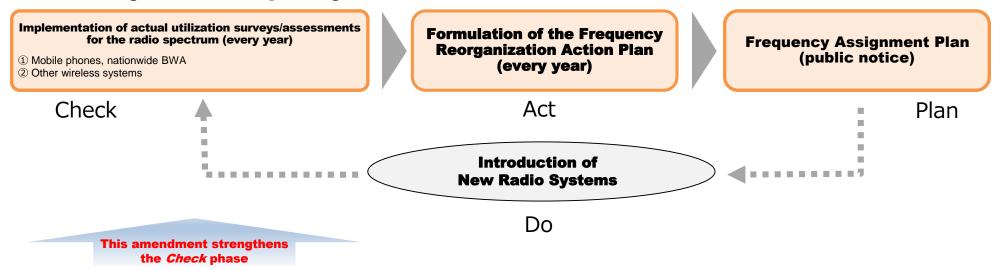


Act to Partially Amend the Radio Act and the Broadcasting Act

Ministry of Internal Affairs and Communications

- Up until now, <u>assessments of the degree to which the radio spectrum is being utilized effectively</u> (effective utilization assessments) have been implemented by the Minister of Internal Affairs and Communications based on the results of actual utilization surveys; under the amended Radio Act, the assessments <u>will be implemented by the Radio Regulatory Council</u>, which is made up of members who have broad-ranging experience and knowledge, in order to allow for the implementation of more appropriate assessments that are adapted to things such as technological progress.
- <u>The amending Act enables the Radio Regulatory Council to make the necessary recommendations</u> to the Minister of Internal Affairs and Communications regarding effective utilization assessments, and <u>requires the Minister to report to the Council</u> on measures taken based on its recommendations.

[PDCA Cycle for Frequency Reallocation]



(Strengthened Functions of the Radio Regulatory Council)

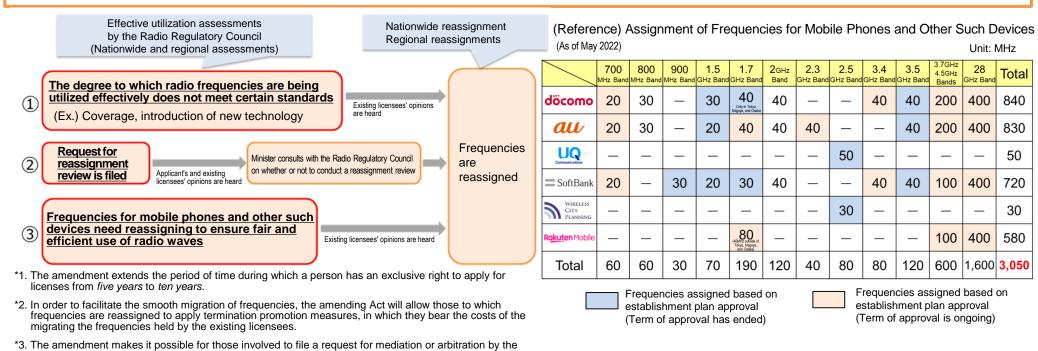
- Formulation of an effective utilization assessment policy
- Independent hearings for licensees and others to implement effective utilization assessments
- Implementation of effective utilization assessments and recommendations (Frequency reallocation and reassignment)
- → Establishment of new subcommittees and addition of the positions of special committee members

Accelerates frequency reallocation and reassignment in bands with high radio-frequency usage needs

2 Creating a System for Reassigning Frequencies for Mobile Phones and Other Such Devices

- The amending Act makes it possible to <u>reassign</u> frequencies that are being used by base stations for telecommunications operations involving devices such as mobile phones, in some cases such as the following:
 - > If the results of an effective utilization assessment by the Radio Regulatory Council does not meet certain standards
 - If the Minister of Internal Affairs and Communications determines that a reassignment review is necessary based on a competing application*

*The amendment newly establishes a system that allows to request a reassignment review.



Other amendment on mobile phones and other such devices

O Introduction of a duty associated with the establishment of specified base stations

promotion measures.

Telecommunications Dispute Resolution Commission if they cannot reach an agreement on termination

Under the amended Act, approved establishers of specified base stations for mobile phones and other such devices whose purpose is to conduct telecommunications services <u>must endeavor to establish specified base stations in places other than the location listed in the approved plan</u>.

