Article 37 of the amended Radio Act.
- (3) A radar (except a type of radar that is deemed to have passed the examination pursuant to the provisions of the preceding paragraph) that is installed on ships by an order pursuant to the provisions of Article 2 of the Act for Safety of Vessels at the time of enforcement of this Act, and that has passed the inspection pursuant to the provisions of Article 10 and Article 18 of the Radio Act before amendment, and before the enforcement of this Act, is deemed, during the time the relevant radar is installed onboard the relevant ship, to be of a type that has passed the examination prescribed in Article 37 of the amended Radio Act.

**Supplementary Provisions [Act No. 45 of May 19, 1981 Excerpts]  
[Extract]**

(Effective Date)

- (1) This Act comes into effect on the date of promulgation.

**Supplementary Provisions [Act No. 49 of May 23, 1981]**

(Effective Date)

- (1) This Act comes into effect on the day on which six months have passed from the date of promulgation; provided, however, the amended provisions of Article 110, item (i), is to come into effect on January 1, 1983.

(Transitional Measures)

- (2) Prior laws continue to govern the applicability of penal provisions to conduct in which a person engages in before this Act comes into force.

**Supplementary Provisions [Act No. 59 of June 1, 1982 Excerpts] [Extract]**

(Effective Date)

- (1) This Act comes into effect on the day specified by Cabinet Order within a period not exceeding one year from the date of promulgation; provided, however, the amended provisions of Article 4, paragraph (1), the amended provisions of Article 5, paragraph (2), the amended provisions of Article 99-11, paragraph (1), item (i) (limited to the part which amends "the proviso to Article 4, paragraph (1)" to "Article 4, paragraph (1), items (i) and (ii)", and the part which amends "and Article 100, paragraph (1), item (ii)" to "as well as Article 100, paragraph (1), item (ii)"), as well as the provisions of the following paragraph, Supplementary Provisions paragraph (3), and Supplementary Provisions paragraph (8), are to come into effect on January 1, 1983.

(Transitional Measures)

- (2) Among radio stations that hold a license at the time of enforcement of the amended provisions of Article 4 paragraph (1), the radio equipment of the radio station that falls under the category of a radio station specified by Order of the Ministry of Posts and Telecommunications under Article 4 paragraph (1) item (ii) of the amended Radio Act (referred to below as the "new Act") is deemed to have received technical regulations conformity certification under the provisions of Article 38-2, paragraph (1) of the new Act at the time of enforcement of the amended provisions under Article 4, paragraph (1).
- (3) The license for the radio station in the preceding paragraph becomes invalid, on the effective date of the amended provisions of Article 4, paragraph (1).
- (4) A person who holds the qualification of a radio operator under Article 48-2, paragraph (2) of the new Act at the time of enforcement of this Act, is deemed to have received certification for ship radio station radio operator pursuant to the provisions of paragraph (1) of that Article, on the effective date of this Act.
- (5) A person who has passed the national examination for a radio operator with the radio operator qualifications under Article 48-2, paragraph (2) of the new Act at the time of enforcement of this Act, and has not obtained a radio operator's license for the relevant qualification, is deemed to have received certification for ship radio station radio operator under the provisions of paragraph (1) of that Article, on the day the person receives the relevant license.
- (6) A person who is deemed to have received certification for ship radio station radio operator pursuant to the provisions of the preceding two paragraphs, within five years from the effective date of this Act, must apply for the issuance of a certificate of certification for ship radio station radio operator under the provisions of the new Act.
- (7) When a person who is deemed to have received certification for ship radio station radio operator pursuant to the provisions of paragraph (4), or

paragraph (5) of the Supplementary Provisions, does not apply under the provisions of the preceding paragraph within five years from the effective date of this Act, the certification for ship radio station radio operator becomes invalid, when the relevant period expires.

- (8) In relation to the application of penal provisions to acts committed before the enforcement of the provisions amending Article 4, paragraph (1), prior laws continue to govern.

**Supplementary Provisions [Act No. 60 of June 1, 1982 Excerpts] [Extract]**

(Effective Date)

- (1) This Act comes into effect on the day on which six months have passed from the date of promulgation.

**Supplementary Provisions [Act No. 78 of December 2, 1983]**

- (1) This Act (except Article 1) comes into effect on July 1, 1984.
- (2) In relation to an organization or agency established on the day before the effective date of this Act pursuant to the provisions of laws that are to be established on or after the effective date of this Act, pursuant to the provisions of the National Government Organization Act or by Cabinet Order based on the provisions of the laws concerned that are amended by this Act (referred to below as "the Cabinet Order concerned"), transitional measures necessary for the organization or agency, or other transitional measures necessary for establishing, amending, or repealing the Cabinet Order concerned, along with the enforcement of this Act, may be specified by Cabinet Order.

**Supplementary Provisions [Act No. 48 of May 29, 1984]**

This Act comes into effect on September 1, 1984; provided, however, the amended provisions of Article 103 come into effect on the date of promulgation.

**Supplementary Provisions [Act No. 87 of December 25, 1984 Excerpts]  
[Extract]**

(Effective Date)

Article 1 This Act comes into effect on April 1, 1985.

(Transitional Measures Along with Partial Amendment of the Radio Act)

Article 18 (1) A designation made before the enforcement of this Act related to an area for prevention of radio propagation obstruction under the provisions of

Article 102-2, paragraph (1) of the Radio Act before amendment by the provisions of Article 47, or a notice on causing important radio communications interference related to an area for prevention of radio propagation obstruction under the provisions of Article 102-5, paragraph (1) of that Act, is deemed to be a designation or notification, respectively, which was made for a telecommunications business obstruction prevention area pursuant to the provisions of Article 102-2, paragraph (1), or Article 102-5, paragraph (1) of the Radio Act amended by the provisions of Article 47.

(2) In relation to the application of penal provisions to acts committed before the enforcement of this Act in violation of the provisions of the Radio Act before amendment by the provisions of Article 47, prior laws continue to govern.

(Entrustment to Cabinet Order)

Article 28 Beyond those matters prescribed in the Supplementary Provisions Article 2 through to the preceding Article, the necessary matters concerning the enforcement of this Act are specified by Cabinet Order.

### **Supplementary Provisions [Act No. 102 of December 24, 1985 Excerpts] [Extract]**

(Effective Date)

Article 1 This Act comes into effect on the date of promulgation; provided, however, the provisions stated in each of the following items come into effect on the days prescribed in the respective items:

(i) through (iv) : (omitted);

(v) the amended provisions of Article 37 of the Radio Act in Article 21: the day specified by Cabinet Order within a period not exceeding five months from the date of promulgation;

(vi) (omitted); and

(vii) the amended provisions of the Appended Table of the Consumer Products Safety Act in Article 10, the provisions of Article 21 (except the amended provisions of Article 37 of the Radio Act), and the provisions of Article 26: the day specified by Cabinet Order within a period not exceeding one year from the date of promulgation.

(Transitional Measures for Penal Provisions)

Article 8 In relation to the application of penal provisions to acts committed before the enforcement of this Act (or for the provisions stated in each item of Article 1 of the Supplementary Provisions; the relevant respective provisions) and to acts committed after the enforcement of the provisions of Article 11, for cases in which prior laws continue to govern pursuant to the provisions of

Article 4 of Supplementary Provisions; prior laws continue to govern.

**Supplementary Provisions [Act No. 35 of April 25, 1986]**

(Effective Date)

- (1) This Act comes into effect on July 1, 1986; provided, however, the provisions of the following paragraph come into effect on the date of promulgation.
- (2) The Minister of Posts and Telecommunications, even before the effective date of this Act, may establish Order of the Ministry of Posts and Telecommunications based on the provisions of Article 37, item (iv) of the Radio Act amended by this Act (referred to below as the "new Act"), and conduct the type examination for apparatus (referred to below as "apparatus subject to the new examination") of radio equipment, which is not to be installed pursuant to the relevant Ministerial Order unless its type passes the examination newly conducted by the Minister of Posts and Telecommunications.

(Transitional Measures)

- (3) Apparatus which is installed on ships at the time of enforcement of this Act and which is subject to the new examination, when it has passed the inspection under the provisions of Article 10 or Article 18 of the Radio Act, before amendment and before the enforcement of this Act, during the time the apparatus is installed onboard the relevant ship, is deemed to be a type of apparatus that has passed the examination prescribed in Article 37 of the new Act.

**Supplementary Provisions [Act No. 93 of December 4, 1986 Excerpts]  
[Extract]**

(Effective Date)

Article 1 This Act comes into effect on April 1, 1987.

(Transitional Measures Accompanying the Partial Amendment of the Radio Act)

Article 36 A designation made before the enforcement of this Act concerning areas for prevention of radio propagation obstruction under the provisions of Article 102-2, paragraph (1), item (vi) of the Radio Act before amendment by the provisions of Article 141, or a notification on causing important radio communications interference related to areas for prevention of radio propagation obstruction pursuant to the provisions of Article 102-5, paragraph (1) of that Act, is deemed to be a designation or notification, respectively, which relates to areas for prevention of radio propagation obstruction pursuant



to the provisions of Article 102-2, paragraph (1), item (vi), or Article 102-5, paragraph (1), amended by the provisions of Article 141.

(Transitional Measures for Application of Penal Provisions)

Article 41 Concerning the application of penal provisions to conduct engaged in before this Act comes into effect and conduct engaged in after this Act comes into effect related to the matters that prior laws are to continue to govern pursuant to the provisions of this Act; prior laws continue to govern.

**Supplementary Provisions [Act No. 55 of June 2, 1987 Excerpts] [Extract]**

(Effective Date)

- (1) This Act comes into effect on the day specified by Cabinet Order within a period not exceeding six months from the date of promulgation; provided, however, the amended provisions of Article 13 and the provisions of paragraph (4) of the Supplementary Provisions come into effect on the date of promulgation.

(Transitional Measures)

- (2) When a radio station that holds a license at the time of enforcement of this Act, the radio equipment of a radio station that constitutes a radio station specified by Order of the Ministry of Posts and Telecommunications under Article 4, paragraph (3) of the amended Radio Act (referred to below as the "new Act") is deemed, at the time of enforcement of this Act, to have received technical regulations conformity certification pursuant to the provisions of Article 38-2, paragraph (1) of the new Act, and also to have received the designation of call signs or call names pursuant to the provisions of Article 4-2, paragraph (1) of the new Act.
- (3) The license for a radio station specified in the preceding paragraph becomes invalid on the effective date of this Act.
- (4) A person who has received a license for a radio station under Article 13, paragraph (2) of the new Act at time of enforcement of the amended provisions of Article 13, concerning matters related to the period of validity of the license entered on the license certificate of the relevant radio station, is not required to have the matters corrected under the provisions of Article 21 of the new Act.
- (5) Laws in effect before this Act coming into force continue to govern the application of penal provisions to conduct in which a person engages before this Act comes into force.

**Supplementary Provisions [Act No. 56 of June 2, 1987 Excerpts] [Extract]**

(Effective Date)

(1) This Act comes into effect on January 1, 1988.

**Supplementary Provisions [Act No. 29 of May 6, 1988 Excerpts] [Extract]**

(Effective Date)

Article 1 This Act comes into effect on October 1, 1988.

(Effects of Dispositions, Based on the Provisions of the Former Act)

Article 5 For dispositions, procedures, or other acts made before the enforcement of this Act pursuant to the provisions of the former Act or of the Radio Act before amendment by the provisions of Article 2, if there are relevant provisions in the new Act or the Radio Act amended pursuant to the provisions of Article 2 (referred to below as the "new Act, etc."), they are deemed to have been made pursuant to the provisions of the new Act, etc.

(Transitional Measures for Application of Penal Provisions)

Article 6 Prior laws continue to govern the applicability of penal provisions to conduct that a person engages in before this Act comes into effect.

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

(Effective Date)

(1) This Act comes into effect on October 1, 1989; provided, however, in Article 1, the amended provisions of the Contents of the Broadcasting Act, the provisions amending Article 53 of that Act to Article 52-8 of that Act, the amended provisions of Article 59 of that Act, the provisions amending Chapter IV of that Act to Chapter VI of that Act, the provisions amending Article 53-6 of that Act to Article 53-13 of that Act, the amended provisions of Article 53-5 of that Act, the provisions amending the relevant article to Article 53-12 of that Act, the amended provisions of Article 53-4, paragraph (1), item (ii) of that Act, the provisions amended to add item (ii) to Article 53-4, paragraph (1) of that Act (limited to the part related to item (iv) of the relevant paragraph), the amended provisions of Article 53-4, paragraph (2) of that Act, the provisions amending the relevant Article to Article 53-10 of that Act and adding one Article after the relevant Article, the provisions amending Article 53-3 of that Act to Article 53-9 of that Act and amending Article 53-2 of that Act to Article 53-8 of that Act, the provisions amending Chapter III-2 of that Act to Chapter V of that Act, and the provisions amended to add three Chapters after Chapter III of that Act (limited to the part related to Chapter IV of that Act), and, in

Article 2, the amended provisions of Article 99-14 paragraph (2) of the Radio Act come into effect on the date of promulgation, and, in Article 1, the amended provisions of Article 26 of the Broadcasting Act comes into effect on the day on which thirty days have passed from the date of promulgation.

**Supplementary Provisions [Act No. 67 of November 7, 1989 Excerpts]  
[Extract]**

(Effective Date)

Article 1 (1) This Act comes into effect on the day specified by Cabinet Order within a period not exceeding one year from the date of promulgation; provided, however, the provisions stated in the following items come into effect on the days prescribed in the respective items:

(i) the amended provisions of the Contents, and Article 6, paragraph (1), item (iv), the amended provisions of Article 10 (except the part amending "Article 48-2, paragraph (1)" to "requirements for chief radio operators prescribed in Article 39, paragraph (3), Article 48-2, paragraph (1)"), the provisions amended to delete Article 50, paragraph (2), the amended provisions of paragraph (3) of the relevant Article (limited to the part amending "the preceding two paragraphs" to "the preceding paragraph"), the provisions amending the relevant paragraph to paragraph (2) of the relevant Article, the provisions amending the section title of Chapter V, Section 2, Article 63, paragraph (5), the section title of Section 3 of that Chapter, Article 70-3, Article 70-4, and Article 70-6, the amended provisions of Article 99-11, paragraph (1), item (i) (limited to the part amending "Article 50, paragraph (3)" to "Article 50, paragraph (2)"), and the provisions of the following paragraph: the day of promulgation; and

(ii) the amended provisions of Article 52 and Article 64, paragraph (1), the provisions amended to add one paragraph to Article 65, the amended provisions of Article 66 through Article 68, the amended provisions of Article 99-11, paragraph (1), item (i) (limited to the part amending "Article 52, item (vi)" to "Article 52, item (i), item (ii), item (iii), and item (vi)", and the part adding "and paragraph (4) (Watchkeeping Obligation), Article 66, paragraph (1) (Distress Traffic), Article 67 paragraph (2) (Urgency traffic)" after "Article 65, paragraph (1)"), and the provisions of Article 3 of Supplementary Provisions: July 1, 1991.

(2) During the period from the day prescribed in the preceding paragraph item (i) to June 30, 1991, ", ship earth stations (referring to radio stations established on ships for the purpose of the telecommunications service and of conducting radio communications via artificial satellite stations; the same applies below), radio stations onboard aircraft" in Article 6, paragraph (1), item (iv) of the

amended Radio Act by the amended provisions stated in that item is replaced with ", radio stations onboard an aircraft"; "ship earth stations" in Article 63, paragraph (5) of that Act is replaced with "ship earth stations (ship earth stations (referring to radio stations established onboard a ship for the purpose of the telecommunications service and that conduct radio communications via artificial satellite stations)"; the same applies below)" in the relevant paragraph is deleted.

- (3) During the period from the effective date of this Act to June 30, 1991, the phrase "/(a) Maritime First-Class Radio Operators/(b) Maritime Second-Class Radio Operators/(c) Maritime Third-Class Radio Operators/(d) Maritime Fourth-Class Radio Operators/(e) Maritime Special Radio Operators specified by Cabinet Order" in Article 40, paragraph (1), item (ii) of the Radio Act amended by this Act (referred to as the "new Act" in the following paragraph and the following Article), is replaced with "/(a) Maritime Fourth-Class Radio Operators/(b) Maritime Special Radio Operators specified by Cabinet Order".
- (4) Notwithstanding the provisions of the preceding paragraph, the Minister of Posts and Telecommunications may, even before July 1, 1991, hold the national examinations for radio operators for granting the qualifications stated in Article 40, paragraph (1), item (ii), sub-items (a) through (c) of the new Act, or grant licenses for the relevant qualifications.

(Transitional Measures Concerning Radio Operators)

Article 2 (1) A person who has received a license for the qualifications stated in the left column of the following table (referred to below as "old qualifications") under the provisions of the Radio Act before revision by this Act (referred to below as "the former Act") at the time of enforcement of this Act is deemed to have received at the time of enforcement of this Act a license for the qualifications stated in the right column of the relevant table (referred to below as "new qualifications") under the provisions of the Radio Act amended by this Act (referred to below as the "new Act").

Old Qualification	New Qualification
First-Class Radio Operator	First-Class Radio Operator for General Services
Second-Class Radio Operator	Second-Class Radio Operator for General Services
Third-Class Radio Operator	Third-Class Radio Operator for General Services
Aeronautical-Class Radio Operator	Aeronautical-Class Radio Operator
Telephone-Class Radio Operator	Maritime Fourth-Class Radio Operator
First-Class Technical Radio Operator	First-Class Technical Radio Operator for On-the-Ground Services

Second-Class Technical Radio Operator	Second-Class Technical Radio Operator for On-the-Ground Services
Special Radio Operator	The qualification set forth in Article 40 paragraph (1) item (ii) (e), item (iii) (b), or item (iv) (c) of new Act and also specified by Cabinet Order
Amateur First-Class Radio Operator	Amateur First-Class Radio Operator
Amateur Second-Class Radio Operator	Amateur Second-Class Radio Operator
Amateur Telegram-Class Radio Operator	Amateur Third-Class Radio Operator
Amateur Radiotelephone-Class Radio Operator	Amateur Fourth-Class Radio Operator

- (2) If a person who has, under the provisions of the former Act, passed the national examination for radio operators (referred to below as the "old examination") or has completed the training course (referred to below as the "old training course") for radio operators, and has applied for a license for the old qualification pursuant to the provisions of the former Act at the time of the enforcement of this Act, or a person who has passed the old examination or has completed the old training course and has not applied for a license for the old qualification, applies for a license pursuant to the provisions of the new Act within three months from the day the person passed the old examination or completed the old training course, the relevant person is to be granted a license for the new qualification corresponding to the old qualification, except for cases in which a license is not granted pursuant to the provisions of Article 42 of the Radio Act.
- (3) Beyond the cases prescribed in the preceding paragraph, dispositions, procedures, or other acts made by the Minister of Posts and Telecommunications pursuant to the provisions of the former Act, or orders based on the former Act before the enforcement of this Act, are deemed to have been made by the Minister of Posts and Telecommunications pursuant to the respective corresponding provisions of the new Act or orders based on the new Act, and the application, notification, and other acts made to the Minister of Posts and Telecommunications pursuant to the provisions of the former Act, or orders based on the former Act before the enforcement of this Act, are deemed to have been made toward the Minister of Posts and Telecommunications pursuant to the respective corresponding provisions of the new Act, or orders based on the new Act.

(Transitional Measures for Ship Earth Stations)

Article 3 (1) A person who has received a license for a ship earth station under Article 6, paragraph (1), item (iv) of the Radio Act amended by the amended

provisions stated in Article 1, paragraph (1), item (i) of the Supplementary Provisions (referred to below simply as "ship earth station" in this Article) at the time of enforcement of the amended provisions stated in Article 1, paragraph (1), item (ii) of the Supplementary Provisions, must notify the Minister of Posts and Telecommunications of the location of radio equipment on the relevant ship earth station within thirty days from the day prescribed in Article 1, paragraph (1), item (ii) of the Supplementary Provisions.

- (2) A person who fails to notify the Minister of Posts and Telecommunications pursuant to the provisions of the preceding paragraph, or submits a false notification, is punished by a fine not exceeding one hundred thousand yen.
- (3) In the event that a representative of a corporation, or any agent, employee, or other worker of a person or corporation commits a violation under the preceding paragraph in relation to the business activities of the person or corporation, not only is the violator to be punished, but also the person or corporation is punished with the penalty specified in that paragraph.
- (4) A person who has received a license for a ship earth station at the time of enforcement of the amended provisions stated in Article 1, paragraph (1), item (ii) of the Supplementary Provisions, may be exempted, in relation to the operating area of the radio equipment entered on the certificate of the license for the relevant ship earth station, from having to obtain corrections pursuant to the provisions of Article 21 of the Radio Act.
- (5) In relation to the application of the provisions of Article 53 of the Radio Act to a ship earth station that has been granted a license at the time of enforcement of the amended provisions stated in Article 1, paragraph (1), item (ii) of Supplementary Provisions, the location of the radio equipment notified pursuant to the provisions of paragraph (1) is deemed to be the location of the radio equipment entered on the certificate of the license for the relevant ship earth station.
- (6) The provisions of paragraph (1) apply mutatis mutandis to a person who has received a pre-permit for a ship earth station at the time of enforcement of the amended provisions stated in Article 1, paragraph (1), item (ii) of the Supplementary Provisions. In this case, "within thirty days from the day prescribed" in paragraph (1) is deemed to be replaced with "without delay after the day prescribed".

#### (Transitional Measures for Penal Provisions)

Article 4 Prior laws (or for the amended provisions stated in Article 1, paragraph (1), item (ii) of the Supplementary Provisions; the relevant amended provisions) continue to govern the applicability of penal provisions, to acts committed before the date of enforcement of this Act.

