

## **Chapter I General Provisions**

### Article 1 (Purpose)

The purpose of this Act is to promote the public welfare by ensuring the fair and efficient utilization of radio waves.

### Article 2 (Definitions)

With respect to interpreting this Act and orders issued thereunder, the following definitions shall be effective:

(i) "Radio waves" means electromagnetic waves of frequencies not exceeding 3,000,000 MHz.

(ii) "Radiotelegraphy" means communications equipment devoted to transmitting or receiving codes utilizing radio waves.

(iii) "Radiotelephony" means communications equipment devoted to transmitting or receiving voices and other sounds utilizing radio waves.

(iv) "Radio equipment" means radiotelegraphy, radiotelephony, or any other electric equipment used for transmission and/or reception of radio waves.

(v) "Radio station" means a unit of radio equipment with the person(s) to operate the radio equipment. However, this shall not include those used solely for receiving purposes.

(vi) "Radio operator" means a person who operates radio equipment or supervises such operation, and holds a license granted by the Minister.

### Article 3 (Conventions Related to Radio Waves)

If any Convention provides otherwise for radio waves, the provisions shall prevail.

## **Chapter II Licenses, etc. for Radio Stations**

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

#### Article 4 (Establishment of Radio Stations)

Any person who wishes to establish a radio station shall obtain a license from the Minister. However, this shall not apply to radio stations listed in the following items:

(i) Radio stations operating with extremely low power of emission and specified by the applicable MIC ordinance

(ii) Radio stations that operate in the frequency band of 26.9 to 27.2 MHz F with antenna power of 0.5 watts or less and are specified by the applicable MIC ordinance, and which exclusively use radio equipment attached with a mark as prescribed in Article 38-7 paragraph (1) (including cases where applied mutatis mutandis pursuant to Article 38-31 paragraph (4)), Article 38-26 (including cases where applied mutatis mutandis pursuant to Article 38-31 paragraph (6)), or Article 38-35 (hereinafter referred to as "radio equipment with a conformity mark"; except one deemed having no mark as prescribed in Article 38-23 paragraph (1) (including cases where applied mutatis mutandis pursuant to Article 38-29, Article 38-31 paragraphs (4) and (6), and Article 38-38))

(iii) Radio stations with antenna power of 0.01 watts or less as specified by the applicable MIC ordinance, which are equipped with the functions of automatically transmitting or receiving call signs or call names designated pursuant to the provisions of the following article and other functions specified by the applicable MIC ordinance and can thereby operate without causing interference or disturbance that impairs the operation of other radio stations, and which exclusively use radio equipment with a conformity mark

(iv) Radio stations established by obtaining the registration prescribed in Article 27-18 paragraph (1) (hereinafter referred to as a "registered station")

#### Article 4-2 (Designation of Call Signs or Call Names)

When an application is submitted by a person who seeks the designation of a call sign or a call name of a radio station with regard to the radio equipment used for a radio station listed in item (iii) or item (iv) of the preceding article, the Minister shall designate such a call sign or a call name pursuant to the provisions of the applicable MIC ordinance.

#### Article 5 (Disqualification)

(1) No radio station license shall be granted to any person who falls under any of the following items:

- (i) A person not holding Japanese nationality
- (ii) A foreign government or its representative
- (iii) A foreign juridical person or organization

(iv) A juridical person or organization, which is represented by any person listed in the preceding three items, or one third or more officers of which are such persons, or one third or more voting rights of which are made up of the aggregate of voting rights held by such persons

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

(i) Experimental radio stations (referring to radio stations used exclusively for experimentation aimed at scientific or technological development, for tests on the efficiency of radio wave utilization, or for surveying the demand for radio wave utilization; the same shall apply hereinafter)

(ii) Amateur radio stations (referring to radio stations established for conducting radio communications as a hobby; the same shall apply hereinafter)

(iii) Radio stations on board ship (referring to radio stations established on board ship (except experimental radio stations and amateur radio stations) whose purpose is other than conducting telecommunications services (referring to telecommunications services prescribed in Article 2 item (vi) of the Telecommunications Business Act (Act No. 86 of 1984); the same shall apply hereinafter); the same shall apply hereinafter), which are established on board ship prescribed in Article 29-7 of the Act for Safety of Vessels (Act No. 11 of 1933)

(iv) Radio stations on board aircraft (referring to radio stations established on board aircraft (except experimental radio stations and amateur radio stations) whose purpose is other than conducting telecommunications services; the same shall apply hereinafter), which are established on board aircraft to aviate between places within Japanese territory with permission of the proviso to Article 127 of the Civil Aeronautics Act (Act No. 231 of 1952)