O Addition of information for ensuring fair use of the radio spectrum as information that is to be included in establishment guidelines

Under the amended Act, information for ensuring fair use of the radio spectrum, such as **information on the maximum bandwidth that each business can apply for** in consideration of the aggregate bandwidth they already hold, is added as information that is to be included in the establishment guidelines for mobile phones and other such devices.

3 Revising the Spectrum User Fee System

- The amending Act <u>modifies</u> spectrum user fees while taking into account matters such as aggregate expenses for administrative work for spectrum users' common benefit which are expected to arise in the next three years (FY2022 through FY2024) and the expected operational status of radio stations.
- The amendment makes it possible to use spectrum user fees to issue grants for research and development that are aimed at things such as the realization of Beyond 5G (6G).

Pursuant to the provisions of the Radio Act, the government is to review the spectrum user fee system at least every three years*, and is to take the necessary measures based on the results of that review if deemed necessary.

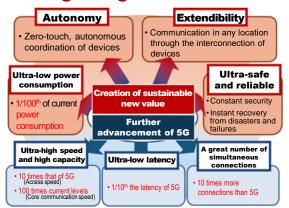
* The current amount of spectrum user fees came into effect in FY2019. FY2022 is the third year since the last review.

<Revision of How Fees Are Used>

Issuance of grants for research and development is added as a thing involved in administrative work for spectrum users' common benefit (Article 103-2, paragraph (4), item (iii) of the Act).

Note (1) This introduces the issuance of grants as a new instrumentality for using spectrum user fees to implement research and development, which will serve as an addition to the current system of using these fees in research and development that the Minister of Internal Affairs and Communications is implementing directly. Note (2) The current scale of the aggregate expenses for administrative work for spectrum users' common benefit ("aggregate spectrum user fees"; currently 75 billion ven) remains the same.

Beyond 5G (6G) Beginning in around 2030



Main Uses of Fees

- Implementation of radio frequency monitoring
- Development and Operation of Productive and Reliable Telecommunications Network for Radio Stations (PARTNER)
- Research and development, etc. to expand radio resources, related uses
- · Radio safety surveys
- Area improvement projects for mobile phones and other such devices

and others

Ensuring proper use of the radio spectrum (Administrative work for spectrum users' common benefit) Payment of spectrum user fees (Sharing of costs by licensees)

Main Licensees

- Mobile network operators
- Broadcasters
- Satellite carriers
- Amateur radio operators
 and others

<Modification of the Amount of Fees>

The amending Act modifies the amount of fees (shown on the Act's Appended Table), taking into account matters such as the expected aggregate expenses for administrative work for spectrum users' common benefit for FY2022 through FY2024 and the expected operational status of radio stations.

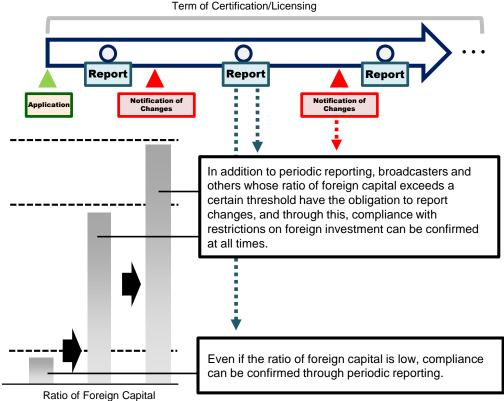
Note This amendment keeps the previous framework (from the 2018 amendment) for the method of calculation.

4 Revising Restrictions on Foreign Investment in the Information and Telecommunications Sector

1. Arranging for Mechanisms to Ensure the Effectiveness of Restrictions on Foreign Investment

- The amending Act makes arrangements for the following mechanisms to prevent broadcasters and others from violating restrictions on foreign investment, from the perspective of ensuring the effectiveness of restrictions on foreign investment in the information and communications sector.
- ① Addition of things such as the foreign capital ratio as information required to be given on applications and elsewhere
 - The amending Act adds the ratio of foreign capital and foreign officers as
 information that is required to be given on applications for certification for basic
 broadcasting operations, applications for radio station licenses, and elsewhere.
- ② Mandatory notification of changes in things such as the ratio of foreign capital
- The amending Act makes it mandatory to file a notification with the Minister of Internal Affairs and Communications if there has been a change of over a certain threshold in the ratio of foreign capital stated in the original application and in other such cases.
- 3 Periodic reporting on compliance with restrictions on foreign investment
 - The amending Act establishes a framework that requires periodic reporting to the Minister of Internal Affairs and Communications regarding things such as measures taken to comply with restrictions on foreign investment (e.g., implementation of training programs and the extent to which the applicable mechanisms are being applied).

