Broadcasting Act

(Act No. 132 of May 2, 1950)

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Chapter I General Provisions

(Purpose)

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

(i) guaranteeing that broadcasts are disseminated to the general public as much as possible to ensure that the benefits derived from broadcasts are fully realized;

(ii) ensuring freedom of expression in broadcasting, by guaranteeing its impartiality, truth and autonomy; and

(iii) enabling broadcasting to contribute to the development of a healthy democracy by clarifying the responsibilities of those persons involved in broadcasting.

(Definitions)

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

(i) the term "broadcasting" refers to the act of transmission (including broadcasting using the telecommunications facilities of other persons (meaning the telecommunications facilities provided for in Article 2, item (ii) of the Telecommunications Business Act (Act No. 86 of 1984); the same applies below)) through telecommunications (meaning telecommunications as provided for in Article 2, item (i) of the Telecommunications Business Act) content intended to be received by the public;

(ii) the term "basic broadcasting" refers to broadcasting using radio waves of frequencies allocated either exclusively or preferentially to radio stations broadcasting pursuant to the provisions of the Radio Act (Act No. 131 of 1950);

(iii) the term "general broadcasting" refers to broadcasting which does not fall under basic broadcasting;

(iv) the term "domestic broadcasting" refers to broadcasting intended to be received within Japan;

(v) the term "international broadcasting" refers to broadcasting intended to be received in foreign countries, other than international relay broadcasting and international satellite broadcasting by NHK;

(vi) the term "international broadcasting for Japanese nationals" refers to international broadcasting that broadcasts programs aimed at Japanese nationals;

(vii) the term "international broadcasting for foreign nationals" refers to international broadcasting that broadcasts programs aimed at foreign nationals;

(viii) the term "international relay broadcasting" refers to broadcasting intended

to be received in foreign countries, conducted from a domestic broadcasting station through a foreign broadcaster (meaning a broadcaster conducting broadcasting operations in a foreign country; the same applies below);

(ix) the term "international satellite broadcasting by NHK" refers to broadcasting (limited to broadcasts conducted using a satellite broadcasting station) by Japan Broadcasting Corporation ("Nippon Hoso Kyokai" in Japanese; this corporation is referred to below as "NHK") conducted using a basic broadcasting station (meaning a radio station which conducts basic broadcasts; the same applies below) or a foreign broadcasting station for the purpose of being received in foreign countries;

(x) the term "international satellite broadcasting by NHK for Japanese nationals" refers to the broadcasting of programs aimed at Japanese nationals among international satellite broadcasting by NHK;

(xi) the term "international satellite broadcasting by NHK for foreign nationals" refers to the broadcasting of programs aimed at foreign nationals among international satellite broadcasting by NHK;

(xii) the term "domestic and international broadcasting" refers to broadcasting intended to be received in Japan and in foreign countries;

(xiii) the term "basic satellite broadcasting" refers to basic broadcasting conducted using a satellite broadcasting station;

(xiv) the term "basic terrestrial broadcasting for mobile reception" refers to basic broadcasting which does not fall under basic satellite broadcasting, which is intended to be received by reception equipment, installed and used in automobiles or other land-based vehicles, or by reception equipment for mobile use;

(xv) the term "basic terrestrial broadcasting" refers to basic broadcasting which does not fall under either basic satellite broadcasting or basic terrestrial broadcasting for mobile reception;

(xvi) the term "AM broadcasting" refers to broadcasting audio and other sounds using frequencies from 526.5 kHz to 1,606.5 kHz;

(xvii) the term "FM broadcasting" refers to broadcasting audio and other sounds using frequencies above 30 MHz (including those broadcast together with characters, figures and other images or signals), which does not fall under television broadcasting and is not superimposed over other broadcast radio waves;

(xviii) the term "television broadcasting" refers to broadcasting instantaneous images of still or moving things and accompanying audio and other sounds (including those sent together with characters, figures and other images (including those accompanying audio and other sounds) or signals);

(xix) the term "multiplex broadcasting" refers to broadcasting audio and other sounds, characters, figures and other images or signals, superimposed over

radio waves of FM broadcasting or television broadcasting, which does not fall under FM broadcasting or television broadcasting;

(xx) the term "broadcasting station" refers to a radio station which broadcasts;

(xxi) the term "approved basic broadcaster" refers to a person that has received approval under Article 93, paragraph (1);

(xxii) the term "specified basic terrestrial broadcaster" refers to a person who has obtained a broadcasting station license (referred to below as a "specified basic terrestrial broadcasting station") to be used in its basic terrestrial broadcasting operations, pursuant to the provisions of the Radio Act;

(xxiii) the term "basic broadcaster" refers to an approved basic broadcaster and a specified basic terrestrial broadcaster;

(xxiv) the term "provider for basic broadcasting stations" refers to a person that has obtained a basic broadcasting station license pursuant to the provisions of the Radio Act and that provides a collection (referred to below as a "facility for basic broadcasting stations") of the equipment prescribed by Order of the Ministry of Internal Affairs and Communications for use in basic broadcasting operations of a basic broadcaster, out of the radio equipment and other telecommunications facilities of that basic broadcasting station;

(xxv) the term "general broadcaster" refers to a person who has obtained the registration referred to in Article 126, paragraph (1) and persons who have filed a notification under the provisions of Article 133, paragraph (1):

(xxvi) the term "broadcaster" refers to basic broadcasters and general broadcasters;

(xxvii) an "approved broadcasting holding company" refers to a company that has been approved pursuant to Article 159, paragraph (1) or a company that has been established based on an approval granted pursuant to that paragraph;

(xxviii) the term "broadcast program" refers to the type, content, amount and arrangement of material to be broadcast;

(xxix) the term "educational program" refers to a broadcast program which is broadcast for school education or social education;

(xxx) the term "cultural program" refers to a broadcast program which does not fall under educational programs, which is broadcast with the direct aim of improving the general education of the public;

(xxxi) the term "distribution" refers to the provision of broadcast programs and other information for general use through a telecommunications line, which does not fall under the category of broadcasting;

(xxxii) the term "program-related information" refers to information whose content is closely related to the content of a broadcast program that is broadcast or has been broadcast by NHK, and which is composed of materials necessary for the editing of the broadcast program (excluding the broadcast program, but including a broadcast program that has been edited);

(xxxiii) the term "specified officer" refers to an officer of a corporation or organization who is specified by Order of the Ministry of Internal Affairs and Communications as a person that has a significant amount of influence on the execution of the business of that corporation or organization;

(xxxiv) the term "controlling interest" refers to an interest that falls under either of the following:

(a) the relationship between a person and a corporation or organization if the number of voting rights of a corporation or organization held by that person and a subsidiary company of that person (meaning a subsidiary company as set out in Article 158 paragraph (1)) and any other person that has a special relationship with that person as specified by Order of the Ministry of Internal Affairs and Communications represents a ratio that exceeds the range specified by Order of the Ministry of Internal Affairs and Communications, which is from one-tenth or more to one-third or less of the total voting rights of that corporation or organization.

(b) the relationship between a corporation or organization and another corporation or organization in which the number of specified officers of that corporation or organization concurrently serving as a specified officer of another corporation or organization, exceeds the ratio specified by Order of the Ministry of Internal Affairs and Communications which is within one-fifth to one-third of the total number of specified officers of the other corporation or organization.

(c) in addition to the relationships stated in (a) and (b) above, the relationship between a person and a corporation, or organization in which the person is able to substantially control the management of the corporation or organization by holding stocks, concurrently serving as an officer or for any other reason as specified by Order of the Ministry of Internal Affairs and Communications.

Chapter II General Rules Concerning Editing of Broadcast Programs

(Editorial Freedom of Broadcast Programs)

Article 3 Broadcast programs must not be interfered with or regulated by any person, except when based on the authority provided for by law.

(Editing and Other Matters Concerning Broadcast Programs in Domestic Broadcasting)

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

(i) it must not negatively influence public safety or good morals;

(ii) it must be politically fair;
(iii) its reporting must not distort the facts; and
(iv) it must clarify the contested points from as many angles as possible, if there are conflicting opinions concerning an issue.

(2) When editing broadcast programs in domestic broadcasting, etc., for television broadcasting, a broadcaster must endeavor to provide as many broadcast programs as possible which enable visually-impaired persons to listen to audio and other sounds which describe instantaneous images of still or moving things, and as many broadcast programs as possible which enable hearing-impaired persons to see characters or figures which describe audio and other sounds.

(Program Standards)

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

(2) If a broadcaster has established program standards pursuant to the provisions of the preceding paragraph regarding domestic broadcasting, etc., it must make the standards public pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications. The same applies when making changes to the standards.

(Deliberative Bodies for Broadcast Programs)

Article 6 (1) A broadcaster is to establish a deliberative body for broadcast programs (referred to as a "deliberative body" below) to ensure the appropriateness of broadcast programs.

(2) A deliberative body may deliberate on matters necessary for ensuring the appropriateness of broadcast programs in response to consultations from broadcasters, and may express their opinions to broadcasters regarding those matters.

(3) When a broadcaster intends to establish or change the program standards and basic plan concerning the editing of broadcast programs, it must consult the deliberative body.

(4) If there are any matters for which a deliberative body has provided a recommendation or an opinion expressed in response to a consultation pursuant to the provisions of paragraph (2), a broadcaster must respect them and take necessary measures.

(5) A broadcaster must report the matters stated in the following items to the deliberative body, pursuant to the provisions of Order of the Ministry of Internal

Affairs and Communications:

(i) the content of the measures taken pursuant to the provisions of the preceding paragraph;

(ii) the implementation status of correction broadcast or retraction broadcast under the provisions of Article 9, paragraph (1); and

(iii) a summary of complaints made or other opinions relating to broadcast programs.

(6) A broadcaster must make an effort to utilize the functions of the deliberative body to reflect the reports or opinions of that body in their broadcast programs, and must also make public the matters stated in the following items, pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications:

(i) the content of the recommendation made by the deliberative body in response to consultation by the broadcaster, or the opinions expressed to the broadcaster, and a summary of the business of the deliberative body; and

(ii) the content of measures taken pursuant to the provisions of paragraph (4).

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

(2) The members of the deliberative body of the broadcaster are to be commissioned by that broadcaster from among persons who have relevant expertise.

(3) Two or more broadcasters may jointly establish a deliberative body if all of the following requirements have been satisfied. In such a case, the commissioning of the members of the deliberative body under the provisions of the preceding paragraph is to be jointly conducted by those broadcasters:

(i) the broadcasters do not include two or more basic broadcasters (excluding those for which the target region for basic broadcasting is nationwide (meaning the target regions for broadcasts set out in Article 91 paragraph (2), item (ii), the same definition applies to Article 14)) which are related companies (meaning a related company as set out in Article 158, paragraph (2)) of the approved broadcasting holding company;

(ii) when there is a basic broadcaster among the broadcasters, and there is an overlap in the broadcasting districts (meaning the broadcasting district recorded in the license record (meaning the license record specified in Article 14-2 of the Radio Act; the same applies below) of the basic broadcasting station for use in the basic broadcasting operations, pursuant to the provisions of Article 14, paragraph (2), item (ii) of the Radio Act; the same applies in this paragraph below) or operational districts (meaning the operational districts referred to in Article 126, paragraph (2), item (iv); the same applies in this

paragraph below) between any of the basic broadcasters, and all of the broadcasters other than the basic broadcaster, which satisfies any of the following requirements:

(a) the area where the broadcasting district or the operational district overlap is two-thirds or more of the area of the broadcasting district, or operational district of any of the broadcasters.

(b) the population within the broadcasting district where the broadcasting districts or operational districts overlap accounts for two-thirds or more of the total population within the broadcasting district, or operational district of any of the broadcasters; and

(iii) if there are two or more general broadcasters among the broadcasters, there is a relationship between any two of the general broadcasters among the general broadcasters, which meets any of the following requirements;

(a) the operational districts overlap, and moreover, the area of the district where the operational districts overlap is two-thirds or more of the area of the operational district of any of the general broadcasters.

(b) the operational districts overlap, and moreover, the population within the district where the operational districts overlap is two-thirds or more of the total population within the operational district of any of the general broadcasters.

(c) the prefectures of the operational districts of two general broadcasters are identical.

(Exclusions from the Application of the Provisions on Program Standards)

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

(Correction of Broadcasts)

Article 9 (1) If a request is made by a person stating that their rights were infringed upon by a broadcaster for broadcasting matters that were not true personally or through their directly affiliated person within three months of the date of that broadcast, the broadcaster must investigate whether the broadcasted matters were untrue, without delay, and if those matters were not true, it must broadcast a correction or retraction in an appropriate manner within two days, using a broadcasting facility equivalent to the one used for the original broadcast.

(2) The preceding paragraph also applies if a broadcaster discovers matters which are not true in its broadcasts.

(3) The provisions of the preceding two paragraphs do not preclude bringing a claim for damages under the provisions of the Civil Code (Act No. 89 of 1896).

(Retention of Broadcast Programs)

Article 10 A broadcaster must retain broadcast programs for a period of three months following their broadcast (regarding broadcasts for which a request for a correction or retraction was made under the provisions of paragraph (1) of the preceding Article, if the case relating to that request continues for more than three months, the period of time for which the case continues within a period not exceeding six months) so that the deliberative body or persons related to that broadcast, which was corrected or retracted under the provisions of that Article, will be able to check the content of the broadcast program after its broadcast, by means of viewing or by other methods, pursuant to the provisions of Cabinet Order.

(Re-Broadcasting)

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

(Measures for the Identification of Advertisement Broadcasts)

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

(Candidate Broadcasts)

Article 13 When broadcasting political campaigns and other election activities of candidate for public office through a public election, if that request is made by another candidate in that election, the broadcaster must broadcast that candidate's broadcast under the same conditions, regardless of whether or not a fee has been collected.

(Editing of Broadcast Programs for Domestic and International Broadcasting)

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

Chapter III Japan Broadcasting Corporation

Section 1 General Rules

(Purpose)

Article 15 The purpose of NHK is to provide domestic basic broadcasts (meaning basic broadcasts which are domestic broadcasting; the same applies below) of rich and good-quality broadcast programs for the public welfare, that can be received throughout Japan, to conduct the operations necessary for the distribution of broadcast programs and program-related information, for the advancement and development of broadcasting and its reception, and to conduct international broadcasting and international satellite broadcasting by NHK.

(Legal Personality)

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

(Office)

Article 17 (1) NHK is to have its principal place of business in Tokyo Prefecture.

(2) NHK may establish secondary offices in other places as necessary.

(Articles of Incorporation)

Article 18 (1) NHK must state the following matters in its articles of incorporation:

(i) purpose;

(ii) name;

(iii) location of its offices;

(iv) matters concerning assets and accounts;

(v) matters concerning the Board of Governors, the audit committee, the council and officers;

(vi) matters concerning operations and their execution;

(vii) matters concerning the issuance of broadcasting bonds; and

(viii) method of public notices.

(2) The articles of incorporation may be amended after obtaining authorization from the Minister of Internal Affairs and Communications.

(Registration)

Article 19 (1) NHK must register any changes in the principal place of business, the new establishment of secondary offices and other matters prescribed by Cabinet Order, pursuant to the procedures prescribed by Cabinet Order.

(2) Any matter requiring registration pursuant to the provisions of the preceding paragraph may not be asserted against a third party, until after registration has been made.

Section 2 Operations

(Operations)

Article 20 (1) NHK is to conduct the following operations to achieve the purposes referred to in Article 15:

(i) conduct domestic basic broadcasts through the following kinds of broadcasting (limited to those that use specified basic terrestrial broadcasting stations or relay basic terrestrial broadcasting stations of subsidiary companies that provide basic broadcasting stations prescribed in paragraph (3) of the following Article (meaning basic broadcasting stations that are mainly used in terrestrial basic broadcasting operations to receive broadcast programs broadcast by other broadcasting stations in broadcasting systems provided for in Article 91, paragraph (2), item (iii) and simultaneously re-broadcast the programs without making changes to their contents; the same applies below)):

(a) AM broadcasting

(b) FM broadcasting

(c) television broadcasting

(ii) broadcast domestic basic broadcasts (limited to basic satellite broadcasting using basic broadcasting stations for which a license has been granted to a person other than NHK, pursuant to the provisions of the Radio Act) through television broadcasting;

(iii) distribute simultaneously with the broadcasting of all broadcast programs broadcast by NHK (excluding programs for which permission for distribution could not be obtained from the copyright owner, etc. prescribed in Article 2, paragraph (1), item (ix) - 7 of the Copyright Act (Act No. 48 of 1970) or other persons who have the right to grant permission for distribution, and other programs for which there are unavoidable reasons for not distributing them; the same applies in the following item) ;

(iv) distribute all of broadcast programs broadcast by NHK, for a period of time specified by Order of the Ministry of Internal Affairs and Communications from the date of broadcast;

(v) distribute program-related information regarding all or part of the broadcast programs that are or were broadcast by NHK, in accordance with the operational rules as prescribed in Article 20-4, paragraph (1);

(vi) conduct research and studies necessary for the advancement and development of broadcasting and of its reception;

(vii) conduct international broadcasting for Japanese nationals and international broadcasting for foreign nationals;

(viii) conduct international satellite broadcasting by NHK for Japanese nationals and international satellite broadcasting by NHK for foreign nationals.

(2) In addition to the operations referred to in the preceding paragraph, NHK may

conduct the following operations to achieve the purpose referred to in Article 15:

(i) when deemed necessary in transmitting the broadcast programs of international broadcasting referred to in item (vii) of the preceding paragraph in a foreign country using a broadcasting station of a foreign broadcaster, provide a basic broadcasting station for use in the operations of international relay broadcasting concerning that foreign broadcaster, based on an agreement with that foreign broadcaster;

(ii) distribute broadcast programs that have been broadcast by NHK (limited to programs for which the period of time specified by Order of the Ministry of Internal Affairs and Communications referred to in item (iv) of the preceding paragraph, has passed from the date of broadcasting);

(iii) provide persons engaged in the distribution business (excluding broadcasters and foreign broadcasters) with broadcast programs that are or have been broadcast by NHK and materials necessary for the editing of those programs (including materials that have been edited);

(iv) provide a foreign broadcaster with broadcast programs and materials necessary for editing those programs;

(v) provide broadcasters with broadcast programs for international satellite broadcasting by NHK aimed at foreign nationals through television broadcasting, and providing materials necessary for the editing of those programs;

(vi) conduct operations incidental to the operations referred to in the preceding paragraph (excluding those stated in the preceding items);

(vii) lease broadcasting facilities to those persons intending to transmit multiplex broadcasting;

(viii) engage in investigative research under a commission for contributing to broadcasting or the advancement and development of its reception, the design of broadcasting equipment, other technical assistance, and conduct training for persons engaged in broadcasting; and

(ix) in addition to the operations stated in the preceding items, conduct operations which are especially necessary for broadcasting and the advancement and development of its reception.

(3) in addition to the operations referred to in the two preceding paragraphs, NHK may conduct the following operations within a scope that does not hinder the smooth performance of those operations:

(i) provide for general use or lease office or facilities held by NHK (including those acquired by NHK through termination of a trust regarding land it owns); and

(ii) conducting operations under a commission to produce broadcast programs, etc., or other operations conducted through utilization of the equipment and technology held by NHK to conduct the operations under the two preceding paragraphs, and which are deemed appropriate to be conducted by NHK.

(4) NHK must not seek to make profit when conducting the operations under the preceding three paragraphs.

(5) NHK must take measures to ensure that either AM broadcasting or FM broadcasting and television broadcasting may be received throughout the entire country.

(6) When conducting the operations under paragraph (1), item (i), NHK must provide necessary cooperation for the smooth implementation of the measures taken by other specified terrestrial broadcasters and provider for basic broadcasting stations (excluding those who have received a broadcasting station license for use in satellite broadcasting operations pursuant to the provisions of the Radio Act; the same applies in the following paragraph) within a scope that does not hinder the smooth performance of those operations, in fulfilling their responsibilities under Article 92.

(7) If NHK is requested by other specified terrestrial basic broadcaster or provider for basic broadcasting stations to hold a consultation on the specific content of the cooperation under the preceding paragraph, it must accept that consultation, except when there are legitimate grounds not to do so.

(8) In conducting the operations referred to in paragraph (1), item (i) or (ii), NHK must endeavor to provide the necessary cooperation for the smooth implementation of the measures taken by other broadcasters pursuant to the responsibilities referred to in Article 4, paragraph (2), to the extent that this does not hinder the smooth performance of those operations.

(9) When conducting the operations referred to in paragraph (1), item (vi), NHK must respect opinions offered by persons related to broadcasting or other persons with practical expertise if the content of those opinions contributes to the advancement and development of broadcasting and its reception, and does not hinder the performance of the operations referred to in paragraphs (1) and (2), and the results of the operations referred to in paragraph (1), item (vi) must be made available for general use as far as possible.

(10) When transmitting international satellite broadcasting by NHK for foreign nationals based overseas, NHK must transmit all or part of the broadcasts through television broadcasting.

(11) The agreement referred to in paragraph (2), item (i) is to contain matters relating to broadcasting districts, broadcasting hours and other broadcasting equipment provided for by Order of the Ministry of Internal Affairs and Communications concerning international relay broadcasting, and if NHK intends to conclude or amend that agreement, it must obtain the authorization of the Minister for Internal Affairs and Communications.

(12) NHK must obtain authorization from the Minister for Internal Affairs and Communications, when it intends to conduct the business referred to in paragraph (2), item (ix) or paragraph (3).

(13) NHK must not approve reception devices for basic broadcasting or their parts, designate a repairer of reception devices for basic broadcasting, or otherwise regulate the operations carried out by manufacturers, sellers and repairers of radio equipment, or engage in any act that interferes with those operations, for any reason whatsoever.

(Subsidiary Companies that Provide Basic Broadcasting Stations)

Article 20-2 (1) NHK may invest in a company whose primary purpose is to conduct the following operations in accordance with the income and expenditure budget, business plan and funding plan for the smooth performance of the operations stated in paragraph (1), item (i) of the preceding Article after obtaining authorization from the Minister of Internal Affairs and Communications. In such a case, NHK must hold the invested entity as a subsidiary company (meaning a stock company in which NHK holds the majority of voting rights of all of the shareholders or a corporation as prescribed by Order of the Ministry of Internal Affairs and Communications over which NHK has management control; the same applies in this Chapter and Article 191, paragraph (2) except for Article 22-2, item (i)) during the period that it is conducting that investment.

(i) hold and manage facilities for basic broadcasting stations in a designated basic terrestrial broadcasting region (meaning a region designated by the Minister of Internal Affairs and Communications as one in which the cost for NHK to hold all broadcasting equipment necessary to provide terrestrial basic broadcast programs in that region is higher compared to other regions, due to population, geographical conditions and other circumstances, and in which the need for NHK to facilitate the greater efficiency of operations by using facilities for basic broadcasting stations provided by a provider for basic broadcasting stations, is especially high (limited to that relating to relay terrestrial basic broadcasting stations; the same applies below in this Article)).

(ii) provide the facilities for basic broadcasting stations referred to in the preceding item for use in terrestrial basic broadcasting operations of another basic broadcaster, in accordance with the contract between NHK and that basic broadcaster in a designated terrestrial basic broadcasting region.

(2) The designation under the provisions of item (i) of the preceding paragraph is to be made by public notice.

(3) NHK may use a facility for basic broadcasting stations provided by a subsidiary company that provides basic broadcasting stations in accordance with its contract with a subsidiary that it invested in pursuant to the provisions of paragraph (1) (referred to below in this Article and Article 22 as a "subsidiary company that provides basic broadcasting stations") when conducting basic terrestrial broadcasting operations in a designated basic terrestrial broadcasting region.

(4) NHK may assign relay terrestrial basic broadcasting stations and broadcasting

equipment affiliated with the stations used in terrestrial basic broadcasting operations, to a subsidiary company that provides basic broadcasting stations in a designated basic terrestrial broadcasting region, in accordance with the income and expenditure budget, business plan and funding plan, after obtaining the authorization from the Minister of Internal Affairs and Communications referred to in Article 85, paragraph (1).

(Means of Compulsory Distribution Operations)

Article 20-3 (1) When conducting the operations referred to in Article 20, paragraph (1), items (iii) through (v) (referred to below as "compulsory distribution operations" in this Article), NHK must maintain the equipment used for the compulsory distribution operations (limited to facilities for automatically transmitting broadcast programs and other data recorded in the relevant facilities in response to requests from the public, and other facilities specified by Order of the Ministry of Internal Affairs and Communications; referred to as "distribution facilities" in item (i) of the following paragraph and paragraph (3)) and the operation management system for its operations (referred to below as "distribution facilities, etc." in this Article) so as to conform to the standards specified by Order of the Ministry of Internal Affairs and Communications.