(v) Radio stations (exclusively used for radio communications services between specific fixed points) which are established for the purpose of official service, in an embassy, legation, or consulate and which are established by the government of a country or its representative that permits the Government of Japan or its representative to establish radio stations of a similar kind within the territory of that country

(vi) Radio stations that are established on mobile objects on land including automobiles or for portable use, or fixed radio stations (except those for the purpose of conducting telecommunications services) established on land for the purpose of communicating with those mobile radio stations or receiving equipment for portable use

(vii) Radio stations established for the purpose of conducting telecommunications services

(viii) Radio stations established on land for the purpose of controlling the position, attitude, etc. of an artificial satellite equipped with radio equipment of a radio station for the purpose of conducting telecommunications services

(3) A radio station license may not be granted to a person who falls under any of the following items:

(i) Any person who has been sentenced to a fine or severer penalty for a crime prescribed in this Act or the Broadcast Act (Act No. 132 of 1950), within a period of two years since the day the person's sentence or suspended sentence was served out

(ii) Any person whose radio station license was revoked pursuant to the provisions of Article 75 paragraph (1) or Article 76 paragraph (3) (except item (iv)) or paragraph (4) (except item (v)), within a period of two years since the day of revocation

(iii) Any person whose registration was revoked pursuant to the provisions of Article 27-15 paragraph (1) (except item (iii)), within a period of two years since the day of revocation

(iv) Any person whose registration of Article 27-18 paragraph (1) was revoked pursuant to the provisions of Article 76 paragraph (5) (except item (iii)), within a period of two years since the day of revocation

(4) With respect to radio stations that transmit radio communications aimed at direct reception by the general public (hereinafter referred to as "broadcast") (hereinafter referred to as "specified broadcasting station(s)" in this paragraph

except radio stations for the purpose of telecommunications services, the radio stations of relay-broadcasting for preventing reception disturbances, and radio stations of artificial satellites (hereinafter referred to as "artificial satellite station(s)"), which broadcast their programming directly in accordance with entrustment by other persons), notwithstanding the provisions of paragraph (1) and the preceding paragraph, no radio station license shall be granted to any person who falls under any of the following items (item (i), item (ii), or item (iv) in the case of specified broadcasting stations established on board artificial satellites):

(i) Any person listed in paragraph (1) items (i) through (iii) or in each item of the preceding paragraph

(ii) A juridical person or organization, of which any person listed in paragraph (1) items (i) through (iii) is an officer executing the business, or in which any person (s) listed in paragraph (1) items (i) through (iii) holds one fifth or more of its total voting rights

(iii) A juridical person or organization, in which the aggregate of the proportion of voting rights possessed directly by the person(s) listed in (a) and the proportion of voting rights specified by the applicable MIC ordinance as the proportion of voting rights possessed indirectly by the person(s) listed in (b) through those listed in (a) accounts for one fifth or more of its total voting rights (except cases that fall under the preceding item)

(a) Any person listed in paragraph (1) items (i) through (iii)

(b) A juridical person or organization, in which the proportion of voting rights possessed directly by the person(s) listed in (a) is not less than the proportion specified by the applicable MIC ordinance

(iv) A juridical person or organization, whose officer falls under any item in the preceding paragraph

(5) Relay broadcasting for preventing reception disturbances as prescribed in the preceding paragraph means broadcasting that receives television broadcasts with a receiving disturbance zone to a great extent (referring to the television broadcasting referred to in Article 2 item (ii)-5 of the Broadcast Act; the same shall apply hereinafter) and multiplex broadcasts multiplexed on the radio waves of the television broadcasts (referring to the multiplex broadcasting referred to in item (ii)-6 of the same article; the same shall apply hereinafter) and retransmits all the broadcast programming thereof intact and simultaneously for reception in the disturbance zone, except broadcasting originated by a person who has been granted a license for a radio station that transmits the television broadcast or the multiplex broadcast multiplexed on the radio waves of the television broadcast related to the disturbance.