[Operation of Applicable Mechanisms]



2. Arranging for Corrective Measures upon Violation of Restrictions on Foreign Investment

■ The amending Act arranges a mechanism for use in the event of a violation of restrictions on foreign investment; in principle, the violator's certification or license will be revoked, but alternatively, the violator may be asked to correct the violation within a set period of time if this is found to be necessary in consideration of the circumstances of the violation and the impact on audiences' interests.

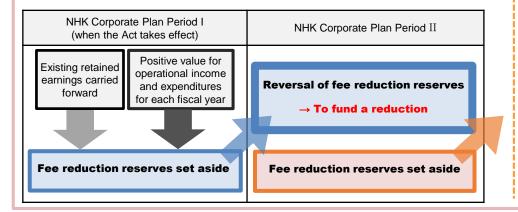
3. Discontinuing and Relaxing Restrictions on Foreign Investment

- The amending Act discontinues restrictions on foreign investment for radio stations established on board ships and aircraft.
- The amending Act discontinues restrictions on indirect investment in community broadcasting.

5 Arranging for Mechanisms to Ensure the Appropriate and Fair Sharing of NHK Subscription Fees; Related Amendments

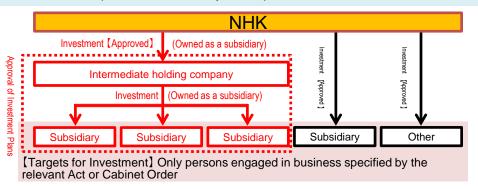
1. Mechanisms for ensuring the appropriate and fair sharing of NHK subscription fees

- ① A mechanism for a *fee reduction reserve* to lower subscription fees
- Under the amendment, if NHK's financial statements show a positive value for
 operational income and expenditures (equivalent to profit in a corporation), then
 this must be set aside as a fee reduction reserve, except for fixed amounts that are
 withheld for financial stability (the upper limit of which is prescribed by Order of the
 Ministry of Internal Affairs and Communications).
- In principle, fee reduction reserves that have been set aside during the period of a given NHK Corporate plan must be allocated to fund reductions in NHK subscription fees in the income and expenditure budget for the next NHK Corporate Plan period.



2 A mechanism for NHK to invest in intermediate holding companies

Under the amended Act, intermediate holding companies are added as a target for
investment by NHK, in order to help improve the efficiency of NHK Group's operations
(by allowing the Group to consolidate administrative operations and rationalize the
number of officers and employees and by allowing it to eliminate duplicate operations)
and control expenditures financed by subscription fees.



- **3** A surcharge mechanism that covers non-subscribers
- In order to rectify the unfairness to subscribers, the amending Act introduces a surcharge
 mechanism for people who have installed reception equipment but who do not apply for a
 subscription by the deadline, without a legitimate reason for failing to do so (the non-subscription
 rate is 17%).
- This is expected to increase the payment rate for subscription fees and make it possible to reduce them.

2. NHK's cooperation in commercial broadcasters' performance of their duties

 The amending Act provides that NHK is to endeavor to cooperate with commercial broadcasters with regard to closed captioning, audio description, and resolving the issue of programming unavailability.

3. A mechanism for advance public announcement of the suspension or discontinuation of basic broadcasting operations

 The amending Act makes arrangements for public announcements to be made before basic broadcasters suspend or discontinue basic broadcasting operations and other such services.



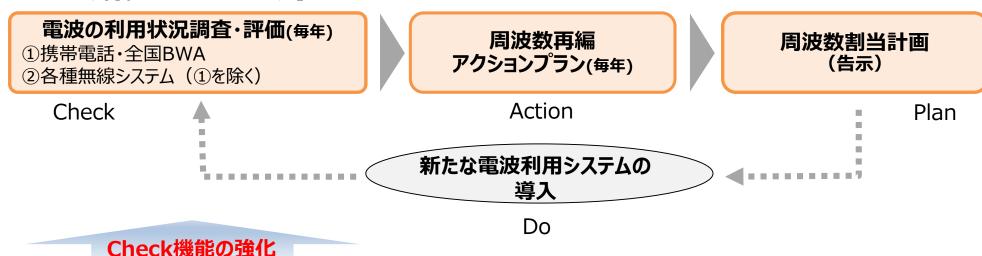
電波法及び放送法の一部を改正する法律について

総務省

①電波監理審議会の機能強化

- <u>電波の有効利用の程度の評価</u>(有効利用評価)について、これまで総務大臣が電波の利用状況調査の結果に基づき行ってきたところ、技術の進展等に対応したより適切な評価を行うため、広い経験と知識を有する委員から構成される電波監理審議会が行うものとする。
- 電波監理審議会が総務大臣に対し**有効利用評価に関し必要な勧告をすることを可能**とするとともに、総務大臣が 勧告に基づき講じた施策について**電波監理審議会への報告を義務付ける**。

