

The Essential Standards for Establishing Broadcasting Stations

(Radio Regulatory Commission Rules No. 21)

(These Standards shall become effective as the Ministerial Ordinance of the Ministry of Posts and Telecommunications, in accordance with Supplementary Provision Paragraph (3) of the “Law Concerning Adjustments of Relevant Laws and Ordinances Pursuant to Partial Amendment of the Ministry of Posts and Telecommunications Foundation Law” (Law No. 280 of 1952).)

In accordance with the provisions of Article 17 of the Radio Regulatory Commission Foundation Law (Law No. 133 of 1950), based on the entrustment as provided for under Article 7 (Examination of Applications) of the Radio Law (Law No. 131 of 1950), the Essential Standards for Establishing Broadcasting Stations shall be set forth as follows and hereby promulgated as of December 2, 1950.

The Essential Standards for Establishing Broadcasting Stations

(Purpose)

Article 1. These rules shall aim to set forth the Essential Standards for Establishing Broadcasting Stations (including broadcasting test stations, broadcasting satellite stations, broadcasting test satellite stations and development test stations engaged in broadcasting; hereinafter the same shall apply).

(Definitions)

Article 2. The definitions of the terms in these rules shall be set forth as follows:

- i) The “Essential Standards for Establishing Broadcasting Stations” means the basic principles for granting licenses for the establishment of broadcasting stations.
- ii) “Domestic broadcasting” means broadcasting intended to be received within Japan, except for entrusted domestic broadcasting.
- iii) “Entrusted domestic broadcasting” means broadcasting entrusted by others and intended to be received domestically. Such entrusted broadcast programs are broadcast by artificial satellite stations without any editing.
- iv) “International broadcasting” means broadcasting intended to be received in other countries than Japan, except for international relay broadcasting and international broadcasting entrusted by NHK (as hereinafter defined).
- v) “International relay broadcasting” means broadcasting entrusted by a foreign broadcaster (an entity engaged in broadcasting business in a country other than

Japan; hereinafter the same shall apply) and intended to be received in other countries than Japan. Such entrusted broadcast programs are broadcast without any editing.

- vi) “International broadcasting entrusted by NHK” means broadcasting entrusted by the Japan Broadcasting Corporation (hereinafter referred to as “NHK”) and intended to be received in other countries than Japan. Such entrusted broadcast programs are broadcast by artificial satellite stations without any editing.
- vii) “Entrusted domestic and overseas broadcasting” means broadcasting entrusted by others and intended to be received domestically and overseas. Such entrusted broadcast programs are broadcast by artificial satellite stations without any editing.
- viii) “Type of broadcasting” means the classification of broadcasting such as AM broadcasting, short-wave broadcasting, FM broadcasting, TV broadcasting, data broadcasting, FM sound multiplex broadcasting, FM character multiplex broadcasting, FM data multiplex broadcasting, TV sound multiplex broadcasting, TV data multiplex broadcasting, facsimile broadcasting, etc.
- ix) “Broadcast program” means the kind, content, volume and arrangement of matters to be broadcast.
- x) “Blanket area” means an area where the ground wave field intensity (hereinafter referred to as “field intensity”) of the broadcasting station operating AM broadcasting is five volts per meter or more.
- xi) “Broadcaster’s service area” means an area covered by broadcasting service of one broadcasting station (excluding artificial satellite broadcasting stations), and with regard to broadcasting stations engaged in AM broadcasting, FM broadcasting, TV broadcasting, FM sound multiplex broadcasting, FM character multiplex broadcasting, TV sound multiplex broadcasting, TV character multiplex broadcasting or TV data multiplex broadcasting, “broadcaster’s service area” means the areas as defined below.