**Supplementary Provisions [Act No. 54 of June 27, 1990 Excerpts]  
[Extract]**

(Effective Date)

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

**Supplementary Provisions [Act No. 67 of May 2, 1991]**

(Effective Date)

- (1) This Act comes into effect on February 1, 1992.

(Transitional Measures)

- (2) In relation to a compulsory ship radio station as prescribed in Article 13, paragraph (3) of the Radio Act (referred to below simply as a "compulsory ship radio station") on ships that are built or the building of which is commenced on or before January 31, 1995, except for matters concerning ship radio station radio operator certification, prior laws continue to govern until January 31, 1999 (or if the relevant compulsory ship radio station installs facilities that must be installed before the relevant day pursuant to the provisions of Article 33 of the amended Radio Act (referred to below as "the new Act"), until the day when the facilities are installed).
- (3) A compulsory ship radio station to which prior laws continue to govern pursuant to the provisions of the preceding paragraph, notwithstanding the provisions of that paragraph, is to install an apparatus for emergency position-indicating radio beacon equipment and an apparatus for receiving information on safe navigation, as specified by Order of the Ministry of Posts and Telecommunications, among the apparatus to be installed pursuant to the provisions of Article 33 of the new Act, before the day specified by Order of the Ministry of Posts and Telecommunications before January 31, 1999. In this case, the relevant apparatus specified by Order of the Ministry of Posts and Telecommunications (limited to an apparatus for receiving information on safe navigation) is deemed to be the apparatus stated in Article 37, item (v) of the new Act, and the provisions of the relevant Article remain applicable to the relevant apparatus, notwithstanding the provisions of the relevant paragraph.
- (4) Concerning an apparatus for radio equipment which may not be installed until its type newly passes the examination conducted by the Minister of Posts and Telecommunications pursuant to the provisions of Article 37, item (v), and item (vi) of the new Act (referred to as "apparatus subject to a new examination" in the following paragraph), if the apparatus has passed the type examination conducted by the Minister of Posts and Telecommunications

before the enforcement of this Act, the apparatus is deemed to be of a type that has passed the examination prescribed in the relevant Article.

- (5) Apparatus installed onboard ship at the time of enforcement of this Act, which is subject to the new examination and has passed the examination pursuant to the provisions of Article 10 or Article 18 of the Radio Act before amendment (referred to as "the former Act" in the following paragraph) before the enforcement of this Act, during the time it is installed onboard the relevant ship, is deemed to be a type that has passed the examination prescribed in Article 37 of the new Act.
- (6) Dispositions, procedures, or other acts made before the enforcement of this Act by the Minister of Posts and Telecommunications concerning the certification for ship radio station radio operator pursuant to the provisions of the former Act or orders based on the former Act are deemed to have been made pursuant to the respective corresponding provisions of the new Act, or orders based on the new Act, and an application or other acts made by a person who wishes to obtain the certification for ship radio station radio operator pursuant to the provisions of the former Act, or orders based on the former Act before the enforcement of this Act, or by a person who has received certification for ship radio station radio operator at the time of enforcement of this Act, are deemed to have been made pursuant to the respective corresponding provisions of the new Act, or orders based on the new Act.

### **Supplementary Provisions [Act No. 74 of June 5, 1992]**

(Effective Date)

- (1) This Act comes into effect on April 1, 1993; provided, however, the amended provisions of Article 102-13 come into effect on the date of promulgation.

(Transitional Measures)

- (2) A person who has received a license for a compulsory ship radio station or compulsory aircraft station prescribed in the provisions of Article 13, paragraph (3), at the time of enforcement of this Act, within two years from the date this Act comes into effect, must submit the license certificate to the Minister of Posts and Telecommunications to obtain correction of the address on the license certificate.
- (3) In relation to a radio station that has been granted a license at the time of enforcement of this Act, the provisions of Article 103-2, paragraphs (1) and paragraph (3) after amendment do not apply until the day before the first corresponding day prescribed in paragraph (1) of the relevant Article that comes after this Act comes into effect (or if the period of validity of the relevant license expires before the corresponding day; the date of expiration).



## **Supplementary Provisions [Act No. 71 of June 16, 1993]**

### **(Effective Date)**

- (1) This Act comes into effect on April 1, 1994; provided, however, the amended provisions for the Contents, Article 5, paragraph (2), Article 6, Article 7, paragraph (1), and Article 39-3, the part of the provisions in Article 99-11, paragraph (1), item (i) amending "Article 7, paragraph (1), item (iv)" to "Article 7, paragraph (1), item (iii)", the amending provisions in Article 99-11, paragraph (1), item (i) to delete Article 104-3, to change Article 104-4 to Article 104-3, to change Article 104-5 to Article 104-4, and to change Article 104-6 to Article 104-5, and the provisions of the following paragraph, come into effect on the date of promulgation.

### **(Transitional Measures)**

- (2) In relation to the radio stations stated in Article 5, paragraph (2), item (iv) and item (vi) pursuant to the provisions of Article 104-3 of the Radio Act before revision, the conditions or the term of the pre-permit, license, or permission given by the Minister of Posts and Telecommunications, or the restrictions on the operation imposed by the Minister of Posts and Telecommunications before the amending provisions to delete Article 104-3 come into effect, become invalid on the effective date of the amending provisions to delete Article 104-3.
- (3) Prior laws continue to govern the applicability of penal provisions to conduct in which a person engages before this Act comes in force.

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

### **(Effective Date)**

- Article 1 This Act comes into effect on the effective date of the Administrative Procedure Act (Act No. 88 of 1993).

### **(Transitional Measures Concerning Adverse Dispositions Following Consultations)**

- Article 2 Before the enforcement of this Act, when a consultation or other request based on laws and regulations has been made to a council or other consultation body to implement procedures equivalent to the procedures to hold hearings or provide an opportunity for explanation as prescribed in Article 13 of the Administration Procedure Act, in relation to procedures regarding adverse dispositions related to the consultation or other request, notwithstanding the provisions of relevant acts amended by this Act, prior laws

continue to govern.

(Transitional Measures on Adjustment of Provisions Concerning Hearings)

Article 14 A hearing, an inquiry, or a hearing panel (except one related to adverse dispositions), or the procedure for these acts made pursuant to the provisions of acts before the enforcement of this Act, is deemed to have been made pursuant to the corresponding provisions of relevant acts amended by this Act.

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

This Act comes into effect on the date of promulgation.

#### **Supplementary Provisions [Act No. 83 of May 8, 1995]**

(Effective Date)

- (1) This Act comes into effect on April 1, 1996; provided, however, the amended provisions of Article 103-2 come into effect on the day specified by Cabinet Order, within a period not exceeding one year from the date of promulgation.

(Transitional Measures)

- (2) In relation to a radio operator's license for a person who has received approval under the provisions of Article 41, paragraph (2), item (iii) before amendment, and has not received a radio operator's license or has applied for approval under the provisions of that item at the time of enforcement of this Act, prior laws continue to govern.

#### **Supplementary Provisions [Act No. 70 of June 12, 1996]**

(Effective Date)

- (1) This Act comes into effect on the date of promulgation.

(Transitional Measures)

- (2) In relation to a radio station that is granted a license before the effective date of this Act (referred to below as the "effective date"), the provisions of Article 103-2 after amendment apply to the spectrum user fee related to the period on, or after the first corresponding day as prescribed in paragraph (1) of that Article on or after the effective date (referred to below simply as the "corresponding day"), and prior laws continue to govern to the spectrum user fee related to the period before the corresponding day.
- (3) In relation to the spectrum user fee related to radio stations stated in row 2

through row 6, and row 9, of the table in amended Article 103-2, paragraph (1), which relates to the period on or after the corresponding day, and was prepaid pursuant to the provisions of paragraph (5) of that Article before amendment, the part that exceeds the amount of the spectrum user fee related to the relevant period under the provisions of paragraph (1) and paragraph (3) of that Article after amendment is to be refunded.

### **Supplementary Provisions [Act No. 47 of May 9, 1997]**

(Effective Date)

- Article 1 (1) This Act comes into effect on the day specified by Cabinet Order within a period not exceeding six months from the date of promulgation; provided, however, the amended provisions of Article 6, Article 10, and Article 18, the amending provisions to add seven Articles after Article 24, the amended provisions of Article 73, the amending provisions to delete Article 73-2, the amended provisions of Article 99-11, paragraph (1), item (i) (limited to the part that adds ", Article 24-2, paragraph (1) (Authorization of a Company's Inspection Capability), Article 27-2 (Specified Radio Station), Article 27-4, item (ii) (Essential Standards for the Establishment of Specified Radio Stations), Article 27-5, paragraph (3) (Period of validity of a Blanket License)" after "Article 15 (Licensing Procedures)" (limited to the part related to Article 24-2 paragraph (1)), and the part that deletes ", Article 73-2, paragraph (1) (Designated Inspection Agency)"), the amended provisions of item (iv) of that paragraph (limited to the part that deletes ", designation of the designated inspection agency pursuant to the provisions of Article 73-2, paragraph (1)"), the amended provisions of Article 100, paragraph (5), the amended provisions of Article 103, paragraph (1) (limited to the part that deletes "; or for a person who obtains an inspection executed by a designated inspection agency; the designated inspection agency"), the amended provisions of paragraph (2) of that Article, Article 104-4, and Article 109-2, the amended provisions of Article 110 (limited to the part that revises "Article 18" to "Article 18 paragraph (1)"), the amended provisions of Article 111 and Article 113, the amended provisions amending item (v) to item (ix), and item (iv) to item (viii), and adding four items after item (iii) in the amended provisions of Article 116 (limited to the part related to item (iv) through item (vi)), and the provisions of Article 3 through Article 5 of the Supplementary Provisions, come into effect on April 1, 1998.
- (2) In relation to approval under the provisions of Article 24-2, paragraph (1) of the Radio Act amended by this Act (referred to below as the "new Act") and procedures and other acts necessary for approval, even before the enforcement of the amended provisions prescribed in the proviso to the preceding paragraph,

the provisions of the new Act may be applicable.

- (3) During the period from the effective date of this Act to March 31, 1998, "Article 102-18, paragraph (5)" in Article 99-11, paragraph (1), item (i) of the new Act is replaced with "Article 73-2, paragraph (5), and Article 102-18, paragraph (5)"; "Article 47-2, and Article 102-18, paragraph (5)" in item (iii) of that paragraph, Article 99-12, paragraph (6) of the new Act, and Article 113-2, items (i) and (iii) of the new Act are replaced with "Article 47-2, Article 73-2, paragraph (5), and Article 102-18, paragraph (5)"; "or a designated calibration agency" in Article 99-11, paragraph (1), item (iii) is replaced with ", a designated inspection agency, or a designated calibration agency" and "or calibrators" is replaced with ", inspectors, or calibrators"; "Article 102-17, paragraph (6), and Article 102-18, paragraph (5)" in that item, Article 110-2, and Article 113-2, item (ii) of the new Act are replaced with "Article 73-2, paragraph (5), Article 102-17, paragraph (6), and Article 102-18, paragraph (5)"; "the center, or a designated calibration agency" in Article 99-11 paragraph (1) item (iii) of the new Act is replaced with "a designated inspection agency, the center, or a designated calibration agency"; in Article 99-12, paragraph (6) of the new Act "or a designated calibration agency" is replaced with ", a designated inspection agency, or a designated calibration agency", and "or calibrators" is replaced with ", inspectors, or calibrators"; "radio equipment" in Article 102-18, paragraph (1) of the new Act is replaced with "radio equipment (including equipment which is installed pursuant to the provisions of Article 30 and Article 32)"; "the center or a designated calibration agency" in Article 110-2 and Article 113-2 of the new Act is replaced with "a designated inspection agency, the center, or a designated calibration agency"; "or all of the calibration service" in Article 113-2 item (iii) of the new Act is replaced with ", all of the periodical inspection service, or all of the calibration service".

#### (Transitional Measures)

Article 2 When a written application has been filed for a license for a radio station stated in item (xlviii) of Appended Table 1 of the Registration and License Tax Act (Act No. 35 of 1967) with the Minister of Posts and Telecommunications before the enforcement of this Act, in relation to the fee related to the license for the relevant radio station and the spectrum user fee prescribed in Article 103-2, paragraph (1) of the new Act, prior laws continue to govern.

Article 3 In relation to the obligation related to a person who was an officer or a staff member of a designated inspection agency not to disclose any secrets which came to their knowledge in connection with the work, even after the enforcement of the amended provisions prescribed in the proviso to Article 1

paragraph (1) of the Supplementary Provisions, prior laws continue to govern.

Article 4 (1) In relation to dispositions on a designated inspection agency made under the provisions of the Radio Act before amendment (referred to below as "the former Act") before the enforcement of the amended provisions prescribed in the proviso to Article 1, paragraph (1) of the Supplementary Provisions, the provisions of Article 104-4 of the former Act remain effective even after the enforcement of the relevant amended provisions. In this case, "the Minister of Posts and Telecommunications" in that Article is to be replaced with "the Minister of Internal Affairs and Communications".

(2) In relation to determination of a request for administrative review pursuant to the provisions of Article 104-4, paragraph (1) of the former Act, which is determined to remain effective pursuant to the provisions of the preceding paragraph, the relevant request for administrative review is deemed to be the filing of an objection with the Minister of Internal Affairs and Communications, and the provisions of Article 47 of the Administrative Complaint Review Act (Act No. 160 of 1962) apply.

Article 5 In relation to the application of penal provisions to acts committed before the enforcement of the amended provisions prescribed in the proviso to Article 1, paragraph (1) of the Supplementary Provisions, and to acts committed after the enforcement of the relevant provisions if prior laws continue to govern pursuant to the provisions of Article 3 of the Supplementary Provisions, prior laws continue to govern.

(Review)

Article 6 If ten years have passed after enforcement of the amended provisions prescribed in the proviso to Article 1 paragraph (1) of the Supplementary Provisions, the government must review the status of the enforcement of the provisions of Article 24-2 through Article 24-8, and Article 102-18 after amendment, and take necessary measures, when deemed necessary from the viewpoint of supervision and management of radio waves, based on the results of the review.

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

(Effective Date)

(1) This Act comes into effect on the day when the Fourth Protocol to the General Agreement on Trade in Services becomes effective for Japan.

(Transitional Measures for Penal Provisions)

- (2) Prior laws continue to govern the applicability of penal provisions to conduct in which a person engages before this Act comes into effect.

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

(Effective Date)

Article 1 This Act comes into effect on the day specified by Cabinet Order within a period not exceeding six months from the date of promulgation; provided, however, the provisions stated in the following items come into effect on the days prescribed in the respective items:

- (i) the amended provisions of Article 99-3 of the Radio Act in Article 3, and the provisions of the following Article and Article 3 of the Supplementary Provisions: the day of promulgation;
- (ii) the provisions of Article 1; in Article 2, the provisions amending Article 5 of the Supplementary Provisions of the Telecommunications Business Act; and the provisions of Articles 4, 7, 9, and 11 through 16 of the Supplementary Provisions: the day specified by Cabinet Order within a period not exceeding five months from the date of promulgation; and
- (iii) in Article 2, the amended provisions of the Contents of the Telecommunications Business Act, the amended provisions of Article 50 of that Act, the amending provision to add three Articles after that Article, the amended provisions of the section name of Chapter 2 Section 5 of that Act, the amended provisions of Article 72 of that Act, the amending provision to add one Article and one subsection after that Article, the amended provisions of Article 92 and Article 98, the amended provisions of Article 108 of that Act (limited to the part related to item (iv)), the amended provisions of Article 109 of that Act (limited to the part related to item (iii)), and the amended provisions of Article 110 of that Act; in Article 3, the amended provisions of the Contents of the Radio Act, the amended provisions of Articles 10 and Article 18 of that Act, the amending provision to add one Article after Article 24-8 of that Act, the amended provisions of Article 38-2 of that Act, the amending provision to add three articles after Article 38-15 of that Act, the amended provisions of Article 73 of that Act, the amended provisions of Article 99-11 of that Act (limited to the part that adds "Article 38-17, paragraph (5), and" after "Article 38-5, paragraph (5) ("), the amended provisions of Article 103 of that Act, the amended provisions of Article 112 of that Act (limited to the part that amends "Article 38-2, paragraph (6) or paragraph (7)" to "Article 38-2, paragraph (7) or paragraph (8)"), and the amended provisions of Article 103 of that Act; and the provision of Article 8 of the Supplementary Provisions: the day specified by Cabinet Order within a period not exceeding ten months from the date of promulgation.

(Consultation with the Radio Regulatory Council)

Article 3 (1)

(2) Even before the effective date or the date on which the provisions prescribed in Article 1, item (iii) of the Supplementary Provisions come into effect, the Minister of Posts and Telecommunications may consult with the Radio Regulatory Council for the purpose of establishing Order of the Ministry of Posts and Telecommunications that specifies functions under the provisions of Article 4, item (iii) of the Radio Act amended by the provisions of Article 3 (referred to below as the "New Radio Act") or establishing Order of the Ministry of Posts and Telecommunications under the provisions of Article 38-5, paragraph (2) of the New Radio Act, as applies mutatis mutandis pursuant to Article 38-17, paragraph (5) of the New Radio Act, respectively.

(Transitional Measures for Application of Penal Provisions)

Article 7 In relation to the application of penal provisions to acts committed before the enforcement of the respective amended provisions of this Act and to acts committed on or after the day of enforcement, if prior laws continue to govern pursuant to the provisions of Article 5 paragraph (1) of the Supplementary Provisions and paragraph (3) of the preceding Article, prior laws continue to govern.

(Review)

Article 8 Approximately ten years after the enforcement of the provisions stated in Article 1, item (iii) of the Supplementary Provisions as a guideline, the Government is to review the status of the enforcement of the provisions of Articles 50-2, 50-3, 72-3, and 72-4 of the New Telecommunications Business Act, and the provisions of Articles 24-9, 38-17, and 38-18 of the New Radio Act, and take necessary measures, if deemed necessary from the respective viewpoints of telecommunications rules and radio regulations, based on the results of the review.

**Supplementary Provisions [Act No. 101 of June 12, 1998 Excerpts]  
[Extract]**

(Effective Date)

Article 1 This Act comes into effect on April 1, 1999.

**Supplementary Provisions [Act No. 47 of May 21, 1999]**

(Effective Date)

- (1) This Act comes into effect on the date of promulgation; provided, however, the amended provisions of Article 5, Article 6, Article 20, Article 27, and Article 70-3 come into effect on the day specified by Cabinet Order within a period not exceeding six months from the date of promulgation.

(Transitional Measures)

- (2) In relation to a radio station that is granted a license before the effective date of this Act (referred to below as the "effective date"), the provisions of Article 103-2 after amendment apply to the spectrum user fee related to the period on or after the first corresponding day prescribed in paragraph (1) of that Article on or after the effective date (referred to below simply as the "corresponding day"), and prior laws continue to govern to the spectrum user fee related to the period before the corresponding day.
- (3) In relation to the spectrum user fee related to radio stations stated in row 2 through row 6, and row 9 of the table of amended Article 103-2, paragraph (1), which relates to the period on or after the corresponding day and was prepaid pursuant to the provisions of paragraph (7) of that article before amendment, the part that exceeds the amount of the spectrum user fee related to the relevant period under the provisions of paragraph (1) and paragraph (5) of that Article after amendment, is to be refunded.
- (4) In relation to the application of penal provisions to acts committed before the enforcement of this Act, prior laws continue to govern.

**Supplementary Provisions [Act No. 72 of June 11, 1999 Excerpts]  
[Extract]**

(Effective Date)

Article 1 This Act comes into effect, according to the classification stated in the following items, on the days prescribed in the respective items:

- (i) the amended provisions of Article 28, Article 54, Article 54-2, Article 60 through Article 61-2, Article 66, Article 76, Article 145, and Article 148-2; and the provisions of Article 7, Article 13 through Article 15, and Article 17 of the Supplementary Provisions: the day on which one month has passed from the date of promulgation

**Supplementary Provisions [Act No. 102 of July 16, 1999 Excerpts]  
[Extract]**

(Effective Date)

Article 1 This Act comes into effect on the effective date of the Act Partially Amending the Cabinet Act (Act No. 88 of 1999) comes into effect; provided,



however, that the provisions stated in each of the following items come into effect on the days prescribed in the respective items:

(i) (omitted); and

(ii) the provisions of Article 10, paragraph (1) and paragraph (5), Article 14, paragraph (3), Article 23, Article 28, and Article 30 of Supplementary Provisions: the day of promulgation.

(Transitional Measures Along with Partial Amendment of the Radio Act)

Article 16 (1) A person who is a member of the former Radio Regulatory Council of the Ministry of Posts and Telecommunications at the time of enforcement of this Act, is deemed to be appointed on the effective date of this Act, as a member of the Radio Regulatory Council of the Ministry of Public Management, Home Affairs, Posts and Telecommunications pursuant to the provisions of Article 99-3, paragraph (1) or paragraph (2) of the Radio Act amended by the provisions of Article 40 (referred to below as the "new Radio Act"). In this case, notwithstanding the provisions of Article 99-5, paragraph (1) of the new Radio Act, the term of the person who is deemed to be appointed is the same as the term remaining as a member of the former Radio Regulatory Council of the Ministry of Posts and Telecommunications on the relevant date.

(2) A person who is the chairperson of the former Radio Regulatory Council of the Ministry of Posts and Telecommunications at the time of enforcement of this Act, is deemed to be appointed on the effective date of this Act as the chairperson of the Radio Regulatory Council of the Ministry of Public Management, Home Affairs, Posts and Telecommunications pursuant to the provisions of Article 99-2-2, paragraph (2) of the new Radio Act.