【周波数再編のPDCAサイクル】



【電波監理審議会の機能強化】

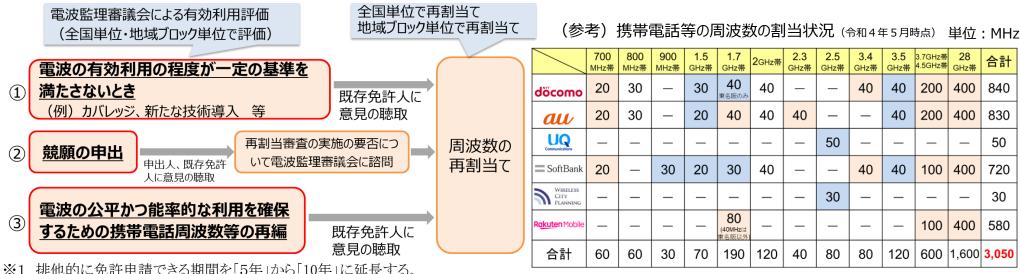
- ○有効利用評価の方針の制定
- ○有効利用評価のための免許人等に対する自律的なヒアリング
- ○有効利用評価の実施・勧告(周波数再編・再割当て)
- →新たな部会の設置、特別委員の追加

電波の利用ニーズが 高い帯域での 周波数再編、再割当てを加速

②携帯電話等の周波数の再割当制度の創設等

- 携帯電話等の電気通信業務用基地局が使用している周波数について、次の場合に**再割当て**ができるようにする。
 - 電波監理審議会による有効利用評価の結果が一定の基準を満たさないとき
 - **競願の申出※を踏まえ、再割当審査の実施が必要**と総務大臣が決定したとき 等

※ 競願の申出ができる制度を新設



- ※1 排他的に免許申請できる期間を「5年」から「10年」に延長する。
- ※2 周波数の円滑な移行を促進するため、新たに周波数の再割当てを受けた事業者が、 既存免許人の移行費用を負担する終了促進措置の活用を可能とする。
- ※3 事業者間の終了促進措置の協議が調わない場合、電気通信紛争処理委員会に あっせん・仲裁の申請を可能とする。

開設計画の認定に基づい て割り当てられた周波数 (認定期間終了)

開設計画の認定に基づい て割り当てられた周波数 (認定期間中)

携帯電話等に係るその他制度改正

特定基地局の開設に係る責務

電気通信業務を行うことを目的とする携帯電話等の特定基 地局の認定開設者は、認定計画に記載した設置場所以外の 場所にも、特定基地局の開設に努めなければならないこととする。

○ 電波の公平な利用の確保に関する事項の開設指針の記載事 項への追加

携帯電話等の周波数の割当てに当たって、開設指針の記載事項と して、事業者ごとの割当て済みの周波数の幅等を勘案して、事業者 ごとに申請可能な周波数の幅の上限に関する事項など電波の公平な 利用の確保に関する事項を追加する。

③電波利用料制度の見直し

- 今後3年間(今和4年度~今和6年度)の電波利用共益事務の総費用や無線局の開設状況の見込み等を勘案した電波利用料の料額の改定を行う。
- 電波利用料の使途について、**Beyond 5G(いわゆる6G)の実現等に向けた研究開発のための補助金の交付**を可能とする。

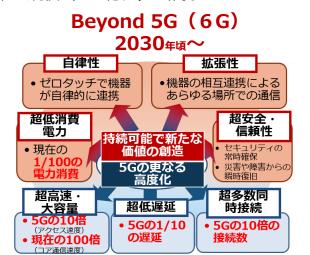
電波利用料制度は、電波法の規定により、<u>少なくとも3年ごと*に検討</u>を加え、必要があると認めるときは当該検 討の結果に基づいて所要の措置を講ずることとされている。