(2) The standards referred to in the preceding paragraph must be prescribed so as to ensure the following:

(i) it is ensured that there is no significant hindrance to the compulsory distribution operations due to damage or malfunction, or inappropriate operation of the distribution facilities;

(ii) the quality of the distribution made using the distribution facilities, etc. is comprehensively evaluated to be at a level as equivalent as possible to the quality of the basic broadcasting.

(3) Pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications, when NHK conducts the compulsory distribution operations, it must notify the Minister for Internal Affairs and Communications of the outline of the distribution facilities, etc. (if the equipment installed by a person other than NHK is used for all or part of the distribution facilities, including the name of that person). The same applies if the outline is changed.

(4) If a suspension of distribution or any other serious accident specified by Order of the Ministry of Internal Affairs and Communications caused by a distribution facilities, etc. occurs, NHK must report to the Minister for Internal Affairs and Communications to that effect along with the reason or cause, without delay.

(5) If the Minister for Internal Affairs and Communications finds that the distribution facilities, etc. does not conform to the standards specified by Order of the Ministry of Internal Affairs and Communications referred to in paragraph (1), the Minister may order NHK to improve that distribution facilities, etc. so that it

conforms to those standards.

(6) To the extent necessary for the enforcement of the provisions of the preceding paragraphs (excluding paragraph (2)), the Minister for Internal Affairs and Communications may request NHK to report on the status of the distribution facilities, etc. or any other necessary matters.

(7) NHK must create a program (meaning instructions given to a computer that are combined to obtain a certain result; the same applies in the items of the following paragraph) that enables the public to receive NHK's distribution (limited to distribution conducted as a compulsory distribution operations; referred to below as "compulsory distribution") by using communication terminal equipment that is used by the public on a daily basis, and provide the program to the public free of charge.

(8) When conducting its compulsory distribution operations, NHK must enable the public to receive compulsory distribution by any of the methods stated in the following items:

(i) the method of using the program referred to in the preceding paragraph;

(ii) a method of using a browser (meaning a program that allows users to view information made available for public browsing by using the Internet according to a user's choice) that is generally used by the public.

(9) When conducting its compulsory distribution operations, NHK must take measures to request a person that intends to start receiving compulsory distribution (excluding compulsory distribution of broadcast programs of radio broadcasts (meaning broadcasts of audio and other sounds that do not fall under television broadcasts or multiplex broadcasts; the same applies in Article 64, paragraph (8), item (iii), (b) and the proviso to Article 126, paragraph (1)), multiplex broadcasts, international broadcasting or international satellite broadcasting by NHK, and of program-related information of the broadcast programs; referred to below as "specified compulsory distribution" in this Article and Article 64) to operate communication terminal equipment, and take other measures to prevent persons who do not intend to receive specified compulsory distribution, from mistakenly receiving that distribution.

(10) NHK may take measures to enable persons who have not concluded the receiving contract provided for in Article 64, paragraph (8), item (i) to receive all or part of the broadcast programs and program-related information subject to specified compulsory distribution, as operations incidental to compulsory distribution services on a trial basis, to promote the dissemination of specified compulsory distribution. In such a case, so as not to cause any inappropriateness in light of the fact that the persons listed in the items of Article 64, paragraph (1) are required to conclude a reception contract with NHK referred to in Article 64, paragraph (8), item (i), NHK must take measures prescribed by Order of the Ministry of Internal Affairs and Communications such as restricting on

distribution quality and other measures.

(11) When conducting the compulsory distribution operations, NHK must endeavor to provide the necessary cooperation for the smooth implementation of operations equivalent to the compulsory distribution operations implemented by other broadcasters or other business operators. In this case, particular consideration must be given to the fact that the operations implemented by these business operators for local areas play an important role in meeting the unique demands of the region.

(Methods of Program-Related Information Distribution Services)

Article 20-4 (1) To properly perform the service of distributing program-related information (referred to below as the "program-related information distribution services" in this Article) based on its own judgment and responsibility, NHK must establish rules concerning the implementation of program-related information distribution services (referred to below as "operational rules" in this Article), and must notify the Minister for Internal Affairs and Communications of the rules and make them public. The same applies if NHK intends to change them.

(2) The content of the operational rules must conform to all of the following items:

(i) the type, content, and implementation method of program-related information distribution services specified in that operational rules are necessary and sufficient for satisfying public demand for the content of broadcast programs to be provided in a form that is suitable for a viewing environment;

(ii) the implementation of program-related information distribution services in accordance with the operational rules ensures the prompt and reliable provision of information that is necessary for ensuring the safety of public life and wellbeing;

(iii) it is ensured that the implementation of the program-related information distribution services in accordance with the operational rules does not hinder the securing of fair competition in distribution businesses implemented by other broadcasters or other business operators for the national or local market and other businesses related to them.

(3) NHK must comply with the provisions of operational rules in conducting its program-related information distribution services.

(4) NHK must evaluate the status of the implementation of the program-related information distribution services from the viewpoints stated in the items of paragraph (2), at least every three years, report the results to the Minister for Internal Affairs and Communications, and change the operational rules if it finds it necessary, based on the results of that evaluation.

(5) When a notification under paragraph (1) or a report under the preceding paragraph is made, the Minister for Internal Affairs and Communications must hear the opinions of persons with relevant expertise and interested persons as to

whether or not the content of the operational rules comply with paragraph (2), item (iii).

(6) If any of the following items applies, the Minister for Internal Affairs and Communications may recommend that NHK change its operational rules within a specified time limit:

(i) when it is clear that the operational rules notified pursuant to the provisions of paragraph (1) do not conform to any of the items of paragraph (2);

(ii) when NHK does not change the operational rules in spite of the fact that it is clear that the operational rules no longer conform to any of the items of paragraph (2), in light of the content of the report under paragraph (4) and other circumstances.

(7) If NHK has received the recommendation referred to in the preceding paragraph and does not change its operational rules without justifiable grounds, and when it is unavoidable to secure the matters stated in the items of paragraph (2), the Minister for Internal Affairs and Communications may order NHK to change its operational rules within a specified time limit.

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

Article 21 (1) NHK is required to have a subsidiary company, limited to one, whose primary purpose is to conduct the following operations as stated in the income and expenditure budget, business plan and funding plan to smoothly conduct the operations of international satellite broadcasting by NHK for foreign nationals through television broadcasting:

(i) produce broadcast programs for foreign nationals through television broadcasting commissioned by NHK; and

(ii) as commissioned by NHK, to provide its broadcasting station to persons other than NHK, who have obtained a basic broadcasting station license pursuant to the provisions of the Radio Act, or to persons managing foreign broadcasting stations for use in the operations of international satellite broadcasting by NHK for foreign nationals through television broadcasting transmitted by NHK.

(2) When conducting the operations of international satellite broadcasting by NHK for foreign nationals through television broadcasting, NHK must delegate some of its operations to the subsidiary company prescribed in the preceding paragraph, to enable the smooth performance of those operations, in accordance with the standards prescribed by NHK.

(3) When specifying the standards referred to the preceding paragraph, NHK must notify the Minister for Internal Affairs and Communications of the standards, without delay. The same applies when changing those standards.

(Means of Voluntary Distribution Operations)

Article 21-2 (1) If NHK intends to perform the services referred to in Article 20, paragraph (2), item (ii) or (iii) (referred to below as "voluntary distribution operations" in this Article), it must establish implementation standards on the following matters and obtain the authorization of the Minister for Internal Affairs and Communications. The same applies when changing those standards:

(i) the type, content, and implementation method of the voluntary distribution operations;

(ii) matters relating to expenses required for the implementation of voluntary distribution operations;

(iii) the matters concerning the charges and other terms and conditions for the provision of the services, regarding the operations referred to in Article 20, paragraph (2), item (ii);

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

(2) If the Minister for Internal Affairs and Communications finds that the application for the authorization referred to in the preceding paragraph falls under all of the following items, the Minister is to grant that authorization referred to in that paragraph:

(i) the operation is to contribute to achieving the purpose of Article 15;

(ii) the type, content, and implementation method of the voluntary distribution operations are specified appropriately and clearly;

(iii) the type, content, and implementation method of the voluntary distribution operations, as well as the matters concerning fees and other terms and conditions for the provision of the services referred to in Article 20, paragraph (2), item (ii), are not inappropriate in light of the purpose for which the persons stated in the items of Article 64, paragraph (1) are required pursuant to the provisions of that paragraph to conclude the receiving contract prescribed in paragraph (8), item (i) of that Article with NHK;

(iv) the implementation of the voluntary distribution operations does not require excessive expenses;

(v) the operations referred to in Article 20, paragraph (2), item (ii) do not treat specific persons in an unfair discriminatory manner;

(vi) the operations referred to in Article 20, paragraph (2), item (ii) do not unreasonably damage the interests of users (meaning persons who conclude a contract with NHK for the distribution prescribed in that item).

(3) NHK must comply with the provisions of the implementation standards authorized referred to in paragraph (1) when conducting voluntary distribution operations.

(4) When NHK has obtained the authorization referred to in paragraph (1), it must make public the implementation standards. without delay.

(5) When conducting voluntary distribution operations, NHK must establish an implementation plan for every fiscal year pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry based on the implementation standards authorized referred to in paragraph (1), and must notify the Minister for Internal Affairs and Communications of the plan and make it public before the commencement of the fiscal year. The same applies if NHK intends to change that plan.

(6) If the Minister for Internal Affairs and Communications finds that the case falls under any of the following items, the Minister may, by setting a deadline, issue the recommendations prescribed in the relevant item to NHK:

(i) if the implementation standards authorized referred to in paragraph (1) no longer fall under any of the items of paragraph (2): a recommendation to change the implementation standards;

(ii) if NHK is in violation of the provisions of paragraph (3): a recommendation to perform voluntary distribution operations, in accordance with the implementation standards authorized as referred to in paragraph (1).

(7) If NHK fails to follow the recommendation referred to in the preceding paragraph, the Minister for Internal Affairs and Communications may void the authorization referred to in paragraph (1).

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

Article 22 In addition to investing in the subsidiary company that provides basic broadcasting stations or to the subsidiary company provided for in Article 21, paragraph (1),NHK may invest in the following entities pursuant to the provisions of the income and expenditure budget, business plan and funding plan, with the authorization of the Minister for Internal Affairs and Communications, when it is necessary for the performance of the operations referred to in Article 20, paragraph (1) or (2).

(i) Japan Aerospace Exploration Agency

(ii) the designated broadcasters for re-broadcasting provided for in Article 140, paragraph (2)

(iii) in addition to what is stated in the preceding two items, persons engaged in a business specified by Cabinet Order that is closely related to the operations referred to in Article 20, paragraph (1) or (2).

(Investment in Affiliated Business Holding Companies)

Article 22-2 In addition to the cases referred to in the preceding Article, if it is necessary to ensure the efficient execution of operations in the group comprised of NHK and its subsidiary companies, NHK may invest in affiliated business holding companies (meaning companies that state the following matters in their

articles of incorporation; the same applies below in this Article and paragraph (1) of the following Article) as prescribed in the income and expenditure budget, business plan and funding plan after obtaining authorization from the Minister of Internal Affairs and Communications. In such a case, NHK must hold the invested entity as a subsidiary as an affiliated business holding company during the period that it is conducting that investment.

(i) the purpose is solely to hold the persons stated in item (iii) of the preceding Article as subsidiaries (meaning stock companies in which a company holds the majority of all shareholders' voting rights, or other corporations prescribed by Order of the Ministry of Internal Affairs and Communications as corporations whose management is controlled by the company);

(ii) the investments are made only to the persons stated in item (iii) of the preceding Article, in accordance with the affiliated business investment plan as prescribed in paragraph (1) of the following Article, which is subject to the approval referred to in that paragraph (or, if approval has been granted for a change under paragraph (3) of that Article, the plan after that change; referred to as the "approved investment plan" in that paragraph and paragraph (5) of that Article).

(Approval of an Affiliated Business Investment Plan)

Article 22-3 (1) When NHK has obtained or intends to obtain the authorization referred to in the preceding Article, it may prepare a plan concerning the investment in the affiliated business holding company (referred to below as the "affiliated business investment plan" in this Article and Article 29, paragraph (1), item (i), (e)) jointly with the affiliated business holding company, pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications, and submit it to the Minister for Internal Affairs and Communications to receive approval that the affiliated business investment plan is appropriate.

(2) If a request for approval referred to in the preceding paragraph is filed, and the Minister of Internal Affairs and Communications finds that implementation of the affiliated business investment plan for which the request was filed is necessary for NHK to execute the operations referred to in Article 20, paragraph (1) or paragraph (2), then the Minister is to grant that approval.

(3) In the event that NHK has received the approval referred to in paragraph 1, it must obtain the approval of the Minister of Internal Affairs and Communications in accordance with the provisions of Order of the Ministry of Internal Affairs and Communications when it seeks to make changes to the approved investment plan.

(4) The provisions of paragraph (2) apply mutatis mutandis to the approval referred to in the preceding paragraph.

(5) If the Minister of Internal Affairs and Communications finds that the investment stated in an approved investment plan is not being conducted in

accordance with that approved investment plan, the Minister of Internal Affairs and Communications may void that approval.

(Entrustment of Operations)

Article 23 (1) In addition to the cases referred to in Article 21, paragraph (2), NHK may entrust some of the operations to other persons, pursuant to Article 20, paragraph (1) or its operations conducted pursuant to the provisions of Article 65, paragraph (1) or Article 66, paragraph (1) (referred to in the following paragraph as "operations, etc. referred to in Article 20, paragraph (1)") limited to cases complying with the standards prescribed by NHK.

(2) The standards referred to in the preceding paragraph are to be such as to ensure that the commissioned operations are to be efficiently conducted through the commission under that paragraph, and that they do not hinder the smooth performance of the operations, etc. referred to in Article 20, paragraph (1)

(3) When establishing the standards referred to in the paragraph (1), NHK must notify the Minister of Internal Affairs and Communications of those standards, without delay. The same applies when changing those standards.

(Special Provisions for the Approval of Basic Broadcasting Operations)

Article 24 (1) With regard to the application of the provisions of Article 93, paragraph (1), when the Minister of Internal Affairs and Communications conducts an examination of NHK for approval under the provisions of that paragraph, the term "the following requirements" in that paragraph is to be replaced with "the requirements stated below (excluding items (v), (vi) and (vii) (limited to those parts related to (a) through (c)))".

(2) When the Minister of Internal Affairs and Communications conducts an examination of NHK on the renewal of approval concerning the application of the provisions of Article 96, paragraph (2), under the provisions of that paragraph, the term "Article 93, paragraph (1), items (iv) and (v)" in that paragraph is to be replaced with "Article 93, paragraph (1), item (iv)".

(Implementation of International Broadcasting, etc.)

Article 25 If NHK has commenced international broadcasting or international satellite broadcasting by NHK using a foreign broadcasting station, it must notify the Minister of Internal Affairs and Communications of the matters and topics of broadcasting, and other matters prescribed by Order of the Ministry of Internal Affairs and Communications without delay. The same applies when changing these matters.

Article 26 (1) When NHK conducts international satellite broadcasting for foreign nationals through television broadcasting, under the provisions of Article 20,

paragraph (10) (including commissioning of the production of broadcast programs to subsidiaries under the provisions of Article 21, paragraph (2)), if NHK finds it particularly necessary for implementing that broadcasting, it may request a basic broadcaster other than NHK (excluding The Open University of Japan provided for in Article 3 of the Act on The Open University of Japan (Act No. 156 of 2002) (referred to below as "the Open University"); the same applies in paragraph (3)) to provide materials necessary for the editing of the broadcast programs and other necessary cooperation in accordance with the standards and methods specified by NHK.

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

(3) The International Broadcast Programs Council referred to in the preceding paragraph must hear the opinion of a basic broadcaster other than NHK, when consulted under the provisions of that paragraph.

(4) When NHK has established the standards and methods prescribed in paragraph (1), it must notify the Minister of Internal Affairs and Communications of those standards and methods, without delay. The same applies when making changes to those standards and methods.

(Complaint Processing)

Article 27 NHK must promptly and appropriately process any complaints and other opinions it has received concerning its operations.

Section 3 Board of Governors

(Establishment of a Board of Governors)

Article 28 NHK establishes a board of governors.

(Authority of the Board of Governors)

Article 29 (1) The board of governors performs the following duties:

(i) resolutions on the matters stated as follows;

(a) the basic policy concerning the management of NHK

(b) matters prescribed by Order of the Ministry of Internal Affairs and Communications as necessary in executing the duties of the audit committee

(c) development of the following systems as necessary in ensuring the appropriateness of the operations of NHK, and the group comprised of NHK and its subsidiary companies

1. a system to ensure that the execution of the duties of the president, vice-president and the directors comply with the laws and regulations and the

articles of incorporation

2. a system for retaining and managing information relating to the execution of the duties of the president, vice-president and directors
3. a system for managing the risk of loss for NHK
4. a system to ensure that the duties of the president vice-president and directors are executed efficiently
5. a system to ensure that the duties of the employees of NHK are performed in compliance with laws and regulations and the articles of incorporation
6. a system to ensure the appropriateness of the operations in the following systems and the other group comprised of NHK and its subsidiary companies
   i. a system to ensure that the execution of duties by a director, executive officer, member who executes operations (a person who should conduct the duties of a member who executes operations when that member is a corporation) or a person equivalent to them (referred to below as "directors" in ii. and iv.) of the subsidiary company in question comply with laws and regulations and the articles of incorporation
   ii. a system relating to the reporting of matters relating to the execution of duties by directors of the subsidiary company in question
   iii. a system relating to managing the risk of losses of the subsidiary company in question
   iv. a system for ensuring that the execution of duties by directors of the subsidiary company in question is conducted efficiently
7. a system relating to the secretariat of the board of governors

(d) an income and expenditure budget, business plan and funding plan

(e) a medium-term management plan provided for in Article 71-2, paragraph (1) (referred to below simply as "medium-term management plan" in Article 70, paragraphs (1) and (2))

(f) the business report provided for in Article 72, paragraph (1) and the financial statements provided for in Article 74, paragraph (1)

(g) the installation plan of the broadcasting station; the establishment, suspension and discontinuation of the broadcasting station (concerning establishment, suspension and discontinuation of a broadcasting station, excluding matters considered minor by the board of governors)

(h) the commencement, suspension and discontinuation of basic domestic broadcasting (limited to that transmitted using a basic broadcasting station related to the license obtained by a person other than NHK pursuant to the provisions of the Radio Act), international broadcasting (limited to programs transmitted by foreign broadcasting stations; the same applies in this (h)) and international satellite broadcasting by NHK (excluding the commencement, suspension and discontinuation of international

broadcasting and international satellite broadcasting by NHK which are found to be minor by the board of governors)

(i) suspension of compulsory distribution (excluding those found minor by the board of governors);

(j) a basic plan concerning program standards and the editing of broadcast programs;

(k) amendment of articles of incorporation;

(l) the clauses of the receiving contract prescribed in Article 64, paragraph (8), item (i) and the standards for exemption from broadcast receiving fees;

(m) the issuance of broadcasting bonds and the borrowing of loans;

(n) a trust on land;

(o) operational rules prescribed in Article 20-4, paragraph (1);

(p) the implementation standards prescribed in Article 21-2, paragraph (1) and the implementation plan prescribed in paragraph (5) of that Article;

(q) the standards prescribed in Article 21, paragraph (2) and Article 23, paragraph (1);

(r) the standards and methods prescribed in Article 26, paragraph (1);

(s) the standards for the payment of remuneration, etc. prescribed in Article 61 and the rules on service prescribed in Article 62;

(t) officers' remuneration, retirement allowance, and entertainment and social expenses (including similar items to them regardless of their name);

(u) matters requiring a resolution based on the income and expenditure budget;

(v) basic matters concerning the acquisition and disposition of important real property;

(w) basic matters relating to cooperation with foreign broadcasters and their associations;

(x) conclusion and amendment of agreements with the authorization of the Minister for Internal Affairs and Communications referred to in Article 20, paragraph (11);

(y) business which is carried out with the authorization of the Minister for Internal Affairs and Communications referred to in Article 20, paragraph (12);

(z) contributions made with the authorization of the Minister for Internal Affairs and Communications referred to in Article 20-2, paragraph (1), Article 22 or Article 22-2;

(aa) the plan for investment in a related business;

(bb) the transfer, etc. of broadcasting equipment under the authorization of the Minister for Internal Affairs and Communications referred to in Article 85, paragraph (1);

(cc) commissioning of members of the organization established by NHK to deliberate on information disclosure and the protection of personal

information

(dd) in addition to what is stated in (a) through (cc), any other matters recognized by the Board of Governors as being similar to them;

(ii) supervision of the execution of duties by the officers;

(2) The board of governors may not delegate the execution of its duties to the board members.

(3) The board of governors are to request broad general opinions to contribute to the appropriate exercise of the authority prescribed in paragraph (1), pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications.

(Organization of the Board of Governors)

Article 30 (1) The board of governors is to be composed of 12 board members.

(2) The board of governors is to have a chairperson appointed by the board members.

(3) The chairperson is to preside over the affairs of the board of governors.

(4) The board of governors must appoint a person in advance from among the board members to act for the chairperson in their duties in the event of the chairperson being unavailable to perform those duties.

(Appointment of Board Members)

Article 31 (1) Board members are to be appointed by the Prime Minister from among persons capable of making a fair judgment on public welfare and who have extensive knowledge and experience, with the consent of both Houses of the National Diet. In this case, consideration must be given to the fair representation of education, culture, science and technology, industry and other fields as well as each region across the country, when making those appointments.

(2) Notwithstanding the provisions of the preceding paragraph, the Prime Minister may appoint a board member without the consent of both Houses of the National Diet, if the consent of both Houses of the National Diet cannot be obtained, due to the closing of the National Diet or the dissolution of the House of Representatives, when the term of office of a board member has expired or a position has become vacant. In this case, the consent of both Houses of the National Diet must be obtained at the first Diet session following the appointment.

(3) Any person falling under any of the following items may not become a board member:

(i) a person who has been sentenced to imprisonment or a heavier punishment;

(ii) a person who has received a disciplinary dismissal as a national public employee, and two years have not yet passed since the date of that dismissal;

(iii) a national public employee (excluding members of councils, assemblies, etc. or persons in similar positions and who are part-time);

(iv) an officer of a political party (including those persons who came under this category within one year before the date of their appointment);
(v) if the manufacturer or the distributor of the broadcast transmitter or broadcast reception receiver or a person falling under the aforementioned is a corporation, its officer (including those persons who have the same level of authority or control or more regardless of the title of this person; the same applies in this Article below) or a person that holds one-tenth or more of the voting rights of that corporation (including those persons who came under that category within one year before the date of their appointment);
(vi) if the broadcaster, the approved broadcasting holding company, the paid broadcast administrator provided for in Article 152, paragraph (2), or the newspaper publisher, communications agency or other operator who distributes news or information or the operator of the aforementioned is a corporation, its officer or employee or a person that holds one-tenth or more of the voting rights of that corporation; or
(vii) an officer of the group of operators stated in the two preceding items.

(4) Five or more persons must not belong to the same political party, regarding the appointment of board members.

(Authority of the Board Members)

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

(2) Board members must not commit any act that contravenes the provisions of Article 3 regarding the editing of individual broadcast programs.

(Term of Office)

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

(2) Board members may be re-appointed.

(3) Even if the term of office has expired, board members are to remain in office until new members are appointed, notwithstanding the provisions of paragraph (1).

(Resignation)

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

(Dismissal)

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

Article 36 (1) If the Prime Minister finds that a board member is unable to execute their duties due to a mental or physical disorder, or finds that the board member has violated an obligation of their duties, or that board member has committed some other inappropriate act, they may dismiss that board member with the consent of both Houses of the National Diet. In this case, each House must give that board member an opportunity to offer an explanation for their actions, in accordance with the provisions of that House.
(2) If five members or more among the board members come to belong to the same political party, the Prime Minister is to dismiss the applicable number of board members with the consent of both Houses of the National Diet, so that the number of remaining board members which belong to the same political party becomes four.