(3) A person who performs on behalf of the chairperson, at the time of enforcement of this Act, the duties of the chairperson as prescribed in Article 99-2-2, paragraph (4) of the Radio Act before amendment by the provisions of Article 40, is deemed to be specified on the effective date of this Act, as a person who performs on behalf of the chairperson, the duties of the chairperson prescribed in Article 99-2-2, paragraph (4) of the new Radio Act.

(Transitional Measures to be Separately Specified)

Article 30 Beyond those prescribed in Article 2 through to the preceding Article, the transitional measures which become necessary with the enforcement of this Act, are separately specified by the applicable acts.

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

(Effective Date)

Article 1 This Act (except Article 2 and Article 3) comes into effect on January 6, 2001; provided, however, that the provisions stated in the following items come into effect on the respective days specified in those items:

- (i) the provisions of Article 995 (limited to the part related to the provisions amending the Supplementary Provisions of the Act Partially Amending the Act on the Regulation of Nuclear Source Material, Nuclear Fuel Material and Reactors), Article 1305, Article 1306, Article 1324, paragraph (2), Article 1326, paragraph (2), and Article 1344: the date of promulgation;

**Supplementary Provisions [Act No. 162 of December 22, 1999 Excerpts]  
[Extract]**

(Effective Date)

Article 1 This Act comes into effect on January 6, 2001; provided, however, the provisions of Article 9 and Article 10 of the Supplementary Provisions come into effect on the day specified by Cabinet Order within a period not exceeding six months from the relevant date.

**Supplementary Provisions [Act No. 220 of December 22, 1999 Excerpts]  
[Extract]**

(Effective Date)

Article 1 This Act (except Article 1) comes into effect on January 6, 2001.

(Entrustment to Cabinet Order)

Article 4 Beyond those matters prescribed in the preceding two paragraphs, the matters necessary for enforcing this Act are specified by the applicable Cabinet Order.

**Supplementary Provisions [Act No. 71 of May 19, 2000]**

(Effective Date)

Article 1 This Act comes into effect on the date of promulgation.

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

(Effective Date)

- (1) This Act comes into effect on the effective date of the Act Partially Amending the Commercial Code (Act No. 90 of 2000).

**Supplementary Provisions [Act No. 109 of June 2, 2000]**

(Effective Date)

- (1) This Act comes into effect on the day specified by Cabinet Order within a period not exceeding six months from the date of promulgation; provided, however, the amended provisions of Article 20, and Article 27-11, paragraph (2), and the amended provisions of Article 116, item (i) (except the part related to Article 27-16) come into effect on the date of promulgation.

(Transitional Measures)

- (2) In relation to the time limit of an application for a radio operator's license related to the qualification of a person who has obtained the qualification that allows that person to obtain a radio operator's license before a date three months before the effective date of this Act, as prescribed in Article 41, paragraph (3) of the Radio Act before amendment, prior laws continue to govern; provided, however, when the person who has obtained the radio operator's license on the effective date of this Act, applies for relicensing after their radio operator's license has been revoked, this does not apply.

**Supplementary Provisions [Act No. 126 of November 27, 2000 Excerpts]  
[Extract]**

(Effective Date)

Article 1 This Act comes into effect on the day specified by Cabinet Order within a period not exceeding five months from the date of promulgation; provided, however, the provisions stated in the following items come into effect on the days prescribed in the relevant items:

- (i) (omitted); and
- (ii) the amended provisions of Article 99-11, paragraph (1), item (i) of the Radio Act in Article 10: January 6, 2001.

(Transitional Measures for Penal Provisions)

Article 2 Prior laws continue to govern the applicability of penal provisions to conduct in which a person engages in before this Act comes into effect.

**Supplementary Provisions [Act No. 48 of June 15, 2001 Excerpts]**

(Effective Date)

Article 1 This Act comes into effect on the day specified by Cabinet Order within a period not exceeding four months from the date of promulgation; provided, however, the amended provisions of Article 99-11, paragraph (1), item (i) (limited to the part that adds ", Article 71-3, paragraph (4) (Standards

Concerning Provision of Compensation)" after "(Communications for Aircraft Stations)") come into effect on the date of promulgation.

(Transitional Measures)

- Article 2 (1) A person who has obtained the designation specified in Article 38-2, paragraph (1) of the Radio Act before amendment (referred to below as the "former Act") at the time of enforcement of this Act, is deemed to have obtained the designation specified in Article 38-2, paragraph (1) of the amended Radio Act (referred to below as "the new Act") on the effective date of this Act.
- (2) A person who has obtained the designation specified in Article 102-18, paragraph (1) of the former Act at the time of enforcement of this Act, is deemed to have obtained the designation specified in Article 102-18, paragraph (1) of the new Act, on the effective date of this Act.
- (3) Beyond those acts prescribed in the preceding two paragraphs, dispositions, procedures, or other acts made before the enforcement of this Act pursuant to the provisions of the former Act, if there are corresponding provisions in the new Act, are deemed to have been made pursuant to the provisions of the new Act.
- (4) Prior laws continue to govern the applicability of penal provisions to conduct in which a person engages in before this Act comes into force.

**Supplementary Provisions [Act No. 85 of June 29, 2001 Excerpts]  
[Extract]**

(Effective Date)

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

(Transitional Measures for Penal Provisions)

Article 10 Prior laws continue to govern the applicability of penal provisions to conduct in which a person engages before this Act comes into effect.

**Supplementary Provisions [Act No. 38 of May 10, 2002]**

(Effective Date)

- (1) This Act comes into effect on the day specified by Cabinet Order within a period not exceeding six months from the date of promulgation; provided, however, the provisions stated in the following items come into effect on the days prescribed in the respective items:
- (i) the amended provisions of Article 99-11, paragraph (1), item (i): the day of promulgation;

- (ii) the amended provisions of Article 37: the day when the revision of the annex to the International Convention for the Safety of Life at Sea of 1974 adopted on December 5, 2000, becomes effective for Japan; and
- (iii) the amended provisions of Article 25, Article 27-11, paragraph (1), Article 103, paragraph (1), and Article 106: the day specified by Cabinet Order within a period not exceeding one year from the date of promulgation.

(Review)

- (2) If ten years have passed after the enforcement of this Act, the government is to review the status of the enforcement of the provisions of Article 26-2 after amendment, from the viewpoint of the supervision and management of radio waves, and when found necessary, take necessary measures based on the results of the review.

**Supplementary Provisions [Act No. 134 of December 6, 2002 Excerpts]  
[Extract]**

(Effective Date)

Article 1 This Act comes into effect on April 1, 2004.

**Supplementary Provisions [Act No. 152 of December 13, 2002 Excerpts]  
[Extract]**

(Effective Date)

Article 1 This Act comes into effect on the effective date of the Act on Use of Information and Communications Technology in Administrative Procedure (Act No. 151 of 2002)

(Transitional Measures for Penal Provisions)

Article 4 Prior laws continue to govern the applicability of penal provisions to conduct in which a person engages in before this Act comes into force.

(Entrustment of Other Transitional Measures to Cabinet Order)

Article 5 Beyond those measures prescribed in the preceding three Articles, transitional measures necessary for the enforcement of this Act are specified by Cabinet Order.

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

(Effective Date)

Article 1 This Act comes into effect on the day specified by Cabinet Order within

a period not exceeding nine months from the date of promulgation; provided, however, the provisions stated in the following items come into effect on the days prescribed in the respective items:

- (i) the amended provisions of Article 26, paragraph (1), and the amended provisions of Article 99-11, paragraph (1), item (i), (limited to the part that revises "Article 38-5, paragraph (2) (Article 38-17, paragraph (5), and Article 102-18 paragraph (8)" to "Article 38-8, paragraph (2) (Article 38-24, paragraph (3) and Article 38-31, paragraph (4)" and to the part that adds ", Article 38-33, paragraph (1) (special specified radio equipment)" after "obligations, etc.)": the date of promulgation; and
- (ii) the amended provisions of Article 71-2, Article 103-2, and Article 116, item (xiv), and the provisions of Articles 6 and 10 of the Supplementary Provisions: the day specified by Cabinet Order within a period not exceeding three months from the date of promulgation.

(Transitional Measures Concerning Approved Inspectors)

- Article 2 (1) A person who, at the time of enforcement of this Act, has actually received certification pursuant to the provisions of Article 24-2, paragraph (1), or Article 24-9, paragraph (1) of the Radio Act before amendment by this Act (referred to below as the "former Act") is deemed to have been registered pursuant to the provisions of Article 24-2, paragraph (1), or Article 24-13, paragraph (1) of the Radio Act amended by this Act (referred to below as "the new Act"), on the effective date of this Act.
- (2) An application for approval under the provisions of Article 24-2, paragraph (1), or Article 24-9 paragraph (1) of the former Act that has already been filed at the time of enforcement of this Act, is deemed to be an application for registration pursuant to the provisions of Article 24-2, paragraph (1), or Article 24-13, paragraph (1) of the new Act.
  - (3) An inspection related to the certification conducted by the person that received the approval pursuant to the provisions of Article 24-2, paragraph (1), or Article 24-9, paragraph (1) of the former Act before the enforcement of this Act, is deemed to be an inspection related to a registration made by a person who has been registered pursuant to the provisions of Article 24-2, paragraph (1), or Article 24-13, paragraph (1) of the new Act.
  - (4) A certificate that has actually been delivered pursuant to the provisions of Article 24-3, paragraph (1) of the former Act (including cases as applied mutatis mutandis pursuant to Article 24-9, paragraph (2) of the former Act) at the time of enforcement of this Act, is deemed to be a registration certificate delivered pursuant to the provisions of Article 24-4 paragraph (1) of the new Act (including cases as applied mutatis mutandis pursuant to Article 24-13, paragraph (2) of the new Act).

(Transitional Measures Concerning Designated Certification Agencies)

- Article 3 (1) A person who has been designated pursuant to the provisions of Article 38-2, paragraph (1) of the former Act at the time of enforcement of this Act, is deemed to have been registered pursuant to the provisions of Article 38-2, paragraph (1) of the new Act, on the effective date of this Act. In this case, the period prescribed in Article 38-4, paragraph (1) of the new Act, is deemed to be from the day of designation, or renewal of designation, under the former Act.
- (2) A person who has been approved pursuant to the provisions of Article 38-17, paragraph (1) of the former Act, at the time of enforcement of this Act, is deemed to have been approved on the effective date of this Act pursuant to the provisions of Article 38-31 paragraph (1) of the new Act.
- (3) An application that has actually been filed at the time of enforcement of this Act for a designation pursuant to the provisions of Article 38-2, paragraph (2) of the former Act, for renewal of the designation pursuant to the provisions of Article 38-3-2, paragraph (1) of the former Act, or for approval pursuant to the provisions of Article 38-17, paragraph (1) of the former Act, is deemed to be an application for registration pursuant to the provisions of Article 38-2 paragraph, (1) of the new Act, for renewal of registration pursuant to the provisions of Article 38-4, paragraph (1) of the new Act, or for approval pursuant to the provisions of Article 38-31, paragraph (1) of the new Act, respectively.

(Transitional Measures Concerning Technical Regulations Conformity Certification)

- Article 4 (1) An application that has actually been filed at the time of enforcement of this Act for technical regulations conformity certification under the provisions of Article 38-2, paragraph (4) of the former Act, for certification pursuant to the provisions of Article 38-2, paragraph (4) of the former Act, as applied mutatis mutandis pursuant to the provisions of Article 38-17, paragraph (5) of the former Act, or for certification pursuant to the provisions of Article 38-16, paragraph (1) or Article 38-17, paragraph (6), is deemed to be a request for technical regulations conformity certification pursuant to the provisions of Article 38-6, paragraph (1) of the new Act (including cases where applied mutatis mutandis under Article 38-31, paragraph (4) of the new Act), or for construction design certification under the provisions of Article 38-24, paragraph (1) or Article 38-31, paragraph (5), respectively.
- (2) Radio equipment that has received technical regulations conformity certification pursuant to the provisions of Article 38-2, paragraph (4) of the former Act, before the enforcement of this Act, or radio equipment that has

received certification pursuant to the provisions of Article 38-2, paragraph (4) of the former Act, as applied *mutatis mutandis* pursuant to Article 38-17, paragraph (5) of the former Act before the enforcement of this Act, is deemed to be radio equipment that has received technical regulations conformity certification pursuant to the provisions of Article 38-6, paragraph (1) of the new Act (including cases as applied *mutatis mutandis* pursuant to Article 38-31, paragraph (4) of the new Act), and also deemed to be affixed with the mark pursuant to the provisions of Article 38-7, paragraph (1) of the new Act (including cases as applied *mutatis mutandis* pursuant to Article 38-31, paragraph (4) of the new Act).

- (3) A construction design that has been certified pursuant to the provisions of Article 38-16, paragraph (1) or Article 38-17, paragraph (6) of the former Act, before the enforcement of this Act, is deemed to be a construction design that has received construction design certification pursuant to the provisions of Article 38-24, paragraph (2) of the new Act (including cases as applied *mutatis mutandis* pursuant to Article 37-31, paragraph (6) of the new Act).
- (4) A person who has been certified pursuant to the provisions of Article 38-16, paragraph (1) of the former Act or Article 38-17, paragraph (6) of the former Act, before the enforcement of this Act, is deemed to be a person who has received construction design certification pursuant to the provisions of Article 38-24, paragraph (2) of the new Act (including cases as applied *mutatis mutandis* pursuant to Article 38-31, paragraph (6) of the new Act), on the effective date of this Act. In these cases, the person who has been certified pursuant to the provisions of Article 38-16, paragraph (1) of the former Act, or Article 38-17, paragraph (6) of the former Act, is deemed to be the person who has performed its obligations under the provisions of Article 38-25, paragraph (2) of the new Act (including cases as applied *mutatis mutandis* pursuant to Article 38-31, paragraph (6) of the new Act).
- (5) Specified radio equipment based on a construction design certified pursuant to the provisions of Article 38-16, paragraph (1) of the former Act, or Article 38-17 paragraph (6) of the former Act, before the enforcement of this Act, which is affixed with a mark pursuant to the provisions of Article 38-16, paragraph (5) of the former Act (including cases as applied *mutatis mutandis* pursuant to Article 38-17, paragraph (8) of the former Act), is deemed to be a specified radio equipment based on a construction design certified pursuant to the provisions of Article 38-24, paragraph (2) of the new Act (including cases as applied *mutatis mutandis* pursuant to Article 38-31, paragraph (6) of the new Act), which is affixed with a mark pursuant to the provisions of Article 38-26 of the new Act (including cases as applied *mutatis mutandis* pursuant to Article 38-31, paragraph (6) of the new Act).
- (6) The provisions of Article 38-22 of the new Act (including cases as applied



mutatis mutandis pursuant to Article 38-29 and Article 38-31, paragraphs (4) and (6) of the new Act) do not apply to radio equipment that has received technical regulations conformity certification before the enforcement of this Act pursuant to the provisions of Article 38-2, paragraph (4) of the former Act, radio equipment that has received certification pursuant to the provisions of Article 38-2, paragraph (4) of the former Act, as applied mutatis mutandis pursuant to Article 38-17, paragraph (5) of the former Act, before the enforcement of this Act, and specified radio equipment based on a construction design that has received certification pursuant to the provisions of Article 38-16, paragraph (3) of the former Act (including cases where applied mutatis mutandis pursuant to Article 38-17 paragraph (8) of the former Act), before the enforcement of this Act, which is affixed with a mark pursuant to the provisions of Article 38-16, paragraph (5) of the former Act (including cases where applied mutatis mutandis pursuant to Article 38-17, paragraph (8) of the former Act).

(Dispositions and Procedures Under the Former Act)

Article 5 Beyond those acts prescribed in the preceding three Articles, dispositions, procedures, and other acts made pursuant to the provisions of the former Act, before the enforcement of this Act, if there are relevant provisions in the new Act, are deemed to have been made under the provisions of the new Act.

(Transitional Measures Concerning the Spectrum User Fee)

Article 6 The provisions of Article 103-2, paragraph (2) of the new Act apply to the spectrum user fee related to the period on or after the first corresponding day prescribed in Article 103-2, paragraph (1) of the new Act that comes on or after, the day of enforcement of the amended provisions stated in Article 1, item (ii) of the Supplementary Provisions (referred to below simply as the "corresponding day" in this Article), and prior laws continue to govern to the spectrum user fee related to the period before the corresponding day.

(Transitional Measures for Penal Provisions)

Article 7 Prior laws continue to govern the applicability of penal provisions to conduct in which a person engages in before this Act comes into force.

(Entrustment of Other Transitional Measures to Cabinet Order)

Article 8 Beyond those prescribed in the Supplementary Provisions, transitional measures necessary for the enforcement of this Act are specified by Cabinet Order.

(Review)

Article 9 If ten years have passed after the enforcement of this Act, the Government is to review the status of the enforcement of the provisions of Article 24-2 through Article 24-13, and Article 38-2-2 through Article 38-38 of the new Act, from the viewpoint of supervision and management of radio waves, and when found necessary, take necessary measures based on the results of the review.

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

(Effective Date)

Article 1 This Act comes into effect on the day specified by Cabinet Order within a period not exceeding nine months from the date of promulgation; provided, however, the provisions stated in the following items come into effect on the days prescribed in the respective items:

(i) and (ii) (omitted);

(iii) the provisions of Article 2; in the provisions of Article 3, the amended provisions of Article 11, paragraph (2) of the Companies Act, as well as the provisions of Article 6 through Article 15 of the Supplementary Provisions, Article 21 through Article 31 of the Supplementary Provisions, Article 34 through Article 41 of the Supplementary Provisions, and Article 44 through Article 48 of the Supplementary Provisions: the day specified by Cabinet Order within a period not exceeding one year from the date of promulgation.

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

(Effective Date)

Article 1 This Act comes into effect on the day specified by Cabinet Order within a period not exceeding three months from the date of promulgation; provided, however, the provisions stated in the following items come into effect on the respective days prescribed in the items:

(i) in Article 1, the amended provisions of Article 99-11, paragraph (1), item (ii) of the Radio Act and the provisions of Article 5 of the Supplementary Provisions: the date of promulgation;

(ii) in Article 1, the amended provisions of Article 59 of the Radio Act, the provisions amending Article 109-2 of that Act to Article 109-3 of that Act, and the amending provisions to add one Article after Article 109 of that Act (except the part related to Article 109-2, paragraph (5) of that Act): the day on which twenty days have passed from the date of promulgation;

- (iii) the provisions of Article 2 (except the amended provisions of Article 99-11, paragraph (1), item (i) of the Radio Act), and the provisions of Article 6, and Article 8 through Article 12 of the Supplementary Provisions: the day specified by Cabinet Order within a period not exceeding one year from the date of promulgation; and
- (iv) in Article 1, the amending provisions to add one Article after Article 109 of the Radio Act (limited to the part related to Article 109-2, paragraph (5) of the Radio Act) and the provisions of Article 3, and Article 4 of the Supplementary Provisions: the day when the Convention on Cybercrime becomes effective for Japan.

(Transitional Measures Concerning the Operational Regulations and Procedures for Registered Certification Bodies)

- Article 2 (1) Operational regulations and procedures that have actually been authorized at the time of enforcement of this Act pursuant to the provisions of Article 38-10 (including cases where applied *mutatis mutandis* pursuant to Article 38-24, paragraph (3), and Article 38-31, paragraphs (4) and (6) of the former Radio Act; the same applies in the following paragraph) of the Radio Act, before amendment by this Act (referred to below as the "former Radio Act" in this and the following articles), are deemed to be operational regulations and procedures notified pursuant to the provisions of Article 38-10 of the Radio Act amended by this Act (referred to below as the "new Radio Act" in this Article and Article 6) (including cases as applied *mutatis mutandis* pursuant to Article 38-24, paragraph (3), and Article 38-31, paragraphs (4) and (6) of the new Radio Act; this applies to the following paragraph).
- (2) An application for authorization pursuant to the provisions of Article 38-10 of the former Radio Act, that has actually been filed at the time of enforcement of this Act, is deemed to be a notification pursuant to the provisions of Article 38-10 of the new Radio Act.

(Transitional Measures Concerning the Radio Propagation Obstruction Prevention System)

- Article 3 In relation to the restriction on the construction of the highest part of a building constituting an important radio communications interference cause related to the notification under the provisions of Article 102-3, paragraphs (1) or (2) of the former Radio Act (including cases as applied *mutatis mutandis* pursuant to paragraph (6) of that Article, or Article 102-4, paragraph (2) of the former Radio Act), or related to a notification based on the order under the provisions of Article 102-4, paragraph (1) of the former Radio Act, which was made before the enforcement of this Act, prior laws continue to govern.

(Transitional Measures Concerning the Application by Convention to Criminals Abroad)

Article 4 The provisions of Article 109-2, paragraph (5) of the Radio Act amended by the provisions stated in Article 1, item (iv) of the Supplementary Provisions, and the provisions of Article 14, paragraph (4) of the Wire Telecommunications Act, apply only to crimes subject to punishment even when committed outside of Japan, pursuant to the convention that becomes effective for Japan on or after the effective date of the provisions.

(Entrustment of Other Transitional Measures to Cabinet Order)

Article 5 Beyond those measures prescribed in the preceding three Articles, transitional measures necessary for the enforcement of this Act are specified by Cabinet Order.

(Review)

Article 6 If ten years have passed after the provisions stated in Article 1, item (iii) of the Supplementary Provisions came into effect, the government is to review the status of the enforcement of the provisions amended by the provisions of Article 71-3-2, and Article 2 of the new Radio Act, from the viewpoint of supervision and management of radio waves, and when found necessary, take necessary measures based on the results of the review.

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

(Effective Date)

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

#### **Supplementary Provisions [Act No. 21 of March 31, 2005 Excerpts] [Extract]**

(Effective Date)

Article 1 This Act comes into effect on April 1, 2005.