Article 6 (Application for a License)

(1) Any person who wishes to obtain a radio station license shall submit an application to the Minister along with a document, on which the following matters are entered:

(i) Purpose

(ii) Necessity for establishing the radio station

(iii) Person(s) with whom radio communications are conducted and communications subjects

(iv) Location of radio equipment (referring to, for mobile stations for artificial satellites, the orbit or the position, and for those other than artificial satellite stations, radio stations on board ship, ship earth stations (referring to radio stations established on board ship for the purpose of telecommunications services and for conducting radio communications via satellite stations; the same shall apply hereinafter), radio stations on board aircraft (except those which conduct radio communications solely via satellite stations, the same shall apply in paragraph (4)), and aircraft earth stations (referring to radio stations established on board aircraft and conducting radio communications solely via satellite stations (except experimental radio stations and amateur radio stations); the same shall apply hereinafter), the operating area; the same shall apply hereinafter except in Article 18)

(v) Type of radio waves, and desirable frequency range and antenna power

(vi) Desirable permitted operating hours (referring to hours during which operation is possible; the same shall apply hereinafter)

(vii) Construction type and scheduled completion date of the construction of the radio equipment (including equipment that shall be installed pursuant to the provisions of Articles 30 and 32; the same shall apply to item (ii) of the following paragraph, Article 10 paragraph (1), Article 12, Article 17, Article 18, Article 24-2 paragraph (4), the proviso to Article 73 paragraph (1), Article 73 paragraph (5), and Article 102-18 paragraph (1))

(viii) Expected date of commencement of operation

(ix) Where a contract is made with the licensee(s) of (an)other radio station(s) under Article 14 paragraph (2) item (ii) or the registrant(s) of (an)other radio station(s) under Article 27-23 paragraph (1) (hereinafter referred to as "licensee(s), etc.") on measures necessary to prevent disturbance including interference, the details of the contract

(2) Any person who wishes to obtain a radio station license for broadcast purposes (except those for the purpose of conducting telecommunications services. In paragraph (7) item (iv), the following article paragraph (2) items (ii) and (v), paragraph (3), Article 14 paragraph (3) and Article 17 paragraph (1), the same shall apply.) shall, notwithstanding the provisions of the preceding paragraph, submit an

application to the Minister along with a document, on which the following matters are entered:

- (i) Matters listed in the preceding paragraph items (i), (ii), and (iv) through (viii)
- (ii) Disbursing methods for expenses for constructing the radio equipment and for operating the radio station
- (iii) Business plan, and estimated revenue and expenditure
- (iv) Broadcast subjects
- (v) Service area
- (vi) Where a contract is made with the licensee(s), etc. of (an) other radio station(s) on measures necessary to prevent disturbance including interference, the details of the contract

(3) Any person who wishes to obtain a license for a ship station (referring to radio stations on board ship other than those whose equipment is only an emergency position-indication radio beacon device or radar; the same shall apply hereinafter) shall enter the following matters on the document in paragraph (1), in addition to the matters listed in the same paragraph:

- (i) The following matters related to the ship:
  - (a) Owner
  - (b) Usage
  - (c) Gross tonnage
  - (d) Navigation area
  - (e) Principal mooring port
  - (f) Identification code signal
  - (g) Passenger capacity in case of a passenger ship
  - (h) Whether the ship is engaged in international voyages
  - (i) Whether the ship is exempted from installing radiotelegraphy or radiotelephony pursuant to the provisions of the proviso to Article 4 paragraph (1) of the Act for Safety of Vessels
- (ii) Measures to be taken in the case of a ship station that shall take measures pursuant to the provisions of Article 35

(4) Any person who wishes to obtain a license for an aircraft station (referring to radio stations on board aircraft other than those whose equipment is only radar; the same shall apply hereinafter) shall enter the following matters related to the aircraft on the document in paragraph (1), in addition to the matters listed in the same paragraph:

- (i) Owner
- (ii) Usage
- (iii) Type
- (iv) Aviation area
- (v) Usual ground location

(vi) Registered mark

(vii) Whether the aircraft is required to be equipped with radio equipment pursuant to the provisions of Article 60 of the Civil Aeronautics Act

(5) Any person who wishes to obtain a license for an aircraft earth station (except those used for the purpose of conducting telecommunications services) shall enter the matters related to the aircraft listed in item (i) through (vi) of the preceding paragraph on the document in paragraph (1), in addition to the matters listed in the same paragraph.

(6) Any person who wishes to obtain a license for an artificial satellite station shall enter the scheduled launching time, term of normal operation, and area of position enabling its station to fulfill the mission on the document in paragraph (1) or (2), in addition to the matters listed in the same paragraphs.

(7) Any application for a radio station (except those specified by the applicable MIC ordinance) that falls under any of the following items and uses a frequency for which the Minister issues a public notice, shall be submitted within the period specified by the public notice of the Minister.

(i) A mobile radio station established on land for the purpose of conducting telecommunications services (limited to those with the operating area that covers the entire area of one or more prefecture(s))

(ii) A fixed radio station established on land for the purpose of conducting telecommunications services, which communicates with the radio station listed in the preceding item

(iii) An artificial satellite station established for the purpose of conducting telecommunications services

(iv) A broadcasting radio station

(8) The period under the preceding paragraph shall be one month or longer for each frequency band, and the public notice of the period pursuant to the provisions of the same paragraph shall also include the zone area where the applicant for a radio station license may install radio equipment for the radio station, and other matters for the convenience of a license application.