Article 37 Board members may not be dismissed against their will, excluding the cases referred to in the preceding two paragraphs.

(Prohibition of Board Members Holding Concurrent Positions)
Article 38 Full-time board members must not become members of profit-making organizations, or engage in commercial business themselves.

(Administration of the Board of Governors)
Article 39 (1) The board of governors is to be convened by the chairperson.
(2) The chairperson must regularly convene the board of governors, pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications.
(3) If an audit member finds that it must report to the board of governors, the audit member may convene that board of governors, pursuant to the provisions of Article 45.
(4) The president must report to the board of governors at least once every three months on the execution of their duties, the complaints and other opinions referred to in Article 27, and a summary of the results of processing those complaints and opinions.
(5) If a request is made by the board of governors, the president must attend the board of governors meeting, and give an explanation of the matters requested by the board of governors.
(6) The audit members who have been appointed by the audit committee must report on the status of the execution of the duties of the audit committee to the board of governors.

(Method of Passing Resolutions)

Article 40 (1) The board of governors may not open a meeting and pass a resolution unless the chairperson or the person acting for the chairperson in their duties and six or more committee members are present, as provided for in Article 30, paragraph (4)

(2) A decision on the business of the board of governors is to be made by a majority of the board members who are present unless otherwise provided for in other provisions. In the event of a tie, the chairperson will make the final decision.

(3) The president may attend the board of governors meeting and give an opinion.

(Publication of the Minutes)

Article 41 The chairperson must prepare minutes and publish them without delay at the conclusion of a board of governors meeting, as determined by that board of governors.

Section 4 Audit Committee

(Establishment of an Audit Committee)

Article 42 (1) NHK establishes an audit committee.

(2) The audit committee is to be composed of three or more audit members.

(3) The audit members must be appointed by the board of governors from among the board members, and at least one or more members must be full-time.

(Authority of the Audit Committee)

Article 43 (1) The audit committee is to audit the performance of the duties of its officers.

(2) If audit members make any of the following requests to NHK regarding the execution of their duties, NHK may not refuse that request for the execution of the duties of that audit member, except when the expenses or debts relating to that request are proven to be not necessary:

(i) request for advance payment of expenses;

(ii) request for reimbursement of the amount of expenditure and the interest accrued since the date of expenditure; or

(iii) request for payment to the creditor for a debt incurred (or providing reasonable security if that debt is not yet due)

(Investigations by the Audit Committee)

Article 44 (1) The audit members appointed by the audit committee may make a request to the officers or employees for a report on the matters related to the execution of their duties, or investigate the status of the operations or the assets of NHK, at any time.

(2) If necessary for auditing the execution of duties of the officers, audit members appointed by the audit committee may make a request to the subsidiary company of NHK for a report on its business, or investigate the status of the operations or the assets of the subsidiary company.
(3) The subsidiary company referred to in the preceding paragraph may refuse to give a report or to comply with the investigation, if it has justifiable grounds for doing so.
(4) If a resolution is passed by the audit committee on matters relating to the collection of the report or to the investigation referred to in paragraph (1) and paragraph (2), the audit members referred to in those paragraphs must comply with the resolution.

(Obligation to Report to the Board of Governors)
Article 45 If an audit member finds that an officer has committed or is likely to commit an unlawful act or finds that there is the fact of a violation of laws and regulations or the articles of incorporation or a grossly improper fact, the audit member must report that fact to the board of governors without delay.

(Injunction by an Audit Member Against the Act of an Officer)
Article 46 If an officer has committed or is likely to commit an act which is outside the scope of the purpose of NHK or an act otherwise in violation of laws and regulations or the articles of incorporation, and if NHK is likely to suffer significant damage through the act, an audit member may demand that officer cease that act.

(Representation of NHK in Actions Between NHK and Its Officers)
Article 46-2 (1) Notwithstanding the provisions of Article 51, paragraphs (1) through (3) and Article 58, when NHK files an action against an officer (including a person who was an officer; the same applies in this Article below) or an officer files an action against NHK, the person provided for in the following items represents NHK concerning the action in question, in accordance with the categories of the cases stated in those items:
(i) if an audit member is a party to the litigation concerning the action in question: the person specified by the board of governors; or
(ii) in cases other than those stated which are stated in the preceding item: an audit member selected by the audit committee
(2) Notwithstanding the provisions of the preceding paragraph, if an officer files an action against NHK, the service of a complaint made against an audit member (excluding those who file the subject action) is effective against NHK.

(Convocation of the Audit Committee)

Article 47 The audit committee is to be convened by any of its audit members.

(Method of Passing Resolutions by the Audit Committee)

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

(2) Decisions on the business of the audit committee are made through a majority of the members present.

(3) If so requested by the audit committee, officers must attend an audit committee meeting and give an explanation regarding the matters requested by the audit committee.

(4) Excluding the matters provided for in this Act, business procedures and other necessary matters relating to the management of the audit committee are to be determined by the audit committee.

Section 5 Officers and Employees

(Officers)

Article 49 In addition to the board members, one president, one vice president and seven to ten directors are to be appointed as officers in NHK.

(The Council)

Article 50 (1) The council is to be composed of a president, vice president and directors.

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

(The President)

Article 51 (1) The president is to represent NHK and preside over its operations in accordance with the decisions of the board of governors.

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

(3) The directors are to represent NHK in accordance with the decisions of the president, administer the operations of NHK assisting the president and vice president, act for the president and the vice president if they are unable to perform their duties and perform the duties of the president or vice president if their position is vacant.

(4) If the president, vice president or a director discovers any fact which is likely to cause significant damage to NHK, they must immediately report that fact to the audit committee.

Article 52 (1) The president is to be appointed by the board of governors.
(2) In making the appointment referred to in the preceding paragraph, the resolution of the board of governors must be passed by a majority resolution of nine or more board members.
(3) The vice president and the directors are to be appointed by the president with the consent of the board of governors.
(4) The provisions of Article 31, paragraph (3) apply mutatis mutandis to the appointment of the president, vice president and directors. In this case, the term "the broadcaster, the approved broadcasting holding company, the paid broadcast administrator provided for in Article 152, paragraph (2), or the newspaper publisher" in item (vi) of that paragraph is deemed to be replaced with "newspaper publisher," the term "a person that holds one-tenth or more" is deemed to be replaced with "a person that holds one-tenth or more (including those persons who came under the category within one year before the date of appointment)" and the term "officer" in item (vii) of that paragraph is deemed to be replaced with "officer (including those persons who came under the category within one year before the date of appointment)".

Article 53 (1) The term of office of the president and the vice president is three years and the term of office of directors is two years.
(2) The president, vice president and directors may be re-appointed.
(3) Notwithstanding the provisions of paragraph (1), the president will remain in office until a new president has been newly appointed, even if their term of office has expired.

Article 54 If an officer who was appointed pursuant to any of the provisions of Article 52, paragraphs (1) through (3) comes to fall under any of the items of Article 31, paragraph (3) as applied mutatis mutandis pursuant to paragraph (4) of that Article, the board of governors or the president must dismiss that officer, excluding when that officer has come to fall under item (vi) or (vii) of that paragraph through becoming an officer of the business operator under item (vi) of that paragraph or of a group of which NHK is a member.

Article 55 (1) If the board of governors finds the president, an audit member or financial auditor to be unsuitable to execute their duties or finds them to have violated an obligation in their duties, or finds that they have otherwise committed an inappropriate act that renders them unfit to serve as president, an audit member or financial auditor, the board may dismiss that president, audit member or director.
(2) If the president finds that the vice president or a director is unsuitable to

execute their duties or finds the vice president or director to have violated an obligation in their duties, or finds that they have otherwise committed an inappropriate act that renders that person unfit to serve as vice president or director, they may dismiss that vice president or director with the consent of the board of governors.

(Restrictions on the Authority of the Representation of the President)

Article 56 Restrictions placed on the authority of representation of the president, vice president and directors may not be asserted against a third party in good faith.

(Provisional Directors)

Article 57 If the position of president, vice president or director becomes vacant and it is likely that there is a risk of damage being caused by a delay in business, the court must appoint a provisional director upon the request of an interested party or a public prosecutor.

(Conflict of Interest)

Article 58 The president, vice president and directors do not have the authority of representation as to the matters in which a conflict of interest exists between NHK on one hand and the president, vice president or director on the other. In this case, the court must appoint a special agent upon the request of an interested party or a public prosecutor.

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

Article 59 Cases concerning the appointment of a provisional director or a special agent fall under the jurisdiction of the district court which has jurisdiction over the location of NHK's principal office.

(Prohibition on the President Holding Concurrent Posts)

Article 60 (1) The president, vice president and directors must not become officers of profit-making organizations or personally engage in profit-making business.

(2) The president, vice president and directors must not invest in the business of broadcasting operations or in the business of conducting paid broadcast administration operations as provided for in Article 152, paragraph (1), or hold shares in an approved broadcasting holding company.

(Duty of Loyalty)

Article 60-2 Officers must comply with laws and regulations and the articles of incorporation, as well as the resolutions of the board of governors, and faithfully

conduct their duties for NHK.

(Standards for the Payment of Salaries)

Article 61 NHK must prescribe and make public the standards for the payment of compensation and retirement benefits for its officers and the salaries and retirement benefits of its employees. The same applies when making changes to those standards.

(Rules Concerning Service)

Article 62 NHK must prescribe and make public rules concerning the obligations of officers and employees to devote themselves to their duties and other forms of service to ensure the appropriate execution of the duties of the officers and employees. The same applies when making changes to those rules.

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

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

Section 6 Broadcast Receiving Fees

(Receiving Contracts and Broadcast Receiving Fees)

Article 64 (1) A person that falls under any of the following items must conclude a receiving contract with NHK in accordance with the authorized contract clauses:

(i) a person who has installed specified receiving equipment;

(ii) a person that has begun to receive specified compulsory distribution

(2) Notwithstanding the provisions of the preceding paragraph, the following persons are not required to conclude a receiving contract with NHK:

(i) a person who has carried out installation, etc. in a residence, and who falls under any of the following:

(a) a person who has already concluded a receiving contract pursuant to the provisions of the preceding paragraph regarding another installation, etc. in a residence;

(b) a person who shares a residence, etc. and a livelihood with that person has already concluded a receiving contract pursuant to the provisions of the preceding paragraph regarding installation, etc. in another residence;

(ii) any other person specified in the authorized contract clauses as a person who is not required to conclude a receiving contract under the provisions of the preceding paragraph.

(3) NHK must determine the content of the receiving contract to be concluded by

the persons stated in the items of paragraph (1) in a fair manner, taking into account that these persons are considered to be in an equivalent reception environment and are to conclude a receiving contract with NHK pursuant to the provisions of that paragraph.

(4) NHK must not exempt the broadcast receiving fees to be collected from a person that has concluded a receiving contract, pursuant to the provisions of paragraph (1), unless the exemption is based on the standards for exemption of fees for receiving broadcasts approved in advance by the Minister for Internal Affairs and Communications.

(5) NHK must specify the following matters and obtain the authorization of the Minister for Internal Affairs and Communications in advance, regarding the clauses of a receiving contract. The same applies if NHK intends to change those clauses:

(i) the matters concerning the unit of the receiving contract (including the upper limit of the number of communication terminal equipment that can simultaneously receive the distribution by NHK using one set of subscriber identification information, and other matters necessary for ensuring the appropriate use of that subscriber identification information);

(ii) the matters concerning the method and time limit for applying for the receiving contract (including the date of installation of the specified receiving equipment or the date of commencement of reception of specified compulsory distribution and other matters to be notified to NHK at the time of the application);

(iii) matters related to the timing and methods of the payment of broadcast receiving fees;

(iv) the amount of broadcast receiving fees and surcharges that NHK may collect in the cases stated below, and other matters relating to the collection of those broadcast receiving fees and those surcharges:

(a) if the payment of broadcast receiving fees is avoided through fraudulent means; or

(b) if an application for a receiving contract is not made within the time limit specified in item (ii) without a justifiable reason; and

(v) other matters prescribed by Order of the Ministry of Internal Affairs and Communication

(6) The amount of the broadcast receiving fees provided for in item (iv) of the preceding paragraph is the amount specified in each of the following items for the category of cases stated in that item, and the amount of the premium provided for in item (iv) of that paragraph is an amount not exceeding the amount obtained by multiplying the amount specified in the relevant of the following items for the category of cases stated in that item by the multiple specified by Order of the Ministry of Internal Affairs and Communications:

(i) cases that come to fall under cases stated in item (iv), (a) of the preceding paragraph: the amount of receiving fees for which payment was not made; or
(ii) in cases that come to fall under the cases stated in item (iv), (b) of the preceding paragraph: an amount equivalent to the amount of broadcast receiving fees that should be paid by the day before the date when the receiving contract was actually concluded, if the receiving contract was concluded on the day on which the time limit provided for in item (ii) of that paragraph ended.

(7) Any broadcast which receives a broadcast from NHK and simultaneously re-broadcasts the broadcast without changing its content, is deemed to be a broadcast from NHK and the provisions of the preceding paragraphs apply.

(8) In this Article, the meanings of the terms stated in the following items are as prescribed respectively in those items:
(i) receiving contract: a contract relating to the reception of broadcasts or distribution of NHK;
(ii) authorized contract clauses: the clauses of the receiving contract authorized under paragraph (5);
(iii) specified receiving equipment: receiving equipment capable of receiving the broadcasts of NHK other than that stated below:
(a) receiving equipment not intended for receiving broadcasts;
(b) receiving equipment capable of receiving only radio broadcasts or multiplex broadcasts;
(iv) residence, etc.: a residence (limited to a person's principal place of daily activity) and any other equivalent place specified by the authorized contract clauses;
(v) installation, etc. in a residence: an act that falls under any of the following:
(a) to install specified receiving equipment in a residence, etc.;
(b) to start receiving specified compulsory distribution (excluding the case where NHK finds that it is clear that the purpose is to allow other persons, in light of the standards specified in the authorized contract clauses (excluding persons who share the same residence, etc. and living expenses with that person) to watch or view that specified compulsory distribution);
(vi) subscriber identification information: codes or other information used to confirm that the persons stated in the items of paragraph (1) have concluded a receiving contract, by which those persons can be identified.

(Requests for the Implementation of International Broadcasting)

Article 65 (1) The Minister for Internal Affairs and Communications may request NHK to conduct international broadcasting or international satellite broadcasting by NHK and to distribute the broadcast programs for these broadcasts by designating broadcasting districts, broadcasting matters (limited to matters concerning the protection of the life, body and property of Japanese nationals,

matters concerning important national policies, important matters concerning the culture, traditions, society and economy of the country, and other important matters of the country) and other necessary matters.

(2) The Minister of Internal Affairs and Communications must take into consideration NHK's freedom to edit its broadcast programs when making the request under the preceding paragraph.

(3) If the Minister of Internal Affairs and Communications makes the request referred to in paragraph (1), NHK is to make an effort to comply with that request.

(4) If international broadcasting under paragraph (1) is made using the broadcasting station of a foreign broadcaster and NHK finds it necessary, it may provide a basic broadcasting station for use for the operations of international relay broadcasting, concerning that foreign broadcaster pursuant to an agreement concluded with that foreign broadcaster.

(5) The provisions of Article 20, paragraph (11) apply mutatis mutandis to the agreement referred to in the preceding paragraph. In this case, the term "or changes" in paragraph (11) of that Article is deemed to be replaced with "changes or repeals".

(Research Concerning Broadcasting)

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

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

(Expense Sharing for International Broadcasting, etc.)

Article 67 (1) The expenses required for international broadcasting or international satellite broadcasting by NHK in response to the request under Article 65, paragraph (1) (including the expenses required for the distribution of the broadcast programs of these broadcasts) and the expenses required for the research conducted by NHK in response to an order under paragraph (1) of the preceding Article are borne by the national government.

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

Section 7 Finance and Accounting

(Fiscal Year)

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

(Corporate Accounting Rules)

Article 69 In principle, the accounts of NHK are to be in accordance with corporate accounting principles, pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications.

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

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

(2) When the Minister of Internal Affairs and Communications has received the income and expenditure budget, business plan and funding plan referred to in the preceding paragraph, the Minister of Internal Affairs and Communications must review it and attach an opinion, as well as attaching the medium-term management plan referred to in the preceding paragraph, and submit them to the National Diet through the Cabinet, to obtain its approval.

(3) When an opinion has been attached to the income and expenditure budget, business plan and funding plan referred to in the preceding paragraph that amendments should be made pursuant to the provisions of that paragraph, a committee of the National Diet is to seek the opinion of NHK.

(4) Pursuant to the provisions of Article 64, paragraph (1), the amount of the broadcast receiving fees to be collected from a person that has concluded the receiving contract prescribed in paragraph (8), item (i) of that Article is determined by the National Diet approving the income and expenditure budget referred to in paragraph (1).

Article 71 (1) If NHK is unable to obtain approval of the income and expenditure budget, business plan and funding plan for each fiscal year due to the closing of the National Diet, or other unavoidable reason, by the date of commencement of that fiscal year, it may prepare an income and expenditure budget, business plan and funding plan within the extent necessary for the economic administration of the operations and construction work or repair of the facilities (limited to those related to the continuation of construction work to be implemented, pursuant to the business plan of the preceding fiscal year which has been approved by the

National Diet) for a limited period within three months, and may implement them if authorization from the Minister of Internal Affairs and Communications has been obtained. In this case, notwithstanding the provisions of the preceding paragraph, the monthly broadcast receiving fees provided for in paragraph (4) of the preceding Article are the amount of broadcast receiving fees upon the date of the end of the preceding fiscal year.

(2) If the income and expenditure budget, business plan and funding plan of the fiscal year is approved by the National Diet, the income and expenditure budget, business plan and funding plan under the provisions of the preceding paragraph will expire, and the income, expenditure, implementation of business and procurement and repayment of the funds based on the income and expenditure budget, business plan and funding plan, under the provisions of that paragraph, is deemed to be based on the income and expenditure budget, business plan and funding plan for that fiscal year.

(3) When the Minister of Internal Affairs and Communications has given the authorization referred to paragraph (1), the Minister must report it to the National Diet after the fact.

(Medium-Term Management Plan)

Article 71-2 (1) NHK must establish a management plan for NHK (referred to below as "medium-term management plan" in the following paragraph) for each three-to-five year time period and make it public. The same applies when making changes to that plan.

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

(i) the period of the medium-term management plan (meaning the period determined by the board of governors within the period of time referred to in the preceding paragraph; the same applies in Article 73-2, paragraph (3) and paragraph (5), item (ii));

(ii) the basic direction concerning the management of NHK;

(iii) the types and content of operations conducted by NHK;

(iv) matters relating to the systems for ensuring the appropriateness of operations by NHK and operations by the group comprised of NHK and its subsidiary companies;

(v) matters relating to the structure and level of broadcast receiving fees and other matters related to broadcast receiving fees;

(vi) income and expenditure forecast; and

(vii) other important matters relating to the management of NHK

(Submission of Business Reports)

Article 72 (1) NHK must prepare a business report for each fiscal year, attach it to the written opinion of the audit committee and submit it to the Minister of

Internal Affairs and Communications, within three months after the end of the fiscal year.

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

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

(Restrictions on Expenditure)

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

(2) NHK must separate the accounting records according to the operations stated below from other accounting activities and must organize them by establishing separate accounts for each, pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications:

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

(ii) the operations specified in Article 20, paragraph (3)

(Reserve Fund Intended for Return Purposes)

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

(2) The reserve fund intended for return must not be reduced except when the difference in income and expenditure prescribed in the preceding paragraph is less than zero in the calculation of profit and loss for the fiscal year for which the income and expenditure budget applies if NHK prepares an income and expenditure budget and receives approval from the National Diet pursuant to the provisions of the following paragraph, in which case that amount less than zero is supplemented up to the expected difference in income and expenditure (meaning the amount by which the income and expenditure difference set out in that income and expenditure budget falls below zero; the same applies in the following paragraph); provided, however, that this does not apply when the authorization of the Minister of Internal Affairs and Communications has been received.

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

(4) In applying the provisions of Article 70, paragraphs (1) and (2) when the income and expenditure budget prescribed in the preceding paragraph is not prepared in cases prescribed in the proviso to that paragraph, "medium-term management plan" in paragraphs (1) and (2) of that Article is to be replaced with "medium-term management plan and documents describing the grounds provided for in the proviso to Article 73-2, paragraph (3)".

(5) "Broadcast receiving fees to be returned" prescribed in paragraph (3) refers to the broadcast receiving fees calculated so that the total expected amount of income from broadcast receiving fees for the return implementation period does not exceed the amount obtained after subtracting the amount provided for in item (ii) from the amount stated in in item (i).

(i) total expected amount of income from broadcast receiving fees for the return implementation period calculated based on the amount of basic broadcast receiving fees (meaning the amount of broadcast receiving fees calculated so that the total expected amount of income related to the operations prescribed in paragraph (1) and the total expected amount of expenditure related to those operations are the same amount during that return implementation period)

(ii) expected reserve amount calculated during the period of the medium-term management plan, directly before the applicable return implementation period

(Submission of Financial Statements)

Article 74 (1) NHK must prepare an inventory of assets, balance sheets, income statements and other documents prescribed by Order of the Ministry of Internal Affairs and Communications, and a written explanation for the aforementioned items (referred to as "financial statements" below) for the fiscal year, attach the written opinions of the audit committee and the financial auditors to the financial statements, and submit them to the Minister of Internal Affairs and

Communications, within three months after the end of the fiscal year.
(2) If the Minister of Internal Affairs and Communications has received the documents referred to in the preceding paragraph, the Minister of Internal Affairs and Communications must submit them to the Cabinet.
(3) The Cabinet must submit the documents under the preceding paragraph to the National Diet after they have been audited by the Board of Audit.
(4) If NHK has made the submission under the provisions of paragraph (1), it must give public notice of the balance sheets and the income statements in the Official Gazette, and moreover, must furnish each office with the documents referred to in that paragraph and make them available for public inspection for the period specified by Order of the Ministry of Internal Affairs and Communications.

(Audits by Financial Auditors)
Article 75 In addition to auditing by the audit committee, NHK must have its financial statements audited by financial auditors.

(Appointment of Financial Auditors)
Article 76 (1) Financial auditors are to be appointed by the Board of Governors.
(2) Financial auditors must be certified public accountants (including the foreign certified public accountants provided for in Article 16-2, paragraph (5) of the Certified Public Accountants Act (Act No. 103 of 1948)) or of an audit corporation.
(3) The following persons may not become financial auditors:
(i) a person unauthorized to audit financial statements pursuant to the provisions of the Certified Public Accountants Act;
(ii) a person or their spouse who is receiving ongoing compensation from a subsidiary company of NHK or its director, accounting advisor, auditor or executive officer owing to operations other than the operations of a certified public accountant or audit corporation; or
(iii) an audit corporation for whom half or more of its partners are the persons stated in the preceding items.

(Authority of Financial Auditors)
Article 77 (1) Financial auditors may inspect and copy accounting books or related materials at any time, or may request an accounting related report from officers or employees.
(2) If it is necessary in performing their duties, financial auditors may request a report relating to the accounting from the subsidiary company of NHK, or may investigate the state of the operations and assets of NHK or its subsidiary company.
(3) The subsidiary company referred to in the preceding paragraph may refuse to make a report or to comply with the investigation, if it has justifiable grounds for

doing so.
(4) If a financial auditor detects any misconduct or any material fact in violation of laws and regulations or the articles of incorporation in connection with the execution of duties of an officer, during the execution of their duties, that financial auditor must notify the audit committee of their findings without delay.
(5) When necessary to audit the execution of the duties of the officers, the members of the audit committee, who have been appointed by the audit committee, may request a report relating to that accounting audit from the financial auditor.

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

(Audits by the Board of Audit)
Article 79 The accounts of NHK are audited by the Board of Audit.