※現在の電波利用料額は、令和元年度に施行されている。令和4年度が前回の見直しから3年目に当たる。

く使途の見直し>

電波利用共益事務に関する事項(法第103条の2第4項第3号) に「研究開発のための補助金の交付」を追加。

- 注1 使途については、現行の研究開発(総務大臣が主体となって 直接実施するもの)に新たな実施手段(補助金の交付)を追加。
- 注 2 電波利用共益事務の総費用(電波利用料の総額)については、現在の規模(750億円)を維持。



電波の適正な 利用の確保 主な使途 主な免許人 (電波利用共益事務) ・電波監視の実施 ・総合無線局監理システムの •携帯電話等事業者 構築・運用 •放送事業者 ・電波資源拡大のための •衛星诵信事業者 研究開発等 アマチュア無線 ・ 電波の安全性調査 など 携帯電話等エリア整備事業

^丿 電波利用料の支払 ((免許人による費用負担)

<料額の改定>

令和4年度~令和6年度に見込まれる電波利用共益事務の 総費用や無線局の開設状況の見込み等を勘案し、料額(法別表) を改定。

など

注 算定方法に関しては、前回(令和元年改正時)の枠組みを維持。

1. 外資規制の実効性を確保するための制度整備

■ 情報通信分野における外資規制の実効性を確保する観点から、放送事業者等において外資規制違反が生じないよ

うにするための次の制度を整備。

- ① 申請書等の記載事項への外資比率等の追加
- 基幹放送の業務の認定や無線局の免許の申請書等 における記載事項として、外資比率や外国人役員に 関する事項を追加する。
- ② 外資比率等に変更があった場合の届出義務化
- 申請のあった外資比率につき一定の閾値を超える変更があった場合等に、総務大臣への届出を義務化する。
- ③ 外資規制の遵守状況に関する定期的な報告
- ●外資規制の遵守のために講じた措置(研修の実施や制度適用状況等)等を定期的に総務大臣へ報告させる仕組みを創設する。

【運用のイメージ】 認定•免許期間 報告 報告 申請 変更届出 変更届出 外資比率が一定の閾値を超えた放 送事業者等については、定期的な 報告に加え、変更届出義務を通じ、 外資規制の適合性を常に確認 外資比率が低い場合でも定期的な 報告により遵守状況を確認 外資比率

2. 外資規制違反時の是正措置の整備

■ 外資規制違反があった場合、原則認定又は免許を取り消すが、違反の状況及び受信者の利益に及ぼす影響等を勘案し、必要があると認めるときは期間を定めて違反の是正を求める制度を整備。

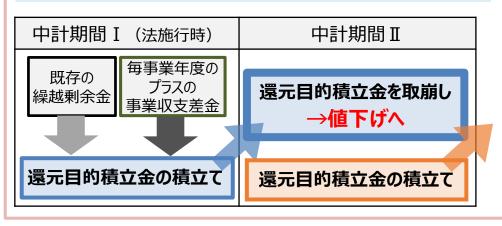
3. 外資規制の廃止又は緩和

- 船舶又は航空機に開設する無線局の外資規制を廃止。
- コミュニティ放送について間接出資規制を廃止。

1. NHKの受信料の適正かつ公平な負担を図るための制度

①受信料値下げのための還元目的積立金制度

- N H K の決算において、プラスの事業収支差金 (企業における利益に相当)が生じたときは、財政安定 のために留保する一定額(総務省令で上限を規定)を 除いて「還元目的積立金」として積み立てなければ ならないこととする。
- ある中期経営計画 (中計) 期間中に積み立てられた 還元目的積立金は、原則として次の中計期間の 収支予算で受信料の値下げの原資に充てなければ ならないこととする。



②NHKの中間持株会社への出資に関する制度

● N H K グループの業務の効率化(管理部門の業務の 集約と役員数・従業員数の合理化、重複業務の排除)を 図り、受信料を財源とする費用の支出を抑制するため、 N H K の出資対象に中間持株会社を追加。



③受信契約の締結に応じない者を対象とする割増金制度

- 正当な理由なく期限までに受信契約の申込みを 行わない受信設備設置者(未契約率17%)について、 締結者との不公平を是正するため、割増金制度を導入。
- これにより、受信料の支払率が向上し、受信料の値下げが可能となることが期待される。

2. 民放の責務遂行に対するNHKの協力

●字幕放送・解説放送や難視聴解消に関し、N H K が 民放に協力するよう努めることを規定。

3. 基幹放送の業務等の休廃止の事前の公表制度

●基幹放送事業者が基幹放送の業務等を休廃止する場合に、その旨をあらかじめ公表する制度を整備。