#### Article 7 (Examination of Applications)

(1) When receiving an application pursuant to paragraph (1) of the preceding article, the Minister shall examine without delay whether it conforms to all of the following items:

(i) The conformity of the construction type to the technical regulations prescribed in Chapter III

(ii) The feasibility of frequency assignment

(iii) In addition to matters listed in the preceding two items, conformity to the essential standards for the establishment of radio stations (except broadcasting

radio stations (except radio stations for the purpose of conducting telecommunications services)) as specified by the applicable MIC ordinance

(2) When receiving an application pursuant to paragraph (2) of the preceding article, the Minister shall examine without delay whether it conforms to the following items:

(i) The conformity of the construction type to the technical regulations prescribed in Chapter III

(ii) The feasibility of assigning frequencies based on the Plan for the Available Frequencies Allocated to Broadcasting (referring to a plan that specifies available frequencies usable for broadcasting radio stations and other matters necessary for the use of the frequencies; the same shall apply hereinafter) established by the Minister

(iii) Enough financial basis to maintain the service

(iv) Conformity to the standards for the enjoyment of freedom of expression by broadcasting (referring to the standards to determine the requirements for applicants so that freedom of expression through broadcasting can be enjoyed by as many people as possible by securing opportunities to broadcast to as many people as possible) as specified by the applicable MIC ordinance

(v) In addition to matters listed in the preceding four items, conformity to the essential standards for the establishment of broadcasting radio stations specified by the applicable MIC ordinance

(3) The Plan for the Available Frequencies Allocated to Broadcasting shall be established taking into consideration the prevention of interference and other matters necessary for ensuring the fair and efficient utilization of radio waves, in order to contribute to achieving the target number of broadcasting systems pursuant to Article 2 paragraph (2) item (iii) prescribed in the Basic Plan for Broadcast Dissemination under Article 2-2 paragraph (1) of the Broadcast Act (referred to as "the target number of broadcasting systems" in the following paragraph), within the limits of assignable frequencies listed in the "Frequency Assignment Plan" pursuant to the provisions of Article 26 paragraph (1) related to broadcasting radio stations (referred to as the "frequencies assignable for broadcasting" in the following paragraph).

(4) When deemed necessary due to a change in the target number of broadcasting systems, the frequencies assignable for broadcasting, and the prevention of interference and other matters necessary for ensuring the fair and efficient utilization of radio waves prescribed in the preceding paragraph, the Minister may change the Plan for the Available Frequencies Allocated to Broadcasting.

(5) When establishing or changing the Plan for the Available Frequencies Allocated to Broadcasting, the Minister shall issue a public notice without delay.

(6) When deemed necessary in examining an application, the Minister may request the applicant to appear in person or submit any additional information.



#### Article 8 (Provisional License)

(1) When determining, as a result of the examination pursuant to the provisions of the preceding article, that the application conforms to each item of paragraph (1) or each item of paragraph (2) of the same article, the Minister shall issue a provisional license for the radio station to the applicant, designating the following matters:

(i) Completion date of the construction work

(ii) Type of radio waves and frequency

(iii) Call sign (including beacon sign), call name, and identification signal specified by the applicable MIC ordinance (hereinafter referred to as "identification signal")

(iv) Antenna power

(v) Permitted operating hours

(2) Upon receipt of the application of a person who has obtained the provisional license, the Minister may, when deemed appropriate, extend the completion date of item (i) in the preceding paragraph.

#### Article 9 (Changes in Construction Type, etc.)

(1) When intending to make changes in the construction type, a person who has obtained a provisional license pursuant to the preceding article shall obtain the permission of the Minister in advance. However, this shall not apply to minor changes specified by the applicable MIC ordinance.

(2) A person who has made changes in the construction type related to changes in the proviso to the preceding paragraph shall submit a notification without delay to the Minister.

(3) Any change in paragraph (1) shall not cause changes to the frequencies, type of radio waves, or antenna power, and shall comply with the technical regulations in Article 7 paragraph (1) item (i) or paragraph (2) item (i).

(4) A person who has obtained a provisional license pursuant to the preceding article may, with the permission of the Minister, make changes in the persons with whom radio communications are conducted, communications subjects, broadcast subjects, the service area, and the location of the radio equipment.