(Broadcasting Bonds)
Article 80 (1) NHK may issue broadcasting bonds to fund the construction or repair of broadcasting equipment.
(2) The amount of broadcasting bonds issued as referred to in the preceding paragraph may not exceed three times the amount of the net assets of NHK according to the balance sheet of the most recent fiscal year which has been audited by the Board of Audit.
(3) NHK may temporarily issue broadcasting bonds in excess of the limit under the provisions of the preceding paragraph to refinance the issued broadcasting bonds. In this case, it must redeem issued broadcasting bonds of an amount equivalent to their issued amount within six months of the due date for the payment of the issued broadcasting bonds (the due date for the first payment, if that payment is to be made in installments).
(4) If NHK has issued broadcasting bonds pursuant to the provisions of paragraph (1), it must reserve an amount equivalent to one-tenth of the present unredeemed issued bonds at the end of the fiscal year as a reserve for the redemption of funds.
(5) NHK may appropriate funds from the reserve fund prescribed in the preceding paragraph, limited to cases of depreciating broadcasting bonds.
(6) Creditors of NHK broadcasting bonds have the right to have their claims satisfied before other creditors regarding the assets of NHK.
(7) The order of priority of the statutory lien referred to in the preceding paragraph is to follow after the general statutory lien referred to in the Civil Code.
(8) In addition to those matters provided for in each of the preceding paragraphs,

the provisions relating to bonds of the Companies Act (Act No. 86 of 2005) and the Act on Book-Entry Transfer of Corporate Bonds and Shares (Act No. 75 of 2001; referred to below as "Corporate Bonds Transfer Act") apply mutatis mutandis to the necessary matters relating to broadcasting bonds pursuant to Cabinet Order provisions.

Section 8 Special Provisions on the Editing of Broadcast Programs

(Editing of Broadcast Programs)

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

(i) make maximum effort to satisfy the needs of the public and to contribute to the improvement of cultural standards by broadcasting rich and high-quality programs;

(ii) in addition to broadcast programs targeting the entire nation, provide broadcast programs designed for local regions; and

(iii) contribute to the retention of the distinguished cultural legacy of Japan and the development and spreading of new culture.

(2) NHK must conduct scientific, public opinion polls on a regular basis to identify the needs of the public and make the results public.

(3) The provisions of Article 106, paragraph (1) apply mutatis mutandis to the editing of the broadcast programs of NHK AM and FM broadcasts, and the provisions of Article 107 apply mutatis mutandis to NHK in transmitting AM and FM broadcasts.

(4) In transmitting or editing the broadcast programs of international broadcasting for Japanese or international satellite broadcasting by NHK for Japanese or editing broadcast programs for Japanese provided to foreign broadcasters, NHK must provide appropriate news programs and entertainment programs aimed at overseas compatriots.

(5) When editing and transmitting broadcast programs of international broadcasting for foreign nationals, or international satellite broadcasting by NHK for foreign nationals, or the editing of broadcast programs for foreign nationals provided to foreign broadcasters, NHK must contribute to the enhancement of international goodwill and the development of economic exchange with foreign countries, by promoting and disseminating a correct understanding of on Japan by introducing the culture, industry and other factors surrounding Japan.

(6) The provisions of Article 5, paragraph (1), Article 6, Articles 8 through 11, Article 13, 110, Articles 174 and 175 apply mutatis mutandis to cases of NHK conducting international broadcasting or international satellite broadcasting using a foreign broadcasting station.

(Broadcast Programs Council)

Article 82 (1) NHK is to establish a central broadcast programs council (referred to below as the "central council") and a regional broadcast programs council (referred to below as the "regional council") for affairs regarding domestic basic broadcasting and an international broadcast programs council (referred to below as the "international council") for affairs regarding international broadcasting and international satellite broadcasting by NHK (referred to below as the "international broadcasting, etc." in this Article) as a deliberative body under Article 6, paragraph (1) (including cases as applied mutatis mutandis pursuant to paragraph (6) of the preceding Article).

(2) A regional council is to be established in each region as provided for by Cabinet Order.

(3) The central council is to be composed of 15 or more members, the regional council is to be composed of 7 or more members, and the international council is to be composed of 10 or more members.

(4) The president is to commission the members of the central council and the international council from among persons with academic and practical experience, after obtaining the consent of the board of governors.

(5) The president is to commission the members of the regional council from persons with relevant expertise who have an address in the region provided for in paragraph (2) regarding that regional council.

(6) The matters to be deliberated in accordance with consultation with NHK pursuant to the provisions of Article 6, paragraph (2) (including cases as applied mutatis mutandis pursuant to paragraph (6) of the preceding Article; the same applies in paragraph (8)) are to be the matters provided for in Article 6, paragraph (3) related to domestic basic broadcasting, and those matters related to broadcast programs aimed at the entire nation regarding the central council, the matters related to broadcast programs aimed at the regions provided for in paragraph (2) regarding the regional council, and the matters provided for in paragraph (3) of that Article related to international broadcasting, etc. and the matters related to the broadcast programs of international broadcasting, etc. regarding the international council.

(7) If NHK intends to establish a plan for the editing and broadcasting of broadcast programs aimed at regions pursuant to the provisions of paragraph (2) or to make changes to that plan, it must consult with the regional council.

(8) The matters for which an opinion may be given to NHK pursuant to the provisions of Article 6, paragraph (2) are those related to the broadcast programs of domestic basic broadcasts regarding the central council and the regional council and those concerning the broadcast programs of international broadcasting, etc. regarding the international council.

(Prohibition of Broadcasting Advertisements)

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

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

(Application of General Rules Regarding the Editing of Broadcast Programs)

Article 84 The provisions of Articles 7, 12, 14, Article 95, paragraph (2), Article 98, 100, 109 and 116-2 do not apply to NHK.

Section 9 Miscellaneous Provisions

(Provision of Information)

Article 84-2 (1) NHK is to prepare documents, drawings or electronic or magnetic records (meaning records that are prepared using electronic methods, magnetic methods or other methods that cannot be recognized by human perception, and that are used in information processing by a computer; the same applies below) used to record the following information held by NHK pursuant to Order of the Ministry of Internal Affairs and Communications and state that information a timely basis and through methods that are generally easily accessible:

(i) basic information relating to NHK's organization, operations and finances;

(ii) information relating to the evaluations and audits of NHK's organization, operations and finances; and

(iii) basic information concerning corporations receiving investments or contributions from NHK, and other corporations specified by Order of the Ministry of Internal Affairs and Communications

(2) In addition to those matters provided for in the preceding paragraph, NHK is to make an effort to improve measures relating to the publicizing of information that it holds to deepen general understanding of its various activities.

(Restrictions on the Assignment of Broadcasting Equipment)

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

(2) If the Minister of Internal Affairs and Communications intends to give the authorization set out in the preceding paragraph, the Minister of Internal Affairs and Communications must obtain the consent of both Houses of the National

Diet; provided, however, that this does not apply when NHK conducts the operations set out in Article 20, paragraph (2), item (vii) or paragraph (3), item (i) and when NHK assigns the relay basic terrestrial broadcasting stations and broadcasting equipment affiliated with those stations pursuant to the provisions of Article 20-2, paragraph (4).

(Suspension and Discontinuation of Broadcasting)

Article 86 (1) Without the authorization of the Minister for Internal Affairs and Communications, NHK may not discontinue its basic broadcasting stations or its broadcasting operations, or suspend its broadcasting or compulsory distribution for 12 hours or more (in the case of international satellite broadcasting by NHK, 24 hours or more); provided, however, that this does not apply to cases falling under any of the following items:

(i) discontinuation or suspension due to force majeure;

(ii) discontinuation or suspension of the operation of international satellite broadcasting by NHK transmitted by a foreign broadcasting station (excluding broadcasts specified by Order of the Ministry of Internal Affairs and Communications, taking account of the number of persons who are able to receive NHK international satellite broadcasts) when all of the broadcasting districts covered by international satellite broadcasting by NHK transmitted by a foreign broadcasting station are included in the broadcasting districts of international satellite broadcasting by NHK transmitted by a broadcasting station other than a foreign broadcasting station; or any other case specified by Order of the Ministry of Internal Affairs and Communications as similar to the above case; or

(iii) discontinuation or suspension of international broadcasting transmitted by a foreign broadcasting station

(2) If NHK discontinues its broadcasting, it must notify the Minister of Internal Affairs and Communications to that effect without delay, except when the authorization referred to in the preceding paragraph has been obtained.

(3) If NHK suspends its broadcasting or compulsory distribution, it must notify the Minister for Internal Affairs and Communications to that effect without delay, except when authorization referred to in paragraph (1) has been given or when a report is required to be made pursuant to the provisions of Article 20-3, paragraph (4), or Article 113.

(4) If the Minister of Internal Affairs and Communications has given the authorized the discontinuation referred to in paragraph (1) regarding the broadcasting operations of NHK which have been approved referred to in the provisions of Article 93, paragraph (1), the term "has received a notification of discontinuation of the operations under the provisions of Article 100" in the text of Article 105 is to be replaced with "has authorized the discontinuation referred to in Article 86,

paragraph (1)" and "the notification" is to be replaced with "the authorization", and the provisions of that Article apply.

(5) If the Minister of Internal Affairs and Communications has received a notification of discontinuation referred to in paragraph (2) above for the operation of broadcasting by NHK which was approved referred to in Article 93, paragraph (1), "Article 100" in the Article 105 is to be replaced with "Article 86, paragraph (2)" and the provisions of that Article apply.

(Dissolution)

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

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

Chapter IV The Open University of Japan

(Application of General Rules Regarding the Editing of Broadcast Programs)

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

(Suspension and Discontinuation of Broadcasting)

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

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

(3) If the Minister of Internal Affairs and Communications has given the approval for the discontinuation referred to in paragraph (1) regarding the broadcasting operations of the Open University which have been approved as referred to in the provisions of Article 93, paragraph (1), the term "has received a notification of discontinuation of the operations under the provisions of Article 100" in the text of Article 105 is deemed to be replaced with "has given the authorization for the discontinuation referred to in Article 89, paragraph (1)" and "the notification" is deemed to be replaced with "the authorization", and the provisions of that Article apply.

(Prohibition of Broadcasting Advertisements)

Article 90 (1) The Open University must not broadcast advertisements concerning other businesses.

(2) The provisions of the preceding paragraph do not prevent the broadcasting of the name and other details of authors or business operators if this is found necessary, when editing broadcast programs, and broadcasting this information is not for the purpose of advertising other businesses.

Chapter V Basic Broadcasting

Section 1 General Rules

(Promotion Plan for Basic Broadcasting)

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

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

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

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

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

(3) Dissemination plans for basic broadcasting are to be prescribed, taking into consideration the matters provided for in Article 20, paragraph (1), paragraph (2), item (i) and paragraph (5), allocable frequencies for basic broadcasting referred to

in Article 5, paragraph (4) of the Radio Act, the development of technology and trends in demand relating to broadcasting, the natural, economic, social and cultural circumstances of the region and other circumstances.

(4) If the Minister of Internal Affairs and Communications finds it necessary due to changes in the circumstances referred to in the preceding paragraph, the Minister may amend the dissemination plan for basic broadcasting.

(5) If the Minister of Internal Affairs and Communications has established or made amendments to the dissemination plan for basic broadcasting, the Minister must make this public without delay.

(Responsibilities of Business Operators Involved in Receiving of Basic Broadcasting)

Article 92 (1) The specified basic terrestrial broadcaster and the provider for basic broadcasting stations (excluding those persons who have obtained a basic broadcasting station license for use in the operations of basic satellite broadcasting pursuant to the provisions of the Radio Act. The same applies in the following paragraph.) are to make an effort to ensure that basic broadcasting may be universally received in the target regions for broadcasts related to the basic broadcasting to be transmitted using these basic broadcasting stations.

(2) When the specified basic terrestrial broadcaster and the provider for basic broadcasting stations discontinue relay terrestrial basic broadcasting stations due to an extreme decrease in the population of a region or for other unavoidable reasons, in the region that can no longer receive the basic broadcasting by using the relay terrestrial basic broadcasting stations, the specified basic terrestrial broadcaster and the provider for basic broadcasting stations are to endeavor to take measures to have the broadcast programs related to the basic terrestrial broadcaster continue to be available for viewing and listening.

Section 2 Basic Broadcasters

Subsection 1 Approval

(Approval)

Article 93 (1) Persons intending to conduct basic broadcasting operations must obtain the approval of the Minister of Internal Affairs and Communications that those operations fall under all of the following requirements:

(i) it is possible to secure the facilities for basic broadcasting station to be used in the operations;

(ii) there is a sufficient financial base and technical capability to maintain the operations;

(iii) the telecommunications facilities to be used in the operations (excluding facilities for basic broadcasting stations; referred to below as "facilities for basic

broadcasting") conform to the standards specified by Order of the Ministry of Internal Affairs and Communications of Article 111, paragraph (1);

(iv) the frequency to be used in basic satellite broadcasting conforms to the technical standards related to basic satellite broadcasting prescribed by Order of the Ministry of Internal Affairs and Communications, taking into account the development and state of dissemination of technology relating to basic satellite broadcasting when intending to conduct operations for basic satellite broadcasting;

(v) the person that intends to conduct the operations does not fall under any of the following; provided, however, that this does not apply if provided for by Order of the Ministry of Internal Affairs and Communications as those cases found not to preclude the enjoyment of freedom of expression through basic broadcasting by as many people as possible in light of the type, target regions for broadcasts and other matters related to those operations:

(a) a basic broadcaster

(b) a person that has a controlling relationship regarding the person stated in (a)

(c) if the person stated in (a) or (b) has a controlling relationship regarding a certain person, that person

(vi) granting that approval conforms to the dissemination plan for basic broadcasting, and is otherwise appropriate for the dissemination and sound development of broadcasting;

(vii) the person that intends to conduct the business does not fall under any of the following (a) through (k) (excluding (e) if the person intends to conduct the business of basic satellite broadcasting, basic terrestrial broadcasting for mobile reception or community broadcasting (meaning basic terrestrial broadcasting by FM broadcasting, which is transmitted for the purpose of being received in all or some of the areas of a single municipality or in equivalent areas as specified by Order of the Ministry of Internal Affairs and Communications; the same applies below)):

(a) a person who does not have Japanese nationality

(b) a foreign government or its representative

(c) a foreign corporation or organization

(d) a corporation or organization where the person stated in (a) through (c) is a specified officer or where that person holds one-fifth or more of the voting rights

(e) a corporation or organization where the total ratio obtained by adding the ratio of the voting rights directly held by a person stated in 1. (referred to below as "ratio of voting rights directly held by foreign nationals" in 2. and item (xi) in the following paragraph) and the ratio provided for by Order of the Ministry of Internal Affairs and Communications as the ratio of the

voting rights indirectly held by those persons through a person stated in 2. (referred to as "ratio of voting rights indirectly held by foreign nationals" in item (xi), (c) and Article 116, paragraph (3)) is one-fifth or more of the voting rights (excluding cases falling under (d)).

1. the person stated in (a) through (c)
2. a corporation or organization in which the ratio of voting rights directly held by foreign nationals is the same as or more than the ratio specified by Order of the Ministry of Internal Affairs and Communications

(f) a person who has committed a crime prescribed in this Act or the Radio Act and who was punished by a fine or greater punishment, and for whom two years have not passed since the day on which the execution of the sentence was completed or who has come to be no longer subject to the execution of that sentence

(g) a person who has had their approval revoked, and two years have not passed since the date of that revocation, pursuant to the provisions of Article 103, paragraph (1) or Article 104 (excluding item (v)).

(h) a person who has had their registration revoked, and two years have not passed since the date of that revocation, pursuant to the provisions of Article 131.

(i) a person who has had a basic broadcasting station license of the Radio Act revoked, and two years have not passed since the date of revocation, pursuant to the provisions of Article 75, paragraph (1) or Article 76, paragraph (4) (excluding item (iv));

(j) a person for whom the approval of the establishment plan provided for in Article 27-14, paragraph (1) of the Radio Act concerning the radio station conducting basic terrestrial broadcasting for mobile reception of that Act has been revoked, and for whom two years have not passed since the date of that revocation, pursuant to the provisions of Article 27-16, paragraph (1) or (6) (excluding item (iv)).

(k) a corporation or organization whose officer is a person falling under any of items (f) through (j):

(2) A person who intends to receive the approval referred to in the preceding paragraph must submit an application form which states the following matters to the Minister of Internal Affairs and Communications, pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications:

(i) name or tradename and address

(ii) the type of basic broadcasting

(iii) the name of the person who intends to receive or has already received a license under the provisions of the Radio Act regarding the basic broadcasting station for use in basic broadcasting operations

(iv) the desired target regions for broadcasts;

(v) the desired frequency for basic broadcasting;
(vi) the scheduled commencement date of operations;
(vii) matters to be broadcast;
(viii) an outline of the telecommunications facilities to be used for basic broadcasting operations;
(ix) an outline of the equipment that makes up part of the facilities for basic broadcasting, and the name of the commissioner when intending to entrust the operation of that equipment to another person;
(x) the trajectory or position of manmade satellites related to basic satellite broadcasting, when the person intends to receive approval for operations for that broadcasting;
(xi) the following matters are stated for a corporation or organization:
(a) the names of specific officers;
(b) the ratio of voting rights directly held by foreign nationals; and
(c) the total ratio of voting rights directly held by foreign nationals and the percentage of voting rights indirectly held by foreign nationals if the person intends to receive approval for basic terrestrial broadcasting (excluding community broadcasting).

(3) A business plan, an estimate of the business income and expenditure and other documents specified by Order of the Ministry of Internal Affairs and Communications are to be attached to the application form referred to in the preceding paragraph.

(4) The application for the approval referred to in paragraph (1) (excluding that related to the operations of the basic broadcasting of NHK or the Open University and other operations of special basic broadcasting provided for by Order of the Ministry of Internal Affairs and Communications) is to be made within the period publicly notified by the Minister of Internal Affairs and Communications. The same applies to an application for renewal (limited to that related to the operations of basic terrestrial broadcasting) of the approval referred to in Article 96, paragraph (1).

(5) The period referred to in the preceding paragraph is to be the period specified for each frequency (the same period as the period of public notice referred to in Article 6, paragraph (8) of the Radio Act related to basic broadcasting stations using the frequency in basic terrestrial broadcasting) to be used in the basic broadcasting related to the application within not less than one month, and the public notice of the period under the preceding paragraph is to be in conjunction with the public notice of the type of basic broadcasting, target regions for broadcasts and other matters which are assisting an application for approval.

(Designation Matters and Record of Approval)

Article 94 (1) The approval referred to in paragraph (1) of the preceding Article is to

be carried out designating the following matters (the following matters and the trajectory and position of the satellite related to the operations of basic satellite broadcasting concerning basic satellite broadcasting):

(i) the name of the person that received the license of the basic broadcasting station for use in basic broadcasting operations, pursuant to the provisions of the Radio Act;

(ii) the target regions for broadcasts; and

(iii) the frequency related to basic broadcasting.

(2) When the Minister of Internal Affairs and Communications has granted the approval referred to in paragraph (1) of the preceding Article, the Minister must prepare an electronic or magnetic record recording the following matters concerning that approval (including, in the case of basic satellite broadcasting, the trajectory and position of the satellite related to the operations of that basic satellite broadcasting), and must, without delay, notify the approved basic broadcaster relating to that approval to that effect and the matters specified by Order of the Ministry of Internal Affairs and Communications, and must make the matters recorded in that electronic or magnetic record available for inspection by the approved basic broadcaster during the valid period of that approval:

(i) the date of the approval and number of that approval;

(ii) the name of the person who received the approval;

(iii) the type of basic broadcasting;

(iv) the name of the person who received the basic broadcasting station license for use in the operations of the basic broadcasting pursuant to the provisions of the Radio Act;

(v) the target regions for broadcasts;

(vi) the frequency concerning basic broadcasting; and

(vii) matters to be broadcast;

(Issuance of Certificate)

Article 94-2 An approved basic broadcaster may request the Minister of Internal Affairs and Communications to issue a document certifying the matters recorded in the electronic or magnetic record related to the approved basic broadcaster (referred to below as the "approval record") prepared pursuant to the provisions of paragraph (2) of the preceding Article.

(Notification of the Commencement and Suspension of Operations)

Article 95 (1) If an approved basic broadcaster has received the approval referred to in Article 93, paragraph (1), it must notify the Minister of Internal Affairs and Communications, without delay, regarding the date of commencement of its operations.

(2) If basic broadcasting operations are to be suspended for one month or more, the

approved basic broadcaster must notify the Minister of Internal Affairs and Communications of the suspension period. The same applies when making changes to that suspension period.

(Renewal of Approval)

Article 96 (1) Unless the approval referred to in Article 93, paragraph (1) is renewed every five years (each instance of renewal that is the same period as the valid period of the basic broadcasting station license for use in the operations of basic terrestrial broadcasting under the provisions of the Radio Act in approving the operations of basic terrestrial broadcasting), it will cease to be effective.

(2) If an application has been made for the renewal of the approval referred to in the preceding paragraph regarding basic satellite broadcasting operations or basic terrestrial broadcasting for mobile reception, the Minister of Internal Affairs and Communications must grant that renewal except when it is found that the approval does not comply with Article 93, paragraph (1), items (iv) and (v) for the approval of basic satellite broadcasting operations, or to item (v) of that paragraph for the approval of basic terrestrial broadcasting for mobile reception operations.

(Changes to the Matters to Be Broadcast)

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

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

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

(ii) changes to matters stated in Article 93, paragraph (2), item (xi) that are provided for by Order of the Ministry of Internal Affairs and Communications as being unlikely to fall under paragraph (1), item (vii), (d) or (e) due to that change

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

(i) when conducting basic satellite broadcasting, a person other than the person that received a basic broadcasting station license for use in the operations of the basic satellite broadcasting pursuant to the provisions of the Radio Act has received approval for a license of a basic broadcasting station, in which the trajectory or position of the satellite and the frequency related to the basic satellite broadcasting must be recorded in the license record, or a person that received a basic broadcasting station license for use in the operations of the basic satellite broadcasting has received changes to the designation regarding the permission to change the trajectory or position of the satellite related to the basic satellite broadcasting or regarding the frequency relating to that basic satellite broadcasting;

(ii) when conducting basic terrestrial broadcasting for mobile reception, a person other than the person that received a basic broadcasting station license for use in the operations of the basic terrestrial broadcasting for mobile reception pursuant to the provisions of the Radio Act has received a license of a basic broadcasting station, in which the broadcasting district and the frequency within the target regions for broadcasts related to that basic terrestrial broadcasting for mobile reception must be recorded in the license record, or a person that received a license for a basic broadcasting station for use in the operations of the basic terrestrial broadcasting for mobile reception, has received changes to the designation regarding the frequency related to the basic terrestrial broadcasting for mobile reception, or changes have been made regarding the target regions for broadcasts related to the basic terrestrial broadcasting for mobile reception, when the Minister of Internal Affairs and Communications has amended that dissemination plan for basic broadcasting, pursuant to the provisions of Article 91, paragraph (4); or

(iii) those matters specified by Order of the Ministry of Internal Affairs and Communications as being equivalent to the preceding two items.

(Succession)

Article 98 (1) If there has been a succession regarding an approved basic broadcaster, the successor takes on the position of that approved basic broadcaster. In this case, the successor must attach a document proving that fact without delay and notify the Minister of Internal Affairs and Communications to that effect.

(2) When the approved basic broadcaster assigns the business of conducting basic broadcasting operations, or when a corporation that is the approved basic

broadcaster, has merged or been split (limited to where the business of conducting basic broadcasting operations is succeeded to), the person that has been assigned the operations or the corporation which continues to exist after the merger, or the corporation which was formed through the merger, or the corporation which has succeed to the business through a split, may succeed to the position of an approved basic broadcaster upon receiving authorization from the Minister of Internal Affairs and Communications.

(3) When the provisions of the first sentence of Article 20, paragraph (4) of the Radio Act are applicable, a corporation that has succeeded to the business of conducting the operations of basic terrestrial broadcasting through a split, and which has received authorization from the Minister of Internal Affairs and Communications, is deemed to have received approval related to the operations. When the provisions of the second sentence of that paragraph are applicable, the same applies to the transferor in cases when the licensee of a specified basic terrestrial broadcasting station (excluding relay basic terrestrial broadcasting stations) transfers the basic broadcasting station and the transferee intends to conduct operations to provide its basic broadcasting station for use in the operations of basic terrestrial broadcasting of the transferor or to the transferee in cases when the licensee of the specified basic terrestrial broadcasting station transfers the business of conducting the operations of basic terrestrial broadcasting, and the transferor intends to conduct operations to provide its basic broadcasting station for the use of the of the basic terrestrial broadcasting operations of the transferee.

(4) The validity period of the approval deemed to have been received pursuant to the provisions of the preceding paragraph is to be the same period as the remainder of the validity period of the basic broadcasting station license for use in the operations of basic terrestrial broadcasting related to that approval.