(1) Broadcasting stations engaged in AM broadcasting

Areas where the field intensity of the broadcasting station is the same as the ones notified by the Minister of Public Management, Home Affairs, Posts and Telecommunications or more within the scope of the field intensity shown in the table below

Area	Scope of field intensity (Unit: millivolt per meter)
High-noise area	10 or more, and equal to or less than 50
Middle-noise area	2 or more, and less than 10
Low-noise area	0.25 or more and less than 2

(2) Broadcasting stations engaged in FM broadcasting, FM sound multiplex broadcasting or FM character multiplex broadcasting

i) Broadcasting stations not engaged in digital broadcasting

Areas where the field intensity of the broadcasting station (such field intensity shall be at 4 meters above the ground; the same shall apply to ii) below) is the same as the ones notified by the Minister of Public Management, Home Affairs, Posts and Telecommunications or more within the scope of the field intensity shown in the table below

Area	Scope of field intensity (Unit: millivolt per meter)
High-noise area	3 or more, and equal to or less than 10
Middle-noise area	1 or more and less than 3
Low-noise area	0.25 or more and less than 1

ii) Broadcasting stations engaged in digital broadcasting

Areas where the filed intensity of the broadcasting station is 0.71 millivolts per meter or more in each segment

(3) Broadcasting stations engaged in TV broadcasting, TV character multiplex broadcasting, or TV data multiplex broadcasting

i) Broadcasting stations using frequencies in the range of 90-222 MHz band

Areas where the field intensity of the broadcasting station (such field intensity shall be the peak-to-peak value of the synchronizing signal waveform at 4 meters above the ground; the same shall apply to ii) below) is the same as the ones notified by the Minister of Public Management, Home Affairs, Posts and Telecommunications or more within the scope of the field intensity shown in the table below

Area	Scope of field intensity (Unit: millivolt per meter)
High-noise area	10 or more, and equal to or less than 25
Middle-noise area	3 or more and less than 10
Low-noise area	0.5 or more and less than 3

ii) Broadcasting stations using frequencies in the range of 470-770 MHz band
Areas where the field intensity of the broadcasting station is 3 millivolts per meter or more

iii) Broadcasting stations using frequencies in the range of 11.7-12.2 GHz band

Areas where the power flux density of the broadcasting station (such power flux density shall be the peak-to-peak value of the synchronizing signal waveform at a height where transmission antennas are within line-of-sight) is 0.03 microwatts per square meter or more

(4) Broadcasting stations engaged in TV sound multiplex broadcasting or TV data multiplex broadcasting

i) Broadcasting stations using frequencies in the range of 90-222 MHz band
 Areas where the field intensity of the broadcasting station (such field intensity shall be at 4 meters above the ground; the same shall apply to ii) below) is the same as the ones notified by the Minister of Public Management, Home Affairs, Posts and Telecommunications or more within the scope of the field intensity shown in the table below

Area	Scope of field intensity (Unit: millivolt per meter)
High-noise area	5 or more, and equal to or less than 12.5
Middle-noise area	1.5 or more and less than 5
Low-noise area	0.5 or more and less than 3

ii) Broadcasting stations using frequencies in the range of 470-770 MHz band
 Areas where the field intensity of the broadcasting station is 1.5 millivolts per meter or more

iii) Broadcasting stations using frequencies in the range of 11.7-12.2 GHz band
 Areas where the power flux density of the broadcasting station (such power flux density shall be at a height where transmission antennas are within line-of-sight) is 0.003 microwatts per square meter or more

(Broadcasting stations engaged in domestic broadcasting)

Article 3. Any broadcasting station engaged in domestic broadcasting shall meet the terms and conditions under the following Items (with regard to broadcasting stations engaged in relay broadcasting for eliminating poor reception, only Items i) and ii) below shall be applicable):

- i) It is ensured that any person applying for a license for such a broadcasting station (hereinafter referred to as an “applicant”) can implement his/her business plans.
- ii) When such an applicant is a juridical person under the process of incorporation, it is deemed that such incorporation shall be completed.
- iii) (Deleted)