(Entrustment of Other Transitional Measures to Cabinet Order)

Article 89 Beyond those measures prescribed 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 Excerpts] [Extract]**

This Act comes into effect on the effective date of the Companies Act.

**Supplementary Provisions [Act No. 107 of November 2, 2005 Excerpts]  
[Extract]**

(Effective Date)

Article 1 This Act comes into effect on the day specified by Cabinet Order within a period not exceeding three months from the date of promulgation; provided, however, the provisions stated in the following items come into effect on the respective days prescribed in the items:

- (i) the amended provisions of Article 103-2, paragraph (2), item (iii) of the Radio Act in Article 1, the amending provisions to add one item to that paragraph, and the provisions of Article 6 of the Supplementary Provisions: the day of promulgation; and
- (ii) the amended provisions of Article 5 and Article 75 of the Radio Act in Article 1, the provisions of Article 2, and the provisions of Article 5, and Article 8 of the Supplementary Provisions: The day specified by Cabinet Order within a period not exceeding six months from the date of promulgation.

(Transitional Measures)

Article 2 (1) In relation to a radio station that is granted a license, or registered under Article 27-18 paragraph (1) of the Radio Act before amendment by the provisions of Article 1 (referred to below as the "former Radio Act") before the effective date of this Act (referred to below as "the effective date"), the provisions of Article 103-2, paragraphs (1), (5), (6), and (13) of the Radio Act amended by the provisions of Article 1 (referred to below as "the new Radio Act") apply to the spectrum user fee related to the period on or after the day prescribed in the following respective items, according to the classification of the relevant radio station as stated in the following items, and prior laws continue to govern concerning the spectrum user fee related to the period extending up to the day prescribed in the respective items:

- (i) a radio station that is granted a license (except a license under Article 27-5, paragraph (1) of the former Radio Act (referred to below as a "blanket license"); referred to simply as a "license" in Article 4 of the Supplemental Provisions), or registered under Article 27-18, paragraph (1) of the former Radio Act (except registration under Article 27-29, paragraph (1) of the former Radio Act (referred to below as "blanket registration"); referred to simply as "registration" in Article 4 of the Supplemental Provisions): the first corresponding day prescribed in Article 103-2, paragraph (1) of the new

- Radio Act that comes on or after the effective date
- (ii) a radio station related to a blanket license or blanket registration (referred to below as a "blanket license or registration"): if the day of the blanket license or registration is on or after October 1, 2005, the day of the blanket license or registration; and if the day of the blanket license or registration is before October 1, 2005; the first day corresponding to the day of the blanket license or registration in 2005 or 2006 that comes on or after the relevant day (or in the absence of a corresponding day in 2006; March 1, 2006)
- (2) If the amount of the spectrum user fee related to the period on or after the day prescribed in item (ii) of the preceding paragraph paid pursuant to the provisions of Article 103-2, paragraphs (3) or (4) of the former Radio Act exceeds the amount of the spectrum user fee under the provisions of Article 103-2, paragraphs (5) or (6) of the new Radio Act, the amount of money of the relevant excess part may be appropriated for the spectrum user fee related to radio waves for use in a wide area as prescribed in paragraph (2) of that article (referred to simply as "radio waves for use in a wide area" in the following Article) to be paid by the blanket licensee or registrant prescribed in Article 5 of that Article that made the relevant payment.
- (3) The spectrum user fee related to the period on or after the day prescribed in paragraph (1), item (i) that is prepaid before the effective date pursuant to the provisions of Article 103-2, paragraph (13) of the former Radio Act, is to be sequentially appropriated in one-year periods for the spectrum user fee to be paid for each one-year period, on or after the day prescribed in the relevant item within the period related to the relevant prepayment pursuant to the provisions of Article 103-2, paragraph (1) of the new Radio Act, beginning with the earliest one-year period.

Article 3 (1) In relation to the application of the provisions in the first sentence of Article 103-2, paragraph (2) of the new Radio Act for the period from the effective date to the last day of September 2006 to a person who was granted a license for a radio station using radio waves for use in a wide area before October 1, 2005, "before November 1 every year for a period of one year beginning on October 1 of the year" is replaced with "within thirty days from the effective date of the Act Partially Amending the Radio Act and the Broadcasting Act (Act No.107 of 2005) for a period from the effective date of that Act to the last day of September 2006".

- (2) In relation to application of the provisions in the first sentence of Article 103-2, paragraph (2) of the new Radio Act for the period from the effective date to the last day of September 2006 to a person who was granted a license for a radio station to first use radio waves for use in a wide area during the period from October 2, 2005 to the day before the effective date, "before November 1

every year for a period of one year beginning on October 1 of the year" is replaced with "within thirty days from the effective date of the Act Partially Amending the Radio Act and the Broadcasting Act (Act No. 107 of 2005) for a period from the effective date of that Act to the last day of September 2006" and "the amount obtained by multiplying" is replaced with "the amount obtained by multiplying the number that is obtained by dividing the number of months in the period from the day of the license related to the relevant licensee to the last day of the relevant month by 12."

Article 4 Beyond those fees prescribed in Article 103-2, paragraph (1) of the new Radio Act, for the period from the effective date to the day prescribed in Article 2, paragraph (1), item (i) of the Supplementary Provisions, a licensee or registrant of a radio station that has been granted a license or registration (referred to below as a "license or registration" in this Article) before the effective date (limited to a radio station that has been granted a license or registration during the period from October 1, 2005 to the day before the effective date, or whose corresponding day prescribed in Article 103-2, paragraph (1) of the former Radio Act, has arrived), who is prescribed in Article 26-2, paragraph (5) of the new Radio Act, is to pay to the national government the amount of money obtained by deducting the amount of money stated in the right column of the table in Article 103-2, paragraph (1) of the former Radio Act, from the amount stated in the right column of Appended Table 6 of the new Radio Act according to the classification of radio stations stated in the left column of that table (if the expiration day of validity of the relevant license or registration is on or before the last day of September 2006; the amount equivalent to the amount obtained by multiplying the relevant amount of money by the number that is obtained by dividing the number of months in the period from October 1, 2005 to the expiration day of validity of the relevant license or registration by 12), as the spectrum user fee, within thirty days from the effective date. In this case, the provisions of Article 103-2, paragraph (14) of the new Radio Act apply *mutatis mutandis*.

Article 5 When a licensee of a radio station that has been established at the time of enforcement of the provisions of Article 1, paragraph (2) of the Supplementary Provisions with a license granted under Article 4 of the former Radio Act, which transmits radio communications aimed at direct reception by the general public (except those aimed at conducting telecommunications services under Article 2, item (vi) of the Telecommunications Business Act (Act No. 86 of 1984), those that aim to relay-broadcast for preventing reception obstruction under Article 5, paragraph (5) of the former Radio Act, and those established onboard an artificial satellite) becomes a person as stated in

Article 5, paragraph (4), item (iii) of the new Radio Act on the effective date of the provisions stated in Article 1, item (ii) of the Supplementary Provisions; in relation to the application of the provisions of Article 52-8, paragraph (3) of the Broadcasting Act amended by the provisions of Article 2 related to the relevant licensee, "Article 5, paragraph (4), item (iii), sub-item (a) of the Radio Act" in that paragraph of the Broadcasting Act is replaced with "on the effective date of provisions stated in Article 1, item (ii), of the Supplementary Provisions of, the Act Partially Amending the Radio Act and the Broadcasting Act (Act No. 107 of 2005), Article 5, paragraph (4), item (iii), sub-item (a) of the Radio Act amended by the provisions of Article 1 of that Act"; and "with the increase in the proportion of voting rights" is replaced with "with the proportion of voting rights".

(Entrustment to Cabinet Order)

Article 6 Beyond those measures prescribed in Article 2 through to the preceding Article of the Supplementary Provisions, transitional measures necessary for the enforcement of this Act are specified by Cabinet Order.

**Supplementary Provisions [Act No. 50 of June 2, 2006 Excerpts] [Extract]**

This Act comes into effect on the effective date of the Act on General Incorporated Associations and General Incorporated Foundations.

**Supplementary Provisions [Act No. 64 of June 14, 2006 Excerpts]  
[Extract]**

(Effective Date)

Article 1 This Act comes into effect on the date of promulgation.

**Supplementary Provisions [Act No. 136 of December 28, 2007 Excerpts]  
[Extract]**

(Effective Date)

Article 1 This Act comes into effect on the day specified by Cabinet Order (referred to below as "the effective date") within a period not exceeding one year from the date of promulgation; provided, however, the provisions stated in the following items come into effect on the days prescribed in the respective items:

- (i) the amended provisions of Article 99-11, paragraph (2) of the Radio Act in Article 2, the amended provisions of Article 29, paragraph (1), and the amended provisions of Article 147, paragraph (1) of the Telecommunications



Business Act in Article 3, and the provisions of the following article and Article 9 through Article 11 of the Supplementary Provisions: the day of promulgation;

- (ii) in Article 2, the provisions amending the Contents of the Radio Act (limited to the part that amends "Section 2 Registration for Radio Stations (Articles 27-18 through Article 27-34)" to "/Section 2 Registration for Radio Stations (Articles 27-18 through Article 27-34)/Section 3 Mediation Concerning the Establishment of Radio Stations (Article 27-35, Article 27-36)/"), the amending provisions to add one item to Article 6, paragraph (1) of that Act, the amending provisions to add one item to paragraph (2) of that Article, the provisions amending Article 26-2, paragraph (5) of that Act, the amending provisions to add one item to Article 27-3, paragraph (1) of that Act, the provisions amending Article 27-18, paragraph (3) of that Act, the amending provisions to add one section after Chapter II, Section 2 of that Act, the amending provisions to add ", Article 27-35, paragraph (1) (Mediation and Arbitration by the Telecommunications Business Dispute Settlement Commission)" in Article 99-11, paragraph (1), item (i) after "(Notification of Establishment of Radio Stations)," and in Article 3, the provisions amending Article 144, paragraph (2), of the Telecommunications Business Act, and the provisions of Article 8 and Article 16 of the Supplementary Provisions: the day specified by Cabinet Order within a period not exceeding nine months from the date of promulgation;

(Preparatory Actions)

Article 2 The authorization referred to in Article 8-3, paragraph (2) and Article 9, paragraph (9) of the Broadcasting Act amended by the provisions of Article 1 (referred to below as the "new Broadcasting Act"), the consultation with the Radio Regulatory Council under the provisions of Article 53-10, paragraph (2) of the new Broadcasting Act, and Article 99-11 of the Radio Act amended by the provisions of Article 2 (referred to below as the "new Radio Act"), and procedures and other acts necessary for consultation or authorization may be performed in accordance with these provisions, even before this Act (in the case of the provisions stated in item (ii) of the preceding Article; those provisions) comes into effect.

(Transitional Measures Concerning Applications for Licenses for Radio Stations)

Article 8 In relation to a person that files an application for the license referred to in Article 6, paragraph (1) of the Radio Act before amendment by the provisions of Article 2, an application for the license referred to in paragraph (2) of that Article, an application for the license referred to in Article 27-3,

paragraph (1) of that Act, an application for the registration referred to in Article 27-18, paragraph (2) of that Act, or an application for the registration referred to in Article 27-29, paragraph (2) of that Act before the date on which the provisions stated in Article 1, item (ii) of the Supplementary Provisions come into effect, prior laws continue to govern the documents to be attached to written applications related to these applications.

(Effects of Dispositions)

Article 9 Dispositions, procedures, or other acts made or to be made before the enforcement of this Act (or for the provisions stated in each item of Article 1 of the Supplementary Provisions; the relevant respective provisions) under the provisions of the respective acts before amendment, if there are relevant provisions in the respective amended acts, are deemed to have been made or to be made under the relevant respective provisions of the respective amended acts, unless otherwise provided for in these Supplementary Provisions.

(Transitional Measures for the Application of Penal Provisions)

Article 10 In relation to the application of penal provisions to acts committed before the enforcement of this Act (or for the provisions stated in each item of Article 1 of the Supplementary Provisions, the relevant respective provisions), prior laws continue to govern.

(Entrustment of Other Transitional Measures to Cabinet Order)

Article 11 Beyond those measures prescribed in these Supplementary Provisions, transitional measures (including transitional measures concerning the penal provisions) necessary for the enforcement of this Act (or for the provisions stated in the items of Article 1 of the Supplementary Provisions; the relevant respective provisions) are specified by Cabinet Order.

Article 12 (2) If five years have passed after the enforcement of this Act, the government is to review the status of the enforcement of the provisions of Article 70-7, Article 70-9, and Article 80 of the new Radio Act, from the viewpoint of supervision and management of radio waves, and when found necessary, take necessary measures based on the results of the review.

**Supplementary Provisions [Act No. 50 of May 30, 2008 Excerpts]  
[Extract]**

(Effective Date)

Article 1 This Act comes into effect on the day specified by Cabinet Order within a period not exceeding nine months from the date of promulgation; provided,

however, the provisions stated in the following items come into effect on the days prescribed in the respective items:

- (i) the amended provisions of Article 99-11, provision (1) (except the part that adds "Article 70-8, paragraph (1) (Radio Stations Which May Allow Operation through Easy Operations by a Person Other Than the Licensee)" after "(Communications for Aircraft Stations)"), the amended provisions of Article 103-2, paragraph (4), the amending provisions to add one paragraph to Article 103-3, the amending provisions to add one paragraph to the Supplementary Provisions, and the provisions of the following Article and Article 7 of the Supplementary Provisions: the day of promulgation; and
- (ii) the amended provisions of Article 38-11, paragraph (1) and the amended provisions of Article 103-2 (except the amended provisions of paragraphs (2), (4) through (6), (12), and (13) of that Article), and the provisions of Article 9 of the Supplementary Provisions: the day specified by Cabinet Order within a period not exceeding one year from the date of promulgation.

(Consulting with the Radio Regulatory Council)

Article 2 The Minister of Internal Affairs and Communications, even before the effective date of this Act (referred to as the "effective date" in Article 5 of the Supplementary Provisions), may consult with the Radio Regulatory Council for the purpose of establishing Order of the Ministry of Internal Affairs and Communications pursuant to the provisions of Article 70-8, paragraph (1) of the Radio Act amended by this Act (referred to below as the "new Act").

(Effects of Dispositions)

Article 3 Dispositions, procedures, or other acts made or to be made before the enforcement of this Act (or for the provisions stated in the items of Article 1 of the Supplementary Provisions; the relevant respective provisions) pursuant to the provisions of the Radio Act before amendment by this Act (referred to below as the "Former Act"), if there are relevant provisions in the new Act, are deemed to have been made or to be made under the relevant provisions of the new Act, unless otherwise provided for in these Supplementary Provisions.

(Transitional Measures Concerning the Spectrum User Fee)

Article 4 (1) Notwithstanding the provisions in row 6 of the Appended Table 6 of the new Act, in relation to radio stations stated in that row, which use radio waves of frequencies of 6,000 MHz or less, and broadcast television programs, the spectrum user fee related to the radio stations stated in the radio station classification column of the following table, for the period stated in the period column of the table, is the fee as stated in the respective amount column of that table.

Radio Station Classification		Period	Amount
Radio stations transmitting digital signals		Until December 31, 2010	5,400 yen
Other radio stations not included in the above using radio waves of frequencies of 300 MHz or less	Radio stations with antenna power of less than 0.1 W	Until December 31, 2008	600 yen
		From January 1, 2009 until December 31, 2009	1,100 yen
		From January 1, 2010 until December 31, 2010	3,000 yen
	Radio stations with antenna power of 0.1 W or more but less than 10 kW	Until December 31, 2008	17,200 yen
		From January 1, 2009 until December 31, 2009	34,500 yen
		From January 1, 2010 until December 31, 2010	91,900 yen

Radio stations with antenna power of 10 kW or more but less than 50 kW	Radio stations in a location other than in specified areas or radio stations used for broadcasting necessary for education at the Open University of Japan prescribed in Article 2, paragraph (1) of the Act on the Open University of Japan (Act No. 156 of 2002)	Until December 31, 2008	17,200 yen
		From January 1, 2009 until December 31, 2009	34,500 yen
		From January 1, 2010 until December 31, 2010	91,900 yen
	Other than those classified above	Until December 31, 2008	6,194,400 yen
		From January 1, 2009 until December 31, 2009	12,388,800 yen
		From January 1, 2010 until December 31, 2010	33,029,800 yen
Radio stations with antenna power of 50 kW or more		Until December 31, 2008	30,969,900 yen
		From January 1, 2009 until December 31, 2009	61,939,700 yen

		From January 1, 2010 until December 31, 2010	165,137,900 yen
Other Radio stations not included in the above, using radio waves of frequencies exceeding 300 MHz	Radio stations with antenna power of less than 0.2 W	Until December 31, 2008	600 yen
		From January 1, 2009 until December 31, 2009	1,100 yen
		From January 1, 2010 until December 31, 2010	3,000 yen
	Radio stations with antenna power of 0.2 W or more but less than 20 kW	Until December 31, 2008	17,200 yen
		From January 1, 2009 until December 31, 2009	34,500 yen
		From January 1, 2010 until December 31, 2010	91,900 yen

Radio stations with antenna power of 20 kW or more but less than 100 kW	Radio stations in a location other than in specified areas or radio stations used for broadcasting necessary for education at the Open University of Japan prescribed in Article 2, paragraph (1) of the Act on Open University of Japan	Until December 31, 2008	17, 200 yen
		From January 1, 2009 until December 31, 2009	34,500 yen
		From January 1, 2010 until December 31, 2010	91,900 yen
	Radio stations other than those classified in the above	Until December 31, 2008	6,194,400 yen
		From January 1, 2009 until December 31, 2009	12,388,800 yen
		From January 1, 2010 until December 31, 2010	33,029,800 yen
Radio stations with antenna power of 100 kW or more		Until December 31, 2008	30,969,900 yen
		From January 1, 2009 until December 31, 2009	61,939,700 yen

		From January 1, 2010 until December 31, 2010	165,13 7,900 yen
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- (2) The term "a location" or "specified areas" as used in the table in the preceding paragraph means the installation location or specified areas, as prescribed in item (i), or item (vi), respectively, of Remarks to Appended Table 6 of the new Act.

Article 5 (1) In relation to a radio station that is granted a license or registration under Article 27-18, paragraph (1) of the former Act before the effective date, the provisions of Article 103-2, paragraphs (1), (5), (6), and (13) of the new Act and the provisions of the preceding Article apply to the spectrum user fee related to the period on or after the first corresponding day or other relevant day, on or after the effective date (referring to the corresponding day prescribed in Article 103-2, paragraph (1) of the new Act (referred to below simply as the "corresponding day" in this Article) or the day corresponding to the day of the blanket license or registration prescribed in Article 103-2, paragraph (5) of the new Act; the same applies below in this paragraph), and prior laws continue to govern the spectrum user fee related to the period before the relevant corresponding day, or other relevant day.

- (2) In relation to the spectrum user fee related to a radio station, in which the amount of the spectrum user fee under the provisions of Article 103-2, paragraph (1) of the new Act is less than the amount of the spectrum user fee under the provisions of Article 103-2, paragraph (1) of the former Act, the part of the spectrum user fee related to the period on or after the first corresponding day on or after the effective date prepaid pursuant to the provisions of paragraph (15) of that Article, which exceeds the amount of the spectrum user fee related to the relevant period under the provisions of Article 103-2, paragraphs (1) and (13) of the new Act, is refunded.
- (3) In relation to the spectrum user fee related to a radio station, in which the amount of the spectrum user fee under the provisions of Article 103-2, paragraph (1) of the new Act exceeds the amount of the spectrum user fee under the provisions of Article 103-2, paragraph (1) of the former Act, the spectrum user fee related to the period on or after the first corresponding day on and after the effective date prepaid pursuant to the provisions of paragraph (15) of that Article, is to be sequentially appropriated in one-year periods for the spectrum user fee to be paid for each one-year period on or after the relevant corresponding day, within the period related to the relevant



prepayment pursuant to the provisions of Article 103-2, paragraph (1) of the new Act, beginning with the earliest one-year period.

(Transitional Measures for Application of Penal Provisions)

Article 6 Prior laws continue to govern the applicability of penal provisions to conduct in which a person engages in before this Act comes into force.

(Entrustment of Other Transitional Measures to Cabinet Order)

Article 7 Beyond those measures prescribed in these Supplementary Provisions, transitional measures (including transitional measures concerning the penal provisions) necessary for the enforcement of this Act are specified by Cabinet Order.

(Review)

Article 8 (1) If five years have passed after the enforcement of this Act, the government is to review the status of the enforcement of the provisions of Article 70-8 and Article 80 of the new Act, from the viewpoint of the supervision and management of radio waves, and when found necessary, take necessary measures based on the results of the review.

(2) Approximately two years after the enforcement of the provisions stated in Article 1, item (ii) of the Supplementary Provisions as a guideline, the government is to review the status of the enforcement of the provisions of Article 103-2, paragraph (24) through paragraph (38) of the new Act, from the viewpoint of ensuring the collection of the spectrum user fee, and promoting the benefit of persons who intend to pay the spectrum user fee, and when found necessary, take necessary measures based on the results of the review.

**Supplementary Provisions [Act No. 22 of April 24, 2009]**

(Effective Date)

Article 1 This Act comes into effect on the day specified by Cabinet Order within a period not exceeding one year from the date of promulgation; provided, however, the amending provisions of Article 1 to add one paragraph to the Supplementary Provisions of the Radio Act come into effect on the date of promulgation.