(5) Pursuant to the provisions of Article 20, paragraph (5) of the Radio Act, when a corporation which has survived a merger, or a corporation formed through a merger, or through a transferee, succeeds to the position of the licensee of the specified basic terrestrial broadcasting station (excluding relay basic terrestrial broadcasting stations) for use in the operations of basic terrestrial broadcasting related to the merger or the assignment of business, the approval referred to in Article 93, paragraph (1) will cease to be effective regarding the operations of basic terrestrial broadcasting.

(6) The provisions of Article 93, paragraph (1) apply mutatis mutandis to the authorization referred to in paragraph (2) and (3) of this Article.

(Amendment of Record of Approval)

Article 99 When the Minister of Internal Affairs and Communications has granted permission under the provisions of Article 97, paragraph (1), when there is a

notification under the provisions of Article 97, paragraph (2) or the paragraph (1) of the preceding Article, when there is an amendment to the designation referred to in the provisions of Article 97, paragraph (3), or when authorization is granted under the provisions of paragraph (2) or (3) of the preceding Article, the Minister must amend the record of approval and must make a notification to this effect to the approved basic broadcaster related to the record of approval, without delay.

(Discontinuation of Operations)

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

Article 101 If an approved basic broadcaster discontinues the operations of its basic broadcasting, the approval referred to in Article 93, paragraph (1) will cease to be effective.

(Returning the Record of Approval)

Article 102 If the approval referred to in Article 93, paragraph (1) has ceased to be effective, the Minister of Internal Affairs and Communications must make a record to that effect in the record of approval related to the approval.

(Revocation of Approval)

Article 103 (1) The Minister for Internal Affairs and Communications must revoke the approval if the approved basic broadcaster comes to no longer satisfy the requirements stated in Article 93, paragraph (1), item (vii) (excluding (g)), or if the basic broadcasting station license for use in the operations of the basic terrestrial broadcasting conducted by the approved basic broadcaster has ceased to be effective.

(2) Notwithstanding the provisions of the preceding paragraph, if an approved basic broadcaster comes to fall under the provisions of Article 93, paragraph (1), item (vii), (d) or (e), if it is found necessary after taking into account the stated matters, the Minister of Internal Affairs and Communications may specify a period and not revoke the approval during that specified period, for the remaining period of validity of the approval for that approved basic broadcaster.

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

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

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

(3) If the Minister of Internal Affairs and Communications finds that an approved basic broadcaster has come to fall under the provisions of Article 93, paragraph (1), item (vii), (d) or (e), the Minister of Internal Affairs and Communications must decide whether to not revoke the approval of that approved basic broadcaster pursuant to the provisions of the preceding paragraph.
(4) If the Minister of Internal Affairs and Communications intends to make the decision referred to in the preceding paragraph, the Minister of Internal Affairs and Communications must hear the opinions of the approved basic broadcaster concerning that decision.
(5) If the Minister of Internal Affairs and Communications has made the decision referred to in paragraph (3), the Minister of Internal Affairs and Communications must notify the approved basic broadcaster relating to that decision to that effect (when that decision is to not revoke the approval of that approved basic broadcaster pursuant to the provisions of paragraph (2), a notice to that effect and the period specified pursuant to the provisions of that paragraph) accompanied by the reason for the decision without delay.

Article 104 The Minister of Internal Affairs and Communications may revoke the approval, if the approved basic broadcaster falls under any of the following items:
(i) it has continuously suspended basic broadcasting operations for six months or more without justifiable grounds;
(ii) it has received the approval referred to in Article 93, paragraph (1), the renewal of approval referred to in Article 96, paragraph (1), or the permission referred to in Article 97, paragraph (1) through fraudulent means;
(iii) it no longer meets the requirements stated in Article 93, paragraph (1), item (v);
(iv) it has not complied with an order under the provisions of Article 174; or
(v) the basic broadcasting station license for use in the operations of basic satellite broadcasting or the basic terrestrial broadcasting for mobile reception has ceased to be effective.

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

(Special Provisions on Specified Basic Terrestrial Broadcasters)

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

(i) the method of using specified basic terrestrial broadcasting stations; or

(ii) the method of concluding a contract to supply facilities for broadcasting stations prescribed in Article 117, paragraph (1) with a provider for basic broadcasting stations in the same target regions for broadcasts as the target regions for broadcasts where basic terrestrial broadcasting operations are conducted in accordance with the methods referred to in the preceding item and using a relay terrestrial broadcasting station of that provider for basic broadcasting stations

(2) If specified basic terrestrial broadcasters intend to conduct terrestrial basic broadcasting operations in accordance with the methods referred to in item (ii) of the preceding paragraph, they must receive the confirmation of the Minister of Internal Affairs and Communications pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications regarding the conformance of telecommunications facilities and systems used in those operations (excluding basic broadcasting station facilities of the provider for basic broadcasting stations; the same applies in paragraph (4)) and the operation management system for its administration (including the operation management system at the commissioner's place when specified terrestrial basic broadcasters intend to commission the administration of facilities that make up part of those telecommunications facilities; referred to below as "telecommunication facilities, etc." in paragraph (4) and Article 187, item (ii)) to the standards provided for by Order of the Ministry of Internal Affairs and Communications referred to in Article 111, paragraph (1).

(3) If the Minister of Internal Affairs and Communications conducted the confirmation referred to in the preceding paragraph, the Minister of Internal Affairs and Communication is to record the following stated matters in the license record related to the specified basic terrestrial broadcasting stations of the specified basic terrestrial broadcaster that received that confirmation, and notify the specified basic terrestrial broadcaster to that effect, without delay:

(i) the date and number of the confirmation;

(ii) the name of the provider for basic broadcasting stations, providing the facilities for basic broadcasting stations to be used in the basic terrestrial broadcasting operations that are related to the confirmation; and

(iii) the target regions for broadcasts where basic terrestrial broadcasting operations are conducted

(4) If the specified basic terrestrial broadcaster that received the confirmation referred to in paragraph (2) intends to change the telecommunications facilities,

etc. used in the basic terrestrial broadcasting operations that are related to that confirmation (limited to cases accompanying changes to the telecommunications facilities , etc. used in those operations or to the commissioner for the administration of facilities that make up part of those telecommunications facilities), with regards to the conformance of the telecommunications facilities following the change with the standards provided for by Order of the Ministry of Internal Affairs and Communications referred to in Article 111, paragraph (1), the specified terrestrial basic broadcaster that received the confirmation referred to in paragraph (2) must receive the approval of the Minister of Internal Affairs and Communications; provided, however, that this does not apply to minor changes provided for by Order of the Ministry of Internal Affairs and Communications.

(5) If the specified basic terrestrial broadcaster that received the confirmation referred to in paragraph (2) has made any minor changes provided for by Order of the Ministry of Internal Affairs and Communications, it must notify the Minister of Internal Affairs and Communications without delay; provided, however, that this does not apply to minor changes provided for by Order of the Ministry of Internal Affairs and Communications.

Subsection 2 Operations

(Editing of Broadcast Programs for Domestic Basic Broadcasts)

Article 106 (1) When editing the broadcast programs of television domestic basic broadcasts and domestic and international broadcasts (meaning basic broadcasts which are domestic and international broadcasting) (referred to below as "domestic basic broadcasts, etc."), excluding those based on special business plans, the basic broadcaster must establish cultural programs or educational programs and news programs, and entertainment programs and must maintain harmony between the broadcast programs.

(2) When editing or broadcasting educational programs of domestic basic broadcasts, etc., the basic broadcaster must ensure that the target audience of the broadcast is clear, that the content is appropriate and beneficial for the audience, and that the broadcasting is systematic and continuous, and must also ensure that the public is aware of the plans and contents for the broadcasting in advance. In this case, it must ensure that the content conforms to the curriculum standards prescribed in the laws and regulations relating to school education, if those programs are aimed at schools.

Article 107 When applying the provisions of Article 6 to a basic broadcaster conducting the television broadcasts referred to in the provisions of paragraph (1) of the preceding Article, the term "a basic plan relating to the program standards and editing of the broadcast programs" in paragraph (3) of that Article is to be

replaced with "a basic plan relating to the editing of broadcast programs and the standards for the types of broadcast programs" and the term "the matters stated in the following items" in paragraph (5) and (6) of that Article is to be replaced with "the matters stated in the following items, and the types of broadcast programs and the broadcasting hours for each type of broadcast program".

(Disaster Broadcasting)

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

(Restrictions on Advertisements in Broadcasting to Schools)

Article 109 When broadcasting educational programs to schools, the basic broadcaster does not include advertisements which it is found could hinder school education in those programs.

(Restrictions on Agreements Concerning the Supply of Broadcast Programs)

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

(Public Announcement Concerning Temporary Suspension or Discontinuation of Basic Broadcasting)

Article 110-2 If basic broadcasters (excluding paid broadcasters prescribed in Article 147, paragraph (1)) intend to suspend their basic broadcasting, or, terminate those basic broadcasting operations or those basic broadcasting stations, they must make a public announcement to that effect pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications; provided, however, that this does not apply when the time during which basic broadcasters intend to continuously suspend basic broadcasting is within a period that does not exceed twenty-four hours and is within the time period provided for by Order of the Ministry of Internal Affairs and Communications, or in other cases provided for by applying Order of the Ministry of Internal Affairs and Communications.

(2) In the case of a basic broadcaster that conducts basic terrestrial broadcasting operations, when the basic broadcaster or a provider for basic broadcasting stations prescribed in Article 117, paragraph (1) that has concluded a contract to supply facilities for broadcasting stations with the basic broadcaster intends to take the measures referred to in Article 92, paragraph (2), pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications, the contents of the measures must be publicized.

(Maintenance of Facilities for Basic Broadcasting)

Article 111 (1) The approved basic broadcaster must maintain facilities for basic broadcasting and the operation management system for its administration (including the operation management system at commissioner's place when that approved basic broadcaster is commissioning the administration of equipment that makes up part of facilities for basic broadcasting; referred to below as "facilities and operation system for basic broadcasting") which comply with the standards specified by Order of the Ministry of Internal Affairs and Communications.

(2) The standards referred to in the preceding paragraph are prescribed so as to ensure the following matters:

(i) to ensure that basic broadcasting operations do not suffer significant hindrance through damage or malfunction in, or, inappropriate administration of the facilities for basic broadcasting; and

(ii) to ensure that the quality of the basic broadcasting transmitted by using the facilities and operation system for basic broadcasting is appropriate.

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

(Reporting of Major Incidents)

Article 113 (1) The approved basic broadcaster must make a report to the Minister of Internal Affairs and Communications, together with the reason or cause without delay, if the suspension of broadcasting caused by the facilities and operation system for basic broadcasting other serious incident which is specified in the provisions of Order of the Ministry of Internal Affairs and Communications has occurred.

(2) The specified basic terrestrial broadcaster must make a report to the Minister of Internal Affairs and Communications, together with the reason or cause without delay, if the suspension of broadcasting caused by the facilities and operation system for specified basic terrestrial broadcasting stations, etc. or other serious incident which is specified in the provisions of Order of the Ministry of Internal Affairs and Communications has occurred.

(Order for Improvement of Facilities)

Article 114 (1) If the Minister for Internal Affairs and Communications deems that the facilities and operation system for basic broadcasting does not conform to the standards prescribed by Order of the Ministry of Internal Affairs and Communications of Article 111, paragraph (1), the Minister may order the approved basic broadcaster to improve the facilities and operation system for basic broadcasting to conform to those standards.

(2) If the Minister for Internal Affairs and Communications finds that the facilities and operation system for specified basic terrestrial broadcasting stations, etc. do not conform to the standards specified by Order of Order of the Ministry of Internal Affairs and Communications in Article 111, paragraph (1) or the standards specified by Order of Order of the Ministry of Internal Affairs and Communications in Article 121, paragraph (1), the Minister may order the specified terrestrial basic broadcaster to improve that facilities and operation system for specified basic terrestrial broadcasting stations to conform to those standards.

(Reports and Inspection Relating to Facilities)

Article 115 (1) The Minister of Internal Affairs and Communications may request a report on the status of the facilities and operation system for basic broadcasting from the approved basic broadcaster, or have its employee enter the location where the facilities for basic broadcasting is installed to inspect the facilities for basic broadcasting within the extent necessary to implement the provisions of Article 111, paragraph (1), Article 113, paragraph (1) and paragraph (1) of the preceding Article.

(2) The Minister of Internal Affairs and Communications may request a report on the status of the facilities and operation system for specified basic terrestrial broadcasting stations, etc. from the specified basic terrestrial broadcaster or have its employee enter the location where the facilities for specified basic terrestrial broadcasting stations, etc. is installed to inspect the facilities for specified basic terrestrial broadcasting stations, etc. to the extent necessary to implement the provisions of Article 112, Article 113, paragraph (2) and paragraph (2) of the preceding Article.

(3) An employee who enters and conducts an inspection must carry a certificate

which proves their identity and present it to any person concerned, pursuant to the provisions of the preceding two paragraphs.

(4) The authority to enter and conduct the inspection under the provisions of paragraphs (1) and (2) is not to be construed as being allowed for the purpose of a criminal investigation.

(Handling of Shares Acquired by Foreign Nationals)

Article 116 (1) If a basic broadcaster is a company which has issued shares listed on a financial instruments exchange (meaning the financial instruments exchange provided for in Article 2, paragraph (16) of the Financial Instruments and Exchange Act (Act No. 25 of 1948); the same applies in Article 125, paragraph (1) and Article 161, paragraph (1)) of this Act) or shares which are provided for by Order of the Ministry of Internal Affairs and Communications as being equivalent to those listed shares, and receives a request from a person stated in Article 93, paragraph (1), items (vii) (a) through (c) of this Act or a person stated in (e) 2. of that item (or a person stated in Article 5, paragraph (1), items (i) through (iii) of the Radio Act, or the person stated in paragraph (4), item (iii) (b) of that Article, in cases of specified basic terrestrial broadcasters; referred to below as "foreign nationals, etc." in this Article) who has acquired its shares, that their name and address be listed or recorded in the shareholder registry, and accommodating that request falls under the grounds provided for in the following items, in accordance with the categories stated in those items (referred to in the following paragraph as "grounds for disqualification"), the broadcaster may refuse to list or record the name and address of that person in the shareholder registry:

(i) if a basic broadcaster is an approved basic broadcaster conducting basic satellite broadcasting, basic terrestrial broadcasting for mobile reception or community broadcasting: the grounds provided for in Article 93, paragraph (1), item (vii) (d) apply;

(ii) if the basic broadcaster is an approved basic broadcaster conducting basic terrestrial broadcasting (excluding community broadcasting): the grounds provided for in Article 93, paragraph (1), item (vii) (d) or (e) apply;

(iii) if that basic broadcaster is a specified basic terrestrial broadcaster conducting community broadcasting: the grounds provided for in Article 5, paragraph (4), item (ii) of the Radio Act apply; or

(iv) if that basic broadcaster is a specified basic terrestrial broadcaster conducting basic terrestrial broadcasting (excluding community broadcasting): the grounds provided for in Article 5, paragraph (4), item (ii) or (iii) of the Radio Act apply.

(2) If the basic broadcaster referred to in the preceding paragraph is to list or record in the shareholder registry pursuant to the provisions of Article 152, paragraph (1) of the Corporate Bonds Transfer Act all of the shares held by a foreign national, etc. who is a shareholder for which a notification was made under the

provisions of Article 151, paragraph (1) or (8) of the Corporate Bonds Transfer Act and listing or recording those shares would result in falling under grounds for disqualification, that broadcaster may refuse to list or record in accordance with the provisions of Article 152, paragraph (1) of the Act on Book-Entry Transfer of Corporate Bonds and Shares the specified foreign shares (meaning shares other than the shares that may be listed or recorded, in accordance with the method provided for by Order of the Ministry of Internal Affairs and Communications, which is a method for listing or recording only a portion of those shares in the shareholder registry so as to not to fall under any grounds for disqualification) in that shareholder registry, notwithstanding the provisions of that paragraph.

(3) Except for cases where listing or recording in the shareholder registry may be refused pursuant to the provisions of the preceding two paragraphs, if an increase in the ratio of voting rights directly held by foreign nationals would cause the approved basic broadcaster conducting basic terrestrial broadcasting, (excluding community broadcasting), that is a stock company, to come to fall under the grounds specified in Article 93, paragraph (1), item (vii), (e) in cases of voting rights being held for all of the shares held by the person stated in 2. of that item, listed or recorded in the shareholder registry, the designated foreign shareholder (meaning a shareholder who holds shares other than the shares which have voting rights pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications so as not to fall under the grounds specified in sub-item (e) of that item out of the shares held by the person stated in (e) 1. and 2. listed or recorded in the shareholder registry) who does not hold voting rights regarding those shares.

(4) Except for cases where listing or recording in the shareholder registry may be refused pursuant to the provisions of paragraphs (1) and (2), if through the ratio of voting rights indirectly held by foreign nationals stated in Article 5, paragraph (4), item (iii),(a) via the person stated in (b) of that item increasing, the specified basic terrestrial broadcaster conducting the basic terrestrial broadcasting (excluding community broadcasting), which is a stock company, comes to fall under the grounds specified in that item in cases of voting rights being held for all of the shares held by the person stated in (b) of that item listed or recorded in the shareholder registry, the designated foreign shareholder (meaning a shareholder who holds shares other than the shares which have voting rights pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications, so as not to fall under the grounds specified in that item out of the shares held by the person stated in (a) and (b) of that item listed or recorded in the shareholder registry) who does not hold voting rights regarding those shares.

(5) The basic broadcaster referred to in paragraph (1) must make public the ratio of its voting rights held by the foreign national, etc. pursuant to the provisions of

Order of the Ministry of Internal Affairs and Communications; provided, however, that this does not apply when that ratio does not reach the ratio prescribed by Order of the Ministry of Internal Affairs and Communications.

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

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

(i) the status of implementation of measures taken so that approved basic broadcasters do not come to fall under Article 93, paragraph (1), item (vii), (d) (when they are approved basic broadcasters that conduct basic terrestrial broadcasting (excluding community broadcasting), item (vii), (d) or (e));

(ii) the details of any changes provided for by Order of the Ministry of Internal Affairs and Communications that are referred to in Article 97, paragraph (2), item (ii) when any changes are made; and

(iii) other matters provided for by Order of the Ministry of Internal Affairs and Communications as matters relating to ensuring that approved basic broadcasters do not come to fall under Article 93, paragraph (1), item (vii),(d) or (e).

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

(Designation of Broadcasting Regions)

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

(2) If the Minister of Internal Affairs and Communications finds that the reason for designating a broadcasting region as provided for in the preceding paragraph has disappeared, the Minister is to cancel the designation of that broadcasting region

that is stated under that paragraph.

(3) Designations under paragraph (1) and cancellation of a designation under the preceding paragraph is to be made by public notice.

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

Article 116-4 (1) A basic broadcaster conducting basic domestic broadcasting in designated broadcasting regions may (meaning basic broadcasters who transmit domestic broadcasts; the same applies in this subsection) prepare a policy independently or in collaboration with other basic domestic broadcasters, relating to the implementation of the simultaneous broadcasting of specific broadcast programs (meaning where a single broadcast program is broadcast simultaneously while taking measures to satisfy the unique broadcasting demand of each target region for broadcasts relating to two or more basic domestic broadcasts for all or part of the broadcasting time for those two or more basic domestic broadcasts; provided, however, that when a single broadcast program is broadcast simultaneously for part of the broadcasting time, for any of those two or more domestic broadcasts, this is limited to cases where the ratio of the broadcasting hours for the single broadcast program broadcast simultaneously to the total broadcasting hours for those domestic broadcasts exceeds the ratio specified by Order of the Ministry of Internal Affairs and Communications; the same definition applies in this Article and Article 116-6) (referred to below as "implementation policy for the simultaneous broadcasting of specific broadcast programs" in this Article and the following Article), and submit that policy to the Minister of Internal Affairs and Communications and receive approval for it, pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications.

(2) The implementation policy for the simultaneous broadcasting of specific broadcast programs must state the following matters:

(i) categories of two or more basic domestic broadcasts and the target regions for broadcasts concerning those two or more basic domestic broadcasts that are included in the simultaneous broadcasting of specific broadcast programs;

(ii) the content of locality measures (meaning measures taken to satisfy the unique broadcasting demand of each target regions for broadcasts concerning two or more basic domestic broadcasts that are to be included in the simultaneous broadcasting of specific broadcast programs; the same applies in item (ii) of the following paragraph).

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

(3) If a request for approval as in paragraph (1) is received, and if the Minister of Internal Affairs and Communications finds that the implementation policy for the

simultaneous broadcasting of specific broadcast programs satisfies all of the following conditions, the Minister is to grant approval for that plan:

(i) the target regions for broadcasts relating to two or more basic domestic broadcasts that are included in the simultaneous broadcasting of specific broadcast programs, conform to all of the following:

(a) the target regions for broadcasts do not overlap with each other;

(b) any or all of those target regions for broadcasts are designated broadcasting regions;

(c) the target regions for broadcasts are found to have common natural, social, economic and cultural circumstances to a considerable extent; and

(d) the number of target regions for broadcasts do not exceed the number specified by Order of the Ministry of Internal Affairs and Communications;

(ii) the content of locality measures are appropriate to satisfy the unique broadcasting demand of each target region for broadcasts related to two or more basic domestic broadcasts that will be included in the simultaneous broadcasting of specific broadcast programs.

(4) When the Minister of Internal Affairs and Communications has granted approval as specified in paragraph (1), the Minister is to publicize the name of the basic domestic broadcaster who submitted the implementation policy for the simultaneous broadcasting of specific broadcast programs that has been approved and other matters specified by Order of the Ministry of Internal Affairs and Communications.

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

Article 116-5 (1) If the basic domestic broadcaster who has submitted the implementation policy for the simultaneous broadcasting of specific broadcast programs approved referred to in paragraph (1) of the preceding Article plans to make any changes to that implementation policy for the simultaneous broadcasting of specific broadcast programs, it must submit a revised implementation policy for the simultaneous broadcasting of specific broadcast programs to the Minister of Internal Affairs and Communications and obtain the Minister's approval: provided, however, that this does not apply to minor changes as specified by Order of the Ministry of Internal Affairs and Communications.

(2) If the basic domestic broadcaster who submitted the implementation policy for the simultaneous broadcasting of specific broadcast programs approved referred to in paragraph (1) of the preceding Article has made any minor change to the implementation policy for the simultaneous broadcasting of specific broadcast programs, it must report that change to that effect without delay, to the Minister of Internal Affairs and Communications.

(3) The provisions in the preceding Article, paragraph (3) apply mutatis mutandis to

approval of any change under paragraph (1) above and the provisions of the preceding Article, paragraph (4) apply mutatis mutandis to approval of any change under paragraph (1) above and notification of any change under the preceding paragraph.

(4) The Minister of Internal Affairs and Communications may demand that the basic domestic broadcaster who submitted the implementation policy for the simultaneous broadcasting of specific broadcast programs approved under the provisions of the preceding Article, paragraph (1) (or the revised approved implementation policy for the simultaneous broadcasting of specific broadcast programs if any change has been approved under paragraph (1) or reported under paragraph (2); referred to as an "approved implementation policy for the simultaneous broadcasting of specific broadcast programs" in this and the following Article) submits a report on the implementation status of the approved implementation policy for the simultaneous broadcasting of specific broadcast programs.

(5) If the Minister of Internal Affairs and Communications finds that an approved implementation policy for the simultaneous broadcasting of specific broadcast programs has not satisfied any of the items in paragraph (3) of the preceding Article, or that the basic domestic broadcaster who submitted an approved implementation policy for the simultaneous broadcasting of specific broadcast programs has not implemented the operations contained in that approved implementation policy for the simultaneous broadcasting of specific broadcast programs, the Minister may revoke the approval for that approved implementation policy for the simultaneous broadcasting of specific broadcast programs.

(6) The Minister of Internal Affairs and Communications is to publicize any revocation of approval to that effect under the preceding paragraph.

(Special Provisions for Installation of a Deliberative Body)

Article 116-6 (1) If two or more basic domestic broadcasters who submitted an approved implementation policy for the simultaneous broadcasting of specific broadcast programs, implement the simultaneous broadcasting of specific broadcast programs pursuant to that approved implementation policy for the simultaneous broadcasting of specific broadcast programs, those two or more basic domestic broadcasters may jointly establish a deliberative body. In this case, the commissioning of the members of the deliberative body under the provisions of Article 7, paragraph (2) is to be conducted jointly by those basic domestic broadcasters.