- iv) Compiling and broadcasting broadcast programs by such a broadcasting station shall meet the following matters:
 - a) Shall not disturb public security and good morals and manners
 - b) Shall be politically impartial
 - c) Shall broadcast news without distorting facts
 - d) As regards controversial issues, shall clarify the point of issue from as many angles as possible
 - e) Where a broadcasting station is engaged in TV broadcasting (excluding broadcasting stations established by the University of the Air Foundation [hereinafter referred to as the “Foundation”]), or where a broadcasting station is engaged in AM broadcasting or FM broadcasting (limited to broadcasting stations established by NHK), such a broadcasting station shall broadcast all the types of programs listed below and maintain harmony among them, except other types of programs conducted under special business plans:
 - (i) Broadcasting of educational program (meaning program intended for school education and social education; hereinafter the same shall apply) or cultural program (meaning program other than educational program, and whose direct objective is to enhance the general public’s all over cultural level; hereinafter the same shall apply)
 - (ii) Broadcasting conducted for the purpose of news reporting
 - (iii) Broadcasting conducted for the purpose of entertainment.
 - f) Where a broadcasting station is mainly engaged in broadcasting aimed at educational effects, such a broadcasting station shall comply with the following matters:
 - (i) Broadcast hours for educational program shall account for 50 percent or more of the broadcasting station’s entire weekly broadcast hours (meaning supplementary broadcasting [this shall mean supplementary broadcasting provided for in Article 2 Paragraph (1) Item xxviii-xvii) of the Regulations for Enforcement of the Radio Law <Radio Regulatory Commission Rules No. 14 of 1950>; hereinafter the same shall apply], and excluding broadcast hours for program other than those accompanying images of TV broadcasting; the same shall apply in this Item i)). In this case, where broadcast hours for educational program do not reach 100 percent thereof, the most of the remaining broadcast hours shall be allocated for cultural program. When a broadcasting station conducts supplementary broadcasting and transmits program other than those accompanying images

of TV broadcasting, such a broadcasting station shall provide as much educational program or cultural program as possible.

- (ii) The amount of broadcast program and the arrangement of broadcasting for school education and social education by a broadcasting station shall be appropriate in view of the effects intended by such broadcasting.
 - (iii) When a broadcasting station conducts broadcasting other than those as defined under (i) above, the content, amount and arrangement of said broadcasting shall not be obstructive to broadcasting as defined under (i) above and shall not hamper the intended effects of the broadcasting.
- g) Where a broadcasting station is operated by the Foundation, such a broadcasting station shall comply with the following matters, regardless of provisions under f) above:
- (i) The entire weekly broadcast hours shall be allocated to the broadcasting of educational courses (hereinafter referred to as “broadcasting of educational courses”) as defined under the curriculum of the university (hereinafter referred to as the “University of the Air”) established by the Foundation, to the broadcasting of notices pertaining to the University of the Air and to the broadcasting conducted as the service under Article 20 Paragraph (4) of the University of the Air Foundation Law (Law No. 80 of 1981).
 - (ii) In the case of (i) above, when such a broadcasting station conducts broadcasting other than broadcasting of educational courses, its amount and arrangement shall not obstructive to the broadcasting of educational courses.
- h) Where a broadcasting station is mainly engaged in broadcasting for an extraordinary and temporary purpose as defined under Article 3-5 of the Broadcast Law (Law No. 132 of 1950) (hereinafter referred to as “broadcasting for an extraordinary and temporary purpose”), its broadcast program shall be limited to the scope deemed necessary for achieving such a purpose.
- j) Where a broadcasting station is engaged in TV broadcasting, such a broadcasting station shall endeavor to produce as much program as possible for people with visual disabilities, which provides voice and other sounds in order to explain to them the momentary images of still or moving objects in the broadcast programs. Such a broadcasting station shall also produce as much broadcast program as possible for people with hearing disabilities, which provides closed captions and diagrams in order to explain the voice and other sounds in the broadcast programs.