(Transitional Measures Concerning Establishment Plan)

Article 2 (1) An establishment plan which has actually been certified pursuant to the provisions of Article 27-13, paragraph (1) of the Radio Act before amendment by the provisions of Article 1 of this Act (referred to below as the "former Radio Act") at the time of enforcement of this Act, is deemed to have

been certified under Article 27-13, paragraph (1) of the Radio Act amended by the provisions of Article 1 (referred to below as the "new Radio Act"), stating that the purpose of the specified base station stated in paragraph (2), item (i) of that article, is to conduct telecommunications services (referring to telecommunications services prescribed in Article 2, item (vi) of the Telecommunications Business Act (Act No. 86 of 1984); the same applies in the following paragraph).

- (2) An establishment plan, which has actually been submitted pursuant to the provisions of Article 27-13, paragraph (1) of the former Radio Act at the time of enforcement of this Act, is deemed to have been submitted pursuant to the provisions of Article 27-13, paragraph (1) of the new Radio Act, stating that the purpose of the specified base station stated in paragraph (2), item (i) of that Article, is to conduct telecommunications services.

(Review)

Article 3 If five years have passed after the enforcement of this Act, the Government is to take into consideration the status of the enforcement of the New Radio Act and the Broadcasting Act amended by the provisions of Article 2, the change in social and economic situations and other trends, and review the system related to basic terrestrial broadcasting for mobile reception under Article 2, item (xiv) of that Act, and when found necessary, take necessary measures based on the results of the review.

### **Supplementary Provisions [Act No. 65 of December 3, 2010] [Extract]**

(Effective Date)

Article 1 This Act comes into effect on the day specified by Cabinet Order (referred to below as the "effective date") within a period not exceeding nine months from the date of promulgation; provided, however, the provisions stated in the following items come into effect on the days prescribed in the respective items:

- (i) the amended provisions of Article 53-11 of the Broadcasting Act in Article 1, the amended provisions of Article 99-12 of the Radio Act in Article 3, and the amended provisions of Article 147, paragraph (1) of the Telecommunications Business Act in Article 5, and the provisions of Article 3, Article 13, and Article 14, paragraph (1) of the Supplementary Provisions: the day of promulgation; and
- (ii) in Article 1, the amended provisions of Article 52-13, paragraph (1), item (v), sub-item (h) of the Broadcasting Act, the amended provisions of Article 52-24, paragraph (2), item (iv) of that Act, and the amended provisions of Article 52-30, paragraph (2), item (v) of that Act; the provisions of Article 3

(except the amended provisions stated in the preceding item); the provisions of Article 11, Article 12, Article 27, Article 35, and Article 37 of the Supplementary Provisions: the day specified by Cabinet Order within a period not exceeding three months from the date of promulgation.

(Preparatory Actions)

Article 3 The consultation with the Radio Regulatory Council pursuant to the provisions of Article 177 of the Broadcasting Act amended by the provisions of Article 2 (referred to below as the "new Broadcasting Act"), and the provisions of Article 99-11 of the Radio Act amended by the provisions of Articles 3 and 4, the consultation with the councils and other organizations specified by Cabinet Order under Article 169 of the Telecommunications Business Act amended by the provisions of Article 5 (referred to below as the "New Telecommunications Business Act") pursuant to the provisions of that Article, and procedures and other acts necessary for these consultations.

Article 4 (6) Acts made or required to be made before the effective date pursuant to the provisions of Chapter VII of the Radio Act before amendment by the provisions of Article 4, as applied mutatis mutandis pursuant to Article 9 of the former Cable Radio Broadcasting Act (referred to below as the "former Radio Act"), if there are relevant provisions in Chapter VII of the Radio Act amended by the provisions of Article 4, as applied mutatis mutandis pursuant to Article 180 of the new Broadcasting Act (referred to below as the "new Radio Act"), is deemed to have been made or to be made pursuant to the relevant provisions of that Chapter, as applied mutatis mutandis pursuant to Article 180 of the New Broadcasting Act.

Article 5 (11) Acts made or required to be made before the effective date pursuant to the provisions of Chapter VII of the former Radio Act, as applied mutatis mutandis pursuant to Article 28 of the former Cable Television Broadcast Act, if there are relevant provisions in Chapter VII of the new Radio Act, as applied mutatis mutandis pursuant to Article 180 of the new Broadcasting Act, are deemed to have been made or required to be made pursuant to the relevant provisions of that Chapter, as applied mutatis mutandis pursuant to that Article.

Article 6 (8) Acts made or required to be made before the effective date pursuant to the provisions of Chapter VII of the former Radio Act, as applied mutatis mutandis pursuant to Article 21 of the Act on Broadcast on Telecommunications Services, if there are relevant provisions in Chapter VII of the new Radio Act, as applied mutatis mutandis pursuant to Article 180 of the

new Broadcasting Act, are deemed to have been made required or to be made pursuant to the relevant provisions of that Chapter, as applied mutatis mutandis pursuant to that Article.

(Transitional Measures upon Partial Amendment of the Radio Act)

Article 9 (1) A person who has received a license for a radio station conducting broadcasting (except those radio stations whose purpose is to conduct telecommunications services) under the provisions of Article 4 of the former Radio Act at the time of enforcement of this Act, is deemed to have received a license for a basic broadcast station under the provisions of Article 4 of the new Radio Act on the effective date if the person falls under a person who should obtain a license for a basic broadcast station under the provisions of that Article, and a person deemed to have received a license for a radio station conducting broadcasting under the provisions of Article 4 of the new Radio Act (except basic broadcast stations; referred to below as "general broadcast station" in this Article) on the effective date if the person falls under a person who should obtain a license for a general broadcast station under the provisions of that Article. In these cases, the period of validity of the license under that Article related to the person who is deemed to have received a license for a basic broadcast station or for a general broadcast station under the provisions of that Article, is the same as the remainder of the period of validity of the license under Article 4 of the Former Radio Act related to the relevant person on the effective date, notwithstanding the provisions of Article 13, paragraph (1) of the new Radio Act.

(2) An application for a license for a radio station conducting broadcasting under the provisions of Article 6, paragraph (2) of the former Radio Act, which has actually been filed at the time of enforcement of this Act, is deemed to be an application for a license for a basic broadcast station pursuant to the provisions of Article 6, paragraph (2) of the new Radio Act if the application is related to a person who should submit an application under the provisions of that paragraph, or deemed to be an application for a license for a general broadcast station under the provisions of paragraph (1) of that Article if the application is related to a person who should submit an application under the provisions of that paragraph.

(3) A certificate of a license for a radio station conducting broadcasting (except those radio stations whose purpose is to conduct telecommunications services) issued pursuant to the provisions of Article 14, paragraph (1) of the former Radio Act before the effective date, is deemed to be a certificate of a license for a basic broadcast station issued pursuant to the provisions of Article 14, paragraph (1) of the new Radio Act if the certificate is related to a person who is deemed to have received a license for a basic broadcast station.

- (4) A person who has actually been registered pursuant to the provisions of Article 24-2, paragraph (1) of the former Radio Act at the time of enforcement of this Act, that has stated in the written application under paragraph (2) of that Article, that it is a person who is only performing the business of maintenance checks of radio equipment and other devices, is deemed to have been registered pursuant to the provisions of Article 24-2, paragraph (1) of the new Radio Act, on the effective date.
- (5) An application for registration which has actually been submitted under the provisions of Article 24-2, paragraph (1) of the former Radio Act at the time of enforcement of this Act, is deemed to be an application for registration under the provisions of Article 24-2, paragraph (1) of the New Radio Act, stating in the written application under paragraph (2) of that Article that the person is only performing the business of maintenance checks of radio equipment and other devices.
- (6) Maintenance checks related to the registration pursuant to the provisions of Article 24-2, paragraph (1) of the former Radio Act conducted before the effective date by a person who had obtained the relevant registration, are deemed to be maintenance checks related to the registration pursuant to the provisions of Article 24-2, paragraph (1) of the new Radio Act, conducted by a person who has obtained the relevant registration stating in the written application under paragraph (2) of that Article that the person is only performing the business of maintenance checks of radio equipment and other devices.
- (7) A certificate of registration that has been issued pursuant to the provisions of Article 24-4, paragraph (1) of the former Radio Act at the time of enforcement of this Act, is deemed to be a certificate of registration issued pursuant to the provisions of Article 24-4, paragraph (1) of the new Radio Act stating that the person who has the certificate is only performing the business of maintenance checks of radio equipment and other devices.
- (8) An establishment plan which has actually been approved pursuant to the provisions of Article 27-13, paragraph (1) of the former Radio Act at the time of enforcement of this Act, is deemed, if the establishment plan is related to specified base stations for securing the matters stated in Article 27-12, paragraph (1), item (i) of the new Radio Act, to be an establishment plan which has obtained approval under Article 27-13, paragraph (1) of the new Radio Act stating, as the matters stated in paragraph (2), item (i) of that article, that the specified base station is for securing the matters stated in Article 27-12, paragraph (1), item (i) of the new Radio Act, or is deemed, if the establishment plan is related to specified base stations for securing the matters stated in Article 27-12, paragraph (1), item (ii) of the new Radio Act, to be an establishment plan which has obtained approval under Article 27-13,

paragraph (1) of the new Radio Act stating, as the matters stated in paragraph (2), item (i) of that Article, that the specified base station is for securing the matters stated in Article 27-12, paragraph (1), item (ii) of the new Radio Act.

- (9) An establishment plan which has actually been submitted pursuant to the provisions of Article 27-13, paragraph (1) of the former Radio Act at the time of enforcement of this Act, is deemed, if the establishment plan is related to specified base stations for securing the matters stated in Article 27-12, paragraph (1), item (i) of the new Radio Act, to have been submitted pursuant to the provisions of Article 27-13, paragraph (1) of the new Radio Act stating, as the matters stated in paragraph (2), item (i) of that Article, that the specified base station is for securing the matters stated in Article 27-12, paragraph (1), item (i) of the new Radio Act, or is deemed, if the establishment plan is related to specified base stations for securing the matters stated in Article 27-12, paragraph (1), item (ii) of the new Radio Act, to have been submitted pursuant to the provisions of Article 27-13, paragraph (1) of the new Radio Act stating, as the matters stated in paragraph (2), item (i) of that Article, that the specified base station is for securing the matters stated in Article 27-12, paragraph (1), item (ii) of the new Radio Act.

#### (Effects of Dispositions)

Article 11 Dispositions, procedures, or other acts made or to be made before the enforcement of this Act (or for the provisions stated in Article 1, items (ii) and (iii) of the Supplementary Provisions, the relevant respective provisions) under the provisions of the respective acts before revision or repeal, if there are relevant provisions in the respective amended acts, are deemed to have been made or to be made under the relevant respective provisions of the respective amended acts, unless otherwise provided for in these Supplementary Provisions.

#### (Transitional Measures for Application of Penal Provisions)

Article 12 Prior laws continue to govern the applicability of penal provisions to conduct that a person engages in before this Act comes into force (or for the provisions stated in Article 1, items (ii) and (iii) of the Supplementary Provisions; the relevant respective provisions; the same applies below in this Article) as well as to acts committed after this Act comes into effect, for cases in which 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 the Supplementary Provisions, prior laws continue to govern.

#### (Entrustment of Other Transitional Measures to Cabinet Order)

Article 13 Beyond those measures prescribed in these Supplementary Provisions, transitional measures (including transitional measures concerning the penal provisions) necessary for the enforcement of this Act are specified by Cabinet Order.

(Review)

Article 14 (1) Approximately one year after the promulgation of this Act, the government is to review what the grounds for disqualification related to the officers of NHK (Japan Broadcasting Corporation) should be, and when deemed necessary, take necessary measures based on the results of the review.

(2) Within five years after the enforcement of this Act, the government is to review the status of implementation of the provisions amended by this Act, beyond the matters prescribed in the preceding paragraph, and when deemed necessary, take necessary measures based on the results of the review.

#### **Supplementary Provisions [Act No. 60 of June 1, 2011] [Extract]**

(Effective Date)

Article 1 This Act comes into effect on the day specified by Cabinet Order (referred to as the "effective date" in Article 4 of the Supplementary Provisions) within a period not exceeding six months from the date of promulgation; provided, however, the provisions stated in the following items come into effect on the days prescribed in the respective items:

- (i) in Article 1, the amended provisions of Article 103-2, paragraphs (2) and (3), and item (ix) of the Remarks to Appended Table 6 of the Radio Act, and the provisions of the following Article, Article 5 and Article 7 of the Supplementary Provisions: the day of promulgation; and
- (ii) the provisions of Article 1 (except the amended provisions stated in the preceding item), and the provisions of Article 3 and Article 6 of the Supplementary Provisions: the day specified by Cabinet Order within a period not exceeding three months from the date of promulgation

(Consulting with the Radio Regulatory Council)

Article 2 Before the date of enforcement of the provisions prescribed in item (ii) of the preceding Article, the Minister of Internal Affairs and Communications may consult with the Radio Regulatory Council for the purpose of establishing the guidelines for the establishment pursuant to the provisions of Article 27-12, paragraph (1) of the Radio Act amended by the provisions of Article 1, or amending Order of the Ministry of Internal Affairs and Communications pursuant to the provisions of Article 27-13, paragraph (6) of that Act.

(Transitional Measures Concerning Validity of License)

Article 3 In relation to the period of validity of the license of a person who has actually received the license for a radio station under the Article 13, paragraph (2) of the Radio Act before amendment by the provisions of Article 1 at the time of enforcement of the provisions of Article 1, item (ii) of the Supplementary Provisions, prior laws continue to govern, notwithstanding the provisions of Article 13 of the Radio Act amended by the provisions of Article 1.

(Transitional Measures Concerning the Spectrum User Fee)

Article 4 (1) In relation to a radio station that is granted a license or registration under Article 27-18, paragraph (1) of the Radio Act before amendment by the provisions of Article 2 (referred to below as the "former Act" in this Article) before the effective date, the provisions of Article 103-2, paragraphs (1), (5), (6) and (13) of the Radio Act amended by the provisions of Article 2 (referred to below as the "new Act" in this Article), apply to the spectrum user fee related to the period on or after the first corresponding day, or other relevant day on or after the effective date (referring to the corresponding day prescribed in Article 103-2, paragraph (1) of the new Act (referred to below simply as the "corresponding day" in this Article), or the day corresponding to the day of the blanket license or registration prescribed in paragraph (5) of that Article; the same applies below in this paragraph), and prior laws continue to govern to the spectrum user fee related to the period before the relevant corresponding day, or other relevant day.

(2) In relation to the spectrum user fee related to a radio station in which the amount of the spectrum user fee under the provisions of Article 103-2, paragraph (1) of the new Act is less than the amount of the spectrum user fee under the provisions of Article 103-2, paragraph (1) of the former Act, the part of the spectrum user fee related to the period on or after the first corresponding day, on or after the effective date prepaid pursuant to the provisions of paragraph (15) of that Article, which exceeds the amount of the spectrum user fee related to the relevant period under the provisions of Article 103-2, paragraphs (1) and (13) of the new Act, is refunded.

(3) In relation to the spectrum user fee related to a radio station in which the amount of the spectrum user fee under the provisions of Article 103-2, paragraph (1) of the new Act exceeds the amount of the spectrum user fee under the provisions of Article 103-2, paragraph (1) of the former Act, the spectrum user fee related to the period on or after the first corresponding day on and after the effective date prepaid pursuant to the provisions of paragraph (15) of that Article, is to be sequentially appropriated in one-year periods for the spectrum user fee to be paid for each one year period on or after the relevant corresponding day, within the period related to the relevant



prepayment pursuant to the provisions of Article 103-2, paragraph (1) of the new Act, beginning with the earliest one-year period.

(Entrustment of Other Transitional Measures to Cabinet Order)

Article 5 Beyond those measures prescribed in these Supplementary Provisions, transitional measures necessary for the enforcement of this Act are specified by Cabinet Order.

(Adjustment Provisions)

Article 7 (1) When the effective date of the provisions of Article 1 item (ii) of the Supplementary Provisions is before the effective date of the Act Partially Amending the Broadcasting Act (Act No. 65 of 2010), the phrase "Article 27-13, paragraph (2), item (ix) is replaced with item (x) of that paragraph" in the amended provisions of Article 27-13, paragraph (2), in Article 1 is replaced with "in Article 27-13, paragraph (2), the phrase "through (ix)" is amended as ", (viii) and (x)", item (x) is replaced with item (xi), item (ix) is replaced with item (x)".

(2) In the case of the preceding paragraph, in the amended provisions of Article 27-13, paragraph (2) in Article 4 of the Act Partially Amending the Broadcasting Act, the phrase "through (ix)" is replaced with ", (viii) and (x)", and the phrase "item (ix) of that paragraph is deleted, and item (x) of that paragraph is replaced with item (ix) of that paragraph" is replaced with "item (x) of that paragraph is deleted, and item (xi) of that paragraph is replaced with item (x) of that paragraph".

#### **Supplementary Provisions [Act No. 74 of June 24, 2011] [Extract]**

(Effective Date)

Article 1 This Act comes into effect on the day on which twenty days have passed from the date of promulgation.

#### **Supplementary Provisions [Act No. 36 of June 12, 2013]**

This Act comes into effect on the date of promulgation.

#### **Supplementary Provisions [Act No. 6 of March 31, 2014] [Extract]**

(Effective Date)

Article 1 This Act comes into effect on April 1, 2014.

#### **Supplementary Provisions [Act No. 26 of April 23, 2014] [Extract]**

(Effective Date)

Article 1 This Act comes into effect on the day specified by Cabinet Order within a period not exceeding nine months from the date of promulgation; provided, however, the provisions stated in the following items come into effect on the days prescribed in the respective items:

- (i) the amended provisions of Article 25, paragraph (1), Article 38-5, paragraph (3), Article 53, and Table of Article 71-3-2, paragraph (xi), and the amended provisions of paragraph (15) of the Supplementary Provisions, and the provisions of the following Article and Article 5 of the Supplementary Provisions: the day of promulgation;
- (ii) the amended provisions of Article 38-7 (except the part amending "or Article 38-35" as "or Article 38-35, or Article 38-44, paragraph (3)" in paragraph (3) of that Article), the amended provisions in Article 103 paragraph (2) amending "the preceding paragraph" as "paragraph (1)", replacing that paragraph with paragraph (3) of that Article, and adding one paragraph after paragraph (1) of that Article, the amended provisions of Article 103-2, paragraph (12) (except the part amending "paragraph (10)" as "paragraph (12)"), and the amending provisions of Article 112, item (i) and Appended Table 4, and the provisions of Article 4 of the Supplementary Provisions, the provisions of Article 7 of the Supplementary Provisions (limited to the part revising ", Article 38-7, paragraphs (2) and (3)" as ", Article 38-7, paragraphs (3) and (4)" and the part revising "in Article 38-7, paragraphs (2) and (3)" as "in Article 38-7, paragraphs (3) and (4), and Article 38-44, paragraph (3)", in the amending provisions of Article 34 of the Act for Mutual Recognition between Japan and Foreign States on the Results of Conformity Assessments for Specified Equipment (Act No. 111 of 2001)), and the provisions of Article 8 of the Supplementary Provisions: the day specified by Cabinet Order within a period not exceeding six months from the date of promulgation; and
- (iii) the amended provisions of the Contents, the amended provisions of Article 4, item (ii), the amended provisions of Article 38-7, paragraph (3) (limited to the part amending "or Article 38-35" as "or Article 38-35, or Article 38-44, paragraph (3)), the amended provisions of Article 38-22, paragraph (1), Article 38-23, paragraph (1), and Article 38-29, Article 38-31, paragraph (6) and Article 38-38, the amending provisions to add one Section after Chapter 3-2, Section 2, the amended provisions of Article 103, paragraph (1), the amended provisions of Article 112 (except the part related to item (i) of that Article), the amended provisions of Article 113, and the amended provisions of Article 116 (except the part in item (xxiii) of that article amending ", paragraph (6), (10), (11) or (18)" as "through (8), (12), (13) or (21))" and the

provisions of Article 6 of the Supplementary Provisions and Article 7 of the Supplementary Provisions (limited to the part in the amended provisions of Article 34 of the Act for Mutual Recognition between Japan and Foreign States on the Results of Conformity Assessments for Specified Equipment to add ", Article 38-44, paragraph (3)" after "Article 38-30, paragraph (4))": the day specified by Cabinet Order within a period not exceeding one year from the date of promulgation.

(Consulting with the Radio Regulatory Council)

Article 2 Before the effective date of this Act (referred to below as the "effective date"), the Minister of Internal Affairs and Communications may consult with the Radio Regulatory Council for the purpose of establishing Order of the Ministry of Internal Affairs and Communications, under the provisions of the proviso of Article 103-2, paragraph (7) of the Radio Act amended by this Act (referred to below as the "new Act").

(Transitional Measures Upon Partial Amendment of the Radio Act)

Article 3 (1) In relation to a radio station that is granted a license before the effective date or a registration under Article 27-18, paragraph (1) of the Radio Act before amendment by this Act (referred to below as the "former Act" in this Article) (except specified radio stations using radio waves for use in a wide area (referring to the radio waves for use in a wide area provided for in Article 103-2, paragraph (2) of the former Act; this applies also to the following paragraph and paragraph (5)) (referring to the specified radio stations provided for in Article 27-2 of the former Act, and limited to those related to the radio stations stated in item (i) of that Article)), the provisions of Article, 103-2 paragraphs (1), (5), (6) and (15) of the new Radio Act apply to the spectrum user fee related to the period on or after the first corresponding day, or other relevant day on or after the effective date (referring to the corresponding day prescribed in paragraph (1) of that Article (referred to simply as "the corresponding day" in paragraphs (3) and (4)), or the day corresponding to the day of the blanket license or registration prescribed in paragraph (5) of that Article (referred to as the "corresponding day of blanket license or registration" in the following paragraph); the same applies below in this paragraph), and prior laws continue to govern the spectrum user fee related to the period before the relevant corresponding day or other relevant day.