(2) If a basic domestic broadcaster who submitted an approved implementation policy for the simultaneous broadcasting of specific broadcast programs has implemented simultaneous broadcasting of specific broadcast programs pursuant

to that approved implementation policy for the simultaneous broadcasting of specific broadcast programs, the provisions of Article 92, paragraph (1) apply to that basic domestic broadcaster (or the provider for basic broadcasting stations, which provides facilities for the basic broadcasting station that is used for the broadcasting operations of the domestic broadcaster, if that basic domestic broadcaster is not a specified basic terrestrial broadcaster) by replacing the term "the target regions for basic broadcasts to be transmitted using the basic broadcasting stations" with the term "the deemed target regions for broadcasts, deemed to be the respective target regions for broadcasts of the two or more basic domestic broadcasts to be included in the simultaneous broadcasting of specific broadcast programs as prescribed in Article 116-4, paragraph (1) collectively constitute a single target regions for broadcasts", and by replacing the term "those basic broadcasts" with the term "any of those two or more basic domestic broadcasts".

(3) If a basic domestic broadcaster who submitted an approved implementation policy for the simultaneous broadcasting of specific broadcast programs and who is a related company of an approved broadcasting holding company (meaning a related company as specified in Article 158, paragraph (2)), has implemented simultaneous broadcasting of specific broadcast programs pursuant to that approved implementation policy for the simultaneous broadcasting of specific broadcast programs, the provisions in Article 163 apply to that basic domestic broadcaster by replacing the term "its target region for broadcasts" with the term "the deemed target region for broadcasts, deemed to be the respective target region for broadcasts of two or more basic domestic broadcasts to be included in the simultaneous broadcasting of specific programs as stipulated in Article 116-4, paragraph (1) collectively constitute a single target region for broadcasts," and by replacing the term "the basic target region for broadcasts" with the term "the deemed target region for broadcasts".

Section 3 Provider for Basic Broadcasting Stations

(Obligation of Provision)

Article 117 If a provider for basic broadcasting stations has received an offer from the persons stated in the following items for a contract relating to the provision of facilities for basic broadcasting stations in accordance with the matters provided for in each of those items (referred to below as "contract to supply facilities for broadcasting stations"), the provider must not refuse the offer unless there are justifiable grounds for doing so:

(i) approved basic broadcaster: the matters stated in Article 94, paragraph (2), items (iii) through (vi) recorded in the record of approval concerning the approved basic broadcaster (including the trajectory and the position of the

satellite related to the operations of basic satellite broadcasting in cases relating to that basic satellite broadcasting; referred to below as "matters recorded in the record of approval" in item (iii) of the following paragraph);

(ii) specified basic terrestrial broadcaster (limited to one which received the confirmation referred to in Article 105-2, paragraph (2); the same applies in item (iv) of the following paragraph): frequency recorded in the license record, concerning the specified terrestrial basic broadcasting stations of that specified basic terrestrial broadcaster, and matters stated in Article 105-2, paragraph (3), item (ii) and (iii) (referred to as "matters recorded in the license record" in item (iv) of the following paragraph):

(2) A provider for basic broadcasting stations must not accept any of the following applications for a contract to supply facilities for broadcasting stations:

(i) an offer for a contract to supply facilities for broadcasting stations from a person other than a basic broadcaster;

(ii) an application for a contract to supply facilities for broadcasting stations from a specified basic terrestrial broadcaster that has not received the confirmation referred to in Article 105-2, paragraph (2);

(iii) an offer for a contract to supply facilities for broadcasting stations that is not in compliance with the matters recorded in the record of approval from an approved basic broadcaster; or

(iv) an offer for a contract to supply facilities for broadcasting stations that is not in compliance with the matters recorded in the license record from a specified basic terrestrial broadcaster

(Terms and Conditions for the Provision of Services)

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

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

(Accounting)

Article 119 A provider for basic broadcasting stations, which concurrently acts as basic broadcaster, pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications, must keep accounts relating to the operations of

providing the facilities for basic broadcasting stations or the facilities for specified basic terrestrial broadcasting stations, etc. for the use of basic broadcasting operations and must make public the status of the income and expenditure relating to those operations, and other matters provided for by Order of the Ministry of Internal Affairs and Communications.

(Changing Orders)

Article 120 If the Minister of Internal Affairs and Communications finds that the terms and conditions of the provision notified by the provider for basic broadcasting stations pursuant to the provisions of Article 118, paragraph (1) fall under any of the following items, and that the provision of the service supplying facilities for broadcasting stations is hindering basic broadcasting operations, the Minister of Internal Affairs and Communications may order the provider for basic broadcasting stations to change the terms and conditions of provision:

(i) the fees of the service supplying facilities for broadcasting stations unfairly discriminate against certain basic broadcasters;

(ii) matters relating to the conclusion or cancellation of the contract to supply facilities for broadcasting stations, the suspension of provision of service supplying facilities for broadcasting stations or the responsibilities of the provider for basic broadcasting stations or the basic broadcaster have not been appropriately and clearly specified;

(iii) unfair obligations are imposed on the basic broadcaster; or

(iv) the fees relating to service supplying facilities for broadcasting stations to be provided by a provider for basic broadcasting stations which concurrently acts as a basic broadcaster or other terms of provision, are disadvantageous compared to the terms in cases of the facilities for basic broadcasting stations or facilities for specified basic terrestrial broadcasting stations, etc. being provided for operations of its own basic broadcasting.

(Maintenance of Facilities for Basic Broadcasting)

Article 121 (1) The provider for basic broadcasting stations and the operation management system for its administration (including the operation management system at commissioner's place when that provider for basic broadcasting stations is commissioning the administration of equipment that makes up part of the facilities for basic broadcasting; referred to below as "facilities, etc. for basic broadcasting ") must maintain the facilities for basic broadcasting stations to conform to the technical standards provided for by Order of the Ministry of Internal Affairs and Communications.

(2) The standards referred to in the preceding paragraph are to be prescribed so as to state the following matters:

(i) to ensure that the operation of the basic broadcasting station is not

significantly impeded by any damage, malfunction or improper operation of the basic broadcasting station.; and

(ii) the quality of the basic broadcast transmitted using the facilities, etc. for basic broadcasting stations are appropriate.

(Reporting of Major Incidents)

Article 122 If suspension of broadcasting caused by facilities, etc. for basic broadcasting or another serious incident occurs, the provider for basic broadcasting stations must report that fact to the Minister of Internal Affairs and Communications without delay, together with the reason or cause, as provided for by Order of the Ministry of Internal Affairs and Communications.

(Order for Improvement of Facilities)

Article 123 If the Minister of Internal Affairs and Communications finds that facilities, etc. for basic broadcasting do not conform to the standards provided for by Order of the Ministry of Internal Affairs and Communications stated in Article 121, paragraph (1), the Minister of Internal Affairs and Communications may order the provider for basic broadcasting stations to improve the facilities, etc. for basic broadcasting so they conform to those standards.

(Reporting and Inspection Relating to Facilities)

Article 124 (1) The Minister of Internal Affairs and Communications may request the provider for basic broadcasting stations to give a report on the status of the facilities, etc. for basic broadcasting and other necessary matters, or may have its employees enter the location where the facilities for basic broadcasting station are installed and inspect the facilities for basic broadcasting station to the extent necessary for the implementation stated in the provisions of the preceding three paragraphs.

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

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

(Handling of Shares Acquired by Foreign Nationals)

Article 125 (1) If a provider for basic broadcasting stations is a company which has issued shares listed on a financial instruments exchange or shares which are provided for by Order of the Ministry of Internal Affairs and Communications as being equivalent to those listed shares, receives a request from a foreign national, etc. (meaning the person stated in Article 5, paragraph (1), items (i) through (iii) of the Radio Act or the person stated in paragraph (4), item (iii), (b) of that

Article) who acquired its shares that their name and address be listed or recorded in the shareholder registry, and accommodating that request falls under the grounds provided for in the following items, in accordance with the categories stated in those items, the provider may refuse to list or record the name and address of that person in the shareholder registry:

(i) if the provider for basic broadcasting stations is a person who has received a license for a radio station to transmit basic satellite broadcasts or basic terrestrial broadcasts for mobile reception: the grounds provided for in Article 5, paragraph (1), item (iv) of the Radio Act;

(ii) if the provider for basic broadcasting stations is a person who has received a radio station license to conduct community broadcasting: the grounds provided for in Article 5, paragraph (4), item (ii) of the Radio Act; or

(iii) if the provider for basic broadcasting station is a person who has received a radio station license to transmit basic terrestrial broadcasts (excluding community broadcasting): the grounds provided for in Article 5, paragraph (4), item (ii) or (iii) of the Radio Act.

(2) The provisions of Article 116, paragraph (2), (4) and (5) apply mutatis mutandis to a provider for basic broadcasting station. In this case, the term "the preceding paragraph" in the text of paragraph (2) of that Article is deemed to be replaced with "Article 125, paragraph (1)", the term "foreign nationals, etc." with "the foreign nationals, etc. provided for in Article 125, paragraph (1)", the term "the grounds for disqualification" with "the grounds provided for in each of the items of Article 125, paragraph (1)", the term "that paragraph" with "Article 152, paragraph (1) of the Corporate Bonds Transfer Act ", the term "paragraph (1) and paragraph (2)" in the text of paragraph (4) of that Article with "Article 116, paragraph (2) as applied mutatis mutandis pursuant to Article 125, paragraph (1) and (2) of that Article", the term "specified basic terrestrial broadcaster that conducts" with "provider for basic broadcasting stations who has received a radio station license to conduct", the term "paragraph (1)" in the text of paragraph (5) of that Article with "Article 125, paragraph(1)"and "foreign national, etc." with "foreign national, etc. as provided for in that paragraph".

Chapter VI General Broadcasting

Section 1 Registration

(Registration of General Broadcasting Operations)

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

recipients and the sound development of broadcasting, in light of radio broadcasting and other types of general broadcasting transmitted using wire telecommunications equipment and the scale of the telecommunications facilities used in general broadcasting operations.

(2) Any person who intends to obtain the registration referred to in the preceding paragraph must submit an application form stating the following matters to the Minister of Internal Affairs and Communications, pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications:

(i) if a corporation, the name and address and name of its representative;

(ii) the type of general broadcasting provided for in Order of the Ministry of Internal Affairs and Communications;

(iii) an outline of the telecommunications facilities to be used in general broadcasting operations; and

(iv) the operational district.

(3) A document pledging that the person does not fall under any of the provisions of Article 128, items (i) through (v) and other documents provided for by Order of the Ministry of Internal Affairs and Communications is to be attached to the application form under the preceding paragraph.

(Implementation of Registration)

Article 127 (1) If an application for registration under paragraph (1) of the preceding Article is made, the Minister of Internal Affairs and Communications must register the following matters in the registry of general broadcasters, except when registration is denied by the Minister pursuant to the provisions of the following Article:

(i) the matters stated in each of the items of paragraph (2) of the preceding Article; and

(ii) the date of registration and the registration number.

(2) If the Minister of Internal Affairs and Communications has made a registration under the provisions of the preceding paragraph, the Minister of Internal Affairs and Communications must notify the applicant to that effect, without delay.

(Denial of Registration)

Article 128 If the person who submitted the application form referred to in Article 126, paragraph (2) falls under any of the following items, or a false entry has been made regarding important matters in the application form or attached documents or important matters have not been entered, the Minister of Internal Affairs and Communications must deny the registration:

(i) the person committed a crime prescribed in this Act and was punished by a fine or a greater punishment, and for whom two years have not passed since the day on which the enforcement of the sentence was completed, or the

sentence no longer applied;

(ii) the person is subject to revocation of the approval, and for whom two years have not passed since the date of that revocation, pursuant to the provisions of Article 103, paragraph (1) or Article 104 (excluding item (v));

(iii) the person is subject to revocation of the registration and for whom two years have not passed since the date of that revocation, pursuant to the provisions of Article 131;

(iv) the person is subject to revocation of a basic broadcasting station license pursuant to the provisions of Article 75, paragraph (1) or Article 76, paragraph (4) (excluding item (iv)) of the Radio Act and for whom two years have not passed since the date of that revocation;

(v) a corporation or organization whose officer is a person falling under any of the preceding items;

(vi) the person lacks the technical capability to appropriately conduct general broadcasting operations; or

(vii) based on their title, the person is unable to utilize the telecommunications facilities to be used in general broadcasting operations in conformity with the technical standards provided for by Order of the Ministry of Internal Affairs and Communications referred to in Article 136, paragraph (1).

(Notification of the Commencement and Suspension of Broadcasting Operations)

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

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

(Registration of Changes)

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

(2) A person who intends to obtain the registration of changes referred to in the preceding paragraph must submit an application form describing the matters concerning the changes to the Minister of Internal Affairs and Communications

pursuant to the provisions by Order of the Ministry of Internal Affairs and Communications.

(3) The provisions of Article 126, paragraph (3), Article 127 and 128 apply mutatis mutandis to the registration of the changes referred to in paragraph (1). In this case, the term "states the following matters" in the text of Article 127, paragraph (1) is deemed to be replaced with "matters related to the changes" and the term "the person who submitted the application form referred to in Article 126, paragraph (2) falls under any of the following items" in the text of Article 128 with "the person who submitted the application form related to the registration of changes falls under any of the following items (excluding item (iii))".

(4) If a registered general broadcaster has made changes to the matters stated in Article 126, paragraph (2), item (i), or has made changes falling under the minor changes provided for by Order of the Ministry of Internal Affairs and Communications referred to in the proviso of paragraph (1), it must notify the Minister of Internal Affairs and Communications to the effect, without delay. When that notification has been made, the Minister of Internal Affairs and Communications must change the registration, without delay.

(Revocation of Registration)

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

(i) it continuously suspended general broadcasting operations for one year or more without justifiable grounds;

(ii) it obtained the registration referred to in Article 126, paragraph (1), or the registration of changes referred to in paragraph (1) of the preceding Article through fraudulent means;

(iii) it has come to fall under any of the provisions of Article 128, item (i), (ii), (iv) or (v); or

(iv) when a registered general broadcaster has violated an order under the provisions of Article 174, the interests of the general broadcasting recipients are found to have been disrupted.

(Deletion of Registration)

Article 132 If the notification under the provisions of Article 135, paragraph (1) or (2) has been made or the registration has been revoked under the provisions of the preceding Article, the Minister of Internal Affairs and Communications must delete the registration of the registered general broadcaster.

(Notification of General Broadcasting Operations)

Article 133 (1) A person who intends to conduct general broadcasting operations

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

(i) its name or address and if a corporation, the name of its representative;

(ii) the type of general broadcasting provided for in Order of the Ministry of Internal Affairs and Communications;

(iii) an outline of the telecommunications facilities to be used in general broadcasting operations; and

(iv) the operational district.

(v) other matters prescribed by Order of the Ministry of Internal Affairs and Communications

(2) If the person who made the notification under the provisions of the preceding paragraph intends to make a change to the matters stated in the items of that paragraph, they must notify the Minister of Internal Affairs and Communications or the prefectural Governor who filed the notification to that effect; provided, however, that this does not apply to minor matters specified by Order of the Ministry of Internal Affairs and Communications.

(Succession)

Article 134 (1) If a general broadcaster has assigned all general broadcasting operations, or inheritance, merger or split has taken place regarding the general broadcaster (limited to succession of all general broadcasting operations), the person who has been assigned all of the business or the heir (if there are two or more heirs and the heir who is to succeed to the general broadcasting operations pursuant to the agreement of all of the heirs has been stipulated, that person; the

same applies in this paragraph below), the corporation existing after the merger or the corporation formed through the merger or the corporation which succeeded to all of the business through a split, will succeed to the status of the general broadcaster; provided, however, that this does not apply if that general broadcaster is a registered general broadcaster, and the person who received the assignment of all of the business, heir, the corporation existing after the merger, or the corporation formed through the merger or the corporation which succeeded to all of the business through a split falls under any of the provisions of Article 128, items (i) through (v).

(2) The person who has succeeded to the status of general broadcaster pursuant to the provisions of the preceding paragraph, must notify the Minister of Internal Affairs and Communications (or to the prefectural governor who received the notification pursuant to the provisions of paragraph (1) of the preceding Article concerning small-scale facility specified wire general broadcasting operations, when that person succeeded to the status of a general broadcaster and made that notification) to that effect without delay. In this case, if the general broadcaster who has transferred its status is a registered general broadcaster, the Minister of Internal Affairs and Communications is to change the registration, without delay.

(Notification of the Discontinuation of Operations)

Article 135 (1) If a general broadcaster has discontinued general broadcasting operations, it must notify the Minister of Internal Affairs and Communications (or the prefectural governor who filed the notification to that effect without delay, when the person is a small-scale facility specified wire general broadcaster), under the provisions of Article 133, paragraph (1).

(2) If a general broadcaster, which is a corporation, has dissolved due to grounds other than a merger, its liquidator (if the dissolution was caused by a decision to commence bankruptcy proceedings, a trustee in bankruptcy), must notify the Minister of Internal Affairs and Communications (or the prefectural governor who filed the notification when the person is the liquidator of a small-scale facility specified wire general broadcaster) to that effect without delay, under the provisions of Article 133, paragraph (1).

Section 2 Operations

(Maintenance of Equipment)

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

(2) The technical standards under the preceding paragraph must be established so

as to ensure the following matters:

(i) that substantial hinderance is not caused to general broadcasting operations due to damage or malfunction of the telecommunications equipment used in general broadcasting; and

(ii) ensuring that the quality of the general broadcasts transmitted through the telecommunications equipment used in the general broadcasting is appropriate.

(Reporting of Major Incidents)

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

(Order for Improvement of Equipment)

Article 138 If the Minister of Internal Affairs and Communications finds that the telecommunications facilities mentioned in the registration referred to in Article 126, paragraph (1) does not conform to the technical standards provided for by Order of the Ministry of Internal Affairs and Communications referred to in Article 136, paragraph (1), the Minister of Internal Affairs and Communications may order the registered general broadcaster to make improvements to the telecommunications facilities to conform to those technical standards.

(Equipment Reports and Inspections)

Article 139 (1) The Minister of Internal Affairs and Communications may make a request to a registered general broadcaster to give a report on the state of the telecommunications facilities mentioned in the registration referred to in Article 126, paragraph (1) or on other necessary matters within the extent necessary for the implementation under the provisions of the three preceding Articles, or may have an employee enter the location where the telecommunications facilities are installed and inspect those telecommunications facilities.

(2) An employee who enters and conducts the inspection pursuant to the provisions of the preceding paragraph must carry a certificate of identification and present it to any relevant persons.

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

(Re-Broadcasting in Areas with Poor Reception)

Article 140 (1) If a registered general broadcaster is designated by the Minister of

Internal Affairs and Communications as a broadcaster who transmits television broadcasting using wire telecommunications facilities in all or most of the districts provided for by Order of the Ministry of Internal Affairs and Communications in consideration of the districts of the municipalities, and an impediment occurs to the reception of basic terrestrial broadcasting (limited to television broadcasting; the same applies in this Article, Article 142 and 144) the broadcaster must receive all of the basic terrestrial broadcasting which is required to be transmitted in accordance with a dissemination plan for basic broadcasting, and must simultaneously re-broadcast all of the broadcast programs without making any changes to them in the districts where the impediment is occurring, except for in those cases specified in Order of the Ministry of Internal Affairs and Communications as having justifiable grounds.

(2) The person receiving the designation pursuant to the provisions of the preceding paragraph (referred to below as "designated broadcasters for re-broadcasting") must establish contractual terms and conditions regarding the conditions for the provision of the services of re-broadcasting under the provisions of that paragraph, and must notify the Minister of Internal Affairs before its implementation. The same applies when making any changes to contractual terms and conditions.

(3) If a designated broadcaster for re-broadcasting re-broadcasts under the provisions of paragraph (1) in conjunction with broadcasting other than the re-broadcasting, it must make an effort to take any necessary measures to specify the conditions for the provision under the preceding paragraph, and to otherwise secure the interests of the recipients, so that a contract for only the provision of the services of that re-broadcasting may be concluded.

(4) The provisions of Article 11 do not apply to the re-broadcasting of basic terrestrial broadcasting under the provisions of paragraph (1).

(5) The national and local governments are to give due consideration so that necessary measures are taken in order for the wire telecommunications facilities used in general broadcasting operations by designated broadcasters for re-broadcasting may be smoothly installed.

(6) The necessary matters relating to the designation under paragraph (1) are specified by Order of the Ministry of Internal Affairs and Communications.

(Order for Improvement)

Article 141 If the Minister of Internal Affairs and Communications finds that the interests of the recipients are being disrupted owing to the improper management of the operations of the re-broadcasting under paragraph (1) of the preceding Article, the Minister of Internal Affairs and Communications may order the designated broadcaster for re-broadcasting to make changes to the terms and conditions for provision of the services of that re-broadcasting, or other methods

of operation of that re-broadcasting.

(Mediation and Arbitration by the Telecommunications Dispute Resolution Committee)

Article 142 (1) If a general broadcaster conducting television broadcasting operations using wire telecommunications facilities (limited to designated broadcasters for re-broadcasting if registered general broadcasters) has made a proposal for consultation regarding the consent referred to in Article 11 concerning re-broadcasting through basic terrestrial broadcasting (referred to below simply as "consent" in this Section) to the basic broadcaster conducting basic terrestrial broadcasting, and the basic broadcaster has not responded to the consultation, or if the consultation does not end in an agreement, the parties concerned may apply for mediation to the Telecommunications Dispute Resolution Committee (referred to below as "Dispute Resolution Committee"); provided, however, that this does not apply if the parties have applied for arbitration under the provisions of paragraph (3) or after the general broadcaster has applied for a ruling under the provisions of Article 144, paragraph (1).

(2) The provisions of Article 154, paragraphs (2) through (6) of the Telecommunications Business Act apply mutatis mutandis to the mediation under the preceding paragraph. In this case, the term "the petition under Article 35, paragraph (1) or (2), the application for a ruling under the provisions of paragraph (3) of that Article or the application for arbitration under the provisions of paragraph (1) of the following Article" in the text of paragraph (6) of that Article is to be deemed to be replaced with "the application for arbitration under to the provisions of Article 142, paragraph (3) of the Broadcasting Act or the application for a ruling under the provisions of Article 144, paragraph (1) of that Act by the general broadcaster referred to in paragraph (1) of that Article".

(3) If the consultation under the provisions of paragraph (1) does not end with an agreement, either party may apply to the Dispute Resolution Committee for arbitration; provided, however, that this does not apply after the general broadcaster referred to in that paragraph has applied for a ruling under the provisions of Article 144, paragraph (1).

(4) The provisions of Article 155, paragraphs (2) through (4) of the Telecommunications Business Act apply mutatis mutandis to the arbitration under the preceding paragraph.

(5) Any application for mediation or arbitration to the Dispute Resolution Committee is to be made via the Minister of Internal Affairs and Communications, pursuant to the provisions of paragraph (1) or (3).

(Delegation to Cabinet Order)

Article 143 In addition to the matters provided for in the preceding Article, any

necessary matters relating to the procedures for mediation or arbitration are provided for by Cabinet Order.

(Rulings)

Article 144 (1) If the general broadcaster referred to in Article 142, paragraph (1) has made a proposal for consultation, regarding the consent related to the re-broadcasting through basic terrestrial broadcasting to the basic broadcaster conducting the basic terrestrial broadcasting, and the basic broadcaster does not respond to the consultation or if the consultation does not end with an agreement, the general broadcaster may apply for a ruling to the Minister of Internal Affairs and Communications; provided, however, that this does not apply after the party has applied for arbitration under the provisions of paragraph (3) of that Article.

(2) If an application for a ruling has been made under the provisions of the preceding paragraph, the Minister of Internal Affairs and Communications must notify the basic broadcaster related to the application to that effect and must give it an opportunity to submit a written opinion, within a reasonable period of time.

(3) The Minister of Internal Affairs and Communications is to make a ruling that the consent at issue should be stated, unless the basic broadcaster referred to in the preceding paragraph has given justifiable grounds for the Minister not to give the consent concerning the re-broadcasting of its basic terrestrial broadcasting.

(4) The ruling to give consent must specify the basic terrestrial broadcasting which the person who made the application referred to in paragraph (1) is able to re-broadcast, the district in which the person is able to conduct that re-broadcasting and the method of implementing that re-broadcasting.

(5) The Minister of Internal Affairs and Communications must consult with the Dispute Resolution Committee when making the ruling referred to in paragraph (1).