- k) An applicant (excluding the Foundation and those seeking a license for a broadcasting station mainly engaged in broadcasting as defined under Article 3-5 of the Broadcast Law; the same shall apply to m) below) shall establish the standards for the compilation of broadcast program in accordance with the type of broadcasting and its target viewers and listeners, and shall produce broadcast program and broadcast such program based on the standards.
- l) Where the standards under k) above are established or modified, such standards shall be made public in accordance with Article 3-3 Paragraph (2) of the Broadcast Law.
- m) An applicant shall establish the Consultative Organization on Broadcast Programs (hereinafter referred to as the “Consultative Organization”) as defined under Article 3-4 Paragraph (1) of the Broadcast Law.
- n) With regard to educational program, its target viewers and listeners shall be defined clearly and its content shall be beneficial to and appropriate for the viewers and listeners, and it shall be broadcast systematically and continuously. At the same time, such broadcasting plans and content shall be made public in advance. In this case, where the target viewers and listeners are schools, content of such program shall be in compliance with the curriculum criteria as stipulated by laws and regulations regarding school education.
- o) Where a broadcasting station broadcasts educational program targeted for schools, such a broadcasting station shall not include any advertisements deemed obstructive to school education.
- p) Where a broadcasting station is engaged in foreign-language broadcasting (meaning the foreign-language broadcasting as provided for under in Annex Table 1-xvi) (see Note) of the Regulations for Enforcement of the Broadcast Law (Radio Regulatory Commission Rules No. 10 of 1950), such broadcasting shall be aimed at promoting international exchanges and shall contribute to furthering Japanese people’s understanding of foreign cultures, industries and other affairs. At the same time, such broadcasting shall be designed to help many non-Japanese citizens living or staying in Japan to deepen their understanding of Japanese culture, industries and other affairs.
- q) In cases where, as a result of the establishment of a broadcasting station concerned, there are two or more broadcasting stations in one broadcaster’s service area or in their broadcasters’ service areas with almost all of the areas overlapping, said broadcasting station shall not broadcast the identical broadcast programs to those of the other broadcasting stations, reaching or exceeding one-

third of its daily broadcast hours (except broadcast programs for supplementary broadcasting and other than those accompanying the main audio signals of FM broadcasting or images of TV broadcasting). However, with regard to the following broadcasting stations, this shall not apply:

- (i) A broadcasting station providing a different type of broadcasting from other broadcasting station(s)
 - (ii) A broadcasting station using the same frequency with other broadcasting station(s)
 - (iii) A broadcasting test station
 - (iv) A broadcasting station which the Minister of Public Management, Home Affairs, Posts and Telecommunications regards as necessary for the sake of public interests, upon considering such various matters as conditions of that particular region regarding the broadcast program and receiving devices therein, benefits of viewers and listeners, in addition to business management rationality and historical performance of said broadcasting station
- r) Such a broadcasting station (except broadcasting test stations and broadcasting test satellite stations) shall transmit its broadcasting everyday. However, with regard to broadcasting stations engaged in television sound multiplex broadcasting (except the broadcasting via satellite), this shall not apply.
- s) Regardless of the provision under r) above, a broadcasting station engaged in community broadcasting (meaning the community broadcasting as provided for in Annex Table 1-xv) (see Note) of the Regulations for Enforcement of the Broadcast Law; hereinafter the same shall apply) (including broadcasting stations engaged in multiplex broadcasting by multiplexing on radio waves used for said community broadcasting; hereinafter the same shall apply) shall endeavor to transmit the broadcasting everyday (with regard to the broadcasting stations engaged in community broadcasting for responding to seasonal needs of an area, which are seasonally-used facilities for sporting and recreational events, educational and cultural activities, said broadcasting stations shall endeavor to transmit the broadcasting everyday during a period when there are such seasonable needs).
- t) An applicant (excluding the Foundation) shall conduct broadcasting related to disasters.

- u) No applicant shall enter into any of contracts pertaining to the supply of broadcast program, which include provisions stipulating that such an applicant shall be supplied with broadcast program only by a specified person.
 - v) Broadcast hours of a broadcasting station concerned which are made available for use by others shall not be exclusively used by a small number of users.
 - v) Where a broadcasting station concerned is of NHK, said broadcasting station shall be deemed necessary for efficiently and economically achieving the purpose set forth under Article 7 of the Broadcast Law.
 - vi) Where a broadcasting station concerned is a broadcasting test station or satellite broadcasting test station, said broadcasting station shall meet the terms and conditions of preceding respective items, as well as the following conditions:
 - a) Its purpose of tests, research or studies and the content thereof shall not infringe laws and regulations, and shall be contributing to improving the public welfare. Said broadcasting station also shall be deemed necessary for the development and improvement of broadcasting and reception thereof.
 - b) Its plans for tests, research or studies shall be rational ones.
 - c) Its broadcast program shall be confined within the scope which is deemed necessary for the purpose of tests, research or studies and shall not include advertisements for sales activities of others.
- (2) Upon application for re-licensing, a broadcasting station concerned shall prove its conformity with the provisions under Items iv) and vi) c) of the preceding paragraph by presenting its actual achievements in the past years.
- (3) A broadcasting station engaged in relay broadcasting for eliminating poor reception shall meet the requirements under Paragraph (1) Items i) and ii) of this article, and shall prove to be necessary for efficiently eliminating poor reception that is occurring with television broadcasting being relayed by said broadcasting station.