(2) In relation to the spectrum user fee under the provisions of Article 103-2, paragraph (5) of the former Act related to the period ending on the first corresponding day of blanket license or registration on or after the effective date, for the specified radio stations using radio waves for use in a wide area

which have obtained the blanket license before the effective date, and the spectrum user fee under the provisions of the paragraph (6) of that Article for the relevant specified radio stations if the month related to the notification pursuant to the provisions of that paragraph falls under or before the month immediately preceding the month to which the effective date belongs, the respective prior laws continue to govern.

- (3) For the spectrum user fee related to a radio station, if the amount of the spectrum user fee pursuant to the provisions of Article 103-2, paragraph (1) of the new Act is less than the amount of the spectrum user fee pursuant to the provisions of Article 103-2, paragraph (1) of the former Act, the part of the spectrum user fee related to the period on or after the first corresponding day on or after the effective date prepaid pursuant to the provisions of paragraph (15) of that Article, which exceeds the amount of the spectrum user fee related to the relevant period under the provisions of Article 103-2, paragraphs (1) and (15) of the new Act, is refunded.
- (4) For the spectrum user fee related to a radio station, if the amount of the spectrum user fee under the provisions of Article 103-2, paragraph (1) of the new Act exceeds the amount of the spectrum user fee pursuant to the provisions of Article 103-2, paragraph (1) of the former Act, the spectrum user fee related to the period on or after the first corresponding day on and after the effective date prepaid pursuant to the provisions of paragraph (15) of that Article is to be sequentially appropriated in one-year periods for each one-year period on or after the relevant corresponding day within the period related to the relevant prepayment pursuant to the provisions of Article 103-2, paragraph (1) of the new Act, beginning with the earliest one-year period.
- (5) The spectrum user fee paid by an item (i) blanket licensee using radio waves for use in a wide area (referring to the item (i) blanket licensee provided for in Article 27-6, paragraph (2) of the former Act) for the specified radio stations using radio waves for use in a wide area pursuant to the provisions of Article 103-2, paragraphs (5) or (6) of the former Act (including the cases where the prior laws continue to govern pursuant to the provisions of paragraph (2)), which corresponds to the part related to the period on or after the effective date, is deemed to have been paid by the relevant item (i) blanket licensee as a part of the spectrum user fee payable by the relevant item (i) blanket licensee pursuant to the provisions of Article 103-2, paragraph (7) or (8) of the new Act.

Article 4 During the period from the day prescribed in Article 1, item (ii) of the Supplementary Provisions until the day immediately before the day prescribed in item (iii) of that Article, in relation to the application of the provisions of Article 38-7, paragraph (3) of the Radio Act amended by the provisions stated in Article 1, item (ii) of the Supplementary Provisions, the phrase ", Article 38-

35, or Article 38-44, paragraph (3)" in Article 38-7, paragraph (3) of the Radio Act is replaced with "or Article 38-35".

(Entrustment of Other Transitional Measures to Cabinet Order)

Article 5 Beyond those measures prescribed in these Supplementary Provisions, transitional measures necessary for the enforcement of this Act are specified by Cabinet Order.

(Review)

Article 6 When ten years have passed after the enforcement of the provisions stated in Article 1, item (iii) of the Supplementary Provisions, the government is to review the status of the enforcement of the provisions of Chapter III-2, Section 3 of the new Act, and when deemed necessary, take necessary measures based on the results of the review.

#### **Supplementary Provisions [Act No. 60 of June 11, 2014]**

This Act comes into effect on the date on which the Juvenile Training School Act (Act No. 58 of 2014) comes into effect.

#### **Supplementary Provisions [Act No. 67 of June 13, 2014] [Extract]**

(Effective Date)

Article 1 This Act comes into effect on the effective date of the Act Partially Amending the Act on General Rules for Incorporated Administrative Agencies (Act No. 66 of 2014; referred to below as the "Act for Amending General Rules Act"); provided, however, the provisions stated in the following items come into effect on the days prescribed in the respective items:

(i) the provisions of Article 14, paragraph (2), Article 18, and Article 30 of the Supplementary Provisions: the day of promulgation.

(Effects of Dispositions)

Article 28 Dispositions, procedures, or other acts made or to be made before the enforcement of this Act under the provisions of the respective laws before amendment by this Act (including orders based the laws), if there are relevant provisions in the respective laws amended by this Act (including orders based on the amended laws; referred to below as the "new laws and regulations" in this Article), are deemed to have been made or to be made pursuant to the relevant provisions of the new laws and regulations, unless otherwise provided for in any laws (including Cabinet Order based on any laws).

(Transitional Measures for Penal Provisions)

Article 29 Prior laws continue to govern the applicability of penal provisions to conduct in which a person engages before this Act comes into effect, and conduct in which a person engages after this Act comes into effect in a case where prior laws are to remain in force pursuant to the provisions of these Supplementary Provisions.

(Entrustment of Other Transitional Measures to Cabinet Order)

Article 30 Beyond those measures prescribed in Article 3 through the preceding Article of the Supplementary Provisions, transitional measures (including transitional measures concerning the penal provisions) necessary for the enforcement of this Act are specified by Cabinet Order (or for the matters under the jurisdiction of the National Personnel Authority, the Rules of the National Personnel Authority).

**Supplementary Provisions [Act No. 96 of June 27, 2014] [Extract]**

(Effective Date)

Article 1 This Act comes into effect on the date on which the Administrative Complaint Review Act (Act No. 68 of 2014) comes into effect.

(Principle of Transitional Measures)

Article 5 Prior laws continue to govern appeals filed against dispositions or other acts that administrative authorities have undertaken before the enforcement of this Act or against failures to act by administrative authorities related to applications that have been filed before the enforcement of this Act, unless otherwise provided for in these Supplementary Provisions.

(Transitional Measures Concerning Lawsuits)

Article 6 (1) Prior laws continue to govern the filing of an action in relation to matters for which an action may be filed only after an administrative determination, decision, or any other act is made by an administrative authority in relation to an appeal pursuant to the provisions of laws before amendment by this Act and for which the statute of limitations for filing an action has expired before this Act comes into effect with no appeal being filed within the period (if the appeal may be filed only after an administrative determination, decision, or any other act is made by an administrative authority in relation to another appeal, the matters include those for which the statute of limitations for filing an action has expired before this Act comes into effect without such other appeal being filed within the period).

(2) Prior laws continue to govern the filing of an action for revocation of a

disposition or any other act against which an objection is filed pursuant to the provisions of laws before amendment by the provisions of this Act (including cases where prior laws continue to govern pursuant to the provisions of the preceding Article) and for which an action for revocation may be filed only after an administrative determination on a request for administrative review is made pursuant to the provisions of laws amended by the provisions of this Act.

- (3) Prior laws continue to govern an action for rescission of an administrative determination, decision, or any other act made by an administrative authority in relation to an appeal, where the action has been filed before this Act comes into effect.

(Transitional Measures for Penal Provisions)

Article 9 Prior laws continue to govern the applicability of penal provisions to conduct in which a person engages before this Act comes into effect, and conduct in which a person engages after this Act comes into effect in a case where prior laws are to remain in force pursuant to the provisions of Article 5 of the Supplementary Provisions and the preceding two Articles.

(Entrustment of Other Transitional Measures to Cabinet Order)

Article 10 Beyond what is provided for in Article 5 of the Supplementary Provisions through to the preceding Article, transitional measures necessary for the enforcement of this Act (including transitional measures concerning the penal provisions) are specified by Cabinet Order.

### **Supplementary Provisions [Act No. 96 of June 27, 2014] [Extract]**

(Effective Date)

Article 1 This Act comes into effect on the day specified by Cabinet Order within a period not exceeding one year from the date of promulgation; provided, however, that in Article 1, the amended provisions of Article 20, paragraph (2) of the Broadcasting Act (limited to the part in that paragraph replacing item (viii) with item (ix), moving items (v) to (vii) down by one item each respectively, and adding one item after item (iv)), the amended provisions of paragraph (10) of that Article, the amended provisions to Article 29, paragraph (1), item (i) of that Act, and the amended provisions of (g) of that item (limited to the part adding after the term "abolition" the phrase "(in the case of commencement, suspension or abolition of international broadcasting or international satellite broadcasting by NHK, except one that is found to be minor by the management committee)"), and the provisions of the following Article, Article 5, and Articles 9 through 11 of the Supplementary Provisions come into effect on the date of promulgation.

Article 7 (2) Prior laws continue to govern the applicability of the provisions of Article 76, paragraph (4), item (v) of the Radio Act amended by the provisions of Article 2 (referred to below as the "new Radio Act" in this paragraph) (including cases as applied pursuant to Article 162, paragraph (4) of the new Broadcasting Act, following the deemed replacement of terms) to a person that, at the time of enforcement of this Act, holds a license for a specified terrestrial basic broadcast station (referring to the specified terrestrial basic broadcast station prescribed in Article 6, paragraph (2) of the Radio Act before amendment by the provisions of Article 2 (referred to below as the "former Radio Act" in this paragraph)) pursuant to the provisions of the Radio Act before the amendment by Article 2, and that, at the time of enforcement of this Act, fails to conform to the provisions of Article 7, paragraph (2), item (iv), sub-item (b) of the new Radio Act (including cases as applied pursuant to Article 162, paragraph (3), following the deemed replacement of terms; the same applies in this paragraph), until the day on which one year elapses from the effective date (if the person becomes in conformity with Article 7, paragraph (2), item (iv), sub-item (b) of the New Radio Act before that day; until the day on which the person becomes in conformity with the relevant provisions), notwithstanding the provisions of Article 2, item (xxxii) of the New Broadcasting Act.

(Transitional Measures for Application of Penal Provisions)

Article 10 Prior laws continue to govern the applicability of penal provisions to conduct in which a person engages in before this Act (or for the provisions prescribed in the proviso to Article 1 of the Supplementary Provisions, the relevant provisions) comes into force.

(Entrustment of Other Transitional Measures to Cabinet Order)

Article 11 Beyond those provided for in these Supplementary Provisions, transitional measures (including transitional measures concerning the penal provisions) necessary for the enforcement of this Act are specified by Cabinet Order.

#### **Supplementary Provisions [Act No. 22 of May 20, 2015] [Extract]**

(Effective Date)

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

#### **Supplementary Provisions [Act No. 26 of May 22, 2015] [Extract]**



(Effective Date)

Article 1 This Act comes into effect on the day 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 the Supplementary Provisions come into effect on the date of promulgation.

(Preparatory Actions)

Article 2 The Minister of Internal Affairs and Communications, even before the date on which this Act comes into effect (referred to below as the "effective date"), may consult with the councils and other organizations prescribed in Article 169 of the Telecommunications Business Act before amendment by the provisions of Article 1 (referred to below as the "former Telecommunications Business Act"), in relation to the matters stated in item (i), and consult with the Radio Regulatory Council in relation to the matters stated in items (ii) and (iii), respectively:

(i) (omitted); and

(ii) establishment, amendment, or repeal of Order of the Ministry of Internal Affairs and Communications under the provisions of Article 4, paragraph (2) of the Radio Act amended by the provisions of Article 2 (referred to below as the "new Radio Act").

(Transitional Measures Upon Partial Amendment of the Radio Act)

Article 4 The establishment plan prescribed in Article 27-13, paragraph (1) of the Radio Act before amendment by the provisions of Article 2 (referred to below as the "former Radio Act") (limited to an establishment plan related to specified base stations (referring to the specified base stations prescribed in Article 27-12, paragraph (1) of the former Radio Act) for the purpose of conducting telecommunications services (referring to the telecommunications services prescribed in Article 2, item (vi) of the former Telecommunications Business Act)) for which an approval has been obtained pursuant to the provisions of Article 27-13, paragraph (1) of the former Radio Act, at the time of enforcement of this Act, is deemed to be the establishment plan prescribed in Article 27-13, paragraph (1) of the new Radio Act for which an approval has been obtained pursuant to the provisions of that paragraph.

(Effects of Dispositions)

Article 6 Dispositions, procedures, or other acts made before the effective date pursuant to the provisions of the respective laws before amendment, if there are relevant provisions in the respective amended laws, are deemed to have been made pursuant to the relevant provisions of the respective amended laws,

unless otherwise provided for in these Supplementary Provisions.

(Transitional Measures for Penal Provisions)

Article 7 Prior laws continue to govern the applicability of penal provisions to conduct in which a person engages before the effective date.

(Entrustment of Other Transitional Measures to Cabinet Order)

Article 8 Beyond what is provided for in Article 3 of the Supplementary Provisions through the preceding Article, transitional measures necessary for the enforcement of this Act (including transitional measures concerning the penal provisions) are specified by Cabinet Order.

(Review)

Article 9 When three years have passed after the enforcement of this Act, the government is to review the status of the enforcement of the provisions amended by this Act, and if found necessary, take necessary measures based on the results of the review.

### **Supplementary Provisions [Act No. 27 of May 12, 2017] [Extract]**

(Effective Date)

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

- (i) in Article 1, the amending provisions that delete the title of paragraph (15) of the Supplementary Provisions of the Radio Act, add a title before that paragraph, and add one paragraph after that paragraph; and the provisions of Article 4 of the Supplementary Provisions: the date of promulgation; and
- (ii) in Article 1, the provisions amending Article 6 of the Radio Act, the provisions amending Article 20 of that Act, the provisions amending Article 27-17 of that Act, the provisions amending Article 63 of that Act, the provisions adding one Article after Article 70-5 of that Act, the provisions amending Article 76 of that Act, the provisions amending Article 99-11, paragraph (1) of that Act (except the part in item (i) of that paragraph that adds ", Article 24-2, paragraph (4), item (ii) (Registration of Inspectors)" after "Licensing Procedures)" and the part of that item that adds ", Article 38-3, paragraph (1), item (ii) (Criteria for Registration)" after "(Specified Radio Equipment)", and the part related to item (ii) of that paragraph), the provisions amending Article 103, paragraph (1), the provisions amending Article 111, and the provisions amending Article 116; and the provisions of

Articles 5 through 7 of the Supplementary Provisions: the day specified by Cabinet Order within a period not exceeding one year and three months from the date of promulgation.

(Preparatory Actions)

Article 2 The Minister of Internal Affairs and Communications, even before the date on which this Act comes into effect (referred to below as the "effective date"), or before the date on which the provisions stated in item (ii) of the preceding Article come into effect, may consult with the Radio Regulatory Council for the purpose of establishment, amendment, or repeal of Order of the Ministry of Internal Affairs and Communications respectively under the provisions of Article 24-2, paragraph (4), item (ii) or Article 38-3, paragraph (1), item (ii) of the Radio Act amended by the provisions of Article 1 (referred to below as the "new Radio Act"), or under the provisions of Article 70-5-2, paragraph (2), item (i), or the proviso to paragraph (3) of that Article of the new Radio Act.

(Transitional Measures Upon Partial Amendment of the Radio Act)

- Article 3 (1) In relation to a radio station that is granted a license or the registration referred to in Article 27-18, paragraph (1) of the Radio Act before amendment by the provisions of Article 1 (referred to below as the "former Radio Act" in this Article) before the effective date, the provisions of Article 103-2, paragraphs (1), (5), (6) and (15) of the new Radio Act, apply to the spectrum user fee related to the period on or after the first corresponding day or other relevant day (referring to the corresponding day prescribed in Article 103-2, paragraph (1) of the new Radio Act (referred to below simply as the "corresponding day" in this Article), or the day corresponding to the day of the blanket license or registration prescribed in paragraph (5) of that Article; the same applies below in this paragraph) on or after the effective date, and prior laws continue to govern the spectrum user fee related to the period before the relevant corresponding day or other relevant day.
- (2) In relation to the spectrum user fee related to a radio station, in which the amount of the spectrum user fee under the provisions of Article 103-2, paragraph (1) of the new Radio Act is less than the amount of the spectrum user fee under the provisions of Article 103-2, paragraph (1) of the former Radio Act, the part of the spectrum user fee related to the period on or after the first corresponding day on or after the effective date prepaid pursuant to the provisions of paragraph (17) of that Article, which exceeds the amount of the spectrum user fee under the provisions of Article 103-2, paragraphs (1) and (15) of the new Radio Act related to the relevant period, is refunded.
- (3) In relation to the spectrum user fee related to a radio station, in which the

amount of the spectrum user fee under the provisions of Article 103-2, paragraph (1) of the New Radio Act exceeds the amount of the spectrum user fee under the provisions of Article 103-2, paragraph (1) of the former Radio Act, the spectrum user fee related to the period on or after the first corresponding day on or after the effective date prepaid pursuant to the provisions of paragraph (17) of that Article, is to be sequentially appropriated in one-year periods for the spectrum user fee to be paid for each one-year period on or after the relevant corresponding day within the period related to the relevant prepayment pursuant to the provisions of Article 103-2, paragraph (1) of the new Radio Act, beginning with the earliest one-year period.

(Entrustment 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 five years have passed after the enforcement of the provisions stated in Article 1, item (ii) of the Supplementary Provisions, the Government is to review the status of the enforcement of the provisions of Article 70-5-2 of the New Radio Act, and when found necessary, take necessary measures based on the results of the review.

#### **Supplementary Provisions [Act No. 41 of May 31, 2017] [Extract]**

(Effective Date)

Article 1 This Act comes into effect on April 1, 2019; provided, however, that the provisions of the following Article and Article 48 of the Supplementary Provisions come into effect on the date of promulgation.

(Entrustment 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. 102 of December 14, 2018] [Extract]**

(Effective Date)

Article 1 This Act comes into effect on April 1, 2019.

#### **Supplementary Provisions [Act No. 6 of May 17, 2019] [Extract]**

(Effective Date)

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

- (i) in Article 1, the provisions amending Article 5, paragraph (3), item (iii) of the Radio Act, the amending provisions that add one paragraph to that Article, the provisions amending Article 6, paragraph (1), item (vii) of that Act, the provisions amending Article 25, paragraph (2) of that Act, the provisions amending Article 26, paragraph (2), item (iv) of that Act, the provisions amending Articles 27-12 through 27-16 of that Act, the provisions amending Article 58 of that Act, the provisions amending Article 99-11, paragraph (1), item (i) of that Act, the provisions amending Article 103-2, paragraph (4) of that Act, and the amending provisions that change Article 103-5 of that Act to Article 103-6 of that Act, change Article 103-4 of that Act to Article 103-5 of that Act, and add one Article after Article 103-3 of that Act, and the provisions amending paragraphs (15) and (16) of the Supplementary Provisions of that Act; and the provisions of the following Article, and Articles 4 through 6, and 8 of the Supplementary Provisions: the date of promulgation; and
- (ii) the provisions of Article 2; and the provisions of Articles 9 through 11 of the Supplementary Provisions: the day specified by Cabinet Order within a period not exceeding one year from the date of promulgation.

(Preparatory Actions)

Article 2 even before the date on which the provisions stated in item(ii) of the preceding Article come into effect, The Minister of Internal Affairs and Communications may consult with the Radio Regulatory Council for the purpose of establishment, amendment, or repeal of Order of the Ministry of Internal Affairs and Communications under the provisions of Article 4-2, paragraph (2) or (3) of the Radio Act amended by the provisions of Article 2, or the provisions of Article 78 of that Act, as applied mutatis mutandis pursuant to Article 4-2, paragraph (5) of that Act.

(Transitional Measures upon Partial Amendment of the Radio Act)

Article 3 (1) In relation to a radio station that is granted a license or the registration referred to in Article 27-18, paragraph (1) of the Radio Act before amendment by the provisions of Article 1 (referred to below as the "former Act" in this Article) before the date on which this Act comes into effect (referred to below as the "effective date" in this Article), the provisions of Article 103-2,

paragraphs (1), (5), (6) and (15) of the Radio Act amended by the provisions of Article 1 (referred to below as the "new Act" in this Article) apply to the spectrum user fee related to the period on or after the first corresponding day or other related day (referring to the corresponding day prescribed in Article 103-2, paragraph (1) of the new Act (referred to below simply as "the corresponding day" in this Article), or the day corresponding to the day of the blanket license or registration prescribed in paragraph (5) of that Article; the same applies below in this paragraph) on or after the effective date, and prior laws continue to govern the spectrum user fee related to the period before the relevant corresponding day or other relevant day.

- (2) In relation to the spectrum user fee related to a radio station, in which the amount of the spectrum user fee under the provisions of Article 103-2, paragraph (1) of the new Act is less than the amount of the spectrum user fee under the provisions of Article 103-2, paragraph (1) of the former Act, the part of the spectrum user fee related to the period on or after the first corresponding day on or after the effective date prepaid pursuant to the provisions of paragraph (17) of that Article, which exceeds the amount of the spectrum user fee under the provisions of Article 103-2, paragraphs (1) and (15) of the new Act related to the relevant period, is refunded.
- (3) In relation to the spectrum user fee related to a radio station where the amount of the spectrum user fee under the provisions of Article 103-2, paragraph (1) of the new Act exceeds the amount of the spectrum user fee under the provisions of Article 103-2, paragraph (1) of the former Act, the spectrum user fee related to the period on or after the first corresponding day on or after the effective date prepaid pursuant to the provisions of paragraph (17) of that Article, is to be appropriated in one-year periods for the spectrum user fee to be paid for each one year period on or after the relevant corresponding day within the period related to the relevant prepayment pursuant to the provisions of Article 103-2, paragraph (1) of the new Act, beginning with the earliest one-year period.

#### (Effects of Dispositions)

Article 4 Dispositions, procedures, or other acts made or to be made before the enforcement of the provisions stated in the items of Article 1 of the Supplementary Provisions pursuant to the provisions of the Radio Act before amendment by this Act, if there are relevant provisions in the Radio Act amended by this Act, are deemed to have been made or to be made pursuant to the relevant provisions of that Act, unless otherwise provided for in these Supplementary Provisions.