(6) When the Minister of Internal Affairs and Communications has made the ruling referred to in paragraph (1), the Minister of Internal Affairs and Communications must notify the parties concerned to that effect without delay.

(7) When a ruling under paragraph (4) has been notified to the parties pursuant to the provisions of the preceding paragraph, this is to be deemed to mean that the parties have come to an agreement regarding the consultation specified in the ruling.

(Use of Wire Telecommunications Facilities)

Article 145 (1) A general broadcaster (limited to persons conducting general broadcasting operations using wire telecommunications facilities) must not transmit general broadcasts using wire telecommunications facilities which have been installed without obtaining the permission referred to in Article 32, paragraph (1) or (3) of the Road Act (Act No. 180 of 1952) (including cases as

applied mutatis mutandis pursuant to Article 91, paragraph (2) of that Act) necessary for the installation or without obtaining a disposition based on other laws and regulations or wire telecommunications facilities which have been installed on the land, utility poles or other structures of other persons without acquiring the consent of the owner, etc.

(2) The Minister of Internal Affairs and Communications (or the prefectural governor to whom notification was made under the provisions of Article 133, paragraph (1) for cases that are related to a small-scale facility specified wire general broadcaster; the same applies to the next paragraph, paragraph (4) and Article 174, and, Article 175) may request the provision of documents or other cooperation from the road administrator (meaning the road administrator provided for in Article 18, paragraph (1) of the Road Act) or other relevant administrative entity or other relevant persons regarding the status or other matters involving the installation of the wire telecommunications facilities concerning the violation referred to in the provisions of preceding paragraph.

(3) If the Minister of Internal Affairs and Communications intends to carry out the disposition under the provisions of Article 174 regarding an act violating the provisions of paragraph (1) which is a violation of the Road Act, the Minister of Internal Affairs and Communications is to notify the Minister of Land, Infrastructure, Transport and Tourism to that effect in advance. In this case, the Minister of Land, Infrastructure, Transport and Tourism may give an opinion on the violation of the Road Act to the Minister of Internal Affairs and Communications.

(4) The Minister of Internal Affairs and Communications may request a report on the status of the operations from the general broadcaster or have an employee enter the business office, office or other workplace of the general broadcaster to inspect the facilities, books, documents or other buildings to the extent necessary for the enforcement of the provisions of paragraph (1).

(5) The employee who enters and conducts the inspection pursuant to the provisions of the preceding paragraph must carry a certificate of identification and present it to any relevant persons.

(6) The authority to enter and conduct the inspection under the provisions of paragraph (4) must not be construed as being allowed for the purpose of a criminal investigation.

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

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

Chapter VII Paid Broadcasts

(Notification and Public Announcement of Contractual Terms and Conditions for Paid Basic Broadcasts)

Article 147 (1) If the broadcaster (referred to below as "paid broadcaster") who transmits paid broadcasts (meaning broadcasts, based on a contract, where reception equipment which can receive broadcasts is installed and reception is only possible for those persons who have paid relevant fees; the same applies below) provides domestic recipients (meaning persons who have entered into a contract with the paid broadcaster to receive paid broadcasts through reception equipment installed domestically; the same applies below) with the services of paid broadcasts (referred to below as "paid basic broadcasting") which is the subject of the contract of basic broadcasting, that broadcaster must provide the contractual terms and conditions regarding the fees concerning the services of paid basic broadcasting and other conditions for its provision (referred to below as "contractual terms and conditions for paid basic broadcasting") and must notify the Minister of Internal Affairs and Communications before its implementation. The same applies when making changes to terms and conditions for paid basic broadcasting.

(2) The paid broadcaster providing paid basic broadcasting services must not provide paid basic broadcasting to domestic recipients through conditions for provision other than the contractual terms and conditions for paid basic broadcasting notified pursuant to the provisions of the preceding paragraph.

(3) The paid broadcaster providing paid basic broadcasting services must publicly announce contractual terms and conditions for paid basic broadcasting notified pursuant to the provisions of paragraph (1) as provided for by Order of the Ministry of Internal Affairs and Communications, and must post them in its business office in Japan or another office where they can be easily viewed by the public.

(Obligation to Provide Services)

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

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

Article 149 If the paid broadcaster intends to suspend or discontinue all or part of the operations of provision of the services of paid broadcasts, it must publicly inform the domestic recipients of the pay broadcasting of its intent for suspension or discontinuation to that effect, pursuant to the provisions of Order of the

Ministry of Internal Affairs and Communications.

(Explanation of Provision Conditions)

Article 150 If a paid broadcaster or a person who undertakes intermediation, brokerage, or agency representation for concluding a contract relating to the services to be provided by paid broadcasters (referred to below as "intermediation") and operations incidental to those operations on commission from a paid broadcaster (includes persons entrusted with operations on commission from those persons (including commissions across two or more stages; referred to below as "person entrusted with intermediation services")) intends to conclude a contract relating to the provision of the services of paid broadcasts or conduct intermediation of the conclusion of a contract for domestic recipients (including persons intending to receive the provision of services of paid broadcasts; the same applies in this Article, Article 151, Article 151-2 and Article 156, paragraph (4) below) it must explain to the person the fees relating to the services of that paid broadcasts and a summary of the other conditions of provision; provided, however, that this does not apply to cases provided for by Order of the Ministry of Internal Affairs and Communications when it is found that not explaining that summary of the conditions of provision to domestic recipients will not impede the protection of the interests of domestic recipients, in consideration of the content of that contract and other circumstances.

(Delivery of Documents)

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

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

(3) The provision of matters that should be described in writing as specified in the

provisions of paragraph (1) through the methods in lieu of delivering the paper document under the provisions of the preceding paragraph (excluding methods provided for by Order of the Ministry of Internal Affairs and Communications) is deemed to have reached domestic recipients, when it is recorded in a file stored on a computer used by those domestic recipients.

(Cancellation in Writing)

Article 150-3 Except in cases provided for in Order of the Ministry of Internal Affairs and Communications, domestic recipients who concluded a contract relating to the provision of the following services of paid broadcasts with a paid broadcaster may cancel that contract in writing up to eight days counting from the day on which they received the documents stated in paragraph (1) of the preceding Article (if the day on which the provision of those services of paid broadcasts (limited to services of paid broadcasts stated in item (i)) commenced is later than that date of receipt, that date of commencement) (if a paid broadcaster or person entrusted with intermediation services conducts an act of notifying misrepresentations regarding matters relating to the cancellation of that contract under this paragraph, in violation of the provisions of Article 151-2, item (i) and this causes domestic recipients to mistake the information they were notified of as fact, and which causes them not to cancel that contract pursuant to the provisions of this paragraph by the time that period has passed, then up to eight days counting from the day that those domestic recipients received documents delivered by the paid broadcaster with a statement that the cancellation of that contract under the provisions of this paragraph may be conducted pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications):

(i) services of paid broadcasts for which basic terrestrial broadcasting for mobile reception is the subject of the contract and that are designated by the Minister of Internal Affairs and Communications as especially necessary to protect the interests of domestic receivers in consideration of fees and other conditions of provision and usage status; or

(ii) services of paid broadcasts other than of services of paid broadcasts for which basic terrestrial broadcasting for mobile reception is the subject of the contract and that are designated by the Minister of Internal Affairs and Communications as being especially necessary to protect the interests of domestic receivers in consideration of fees, and other conditions of provision and usage status

(2) The designation under the provisions of the items of the preceding paragraph is to be made by public notice.

(3) The cancellation of contracts relating to the provision of the following services of paid broadcasts under the provisions of paragraph (1) takes effect at the time that the document cancelling that contract is sent.

(4) When there has been a cancellation of a contract relating to the provision of services of paid broadcasts under the provisions of paragraph (1), paid broadcasters may not request compensation of damages or penalties against domestic recipients in line with the cancellation of that contract, or request to domestic recipients that they pay or deliver other monies, etc. (meaning monies or other property; the same applies in the following paragraph); provided, however, that this may not apply to amounts provided for by Order of the Ministry of Internal Affairs and Communications as amounts that recipients should pay regarding services of paid broadcasts provided to them during the period up to the cancellation of that contract or other amounts that domestic recipients should pay in connection to that contract.

(5) If a paid broadcaster has received any monies, etc. in connection with a contract relating to the provision of the following services of paid broadcasts, and that contract was cancelled under the provisions of paragraph (1), they must promptly return those monies, etc. to domestic recipients; provided however, that this does not apply to amounts received in connection with that contract, that are provided for by Order of the Ministry of Internal Affairs and Communications and referred to in the proviso to the preceding paragraph.

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

(Processing of Complaints)

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

(Prohibited Acts by Paid Broadcasters)

Article 151-2 A paid broadcaster or a person entrusted with intermediation services must not conduct the acts stated as follows:

(i) an act of intentionally not reporting facts or reporting misrepresentations to domestic recipients regarding matters relating to contracts relating to the provision of the services of paid broadcasts, that could affect the judgment of domestic recipients; and

(ii) an act of continuing solicitation for the conclusion of contracts relating to the provision of the services of paid broadcasts (excluding those provided for by Order of the Ministry of Internal Affairs and Communications as acts that are unlikely to hinder the protection of the interests of domestic recipients) despite persons who were solicited to conclude a contract relating to the provision of

the services of paid broadcasts expressing intent not to conclude that contract (includes intent not to continue to receive that solicitation).

(Guidance for the Person Entrusted with Intermediation Services)

Article 151-3 If a paid broadcaster has entrusted intermediation operations for reaching a contract for the provision of paid broadcast services or any operations incidental to them, then it must provide guidance to the person entrusted with intermediation services regarding that entrustment and take necessary measures to ensure the appropriate and reliable performance of that entrustment, as provided for by Order of the Ministry of Internal Affairs and Communications.

(Notification of Paid Broadcast Administrators)

Article 152 (1) Any person intending to broker, intermediate or represent in the conclusion of a contract etc. (referred to below as "paid broadcast administrators") relating to the provision of the services of paid broadcasts and conduct operations which ensure that the reception of the paid broadcasts is not possible unless through the reception equipment installed in accordance with that contract (limited to persons conducting paid broadcast administration for the number of paid broadcasters or more as provided for by Order of the Ministry of Internal Affairs and Communications) must attach a document stating the following matters and notify the Minister of Internal Affairs and Communications to that effect, pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications:

(i) if a corporation, the name and address and the name of its representative;

(ii) a summary of the operations; and

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

(2) If changes are made concerning the matters related to the notification, the person giving the notification under the provisions of the preceding paragraph (referred to below as "paid broadcast administrator") must notify the Minister of Internal Affairs and Communications to that effect without delay.

(Succession)

Article 153 (1) If a paid broadcast administrator has transferred the whole of its business of conducting paid broadcast administration, or if there has been a succession, merger or split regarding the paid broadcast administrator (limited to when the whole of the business of the paid broadcast administration has been succeeded to), the person who has received the transfer of all of the business or successor (if there are two or more successors and the successor who is to inherit the business of conducting paid broadcast administration has been specified pursuant to the agreement of all of the successors, that person) or the corporation

which continues to exist after the merger, the corporation which has been formed through the merger, or the corporation which has succeeded to all of the business through a split will succeed to the status of that paid broadcast administrator.

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

(Notification of the Discontinuation of Operations)

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

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

(Obligations Relating to the Implementation of Paid Broadcast Administration)

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

(Order on Changes)

Article 156 (1) If the Minister of Internal Affairs and Communications finds that the fees relating to paid broadcast services provided for in the contractual terms and conditions for paid basic broadcasting pursuant to the provisions of Article 147, paragraph (1) or other conditions of provision impede the interests of the domestic recipients, the Minister of Internal Affairs and Communications may order the paid broadcaster providing the services to make changes to those contractual terms and conditions for paid basic broadcasting.

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

(i) the paid broadcaster is discriminating against a specific person in an unfair manner;

(ii) the interests of the domestic recipients are being impeded owing to the fees or

other conditions relating to the services provided by a paid broadcaster (excluding paid broadcast services; the same applies in the following item), which are significantly unfair in light of social and economic conditions; or

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

(3) When falling under any of the following items, the Minister of Internal Affairs and Communications may order the person provided for in each of those items to take any necessary measures to rectify the violation:

(i) a paid broadcaster or person entrusted with intermediation services, if a paid broadcaster or a commissioner of intermediated operations, etc. has violated the provisions of Article 150 or Article 151-2;

(ii) a paid broadcaster or paid broadcast administrator, if a paid broadcaster or a paid broadcast administrator has violated the provisions of Article 151; or

(iii) a paid broadcaster, if a paid broadcaster has violated the provisions of 150-2, paragraph (1) or Article 151-3.

(4) If the paid broadcast administrator has violated the provisions of the preceding Article, the Minister of Internal Affairs and Communications may order the paid broadcast administrator to improve the method of operations or to take other measures to the extent necessary to secure the interests of the domestic recipients.

(Prohibition of Reception Without a Contract)

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

Chapter VIII Approved Broadcasting Holding Companies

(Definitions)

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

(2) In this Chapter, a "related company" refers to another company with which a company has a controlling relationship.

(Approval)

Article 159 (1) Any person falling under either of the following conditions may obtain approval from the Minister of Internal Affairs and Communications:

(i) a company that has or is going to have a basic broadcaster conducting one or more basic terrestrial broadcasting operations as its subsidiary company, and has or is going to have two or more basic broadcasters as its related companies; or

(ii) a person that has a subsidiary company conducting one or more basic terrestrial broadcasting operations, and is going to have two or more basic broadcasters as their related companies.

(2) Unless the Minister of Internal Affairs and Communications finds that the application for approval referred to in the preceding paragraph conforms to all of the following items, the Minister of Internal Affairs and Communications must not grant the approval under that paragraph:

(i) the company which applied for the approval or the company established upon that approval (referred to below in this Article as "the subject company of the application") is a stock company;

(ii) the company subject to the application is not a basic broadcaster;

(iii) the ratio of the total acquisition value (if there is some other value listed on the latest balance sheet, that value) of the shares of the basic broadcaster (including those provided for in Order of the Ministry of Internal Affairs and Communications as being equivalent to the broadcaster) which is a subsidiary company of the subject company of the application (including companies that are to become subsidiary companies; the same applies in this Article below) and the value of other assets provided for in Order of the Ministry of Internal Affairs and Communications as necessary for proper business management of that basic broadcaster to the total assets (meaning the total assets based on the method provided for in Order of the Ministry of Internal Affairs and Communications) of the subject company of the application is estimated to definitely exceed fifty percent at all times;

(iv) the prospects for the income of the subject company of the application and its subsidiary company are favorable; and

(v) the subject company of the application does not fall under any of the following items (a) through (j):

(a) a stock company where the person stated in 1. or 2. is a specified officer or a stock company where the person stated in 1. through 3. holds one-fifth or more of the voting rights:

1. a person who does not have Japanese nationality

2. a foreign government or its representative
3. a foreign corporation or organization

(b) a stock company (excluding cases falling under (a)) where the grouping of the ratio of voting rights directly held by the persons stated in 1. (stated as "ratio of voting rights directly held by foreign nationals" in (2) and the following paragraph) and the ratio of voting rights held indirectly via the persons stated in 2. by these persons as the ratio provided for by Order of the Ministry of Internal Affairs and Communications (stated as "ratio of voting rights indirectly held by foreign nationals" in item (vii) of that paragraph) is one-fifth or more:
1. a person stated in (a), 1. through 3.;
2. a corporation or organization in which the ratio of voting rights directly held by foreign nationals is the same as or more than the ratio specified by Order of the Ministry of Internal Affairs and Communications;

(c) a stock company where a person has committed a crime prescribed in this Act or the Radio Act and has been punished by a fine, and for whom two years have not passed since the day on which the execution of the sentence was completed, or the sentence no longer applied;

(d) a person who has received a revocation of approval pursuant to the provisions of Article 103, paragraph (1) or Article 104 (excluding item (v)) and for whom two years have not passed since the date of revocation;

(e) a person who has received a revocation of registration pursuant to the provisions of Article 131 and for whom two years have not passed since the date of revocation;

(f) a person who has received a revocation of approval pursuant to the provisions of Article 166, paragraph (1) (excluding item (ii)) or paragraph (6) and for whom two years have not passed since the date of revocation;

(g) a person who has received a revocation of their license pursuant to the provisions of Article 75, paragraph (1) or Article 76, paragraph (4) (excluding item (iv)) or paragraph (5) (excluding item (v)) of the Radio Act and for whom two years have not passed since the date of revocation;

(h) a person who has received a revocation of approval pursuant to the provisions of Article 27-16, paragraph (1) or (6) (excluding item (iv)) of the Radio Act and for whom two years have not passed since the date of revocation;

(i) a person who has received a revocation of registration pursuant to the provisions of Article 76, paragraph (6) (excluding item (iii)) of the Radio Act and for whom two years have not passed since the date of revocation;

(j) a stock company whose officer is a person falling under any of the following items:
1. a person who committed a crime prescribed in the provisions of (c) and who

has been punished by a fine and for whom two years have not passed since the day on which the execution of the sentence was completed or the sentence no longer applied

2. a person falling under (d) through (i)

(3) The person filing the application for the approval referred to in paragraph (1) must submit an application stating the following matters to the Minister of Internal Affairs and Communications pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications:

(i) if a corporation, the name and address of the person filing the application for the approval (excluding cases where the person filing the application for that approval is the subject company of the application) and the name of its representative.

(ii) the name and address of the subject company of the application

(iii) the name and address of the basic broadcaster conducting basic terrestrial broadcasting operations, which is a subsidiary company of the subject company of the application, and the name of its representative;

(iv) the name and address of the basic broadcaster which is a related company (including companies that are to be related companies) of the subject company of the application (excluding basic broadcasters conducting basic terrestrial broadcasting, which is a subsidiary company of the subject company of the application) and the name of its representative;

(v) the names of specified officers of the subject company of the application;

(vi) the ratio of voting rights directly held by foreign nationals of the subject company of the application;

(vii) the grouping of the ratio of voting rights directly held by foreign nationals and the ratio of voting rights indirectly held by foreign nationals of the subject company of the application; and

(viii) other matters specified under Order of the Ministry of Internal Affairs and Communications.

(4) A business plan and other documents provided for by Order of the Ministry of Internal Affairs and Communications must be attached to the application form referred to in the preceding paragraph.

(Notification)

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

(i) it has satisfied both of the following conditions (excluding satisfying these conditions at the time it acquired approval as a approved broadcasting holding company):

(a) it has a subsidiary that is a basic broadcaster conducting one or more basic terrestrial broadcasting operations.

(b) it has two or more related companies that are basic broadcasters; and

(ii) a change has been made for the matters stated in paragraph (3), items (ii) through (viii) of the preceding Article (excluding those provided by Order of the Ministry of Internal Affairs and Communications as matters that are not very likely to fall under paragraph (2), item (v), (a) or (b) due to that change in matters stated in items (v) through (vii) of that paragraph).

(Handling of Shares Acquired by Foreign Nationals)

Article 161 (1) If an approved broadcasting holding company is a company which has issued shares listed on a financial instruments exchange or shares which are provided for by Order of the Ministry of Internal Affairs and Communications as being equivalent to these shares and that company receives a request from a foreign national, etc. (meaning the person stated in Article 159, paragraph (2), item (v), (a) 1. through 3. or the person stated in (b), 2. of that item) who acquired its shares, that their name and address be listed or recorded in the shareholder registry, and accommodating that request causes that company to fall under the stock company provided for in (a) or (b) of that item, it may refuse to state or record the name and address of that person in the shareholder registry.

(2) The provisions of Article 116, paragraph (2), paragraphs (3) and (5) apply mutatis mutandis to approved broadcasting holding companies. In this case, in paragraph (2) of that Article, the term "the preceding paragraph" is deemed to be replaced with "Article 161, paragraph (1)", the term "foreign nationals, etc." is deemed to be replaced with "foreign nationals, etc. provided for in Article 161, paragraph (1)", the term "grounds for disqualification" is deemed to be replaced with "stock companies provided for in Article 159, paragraph (2), item (v), (a) or (b)", the term "If…notwithstanding the provisions of that paragraph" is deemed to be replaced with "If…notwithstanding the provisions of Article 152, paragraph (1) of the Corporate Bonds Transfer Act", the term "…grounds for disqualification)" is deemed to be replaced with "…the stock company provided for in (a) or (b) of that item)", in paragraph (3) of that Article, the term "the preceding two paragraphs" is deemed to be replaced with "Article 161, paragraph (1) and Article 116, paragraph (2) as applied mutatis mutandis pursuant to paragraph (2) of that Article", the term "percentage of voting rights indirectly held by foreign nationals, etc." is deemed to be replaced with "percentage of voting rights indirectly held by foreign nationals, etc. provided for in Article 159, paragraph (2), item (v), (b)", the term "Article 93, paragraph (1), item (vii), (e), 2." is deemed to be replaced with "(b), 2. of that item", the term "approved basic broadcaster conducting basic terrestrial broadcasting (excluding community broadcast) that is a stock company" is deemed to be replaced with "approved broadcasting holding

companies", the term "the grounds provided for in (e) of that item" is deemed to be replaced with "the stock company provided for in (b) of that item", the term "(e), 1. and 2. of the Article 161, paragraph (1).

(Reporting on the Status of Compliance with Provisions Concerning Restricted Ownership of Voting Rights by Foreign Nationals)

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

(i) the implementation status of measures taken so that the approved broadcasting holding company does not come to fall under Article 159, paragraph (2), item (v), (a) or (b);

(ii) the content of changes provided for by Order of the Ministry of Internal Affairs and Communications that are referred to in Article 160, item (ii) when those changes are made; and

(iii) other matters provided for by Order of the Ministry of Internal Affairs and Communications as matters relating to ensuring that approved basic broadcasters do not come to fall under Article 159, paragraph (2), item (v), (a) or (b).

(Special Provisions on Approval of Basic Broadcasting Operations)

Article 162 (1) Under the provisions of Article 93, paragraph (1), if the Minister of Internal Affairs and Communications conducts an examination of an approval for the related company of an approved broadcasting holding company, regarding the applicability of the provisions of item (v) of that paragraph, the term "related to the operations" in the proviso to that item is to be replaced with "related to the operations taking into account the characteristics of it being the related company of an approved broadcasting holding company" and "the person stated in (b)" in (c) of that item with "the person stated in (b) (excluding approved broadcasting holding companies provided for by Order of the Ministry of Internal Affairs and Communications, if the person filing for the application is its related company)".

(2) If the Minister of Internal Affairs and Communications has revoked the approval under the provisions of Article 104, regarding the applicability of the provisions of item (iii) of that Article to a related company of the approved broadcasting holding company, the term "Article 93, paragraph (1), item (v)" in that item is deemed to be replaced with "Article 93, paragraph (1) item (v) to be applied through replacement pursuant to the provisions of Article 162, paragraph (1)".

(3) If the Minister of Internal Affairs and Communications is conducting an

examination under the provisions of Article 7, paragraph (2) of the Radio Act, regarding the applicability of the provisions of item (iv), (b) of that paragraph, concerning the related company of an approved broadcasting holding company, the term "Article 93, paragraph (1), item (v) of the Broadcasting Act" in (b) of that item is deemed to be replaced with "Article 93, paragraph (1), item (v) of the Broadcasting Act applied through replacement pursuant to the provisions of Article 162, paragraph (1) of the that Act",

(4) If the Minister of Internal Affairs and Communications revokes a license under the provisions of Article 76, paragraph (4) of the Radio Act regarding the related company of an approved broadcasting holding company, concerning the applicability of the provisions of item (v) of that paragraph, the term "Article 7, paragraph (2), item (iv), (b)" in that item is deemed to be replaced with "Article 93, paragraph (1), item (v) of the Broadcasting Act applied through replacement pursuant to the provisions of Article 162, paragraph (1) of that Act".

(Responsibilities of Related Companies)

Article 163 Related companies of basic terrestrial broadcasters of approved broadcasting holding companies (excluding broadcasters whose target regions for basic broadcasts is the whole of the country) are to make an effort to ensure that the broadcast programs they themselves produce are aimed at their target regions for broadcasts to meet the demands for diverse broadcast programs in those target regions, when editing the broadcast programs for basic domestic broadcasting.

(Restricted Ownership of Voting Rights)

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

(2) The holding ratio threshold set out in the preceding paragraph refers to the ratio

provided for by Order of the Ministry of Internal Affairs and Communications within a range equal to or more than one-tenth and up to and including one-third, taking into account the matters stated in the items of Article 91, paragraph (2).