(Broadcasting stations engaged in entrusted domestic broadcasting)

Article 3-2. A broadcasting station engaged in entrusted domestic broadcasting shall meet the requirements under Paragraph (1) Items i) and ii) of the preceding article, and in cases where said broadcasting station is a satellite broadcasting test station, it shall meet the requirements of the same paragraph Item vi) a) and b).

(Broadcasting stations engaged in international broadcasting)

Article 4. A broadcasting station engaged in international broadcasting shall meet the requirements under the following items:

- i) The broadcasting by such a broadcasting station shall contribute to the enhancement of international amity and promotion of economic exchanges with foreign countries through the introduction of Japanese culture, industries and other affairs to countries overseas, and thereby nurturing and diffusing proper understanding of Japan among people overseas. Such broadcasting shall also provide a certain level of comfort to Japanese citizens living overseas.
 - ii) An applicant shall establish the standards for the compilation of broadcast programs, in accordance with the type of broadcasting and its target viewers and listeners, and shall produce broadcast programs and broadcast such programs based on the standards.
 - iii) An applicant shall establish the Consultative Organization.
 - iv) A broadcasting station shall have a well-organized plan for conducting international broadcasting and shall surely be able to implement such plan.
- (2) Upon application for re-licensing, a broadcasting station concerned shall prove its conformity with the provisions under Items i) through iii) of the preceding paragraph by presenting its actual achievements in the past years.

(Broadcasting stations engaged in international relay broadcasting)

Article 4-2. A broadcasting station engaged in international relay broadcasting shall meet the requirements under the following items:

- i) International relay broadcasting by such a broadcasting station shall be deemed necessary for improving the reception of Japan's international broadcasting in foreign countries.
- ii) Such a broadcasting station shall have a well-organized plan for conducting international relay broadcasting and shall surely be able to implement this plan.

(Broadcasting stations engaged in international broadcasting entrusted by NHK)

Article 4-3. A broadcasting station engaged in international broadcasting entrusted by NHK or entrusted domestic and overseas broadcasting shall meet the requirements under Article 3 Paragraph (1) Items i) and ii).

(Locations, etc. of broadcasting stations)

Article 5. Transmission antennas of a broadcasting station shall be set up at locations where they do no harm to the safety of air traffic, people's lives and assets.

Article 6. A person intending to establish a broadcasting station engaged in AM broadcasting shall ensure that the locations of its transmission antennas maximize the size of the zone where the broadcasting is receivable in its intended service area, and such locations shall be appropriate for avoiding interference with other types of broadcasting in densely populated areas. In this case, the number of households within the blanket area of such a broadcasting station shall account for 0.1 percent or less of the total number of households in such broadcaster's service area as a guideline.

- (2) In cases where the broadcaster's service area of a broadcasting station intended to be established will be completely the same area as that of another broadcasting station engaged in AM broadcasting or almost all of their broadcaster's service areas will overlap, said broadcasting station's transmission antennas shall be set up as closely as possible to those of said another broadcasting station, insofar as electromagnetic coupling, etc. between the transmission antennas of these broadcasting stations does not cause any negative effects on the reception of broadcasting.
- (3) In cases where evidence is presented, indicating that complying with the provisions under the latter part of Paragraph (1) of this article does not conform to the reality or hinders the public welfare, the Minister of Public Management, Home Affairs, Posts and Telecommunications shall pay appropriate consideration in order to loosen such provisions. In this case, the Minister may request the licensee to take necessary actions to eliminate interference in the reception of said broadcasting or to process other complaints duly raised.