#### (Transitional Measures for Penal Provisions)

Article 5 Prior laws continue to govern the applicability of penal provisions to conduct in which a person engages before the provisions stated in Article 1, item (1) of the Supplementary Provisions come into effect.

(Entrustment of Other Transitional Measures to Cabinet Order)

Article 6 Beyond what is provided for in the preceding three Articles, transitional measures necessary for the enforcement of this Act (including transitional measures concerning the penal provisions) are specified by Cabinet Order.

(Review)

Article 7 Within three years after the enforcement of this Act, the government is to review the status of the enforcement of the provisions amended by this Act, and when found necessary, take necessary measure based on the results of the review.

#### **Supplementary Provisions [Act No. 16 of May 31, 2019] [Extract]**

(Effective Date)

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

#### **Supplementary Provisions [Act No. 23 of June 5, 2019] [Extract]**

(Effective Date)

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

(i) (omitted);

(ii) the provisions amending Article 24, Article 88, Article 93, paragraph (1), Article 96, paragraph (2), Article 103, Article 104, items (ii) and (iii), Article 116, paragraphs (1) through (4), Article 161, paragraph (2), Article 162, and Article 177, paragraph (1), item (v); and the provisions of Articles 6 and 10 of the Supplementary Provisions: the day specified by Cabinet Order within a period not exceeding one year from the date of promulgation.

#### **Supplementary Provisions [Act No. 23 of April 24, 2020]**

(Effective Date)

Article 1 This Act comes into effect on the day specified by Cabinet Order within

a period not exceeding nine months from the date of promulgation; provided, however, that the provisions stated in the following items come into effect on the dates respectively specified in those items:

- (i) the provisions amending Article 27-12, paragraph (2), the provisions amending Article 27-13, paragraphs (2) and (8), the provisions amending Article 27-15, paragraph (2), item (v), sub-item (d), and the provisions amending paragraph (16) of the Supplementary Provisions; and the provisions of the following Article and Article 3 of the Supplementary Provisions: the date of promulgation; and
- (ii) the provisions amending Article 102-17, paragraphs (2), (4), and (5): April 1, 2021.

#### (Preparatory Actions)

Article 2 (1) Even before the date on which this Act comes into effect, the Minister of Internal Affairs and Communications may consult with the Radio Regulatory Council for the purpose of establishment, amendment, or repeal of Order of the Ministry of Internal Affairs and Communications under the provisions of Article 102-11, paragraph (4) of the Radio Act amended by this Act (referred to below as the "new Act").

(2) A person that intends to obtain the authorization referred to in Article 39-5, paragraph (1) of the new Act, as applied mutatis mutandis pursuant to Article 102-17, paragraph (5) of the new Act, may file an application for the authorization in accordance with the provisions of that paragraph, even before the date on which the provisions stated in item (ii) of the preceding Article come into effect.

(3) If the application for authorization referred to in the preceding paragraph has been filed, the Minister of Internal Affairs and Communications may grant the authorization in accordance with the provisions of Article 39-5, paragraph (1) of the new Act, as applied mutatis mutandis pursuant to Article 102-17, paragraph (5) of the new Act, even before the date on which the provisions stated in item (ii) of the preceding Article come into effect. In this case, the operational regulations for which the authorization was obtained are deemed to be those for which the authorization referred to in that paragraph was obtained, on the date on which those provisions came into effect.

#### (Entrustment to Cabinet Order)

Article 3 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 4 Within three years after the enforcement of this Act, the government is to review the status of the enforcement of the provisions amended by this Act, and if found necessary, take necessary measures based on the results of the review.

**Supplementary Provisions [Act No. 19 of March 31, 2021] [Extract]**

(Effective Date)

Article 1 This Act comes into effect on April 1, 2021.

**Supplementary Provisions [Act No. 39 of May 9, 2022] [Extract]**

(Effective Date)

Article 1 This Act comes into effect on the day 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 through Article 4 of the Supplementary Provisions come into effect on April 1, 2023.

(Transitional Measures upon Partial Amendment of the Radio Act)

Article 3 Prior laws continue to govern payment of the spectrum user fee (referring to the spectrum user fee prescribed in Article 103-2, paragraph (4) of the Radio Act) which is entrusted to a person designated under the provisions of Article 103-2, paragraph (27) of the Radio Act before being amended by the provisions of the preceding Article at the time of enforcement of the provisions prescribed in the proviso to Article 1 of the Supplementary Provisions.

**Supplementary Provisions [Act No. 52 of May 25, 2022] [Extract]**

(Effective Date)

Article 1 This Act comes into effect on April 1, 2024; provided, however, that the provisions stated in the following items come into effect on the dates specified in each of those items:

(i) the provisions of the following Article, and Articles 3, 5, and 38 of the Supplementary Provisions: the date of promulgation;

(Entrustment to Cabinet Order)

Article 38 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. 63 of June 10, 2022] [Extract]**

(Effective Date)

Article 1 This Act comes into effect on the day specified by Cabinet Order within a period not exceeding nine months from the date of promulgation; provided, however, that the provisions stated in the following items come into effect on the dates specified in each of those items:

- (i) in Article 1, the provisions amending Article 5, paragraph (2), Article 6, paragraph (3), item (i), sub-item (i), and paragraph (5), item (vii), and Article 103-2, paragraph (4), item (iii) the Radio Act; and the provisions of the following Article and Article 9 of the Supplementary Provisions; the date of promulgation;
- (ii) the provisions of Article 2; in Article 3, the provisions amending the Contents, Article 71-2, paragraph (2), item (i), and Article 73, paragraph (2), item (i) of the Broadcasting Act, the amending provisions that add one Article after that Article, the provisions amending Article 84 of that Act, the provisions amending Article 93 of that Act (except the provisions amending paragraph (1), item (vii), sub-item (j) of that Article (except the part that changes "paragraph (2)" to "paragraph (6)")), the provisions amending Article 97, paragraph (2) and Article 103 of that Act, the amending provisions that add one Article after Article 110 of that Act, the provisions amending Articles 116 and 116-3 of that Act, the amending provisions that change that Article to Article 116-4 of that Act, change Article 116-2 of that Act to Article 116-3 of that Act, the amending provisions that add one Article to Chapter V, Section 2, Subsection 2 of that Act, the provisions amending Article 116-6 of that Act, the amending provisions that change that Article in Chapter V, Section 2, Subsection 3 of that Act to Article 116-7, change Article 116-5 of that Act to Article 116-6 of that Act, and change Article 116-4 of that Act to Article 116-5 of that Act, the provisions amending Article 125 of that Act, the provisions amending Article 159 of that Act (except the provisions amending paragraph (2), item (v), sub-item (h) of that Article (except the part that changes "paragraph (2)" to "paragraph (6)")), the provisions amending Article 160, item (ii) and Article 161, paragraph (2) of that Act, the amending provisions that add one Article after that Article, the provisions amending Article 166 and Article 177, paragraph (1), item (i) of that Act, the provisions amending item (ii) of that paragraph (limited to the part that adds ", the proviso to Article 73-2, paragraph (2) (authorization for reversal of the reserve for a returning purpose)" after "authorization of the income and expenditure budget, etc.)" and changes "Article 116-3, paragraph (1) to "Article 116-4, paragraph (1)"), the provisions amending item (iv) of that paragraph (limited to the part that change "Article 116-4, paragraph (5)" to "Article 116-5, paragraph (5)" and "Article 166, paragraph (2)" to "Article 166,

paragraph (6)"), the provisions amending item (v) of that paragraph (except the part that adds ", Article 64, paragraph (4) (the multiple related to the amount of surcharge)" after "relationship of control")), the amending provisions that add two items to Article 191, paragraph (1) of that Act, and the provisions amending Article 193, item (i) of that Act; and the provisions of Articles 3 and 8 of the Supplementary Provisions: the day specified by Cabinet Order within a period not exceeding one year from the date of promulgation.

(Preparatory Actions)

Article 2 (1) For the purpose of establishment, amendment, or repeal of Order of the Ministry of Internal Affairs and Communications under the provisions stated in the following items, the Minister of Internal Affairs and Communications may consult with the Radio Regulatory Council, even before the dates respectively specified in those items:

- (i) Article 26-2, paragraph (1), item (i) or (ii), Article 26-3, paragraph (1), item (iv), Article 27-12, paragraph (2), item (i), the proviso to Article 27-13, paragraph (1), or paragraph (2) of that Article of the Radio Act amended by the provisions of Article 1 (referred to below as the "Radio Act amended by Article 1"); or Article 64, paragraph (4) of the Broadcasting Act amended by the provisions of Article 3 (referred to below as the "new Broadcasting Act"): the date on which this Act comes into effect (referred to below as the "effective date"); and
  - (ii) Article 27-16, paragraph (2), item (iii) or Article 75, paragraph (2), item (iii) of the Radio Act amended by the provisions of Article 2 (referred to as the "Radio Act amended by Article 2" in paragraph (1) of the following Article and Article 10, paragraph (2) of the Supplementary Provisions); or Article 103, paragraph (2), item (iii) or Article 166, paragraph (2), item (iii) of the New Broadcasting Act: the date on which the provisions stated in item (ii) of the preceding Article come into effect (referred to as the "item (ii) effective date" in paragraph (1) of the following Article).
- (2) Even before the effective date, the Radio Regulatory Council may establish the policies concerning the matters necessary for the implementation of effective utilization assessments prescribed in Article 26-3, paragraph (1) of the Radio Act amended by Article 1, and make them public, in accordance with the provisions of that Article. In this case, these policies are deemed to have been established and made public pursuant to the provisions of paragraph (2) of that Article, on the effective date.

(Transitional Measures Concerning a Person that Has Already Obtained a License)

Article 3 (1) A person that has already obtained any of the licenses and approvals stated in the following items at the time of enforcement of the provisions stated in Article 1, item (ii) of the Supplementary Provisions (limited to a person that is a corporation or organization) must notify the Minister of Internal Affairs and Communications of the matters specified in each of those items within six months from the item (ii) effective date, pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications:

- (i) a license for a radio station (except the radio stations stated in the items of Article 5, paragraph (2) of the Radio Act before amendment by Article 2) other than a basic broadcast station (referring to the basic broadcast station prescribed in Article 6, paragraph (2) of the Radio Act before amendment by the provisions of Article 2 (referred to below as the "Radio Act before amendment by Article 2" in this paragraph); the same applies in the following item and item (iii)): the matters stated in Article 6, paragraph (1), item (x) of the Radio Act amended by Article 2;
- (ii) a license for a basic broadcast station (limited to a radio station that transmits the basic terrestrial broadcasting prescribed in Article 2, item (xv) of the Broadcasting Act before amendment by the provisions of Article 3 (referred to below as the "former Broadcasting Act" in this paragraph) (except broadcasting that corresponds to the relay broadcasting for preventing obstructions to reception prescribed in Article 5, paragraph (5) of the Radio Act before amendment by Article 2, and the community broadcasting prescribed in Article 93, paragraph (1), item (vii) of the New Broadcasting Act); referred to as an "item (ii) basic broadcast station" in the following item): the matters stated in Article 6, paragraph (2), item (ix) of the Radio Act amended by Article 2;
- (iii) a license for a basic broadcast station other than an item (ii) basic broadcast station: the matters stated in Article 6, paragraph (2), item (ix), sub-items (a) and (b) of the Radio Act amended by Article 2;
- (iv) the approval referred to in Article 27-14, paragraph (1) of the Radio Act before amendment by Article 2 (limited to that related to the basic terrestrial broadcasting for mobile reception prescribed in Article 2, item (xiv) of the former Broadcasting Act): the matters stated in Article 27-14, paragraph (1), item (ii) of the Radio Act amended by Article 2;
- (v) the approval referred to in Article 93, paragraph (1) of the former Broadcasting Act (limited to that related to the operations of the basic terrestrial broadcasting prescribed in Article 2, item (xv) of the former Broadcasting Act (except broadcasting that corresponds to the community broadcasting prescribed in Article 93, paragraph (1), item (vii) of the new Broadcasting Act); referred to as an "item (v) approval" in the following

- item): the matters stated in Article 93, paragraph (2), item (x) of the new Broadcasting Act;
- (vi) the approval referred to in Article 93, paragraph (1) of the former Broadcasting Act other than an item (v) approval: the matters stated in Article 93, paragraph (2), item (x), sub-items (a) and (b) of the new Broadcasting Act; and
- (vii) the approval referred to in Article 159, paragraph (1) of the former Broadcasting Act: the matters stated in Article 159, paragraph (3), items (v) through (vii) of the new Broadcasting Act.
- (2) A person that fails to make a notification under the provisions of the preceding paragraph (limited to the part related to items (i) through (iv)) or makes a false notification, is punished by a civil fine of not more than three hundred thousand yen.
- (3) A person that fails to make a notification under the provisions of paragraph (1) (limited to the part related to items (v) through (vii)) or makes a false notification, is punished by a civil fine of not more than two hundred thousand yen.

(Transitional Measures Concerning the Actual Utilization Survey)

Article 4 The provisions of Article 26-2, paragraph (2) of the Radio Act amended by Article 1 also apply to the results of the actual utilization survey prescribed in Article 26-2, paragraph (1) of the Radio Act before amendment by the provisions of Article 1 (referred to as the "Radio Act before amendment by Article 1" in the following Article and Article 6 of the Supplementary Provisions) under the provisions of that paragraph that is commenced on or after April 1, 2022.

(Transitional Measures Concerning the Period of Validity of an Approval for an Establishment Plan)

Article 5 In relation to a person that has already obtained the approval referred to in Article 27-13, paragraph (1) of the Radio Act before amendment by Article 1, at the time of enforcement of this Act, prior laws continue to govern the period of validity of that approval, notwithstanding the provisions of Article 27-14, paragraph (7) of the Radio Act amended by Article 1.

(Transitional Measures Concerning the Spectrum User Fee)

Article 6 (1) In relation to a radio station that is granted a license or the registration referred to in Article 27-18, paragraph (1) of the Radio Act before amendment by Article 1 before the effective date, the provisions of Article 103-2, paragraphs (1), (5), (6) and (15) of the Radio Act amended by Article 1 apply to the spectrum user fee related to the period on or after the first

corresponding day or other related day (referring to the corresponding day prescribed in Article 103-2, paragraph (1) of the Radio Act amended by Article 1 (referred to below simply as the "corresponding day" in this Article), or the day corresponding to the day of the blanket license or registration prescribed in paragraph (5) of that Article; the same applies below in this paragraph) on or after the effective date, and prior laws continue to govern the spectrum user fee related to the period before the relevant corresponding day, or other relevant day.

- (2) In relation to the spectrum user fee related to a radio station where the amount of the spectrum user fee under the provisions of Article 103-2, paragraph (1) of the Radio Act amended by Article 1 is less than the amount of the spectrum user fee under the provisions of Article 103-2, paragraph (1) of the Radio Act before amendment by Article 1, the part of the spectrum user fee related to the period on or after the first corresponding day on or after the effective date prepaid pursuant to the provisions of paragraph (17) of that Article, which exceeds the amount of the spectrum user fee under the provisions of Article 103-2, paragraphs (1) and (15) of the Radio Act amended by Article 1 related to the relevant period, is refunded.
- (3) In relation to the spectrum user fee related to a radio station, in which the amount of the spectrum user fee under the provisions of Article 103-2, paragraph (1) of the Radio Act amended by Article 1 exceeds the amount of the spectrum user fee under the provisions of Article 103-2, paragraph (1) of the Radio Act before amendment by Article 1, the spectrum user fee related to the period on or after the first corresponding day on or after the effective date prepaid pursuant to the provisions of paragraph (17) of that Article, is to be sequentially appropriated in one-year periods, for the spectrum user fee to be paid for each one-year period on or after the relevant corresponding day within the period related to the relevant prepayment pursuant to the provisions of Article 103-2, paragraph (1) of the Radio Act amended by Article 1, beginning with the earliest one-year period.

(Entrustment of Other Transitional Measures to Cabinet Order)

Article 9 Beyond what is provided for in Article 2 of the Supplementary Provisions through the preceding Article, transitional measures necessary for the enforcement of this Act are specified by Cabinet Order.

(Review)

Article 10 (1) Approximately three years after the enforcement of this Act, the government is to review the systems related to the actual utilization survey prescribed in Article 26-2, paragraph (1) of the Radio Act amended by Article 1, the effective utilization assessment prescribed in Article 26-3, paragraph (1) of

the Radio Act amended by Article 1, the specified base stations prescribed in Article 27-12, paragraph (1) of the Radio Act amended by Article 1, and the related-business holding company prescribed in Article 22-2 of the new Broadcasting Act, and when found necessary, take necessary measures based on the results of the review.

- (2) Approximately five years after the enforcement of the provisions stated in Article 1, item (ii) of the Supplementary Provisions, the government is to review the systems related to matters such as the limitation on the possession of voting rights by foreign nationals, etc. based on the provisions of the Radio Act amended by Article 2 and the New Broadcasting Act and the systems related to the suspension and discontinuation of basic broadcasting prescribed in Article 110-2 of the New Broadcasting Act, and when found necessary, take necessary measures based on the results of the review.

#### **Supplementary Provisions [Act No. 68 of June 17, 2022] [Extract]**

(Effective Date)

- (1) Article 1 This Act comes into effect on the effective date of the Act Partially Amending the Penal Code; provided, however, that the provisions stated in the following items come into effect on the dates respectively specified in those items:
- (i) the provisions of Article 509: the date of promulgation;

#### **Supplementary Provisions [Act No. 70 of June 17, 2022] [Extract]**

(Effective Date)

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

#### **Supplementary Provisions [Act No. 93 of December 9, 2022] [Extract]**

(Effective Date)

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

(Transitional Measures)

- (2) Prior laws continue to govern the applicability of penal provisions to conduct in which a person engages before the amending provisions prescribed in the proviso to the preceding paragraph come into effect.

#### **Supplementary Provisions [Act No. 40 of June 2, 2023] [Extract]**

(Effective Date)

Article 1 This Act comes into effect on the day 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 6 of the Supplementary Provisions come into effect on the date of promulgation.

(Preparatory Actions)

Article 2 Even before the date on which this Act comes into effect (referred to below as the "effective date"), the Minister of Internal Affairs and Communications may consult with the Radio Regulatory Council for the purpose of establishment, amendment, or repeal of Order of the Ministry of Internal Affairs and Communications under the following provisions:

- (i) (omitted); and
- (ii) Article 9, paragraph (4) or Article 17, paragraph (1) of the Radio Act amended by the provisions of Article 2 (referred to as the "New Radio Act" in paragraph (1), item (ii) of the following Article).

(Transitional Measures Concerning a Person that has Already Obtained an Approval)

Article 3 (1) A person that has already obtained any of the approvals or licenses stated in the following items at the time of enforcement of this Act must notify the Minister of Internal Affairs and Communications of the matters specified in those items within six months from the effective date, pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications:

- (i) (omitted); and
  - (ii) a license for the basic broadcast station prescribed in Article 6, paragraph (2) of the Radio Act before amendment by the provisions of Article 2: the matters stated in Article 6, paragraph (2), item (vi) of the new Radio Act (when entrusting or intending to entrust operation of the equipment constituting a part of the telecommunications equipment (except the radio equipment prescribed in Article 2, item (iv) of the Radio Act) used in the operations of the basic broadcasting prescribed in Article 5, paragraph (4) of the Radio Act (referring to the telecommunications equipment prescribed in Article 2, item (ii) of the Telecommunications Business Act (Act No. 86 of 1984)) to another person, limited to an outline of the equipment and the name of the entrusted person).
- (3) A person that fails to make a notification under the provisions of paragraph (1) (limited to the part related to item (ii)) or makes a false notification is punished by a civil fine of not more than three hundred thousand yen.



(Transitional Measures for Penal Provisions)

Article 5 Prior laws continue to govern the applicability of penal provisions to conduct in which a person engages before this Act comes into effect, and conduct in which a person engages after this Act comes into effect for a case in which prior laws are to remain in force pursuant to the provisions of paragraph (2) of the preceding Article.

(Entrustment of Other Transitional Measures to Cabinet Order)

Article 6 Beyond what is provided for in Article 2 of the Supplementary Provisions through the preceding Article, transitional measures necessary for the enforcement of this Act are specified by Cabinet Order.

(Review)

Article 7 When five years have passed after the enforcement of this Act, the government is to review the status of the enforcement of the provisions amended by this Act, and when deemed necessary, take necessary measures based on the results of the review.

Appended Table 1 (Re: Article 24-2)

- (i) the person is to hold the qualification for a First-Class Radio Operator for General Services, Second-Class Radio Operator for General Services, Third-Class Radio Operator for General Services, Maritime First-Class Radio Operator, Maritime Second-Class Radio Operator, Maritime Fourth-Class Radio Operator, Aeronautical-Class Radio Operator, First-Class Technical Radio Operator for On-the-Ground Services, Second-Class Technical Radio Operator for On-the-Ground Services, On-the-Ground Special Radio Operator or Amateur First-Class Radio Operator.
- (ii) the person is to have a certificate issued by a foreign government agency, which certifies that the relevant person holds a qualification equivalent to one of the qualifications stated in the preceding item.
- (iii) the person has graduated from a university or college, technical college, senior high school (upper secondary school), or junior high school (lower secondary school) under the School Education Act having completed the subjects related to radio communications (including a person that has completed the first half of a professional university course under that Act, having completed those subjects), and has two years' or more experience in servicing in the testing, tuning, or maintenance of radio equipment.
- (iv) the person has graduated from a school in a foreign country which is equivalent to a university or college, college of technology, high school, or secondary education school under the School Education Act, and having completed the subjects related to radio communications, and has two or more

years of experience in servicing, including the testing, tuning, or maintenance of radio equipment.