(Succession)

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

(2) The provisions of Article 159, paragraph (2) apply mutatis mutandis to the authorization referred to in the preceding paragraph.

(Revocation of Approval)

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

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

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

(2) Notwithstanding the provisions of the preceding paragraph (limited to the portion relating to item (i)), if the Minister of Internal Affairs and Communications finds that it is necessary in consideration of stating the following matters when the approved broadcasting holding company has come to fall under Article 159, paragraph (2), item (v), (a) or (b), the Minister of Internal Affairs and Communications may set a period of time and opt not to revoke that approval:

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

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

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

Communications

(3) If the Minister of Internal Affairs and Communications finds that an approved broadcasting holding company has come to fall under Article 159, paragraph (2), item (v), (a) or (b), the Minister of Internal Affairs and Communications must decide whether or not to revoke the approval of that approved broadcasting holding company, pursuant to the provisions of the preceding paragraph.

(4) When the Minister of Internal Affairs and Communications attempts to make the decision referred to in the preceding paragraph, the Minister of Internal Affairs and Communications must hear the opinion of the approved broadcasting holding company relating to that decision.

(5) If the Minister of Internal Affairs and Communications made the decision referred to in paragraph (3), the Minister of Internal Affairs and Communications must notify the approved broadcasting holding company relating to that decision to that effect (when that decision is not to revoke the approval of that approved broadcasting holding company a notice to that effect, and the period specified pursuant to the provisions of that paragraph) accompanied by the reason without delay, pursuant to the provisions of paragraph (2).

(6) The Minister of Internal Affairs and Communications may revoke the approval if the approved broadcasting holding company falls under any of the following items:

(i) it has not become a stock company satisfying any of the following conditions within six months of receiving approval:

(a) it has a subsidiary that is a basic broadcaster conducting one or more basic terrestrial broadcasting operations.

(b) it has two or more related companies that are basic broadcasters; and

(ii) it has stopped being a company that falls under both (a) and (b) in the preceding item;

(iii) it received the approval through fraudulent means; or

(iv) it no longer complies with any of the items of Article 159, paragraph (2) (excluding item (v)).

Chapter IX Broadcast Program Centers

(Designation)

Article 167 (1) The Minister of Internal Affairs and Communications may designate a general incorporated association or general incorporated foundation which has the aim of achieving the sound development of broadcasting, and is found capable of appropriately and reliably conducting the operations provided for in the following Article as a broadcast program center (referred to below as "center") limited to one throughout the country, upon its application.

(2) The Minister of Internal Affairs and Communications must not make the

designation under the provisions of the preceding paragraph if the person making the request under the preceding paragraph falls under any of the following items:

(i) a person who has had their designation revoked pursuant to the provisions of Article 173, paragraph (1) and for whom two years have not passed since the date of the revocation; or

(ii) one of their officers has committed a crime prescribed in this Act and has been sentenced to a punishment, and for whom two years have not passed since the day on which the execution of the sentence was completed, or the sentence no longer applied.

(3) If the Minister of Internal Affairs and Communications has made the designation under the provisions of paragraph (1), the Minister of Internal Affairs and Communications must publicly announce the name, address and location of the office of the center which has received that designation.

(4) If the center intends to make changes to its name, address or the location of its office, it must notify the Minister of Internal Affairs and Communications to that effect at least two weeks before making those changes.

(5) If the notification under the provisions of the preceding paragraph has been made, the Minister of Internal Affairs and Communications must make a public announcement to that effect.

(Operations)

Article 168 The center is to conduct the following operations:

(i) it is to collect and retain broadcast programs and make them available to the public for viewing and listening;

(ii) it is to collect, categorize, organize, and retain information relating to the broadcast programs;

(iii) it is to provide information relating to broadcast programs on a regular basis or at appropriate times or in response to a request; and

(iv) it is to conduct operations incidental to the operations stated in the three preceding items.

(Standards for Collection)

Article 169 (1) The center is to establish standards for the collection of the broadcast programs and is to collect the broadcast programs in accordance with those standards.

(2) The center may request basic broadcasters to submit information relating to broadcast programs in accordance with the established standards and method within the extent necessary for the center to collect the broadcast programs.

(3) The center must not provide the information submitted in response to the request under the provisions of the preceding paragraph for any use other than for the operations provided for in the preceding Article.

(4) If the center has established standards for collection of the broadcast programs provided for in paragraph (1) or standards and methods relating to the submission of information relating to the broadcast programs provided for in paragraph (2) (referred to as "standards, etc. for collection" below), it must make these public pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications. The same applies when making changes to those standards.

(Broadcast Program Collection Advisory Committee)

Article 170 (1) The center is to establish a broadcast program collection advisory committee (referred to below as an "advisory committee").

(2) The advisory committee is to discuss matters relating to the standards, etc. for collection in response to consultations with the center.

(3) When the center establishes standards, etc. for collection or intends to make changes to those standards, it must consult with the advisory committee.

(4) If the advisory committee has made a recommendation in response to the consultation pursuant to the provisions of paragraph (2), the center must take any necessary measures to respect that recommendation.

(5) The members of the advisory committee are to be commissioned by the representative of the center among the persons recommended by NHK, persons recommended by the Open University, persons recommended by an organization composed of basic broadcasters, and persons with practical expertise.

(Submission of Business Plans)

Article 171 (1) The center must prepare a business plan and an income and expenditure budget for each fiscal year and must submit them to the Minister of Internal Affairs and Communications before the commencement of that fiscal year (in the case of the fiscal year containing the day on which the designation was received under the provisions of Article 167, paragraph (1), without delay after receiving that designation). The same applies when making changes to the plan or budget.

(2) The center must prepare a business report and a settlement of income and expenditure for each fiscal year, and submit them to the Minister of Internal Affairs and Communications within three months of the end of that fiscal year.

(Supervision Order)

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

(Revocation of Designation)

Article 173 (1) The Minister of Internal Affairs and Communications may revoke the designation if the center falls under any of the following items:

(i) it is found unable to appropriately and reliably implement the operations provided for in Article 168;

(ii) it has violated the provisions of this Chapter;

(iii) it has come to fall under the provisions of Article 167, paragraph (2), item (ii);

(iv) it has violated the order under the provisions of the preceding Article; or

(v) it has received the designation through fraudulent means.

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

Chapter X Miscellaneous Provisions

(Suspension of Operations)

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

(Submission of Materials)

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

(Exemptions from Applicability)

Article 176 (1) The provisions of this Act do not apply to relay broadcasting for measures against poor reception (meaning the relay broadcasting for measures against poor reception provided for in Article 5, paragraph (5) of the Radio Act; the same applies in this Article below), broadcasting using wire telecommunications facilities inside vehicles, vessels or aircraft and other broadcasting provided for by Order of the Ministry of Internal Affairs and Communications as not likely to impede the interests of the recipients or the sound development of broadcasting when seen in the light of the extent of the provision and conditions of the provision, etc. of those services.

(2) Notwithstanding the provisions of the preceding paragraph, the provisions of Article 91 apply to relay broadcasting for measures against poor reception.

(3) Notwithstanding the provisions of paragraph (1), the relay broadcasting for measures against reception interference is to be deemed the broadcasting of basic broadcasters received by persons conducting the relay broadcasting for measures against reception interference and the provisions of Article 9, paragraph (1), Article 11, 12, Article 147, paragraph (1) and Article 157 apply.

(4) Notwithstanding the provisions of paragraph (1), the provisions of Article 64 must also apply to the broadcasting to which the provisions of that paragraph apply and which having received the broadcasting of NHK, simultaneously re-broadcasts its contents without making any changes.

(5) The provisions of Articles 4 through 10, Articles 12 through 14 and Articles 106 through 110, do not apply to broadcasts which having received the basic broadcasting of other basic broadcasters, simultaneously re-broadcasts the content without making any changes (excluding the broadcasting to which the provisions of paragraph (1) applies).

(Consultation with the Radio Regulatory Council)

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

(i) the designation of a designated basic terrestrial broadcasting region under the provisions of Article 20-2, paragraph (1), item (i), the establishment of a dissemination plan for basic broadcasting or amendments to the plan under the provisions of Article 91, paragraph (1) or (4); or designation of a broadcasting region under Article 116-3, paragraph (1) or the designation of paid broadcasting services under the provisions of the items of Article 150-3, paragraph (1);

(ii) a disposition under the provisions of Article 18, paragraph (2) (authorization for amendments to the articles of incorporation), Article 20, paragraph (11) (including as applied mutatis mutandis in accordance with Article 65, paragraph (5)) (authorization for an agreement on international relay broadcasting), Article 20, paragraph (12) (authorization for optional services), Article 20-2, paragraph (1) (authorization for contributions to subsidiaries companies that provide basic broadcasting stations), Article 20-4, paragraphs (6) and (7) (recommendations and orders for changes to the operational rules), Article 21-2, paragraph (1) (authorization for implementation standards), Article 22 (authorization for contributions to the Japan Aerospace Exploration Agency, National Research and Development Agency, etc.), Article 22-2 (authorization for contributions to holding companies for affiliated undertakings), Article 22-3, paragraph (1) or (3) (approval for plans for contributions to affiliated undertakings), Article 64, paragraphs (4) and (5) (authorization of standards for the exemption of broadcast receiving fees and clauses of receiving contracts), Article 65, paragraph (1) (request for

implementation of international broadcasting, etc.), Article 66, paragraph (1) (order to implement research on broadcasting), Article 71, paragraph (1) (authorization for the budget for income and expenditure, etc.), the proviso to Article 73-2, paragraph (2) (authorization in relation to reduction of reserve funds for return purposes), Article 85, paragraph (1) (authorization for the transfer, etc. of broadcasting equipment), Article 86, paragraph (1) (authorization for the discontinuation or suspension of broadcasting), Article 89, paragraph (1) (authorization for the discontinuation or suspension of broadcasting), Article 93, paragraph (1) (approval for basic broadcasting operations), Article 96, paragraph (1) (limited to cases of basic terrestrial broadcasting operations) (renewal of approval), the main clause of Article 97, paragraph (1) (authorization for changes to the matters to be broadcast, etc. of basic broadcasting), Article 116-4, paragraph (1) (approval for implementation policies for the equalization of specified broadcast programs), Article 120 (order to change the terms of supplying facilities for broadcasting stations), Article 141 (order to improve the method of operations of re-broadcasting in areas with poor reception, Article 156, paragraph (1), paragraph (2), or paragraph (4) (order to change the contractual terms and conditions for paid basic broadcasting ; or order to improve the method of operations of the paid broadcaster or the paid broadcast administrator), Article 159, paragraph (1) (approval for approved broadcasting holding companies), Article 167, paragraph (1) (designation of a center);

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

(iv) a disposition under the provisions of Article 21-2, paragraph (7) (revocation of authorization for implementation standards), Article 22-3, paragraph (5) (revocation of approval for the relevant business investment plan), Article 104 (revocation of approval for basic broadcasting operations), Article 116-5, paragraph (5) (revocation of approval for implementation policies for the adaptation of specific broadcast programs), Article 131 (revocation of registration for general broadcasting operations), Article 166, paragraph (6) (revocation of approval for approved broadcasting holding companies) or Article 173, paragraph (1) (revocation of the designation of the center);

(v) the establishment, amendment or repeal of Order of the Ministry of Internal Affairs and Communications under the provisions of Article 2, item (xxiv) (facilities for basic broadcasting stations), item (xxxiii) of that Article (specified officers), item (xxxiv) of that Article (controlling interest), Article 20, paragraph (1), item (iv) (period for distribution of broadcast programs), Article 20-3, paragraph (1) (standards for distribution facilities, etc.), paragraph (4) of that Article (standards for serious incidents requiring reporting), paragraph (10) of that Article (restrictions on distribution quality and other measures), Article

64, paragraph (6) (multiple number relating to the amount of premium payments), Article 93, paragraph (1), item (iv) (standards for the use of frequencies concerning basic satellite broadcasting), the proviso to item (v) of that paragraph (standards for the freedom of expression through basic broadcasting), paragraph (4) of that Article (period for applying for approval for basic broadcasting operations), the proviso to Article 97, paragraph (1) (minor changes concerning basic broadcasting), Article 103, paragraph (2), item (iii) (matters to be considered in relation to a grace period for revocation of approval for basic broadcasting operations), Article 110-2, paragraph (2) (Publicization of measures to make broadcast programs available to the public for viewing and listening), Article 111, paragraph (1) (standards for facilities and operation system for basic broadcasting), Article 113, Article 122, or Article 137 (standards for serious incidents requiring reporting), Article 121, paragraph (1) (standards for facilities, etc. for basic broadcasting stations), the proviso to Article 126, paragraph (1) (general broadcasting not requiring registration), Article 136, paragraph (1) (technical standards for telecommunications facilities concerning registration for general broadcasting operations), Article 150 (explanation of conditions for the provision of paid broadcasting services), Article 150-2, paragraph (1) (delivery of documents), Article 150-3, paragraph (1), or the proviso to paragraph (4) (cancellation in writing), Article 151-2, item (ii) (acts prohibited by paid broadcasters, etc.), the proviso to Article 93, paragraph (1), item (v) to be applied through replacement pursuant to the provisions of Article 162, paragraph (1) (Special Provisions for the standards for the freedom of expression through basic broadcasting, Article 93, paragraph (1), item (v),(c) to be applied through replacement pursuant to the provisions of Article 162, paragraph (1) (special provisions related to approved broadcasting holding companies), Article 164, paragraph (2) (benchmark rate) or Article 166, paragraph (2), item (iii) (matters to be considered in relation to a grace period for rescission of approval for approved broadcasting holding companies).

(2) The Minister of Internal Affairs and Communications may take measures regarding the matters stated in the items of the preceding paragraph (excluding item (iv)), without consulting with the Radio Regulatory Council for matters that the Radio Regulatory Council considers to be minor,

(Hearing Opinions)

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

(2) In addition to the cases referred to in the preceding paragraph, the Radio Regulatory Council may hear opinions if finds it necessary after receiving a consultation, pursuant to the provisions of the items of paragraph (1) of the

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

(Recommendations)
Article 179 (1) The Radio Regulatory Council may make any necessary recommendations to the Minister of Internal Affairs and Communications concerning the matters stated in any of the items of Article 177, paragraph (1).
(2) If the Minister of Internal Affairs and Communications has received the recommendations referred to in the preceding paragraph, they must make the content public.
(3) The Minister of Internal Affairs and Communications must report measures taken in accordance with the recommendations referred to in paragraph (1) to the Radio Regulatory Council.

(Requests for Administrative Review and Litigation)
Article 180 The provisions of Chapter VII and Article 115 of the Radio Act apply mutatis mutandis to any requests for review and litigation regarding the dispositions of the Minister of Internal Affairs and Communication under the provisions of this Act, or orders based on this Act.

(Delegation to Order of the Ministry of Internal Affairs and Communications)
Article 181 In addition to what is provided for in this Act, any matters necessary to implement this Act are provided for by Order of the Ministry of Internal Affairs and Communications.

(Transitional Measures)
Article 182 In accordance with the provisions of this Act, if an order is to be enacted, amended or repealed, prescribed transitional measures (including interim measures relating to penal provisions) may be established within the extent judged to be reasonably necessary for the enactment amendment or repeal of that order.

Chapter XI Penal Provisions

Article 183 (1) An officer of NHK who has accepted, solicited, or promised to accept a bribe in connection with their duties is punished by imprisonment for not more than three years.
(2) If a person who intends to become an officer of NHK accepts, solicits or promises to accept a bribe in connection with a duty to be assumed to be in agreement to perform an act in response to a request, they are subject to the same punishment

as stated in the preceding paragraph in the event of becoming an officer of NHK.

(3) If a person who was an officer of NHK accepts, solicits or promises to accept a bribe concerning misconduct committed in the performance of duties, or regarding a failure to commit an appropriate act, having been so requested by a person in their office, they are subject to the same punishment as stated in paragraph (1).

(4) A person who has given, offered or promised to offer a bribe prescribed in the preceding three paragraphs is punished by imprisonment for not more than three years or a fine of not more than 2.5 million yen.

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

Article 184 (1) A person who has committed any of the following violations is punished by imprisonment for not more than 6 months, or a fine of not more than 500,000 yen:

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

(ii) when the licensee has violated an order under the provisions of Article 174 (including as applied mutatis mutandis in accordance with Article 81, paragraph (6)).

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

(i) the officer conducted operations other than the operations referred to in Article 20, paragraphs (1) through (3) and Article 65, paragraph (4);

(ii) the officer failed to obtain authorization, when authorization should have been obtained pursuant to the provisions of Article 18, paragraph (2), Article 20, paragraph (11) (including as applied mutatis mutandis pursuant to Article 65, paragraph (5)), Article 20, paragraph (12), Article 20-2, paragraph (1), Article 21-2, paragraph (1), Article 22, Article 22-2, Article 64, paragraph (4) or (5), Article 71, paragraph (1), Article 85, paragraph (1), Article 86, paragraph (1), or Article 89, paragraph (1);

(iii) the officer has violated an order under the provisions of Article 20-3, paragraph (5) or Article 20-4, paragraph (7);

(iv) when the officer has violated the provisions of Article 38, Article 60, paragraph (1), Article 70, paragraph (1), Article 72, paragraph (1), Article 73, paragraph (1), or Article 74, paragraph (1).

Article 186 (1) If a person violated the provisions of Article 9, paragraph (1) (including as applied mutatis mutandis pursuant to Article 81, paragraph (6)),

the person who committed the violation is subject to a fine of not more than 500,000 yen.

(2) Prosecution may not be instituted for the crime referred to in the preceding paragraph when a private matter is concerned unless a first-hand crime report is filed.

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

(i) if a person made changes to the matters stated in Article 93, paragraph (2), items (vii) through (ix) in violation of the provisions of Article 97, paragraph (1);

(ii) if a person made changes to telecommunications facilities, etc. and systems used in basic terrestrial broadcasting operations in violation of the provisions of Article 105-2, paragraph (4);

(iii) if a person has violated orders under the provisions of Article 114 or Article 123;

(iv) if a person has refused an offer for a contract to supply facilities for broadcasting stations in violation of the provisions of Article 117, paragraph (1);

(v) if a person has accepted an offer for a contract to supply facilities for broadcasting stations in violation of the provisions of Article 117, paragraph (2);

(vi) if a person has provided the services supplying broadcasting station facilities not based on the conditions for provision notified pursuant to the provisions of Article 118, paragraph (1);

(vii) if a person has violated an order under the provisions of Article 120;

(viii) when the person has changed any of the matters stated in Article 130, paragraph (1) in violation of the provisions of Article 126, paragraph (2), items (ii) through (iv);

(ix) when the registered investigation body has violated an order under the provisions of Article 138 or Article 141;

(x) if the person has provided the services of re-broadcasting under the provisions of paragraph (1) of that Article without complying with the contractual terms and conditions notified pursuant to the provisions of Article 140, paragraph (2);

(xi) if the services of paid basic broadcasting provided are not in compliance with the contractual terms and conditions for paid basic broadcasting notified pursuant to the provisions of Article 147, paragraph (1);

(xii) if the person has refused to provide the services of paid broadcasts in violation of the provisions of Article 148;

(xiii) if the person has conducted paid broadcast administration operations in violation of the provisions of Article 152, paragraph (1);

(xiv) if the person has violated an order under the provisions of Article 156.

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

(i) when the person has failed to make a report under the provisions of Article 113, Article 122 or Article 137 or has made a false report;

(ii) when the person has failed to make a report under the provisions of Article 115, paragraph (1), or paragraph (2), Article 124, paragraph (1), Article 139, paragraph (1) or Article 145, paragraph (4) or has made a false report, or has refused, obstructed, or evaded an inspection by the relevant employee;

(iii) when the person has failed to make a notification under the provisions of Article 133 or has made a false notification;

(iv) if the person has not displayed the general conditions of the contract for paid basic broadcasting, in violation of the provisions of Article 147, paragraph (3).

Article 189 (1) If a representative of a corporation or the agent of a corporation or a person, employee or other worker of a corporation or individual commits an act of violation referred to in Article 184 through the preceding Article (excluding Article 185) relating to the operations of the corporation or individual, in addition to punishing the person committing the act, the corporation or individual referred to in each Article is subject to a fine.

(2) In the preceding paragraph, the first-hand crime report referred to in Article 186, paragraph (2) against the person committing the act must also take effect against that corporation or individual, and a first-hand crime report against the corporation or individual must take effect against that person committing the act.

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

Article 191 (1) The officer of NHK or the Open University who committed the violation is subject to a civil fine of not more than 200,000 yen, when falling under any of the following items:

(i) the person failed to make a registration in violation of the provisions of this Act or an order based on this Act;

(ii) the person has failed to make a notification under the provisions of Article 20-3, paragraph (3), Article 20-4, paragraph (1), Article 21, paragraph (3), Article 21-2, paragraph (5), Article 23, paragraph (3), Article 25, Article 26, paragraph (4), Article 86, paragraph (2) or (3), or Article 89, paragraph (2), or has made a false notification;

(iii) the person has failed to make a report under the provisions of Article 20-3, paragraph (4) or (6) or Article 20-4, paragraph (4), or has made a false report;

(iv) the person has failed to make a public announcement under Article 20-4,

paragraph (1), Article 21-2, paragraph (4) or (5), Article 41, Article 61, Article 62, or Article 71-2, paragraph (1), or has made a false public announcement;

(v) the person has obstructed an investigation under the provisions of Article 44, paragraph (1) or Article 77, paragraph (2);

(vi) the person has failed to keep documents to hand, or make them available for inspection in violation of the provisions of Article 72, paragraph (3) or Article 74, paragraph (4);

(vii) the person has failed to set aside a reserve fund for return purposes, or has withdrawn from it, in violation of the provisions of Article 73-2, paragraph (1) or (2);

(viii) the person has failed to prepare an income and expenditure budget as prescribed in Article 73-2, paragraph (3), in violation of the provisions of that paragraph.

(2) If an officer of a subsidiary company of NHK impedes an investigation under the provisions of Article 44, paragraph (2) or Article 77, paragraph (2), that officer is subject to a civil fine of not more than 200,000 yen.

Article 192 A person who has failed to make a notification under the provisions of Article 95, paragraph (1) or (2), Article 97, paragraph (2), Article 98, paragraph (1), Article 100, Article 105-2, paragraph (5), Article 129, paragraph (1) or (2), Article 130, paragraph (4), Article 134, paragraph (2), Article 135, paragraph (1) or (2), Article 152, paragraph (2), Article 153, paragraph (2), Article 154, paragraph (1) or (2) or Article 160, or has made a false notification is subject to a civil fine of not more than 200,000 yen.

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

(i) a person who has failed to make a report under the provisions of Article 116-2, Article 116-5, paragraph (4) or Article 161-2, or has made a false report; or

(ii) a person who has failed to submit the materials under the provisions of Article 175 (including cases as applied mutatis mutandis pursuant to Article 81, paragraph (6)) or has submitted false materials.

Supplementary Provisions [Extract]

(Special Provisions for the Operations of NHK)

(18) The phrase "there are unavoidable reasons" in that item is deemed to be replaced with "there are unavoidable reasons and those designated by the Minister for Internal Affairs and Communications as those that still require preparation or review for implementing distribution", regarding the application of the provisions of Article 20, paragraph (1), item (iii), until otherwise provided for

by law.

(19) NHK must continuously review the expansion of the scope of broadcast programs to be distributed pursuant to the provisions of Article 20, paragraph (1), item (iii) or (iv), and must report the results of that review to the Minister for Internal Affairs and Communications at least once a year.

(20) If the Minister for Internal Affairs and Communications finds it to be necessary in light of the content of the report under the provisions of the preceding paragraph and other circumstances, the Minister is to change the scope of broadcast programs designated pursuant to the provisions of Article 20, paragraph (1), item (iii) as applied following the deemed replacement of terms pursuant to the provisions of paragraph (18) of the Supplementary Provisions or take any other necessary measures.

(21) When the Minister for Internal Affairs and Communications intends to make a designation under the provisions of Article 20 paragraph (1) item (iii) as applied pursuant to the provisions of paragraph (18) of the Supplementary Provisions following the deemed replacement of terms, the Minister must consult with the Radio Regulatory Council.

(Penal Provisions)

(22) An officer of NHK who has failed to make a report under paragraph (19) of the Supplementary Provisions, or has made a false report is subject to a civil fine of not more than 200,000 yen.