Article 7. A person intending to establish a broadcasting station (excluding artificial satellite broadcasting stations) engaged in FM broadcasting, television broadcasting, FM sound multiplex broadcasting, FM character multiplex broadcasting, television sound multiplex broadcasting, television character multiplex broadcasting, or television data multiplex broadcasting shall comply with the requirements of the following respective items as a guideline:

- i) Various conditions for the transmission antennas of such a broadcasting station, including the types and configurations, locations (except cases where such locations will be very close to those of the transmission antennas of other broadcasting stations pursuant to the provisions under Item ii) below) and height, and ERP (effective radiated power) or EIRP (equivalent isotropically radiated power) (limited to the broadcasting stations engaged in television broadcasting, television sound multiplex broadcasting, television character multiplex broadcasting or television data multiplex broadcasting using radio waves in the range of 11.7-12.2 GHz frequency band) shall

generate enough field intensity or power flux density (limited to the broadcasting stations engaged in television broadcasting, television sound multiplex broadcasting, television character multiplex broadcasting or television data multiplex broadcasting using radio waves in the range of 11.7-12.2 GHz frequency band) for enabling the effective reception of said broadcasting in its intended service area.

ii) In cases where the establishment of such a broadcasting station will result in sharing of its broadcaster's service area entirely or mostly with another broadcasting station engaged in the same type of broadcasting, or vice versa, the transmission antennas of said broadcasting station shall be built closely to those of said another broadcasting station. However, in cases where said broadcasting station (limited to television broadcasting, television sound multiplex broadcasting, television character multiplex broadcasting or television data multiplex broadcasting) uses radio waves in the range of 90-222 MHz or 470-770 MHz frequency band, while said another broadcasting station uses radio waves in either of said frequency bands, if the close setting of these transmission antennas is deemed inappropriate in terms of the effective use of spectrums, this shall not apply.

(2) In cases where evidence is presented, indicating that complying with the requirements under the preceding paragraph does not conform to the reality or hinder the public welfare, the Minister of Public Management, Home Affairs, Posts and Telecommunications shall pay appropriate consideration in order to waive such requirements.

(Eliminating impediment to existing broadcasting stations, etc.)

Article 8. A broadcasting station intended for establishment shall not cause impediment to existing radio stations (excluding those with preliminary licenses) or to the operations of receiving facilities as designated under Article 56 Paragraph (1) of the Radio Law, or monitoring of radio waves (limited to the cases of monitoring conducted at locations announced by a public notice from the Minister of Public Management, Home Affairs, Posts and Telecommunications) by such establishment.

(Diffusion of broadcasting)

Article 9. A broadcasting station (excluding those engaged mainly in relay broadcasting for eliminating poor reception, entrusted domestic broadcasting, international broadcasting entrusted by NHK, entrusted domestic and overseas broadcasting, multiplex broadcasting or broadcasting for an extraordinary and temporary purpose; hereinafter in this article the same shall apply) shall be established by a person other than those listed

in the following respective items, to ensure that as many persons as possible are given opportunities to operate broadcasting and have the freedom of expression through broadcasting:

- i) Private broadcasters related to other broadcasting stations than said broadcasting station (hereinafter in this paragraph and the following paragraph referred to as “private broadcasters”)
 - ii) Persons who control private broadcasters
 - iii) Persons controlled by the persons as defined under the preceding two items
 - iv) Program-supplying broadcasters (excluding those who entrust mainly multiplex broadcasting or broadcasting for an extraordinary and temporary purpose)
 - v) Persons who control the persons as defined under the preceding item
 - vi) Persons controlled by the person as defined under the preceding two items
- (2) The provisions under the preceding paragraph shall not apply to the following cases:
- i) Where, as a result of the establishment of said broadcasting station, an applicant concerned falls under any of the persons as defined under the preceding paragraph Items i) through iii) regarding AM broadcasting and television broadcasting in the broadcast service area as provided for under Article 2-2 Paragraph (1) Item ii) of the Broadcast Law (hereinafter referred to as the “broadcast service area”) of said station’s broadcasting
 - ii) Where a general broadcaster establishes a broadcasting station to broadcast only by methods of relaying broadcast program of other broadcasting stations belonging to said general broadcaster in its broadcast service area
 - iii) Where an applicant intends to establish a broadcasting station engaged in community broadcasting in its broadcast service area, the whole or part of which is included in a city, town or village, and where said applicant falls under any of the persons as defined under the preceding paragraph Items i) through iii) related to other broadcasting stations engaged in community broadcasting in their broadcast service areas, the whole or part of which are included in said city, town or village (excluding the persons as defined under the preceding paragraph Items i) through iii) related to other broadcasting stations engaged in community broadcasting in their broadcast service areas, the whole or part of which are not included in said city, town or village), such establishment is deemed, inter alia, necessary for the diffusion of community broadcasting, etc.
 - iv) In other cases, inter alia, where deemed necessary for the diffusion of broadcasting, etc.