Appended Table 2 (re: Article 24-2)

- (i) frequency meter
- (ii) spectrum analyzer
- (iii) field intensity meter
- (iv) high-frequency power meter
- (v) voltammeter
- (vi) standard signal generator

Appended Table 3 (re: Article 24-2, Article 38-3, and Article 38-8)

Classification of Business	Measuring Instruments and Other Equipment
(1) Business under Article 38-2-2, paragraph (1), item (i)	<ul style="list-style-type: none"> <li>(i) Frequency meter</li> <li>(ii) Spectrum analyzer</li> <li>(iii) Band meter</li> <li>(iv) Field intensity meter</li> <li>(v) Oscilloscope</li> <li>(vi) High-frequency power meter</li> <li>(vii) Power measuring receiver</li> <li>(viii) Spurious power meter</li> <li>(ix) Voltammeter</li> <li>(x) Low-frequency oscillator</li> <li>(xi) Artificial voice generator</li> <li>(xii) Pseudo signal generator</li> </ul>
(2) Business under Article 38-2-2, paragraph (1), item (ii)	<ul style="list-style-type: none"> <li>(i) Those stated in the right column of (1)</li> <li>(ii) Modulation factor meter</li> <li>(iii) Specific absorption rate measuring apparatus</li> <li>(iv) Linear detector</li> <li>(v) Distortion rate noise meter</li> </ul>
(3) Business under Article 38-2-2, paragraph (1), item (iii)	<ul style="list-style-type: none"> <li>(i) Those stated in the right column of (2)</li> <li>(ii) Level meter</li> <li>(iii) Standard signal generator</li> </ul>

Appended Table 4 (re: Article 24-2, Article 38-3, and Article 38-8)

- (i) the person has graduated from a university or college (except a junior

- college; this applies also to item (v)) under the School Education Act or a university or college under the former Imperial Ordinance for Universities (Imperial Ordinance No. 388 of 1918), having completed the subjects related to radio communications, or holds a qualification as a First-Class Technical Radio Operator for On-the-Ground Services, and has three or more years of experience in servicing, including the testing, tuning, and maintenance of radio equipment, or one or more years of experience in the services of conducting maintenance checks of radio equipment and other devices as a person with knowledge and experience prescribed in Article 24-2, paragraph (4), item (i).
- (ii) the person has graduated from a junior college (including the lower period courses of a professional and vocational university under the School Education Act) or a college of technology under that Act, or a vocational college under the former Imperial Ordinance for Technical Colleges (Imperial Ordinance No. 61 of 1903), having completed the subjects related to radio communications (in the case of the lower period courses of a professional and vocational university under that Act; a person that has completed the course), or holds a qualification as a First-Class Radio Operator for General Services, Maritime First-Class Radio Operator, or Second-Class Technical Radio Operator for On-the-Ground Services, and has five or more years of experience in servicing, including the testing, tuning, and maintenance of radio equipment, or two or more years of experience in the services of conducting maintenance checks of radio equipment and other devices as a person with knowledge and experience prescribed in Article 24-2, paragraph (4), item (i).
- (iii) the person holds a qualification as a Second-Class Radio Operator for General Services, Maritime Second-Class Radio Operator or On-the-Ground Special Radio Operator (limited to those qualifications specified by Order of the Ministry of Internal Affairs and Communications), and has seven or more years of experience in servicing, including the testing, tuning, and maintenance of radio equipment, or three or more years of experience in the services of conducting maintenance checks of radio equipment and other devices as a person with knowledge and experience prescribed in Article 24-2, paragraph (4), item (i).
- (iv) the person has a certificate issued by a foreign government agency, which certifies that the relevant person holds a qualification equivalent to either of the qualifications stated in item (ii), and has five or more years of experience in servicing, including the testing, tuning, and maintenance of radio equipment.
- (v) the person has graduated from a school in a foreign country which is equivalent to a university or college under the School Education Act, having

completed the subjects related to radio communications, and has three or more years of experience in servicing, including the testing, tuning, and maintenance of radio equipment.

- (vi) the person has graduated from a school in a foreign country which is equivalent to a junior college or college of technology under the School Education Act, having completed the subjects related to radio communications, and has five or more years of experience in servicing, including the testing, tuning, and maintenance of radio equipment.

Appended Table 5 (re: Article 71-3-2)

- (i) the person has graduated from a university or college (except a junior college; the same also applies in item (iv)) under the School Education Act or a university or college under the old Imperial Ordinance for Universities, having completed the subjects related to radio communications, or holds a qualification as a First-Class Technical Radio Operator for On-the-Ground Services, and has one or more years of experience in servicing, including the testing, tuning, and maintenance of radio equipment.
- (ii) the person has graduated from a junior college (including the lower period courses of a professional and vocational university under the School Education Act) or college of technology under that Act, or a vocational college under the old Imperial Ordinance for Technical Colleges, having completed the subjects related to radio communications (in the case of the lower period courses of a professional and vocational university under that Act; a person that has completed the course), or has a qualification as a First-Class Radio Operator for General Services, Maritime First-Class Radio Operator, or Second-Class Technical Radio Operator for On-the-Ground Services, and has three or more years of experience in servicing, including the testing, tuning, and maintenance of radio equipment.
- (iii) the person has a certificate issued by a foreign government agency which certifies that the relevant person holds a qualification equivalent to either of the qualifications stated in the preceding item, and has three or more years of experience in servicing, including the testing, tuning, and maintenance of radio equipment.
- (iv) the person has graduated from a school in a foreign country which is equivalent to a university or college under the School Education Act, having completed the subjects related to radio communications, and has one or more years of experience in servicing, including the testing, tuning, and maintenance of radio equipment.
- (v) The person has graduated from a foreign school equivalent to a junior college or college of technology under the School Education Act, having completed the subjects related to radio communications, and has three or

more years of experience in servicing, including the testing, tuning, and maintenance of radio equipment.

Appended Table 6 (re: Article 103-2)

Radio Station Classification			Amount
1. Mobile radio stations (except the mobile stations stated in row 3 through row 5 and row 8. The same applies to row 2)	Radio stations using radio waves of frequencies not exceeding 470 MHz	Aircraft stations or ship stations	400 yen
		Radio stations other than the above	400 yen
	Radio stations using radio waves of frequencies exceeding 470 MHz but not exceeding 3,600 MHz	Aircraft stations or ship stations or stations only using radio waves of the same frequencies as the frequencies of the radio waves used by those radio stations	400 yen

		Radio stations other than the above	Radio stations using radio waves with a frequency bandwidth not exceeding 6 MHz	400 yen
			Radio stations using radio waves with a frequency bandwidth exceeding 6 MHz but not exceeding 15 MHz	700 yen
			Radio stations with antenna power not exceeding 0.05 W	22,800 yen
			Radio stations with antenna power exceeding 0.05 W but not exceeding 0.5 W	2,153,700 yen

		Radio stations using radio waves with a frequency bandwidth exceeding 15 MHz but not exceeding 30 MHz	Radio stations with antenna power not exceeding 0.05 W	1,400 yen
			Radio stations with antenna power exceeding 0.05 W but not exceeding 0.5 W	22,800 yen
			Radio stations with antenna power exceeding 0.5 W	6,598,400 yen
		Radio stations using radio waves with a frequency bandwidth exceeding 30 MHz	Radio stations with antenna power not exceeding 0.05 W	3,100 yen
			Radio stations with antenna power exceeding 0.05 W but not exceeding 0.5 W	22,800 yen

				Radio stations with antenna power exceeding 0.5 W	8,606,500 yen
	Radio stations using radio waves of frequencies exceeding 3,600 MHz but not exceeding 6,000 MHz	Radio stations using radio waves with a frequency bandwidth not exceeding 100 MHz			400 yen
		Radio stations using radio waves with a frequency bandwidth exceeding 100 MHz			102,300 yen
	Radio stations using radio waves of frequencies exceeding 6,000 MHz				400 yen



2. Fixed radio stations established on land to communicate with mobile radio stations or receiving equipment for portable use (except the radio stations set forth in rows 6 and 8)	Radio stations using radio waves of frequencies not exceeding 470 MHz	Radio stations with antenna power not exceeding 0.01 W	3,100 yen
		Radio stations with antenna power exceeding 0.01 W	6,400 yen

	Radio stations using radio waves of frequencies exceeding 470 MHz but not exceeding 3,600 MHz	Radio stations using radio waves with a frequency bandwidth exceeding 6 MHz, which have a function that ensures that, in the case where the radio station is going to transmit radio waves, it will stop its transmission for a given period of time when receiving radio waves at the same frequency as its own	Radio stations located in Region 1	97,600 yen
			Radio stations located in Region 2	53,200 yen
			Radio stations located in Region 3	17,600 yen
			Radio stations located in Region 4	9,000 yen

	Radio stations other than the above	Radio stations with antenna power not exceeding 0.01 W	3,100 yen
		Radio stations with antenna power exceeding 0.01 W	22,800 yen
Radio stations using radio waves of frequencies exceeding 3,600 MHz but not exceeding 6,000 MHz			
		Radio stations with antenna power not exceeding 0.01 W	3,100 yen
		Radio stations with antenna power exceeding 0.01 W	6,400 yen
Radio stations using radio waves of frequencies exceeding 6,000 MHz			3,100 yen

3. Artificial satellite stations (except the radio stations set forth in row 8)	Radio stations using radio waves of frequencies not exceeding 470 MHz	5,700 yen
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Radio stations using radio waves of frequencies exceeding 470 MHz but not exceeding 3,600 MHz	Radio stations using radio waves with a frequency bandwidth not exceeding 3 MHz	A radio station established on board an artificial satellite (except one that orbits in a circular path on a plane that includes the earth's equator in the same direction and with the same period as the earth's rotation) (referred to below as a "non-geostationary orbit satellite station" in this paragraph) for which, while it is at a position where it cannot conduct communications with the radio stations or receiving equipment with which it communicates, a non-geostationary orbit satellite station with the same licensee or registrant,	754,500 yen
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	Radio stations other than the above	7,545,900 yen
	Radio stations using radio waves with a frequency bandwidth exceeding 3 MHz	299,465,400 yen
Radio stations using radio waves of frequencies exceeding 3,600 MHz but not exceeding 6,000 MHz	Radio stations using radio waves with a frequency bandwidth not exceeding 3 MHz	342,400 yen
	Radio stations using radio waves with a frequency bandwidth exceeding 3 MHz but not exceeding 200 MHz	42,344,600 yen
	Radio stations using radio waves with a frequency bandwidth exceeding 200 MHz but not exceeding 500 MHz	224,927,700 yen

		Radio stations using radio waves with a frequency bandwidth exceeding 500 MHz		321,321,800 yen
	Radio stations using radio waves of frequencies exceeding 6,000 MHz			5,700 yen
4. Radio stations conducting radio communications via satellite stations (except the radio stations stateds in row 5 and row 8)	Radio stations using radio waves of frequencies not exceeding 6,000 MHz	Radio stations using radio waves with a frequency bandwidth not exceeding 3 MHz	Radio stations located in Region 1	4,633,600 yen
			Radio stations located in Region 2	2,319,800 yen
			Radio stations located in Region 3	468,300 yen
			Radio stations located in Region 4	159,900 yen

Radio stations using radio waves with a frequency bandwidth exceeding 3 MHz but not exceeding 50 MHz	Radio stations located in Region 1	31,673,200 yen
	Radio stations located in Region 2	15,839,600 yen
	Radio stations located in Region 3	3,172,400 yen
	Radio stations located in Region 4	550,800 yen
Radio stations using radio waves with a frequency bandwidth exceeding 50 MHz but not exceeding 100 MHz	Radio stations located in Region 1	432,387,300 yen
	Radio stations located in Region 2	216,196,500 yen
	Radio stations located in Region 3	43,243,900 yen
	Radio stations located in Region 4	9,140,500 yen



	Radio stations using radio waves with a frequency bandwidth exceeding 100 MHz	Radio stations located in Region 1	870,249,900 yen
		Radio stations located in Region 2	435,127,600 yen
		Radio stations located in Region 3	87,030,300 yen
		Radio stations located in Region 4	18,278,600 yen
	Radio stations using radio waves of frequencies exceeding 6,000 MHz		159,900 yen

5. Radio stations established on mobile objects, including automobiles and ships, or for portable use, which conduct radio communications via satellite stations (except the radio stations stated in row 8)				2,700 yen
6. Basic broadcast stations (except the radio stations stated in row 3, row 7, and row 8)	Radio stations using radio waves of frequencies not exceeding 6,000 MHz	Radio stations conducting television broadcasting	Radio stations with antenna power not exceeding 0.02 W	1,900 yen
			Radio stations with antenna power exceeding 0.02 W but not exceeding 2 kW	195,600 yen

	Radio stations with antenna power exceeding 2 kW but not exceeding 10 kW	Radio stations in a location other than in specified areas	195,600 yen
		Radio stations other than the above	105,833,900 yen
	Radio stations with antenna power exceeding 10 kW		596,312,200 yen
	Radio stations other than the above	Radio stations using radio waves with a frequency bandwidth not exceeding 100 kHz	3,500 yen
		Radio stations with antenna power not exceeding 200 W	79,500 yen
		Radio stations with antenna power exceeding 200 W but not exceeding 50 kW	1,346,100 yen
		Radio stations with antenna power exceeding 50 kW	

		Radio stations using radio waves with a frequency bandwidth exceeding 100 kHz	Radio stations with antenna power not exceeding 20 W	3,500 yen
			Radio stations with antenna power exceeding 20 W but not exceeding 5 kW	79,500 yen
			Radio stations with antenna power exceeding 5 kW	1,346,100 yen
		Radio stations using radio waves of frequencies exceeding 6,000 MHz		1,900 yen

7. Radio stations broadcasting relay broadcasting for preventing reception interference, radio stations conducting multiplex broadcasting, and radio stations conducting broadcasting other than basic broadcasting prescribed in Article 5, paragraph (5) (except the radio stations stated in row 3 and row 8)	Radio stations broadcasting relay broadcasting for preventing reception interference and radio stations conducting multiplex broadcasting prescribed in Article 5 paragraph (5)	400 yen
	Radio stations other than the above	1,900 yen
8. Experimental radio stations and amateur radio stations		300 yen

9. Radio stations other than the above	Radio stations using radio waves of frequencies not exceeding 470 MHz	Radio stations set forth in Article 103-2, paragraph (15), item (ii), which use radio waves of frequencies exceeding 54 MHz but not exceeding 70 MHz (limited to cases where the licensee of the relevant radio station is a municipality (including special ward))	Radio stations which conduct radio communications for transmitting disaster information, etc. directly to residents and which communicate solely with one designated radio station (limited to the stations stated in Article 103-2, paragraph (15), item (ii), which use radio waves of frequencies exceeding 54 MHz but not exceeding 70 MHz)	1,500 yen
			Radio stations other than the above	18,700 yen
		Radio stations other than the above		45,000 yen

Radio stations using radio waves of frequencies exceeding 470 MHz but not exceeding 3,600 MHz	Radio stations used for multiplex broadcasting services		45,000 yen	
	Radio stations other than the above	Radio stations using radio waves with a frequency bandwidth not exceeding 3 MHz	45,000 yen	
		Radio stations using radio waves with a frequency bandwidth exceeding 3 MHz	Radio stations located in Region 1	6,763,600 yen
			Radio stations located in Region 2	3,394,400 yen
			Radio stations located in Region 3	698,700 yen
	Radio stations located in Region 4		249,400 yen	

Radio stations using radio waves of frequencies exceeding 3,600 MHz but not exceeding 6,000 MHz	Radio stations used for broadcasting services	Radio stations located in Region 1		25,017,200 yen
		Radio stations located in Region 2		12,508,900 yen
		Radio stations located in Region 3		2,502,300 yen
		Radio stations located in Region 4		358,000 yen
	Radio stations other than the above	Radio stations using radio waves with a frequency bandwidth not exceeding 3 MHz		45,000 yen
		Radio stations using radio waves with a frequency bandwidth exceeding 3 MHz but not exceeding 30 MHz	Radio stations located in Region 1	6,763,600 yen
			Radio stations located in Region 2	3,394,400 yen



		Radio stations located in Region 3	698,700 yen
		Radio stations located in Region 4	249,400 yen
	Radio stations using radio waves with a frequency bandwidth exceeding 30 MHz but not exceeding 300 MHz	Radio stations located in Region 1	219,713,400 yen
		Radio stations located in Region 2	109,868,800 yen
		Radio stations located in Region 3	22,038,600 yen
		Radio stations located in Region 4	7,437,600 yen
	Radio stations using radio waves with a frequency bandwidth exceeding 300 MHz	Radio stations located in Region 1	543,181,600 yen
		Radio stations located in Region 2	271,603,200 yen
		Radio stations located in Region 3	54,385,500 yen

				Radio stations located in Region 4	18,219,700 yen
				Radio stations using radio waves of frequencies exceeding 6,000 MHz	18,700 yen

Appended Table 7 (re: Article 103-2)

Area	Coefficient
1. Hokkaido	0.0277
2. Aomori Prefecture, Iwate Prefecture, Miyagi Prefecture, Akita Prefecture, Yamagata Prefecture, and Fukushima Prefecture	0.0459
3. Ibaraki Prefecture, Tochigi Prefecture, Gunma Prefecture, Saitama Prefecture, Chiba Prefecture, Tokyo Metropolis, Kanagawa Prefecture, and Yamanashi Prefecture	0.4703
4. Niigata Prefecture and Nagano Prefecture	0.0227
5. Toyama Prefecture, Ishikawa Prefecture, and Fukui Prefecture	0.0156
6. Gifu Prefecture, Shizuoka Prefecture, Aichi Prefecture, and Mie Prefecture	0.1196
7. Shiga Prefecture, Kyoto Prefecture, Osaka Prefecture, Hyogo Prefecture, Nara Prefecture, and Wakayama Prefecture	0.1636
8. Tottori Prefecture, Shimane Prefecture, Okayama Prefecture, Hiroshima Prefecture, and Yamaguchi Prefecture	0.0386
9. Tokushima Prefecture, Kagawa Prefecture, Ehime Prefecture, and Kochi Prefecture	0.0199
10. Fukuoka Prefecture, Saga Prefecture, Nagasaki Prefecture, Kumamoto Prefecture, Oita Prefecture, Miyazaki Prefecture, and Kagoshima Prefecture	0.0682
11. Okinawa Prefecture	0.0079

12. Areas stated in row 1 through row 4 combined	0.5666
13. Areas stated in row 5 through row 11 combined	0.4334
14. Areas stated in row 1 through row 11 combined	1.0000
15. Respective areas when the area stated in row 3 is divided into two areas specified by Order of the Ministry of Internal Affairs and Communications taking various natural and economic conditions into consideration	0.2352
16. Respective areas when the area set forth in row 7 is divided into two areas specified by Order of the Ministry of Internal Affairs and Communications taking various natural and economic conditions into consideration	0.0818
<p>Remarks: The coefficient set forthstated in the right column of this table, pertainingrelated to radio waves for use in a wide area intended to be used only by radio stations established over a wide area, which are established in Region 4 prescribed in item (v) of the Remarks to Appended Table No. 6 and in regions specified by Order of the Ministry of Internal Affairs and Communications as regions in which the degree of utilization of radio waves is determined to be equivalent to that of Region 4 prescribed in the same item, is to be a value equivalent to one tenth of the value set forthstated in the same column.</p>	

Appended Table 8 (re: Article 103-2)

Classification of Radio Waves for Use in a Wide Area	Amount
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Radio waves for use in a wide area related to the radio stations stated in row 1 or 2 of Appended Table 6	Radio wavesrelated to radio stations with the purpose of conducting telecommunications services	Radio waves of frequencies not exceeding 3,600 MHz	Radio waves of frequencies exceeding 2,025 MHz but not exceeding 2,110 MHz or frequencies exceding 2,200 MHz but not exceeding 2,290 MHz	132,111,100 yen
			Radio waves of frequencies exceeding 2,545 MHz but not exceeding 2,655 MHz	132,111,100 yen
			Radio waves other than the above	32,857,000 yen
		Radio waves of frequencies exceeding 3,600 MHz		1,772,600 yen
	Radio waves other than the above			132,111,100 yen
Radio waves for use in a wide area related to the radio stations stated in row 4 or 5 of Appended Table 6				3,124,300 yen
Radio waves for use in a wide area related to the radio stations stated in row 6 of Appended Table 6				6,418,400 yen

Remarks: The amount stated set forth in the right column of this table pertaining related to radio waves for use in a wide area, which are designated by the Minister of Internal Affairs and Communications as those that are made available for use by both radio stations established over a wide area and radio stations other than the radio stations established over a wide area is an amount equivalent to half the amount stated set forth in the same column, notwithstanding the amount stated set forth in the same column.

Appended Table 9 (re: Article 103-2)

Radio Station Classification			Amount
1. Radio stations using radio waves of frequencies not exceeding 3,600 MHz, where the frequency bandwidth of the radio waves used exceeds 6 MHz	Radio stations with antenna power not exceeding 10 mW	Radio stations located in Region 1	5,980 yen
		Radio stations located in Region 2	3,560 yen

		Radio stations located in Region 3	1,110 yen
		Radio stations located in Region 4	660 yen
	Radio stations with antenna power exceeding 10 mW	Radio stations located in Region 1	97,600 yen
		Radio stations located in Region 2	53,200 yen
		Radio stations located in Region 3	17,600 yen
		Radio stations located in Region 4	9,100 yen
	2. Radio stations other than radio stations stated in row 1		3,560 yen
Remarks: The terms “location of installation”, “Region 1,” “Region 2,” “Region 3,” or “Region 4” as used in this table, means the location of installation, Region 1, Region 2, Region 3, or Region 4 prescribed in item (i) through item (v) of the Remarks to Appended Table No. 6.			