- (3) Provisions under the preceding paragraph Item i) shall not be applicable to cases where, due to the establishment of said broadcasting station, a person concerned falls under any of the persons as defined under Paragraph (1) Item i) regarding AM broadcasting, any of the persons as defined under Paragraph (1) Item i) or ii) regarding television broadcasting, and any of the persons who operate newspaper companies or who control such newspaper companies in its broadcast service area. However, in cases where general broadcasters, newspaper companies, news agencies and other news or information distributors are located in said broadcast service area and where there is no possibilities for said person (including a person controlled by said person) to monopolize the distribution of news or information after the establishment of such a broadcasting station, this shall not apply.
- (4) In case where a person concerned falls under any of the persons as defined under Paragraph (1) Items iv) through vi) related to the program-supplying broadcasting business of digital broadcasting (meaning the digital broadcasting as provided for under Article 2 Paragraph (1) Item xxviii-xvi) of the Regulations for Enforcement of the Radio Law [limited to the digital broadcasting based on the Standard Transmission Systems for Digital Broadcasting among Standard Television Broadcasting, Etc. <MPHPT Ordinance No. 57 of 1998>; hereinafter the same shall apply]) and where re-licensing is admitted to a person engaged mainly in domestic broadcasting via an artificial satellite station, “following respective items” as referred to in the provisions of Paragraph (1) shall be read as “Items i) through iii”).
- (5) In cases where re-licensing is admitted to a person falling under any of the persons as defined under Paragraph (1) Items iv) through vi) regarding the program-supplying broadcasting business (limited to the program-supplying broadcasting business for entrusted domestic and overseas broadcasting that uses frequencies in the range of 3.6-4.2 GHz band; hereinafter in this paragraph the same shall apply), “following respective items” as referred to in the provisions of Paragraph (1) shall be read as “Items i) through iii”).
- (6) “control” as referred to in Paragraphs (1) through (5) above shall mean any of the conducts as defined under the following respective items:
- i) A person owns more than one-tenth of the voting rights of a juridical person or entity.
 - ii) Directors of a juridical person or entity who concurrently serve as interlocking directors of another juridical person or entity (excluding auditing officers, auditors or their equivalents; hereinafter in this item the same shall apply) accounts for more than one-fifth of the total number of directors of said another juridical person or entity.

- iii) A director who is vested with the representative right of a juridical person or entity concurrently serves as the director with the representative right of another juridical person or entity, or a full-time director of said juridical person or entity concurrently serve as a full-time director (excluding auditing officers, auditors or their equivalents) of said another juridical person or entity.
- (7) In cases where an applicant falls under any of the persons as defined under Paragraph (1) Item ii) or iii) and where there is no overlapping between the broadcast service area of his/her broadcasting station and that of another broadcasting station which belongs to said applicant, “control” shall mean the condition where a person owns one-fifth or more of the voting rights of a juridical person or entity, regardless of the provisions under the preceding paragraph Item i).
- (8) In cases where an applicant falls under any of the persons as defined under Paragraph (1) Item v), “control” shall mean the condition where a person owns one-third or more of the voting rights of a juridical person or entity, regardless of the provisions of Paragraph (6) Item i).
- (9) Main investors in a broadcasting station intended for establishment, directors thereof and members of its Consultative Organization shall preferably have their place of residence or business in the broadcast service area of said broadcasting station.

Article 10. A broadcasting station intended for establishment shall conform to the requirements as set forth under Article 3 and Articles 6 through 9, and such establishment shall contribute to the fair and efficient diffusion of broadcasting.

(Priority)

Article 11. Where there are not enough frequencies to be allocated to broadcasting stations conforming to the provisions under Articles 3 through 10, priority shall be given to the broadcasting stations who are deemed to be the most contributing to the public welfare in terms of the level of their conformity to the provisions of said articles.