#### Article 10 (Inspection after Completion of Construction Work)

(1) A person who has obtained a provisional license under Article 8 shall, when the construction work has been completed, submit a notification to the Minister and submit themselves to inspection of the radio equipment, the qualifications (including those related to requirements of radio operators in full charge prescribed in Article 39 paragraph (3), ship station radio operator attestation in Article 48-2 paragraph (1), and distress traffic operators in charge prescribed in Article 50 paragraph (1); the same shall apply to Article 12) and number of radio operators, and the timepiece and documents (hereinafter referred to as "radio equipment, etc.").

(2) A part of the inspection in the preceding paragraph may be omitted where a person who wishes to obtain inspection under the same paragraph submits a

notification pursuant to the preceding paragraph to the Minister along with documents on which the results of an inspection pertaining to the registration of the radio equipment subject to the inspection, conducted pursuant to the provisions of the applicable MIC ordinance by the person registered under Article 24-2 paragraph (1) or Article 24-13 paragraph (1) are entered.

#### Article 11 (Denial of License)

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

#### Article 12 (Licensing)

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

#### Article 13 (Validity Period of License)

(1) The validity period of licenses for radio stations shall be specified by the applicable MIC ordinance and not exceeding five years from the day the license is granted. However, renewal may be allowed.

(2) The validity period of licenses shall be ten years, notwithstanding the provisions of the main clause of the preceding paragraph, for radio stations that use frequencies from 903 MHz to 905 MHz with an antenna power of five watts or less and use exclusively radio equipment with a conformity mark.

(3) The validity period of licenses shall be indefinite, notwithstanding the provisions of paragraph (1), for ship stations on board ship as prescribed in Article 4 of the Act for Safety of Vessels (including cases where applied *mutatis mutandis* pursuant to the provisions of a cabinet order pursuant to the provisions of Article 29-7 of the same Act; the same shall apply hereinafter) (hereinafter referred to as "compulsory ship station(s)") and for aircraft stations on board aircraft that shall be equipped with radio equipment pursuant to the provisions of Article 60 of the Civil Aeronautics Act (hereinafter referred to as "compulsory aircraft station(s)").

#### Article 13-2 (Validity of License for Multiplex Broadcasting Radio Stations)

When the license for a radio station conducting FM broadcasting (referring to FM broadcasting under Article 2 item (ii)-4 of the Broadcast Act) or television

broadcasting loses its validity, the license for a radio station transmitting multiplex broadcast multiplexed on the radio waves of the broadcast shall automatically lose its validity.

#### Article 14 (Certificates for Radio Station Licenses)

(1) When granting a license, the Minister shall issue a certificate for the radio station license.

(2) The following matters shall be entered on the certificate for a radio station license:

(i) Date and reference number of the license

(ii) Name or appellation and address of the licensee (referring to the person who has obtained the radio station license; the same shall apply hereinafter)

(iii) Classification of the radio station

(iv) Purpose of the radio station

(v) Person with whom radio communications are conducted and communications subjects

(vi) Location of the radio equipment

(vii) Validity period of the license

(viii) Identification signal

(ix) Type of radio waves and frequencies

(x) Antenna power

(xi) Permitted operating hours

(3) On the certificate for a license for a broadcasting radio station, the following matters shall be entered, notwithstanding the provisions of the preceding paragraph:

(i) Matters listed in the preceding paragraph items (i) through (iv) and (vi) through (xi)

(ii) Broadcast subjects

(iii) Service area

#### Article 15 (Simplified Licensing Procedures)

Notwithstanding the provisions of Articles 6 and Articles 8 through 12, the simplified procedures may apply, as specified by the applicable MIC ordinance, to renewing a license pursuant to the proviso to Article 13 paragraph (1), to a license for a radio station that solely uses radio equipment with a conformity mark, and to a license for other radio stations specified by the applicable MIC ordinance.

#### Article 16 (Notification on Commencement and Suspension of Operation)

(1) The licensee shall, when obtaining a license, without delay notify the Minister of the commencement date of operation of the radio station. However, this shall not apply to radio stations specified by the applicable MIC ordinance.

(2) When suspending for a period of one month or longer the operation of the radio station on which a licensee has notified pursuant to the provisions of the preceding

paragraph, the licensee shall notify the Minister of the suspension period. The same shall apply to changes to the suspension period.

#### Article 16-2 (Permission for Changes, etc.)

When intending to accept entrustment of the business of telecommunications from a telecommunications carrier prescribed in Article 2 item (v) of the Telecommunications Business Act, a licensee may change the purpose of the radio station with the permission of the Minister.

#### Article 17

(1) When changing the person with whom radio communications are conducted, communications subjects, or location of the radio equipment, or intending to carry out construction work to change the radio equipment, a licensee shall obtain the permission of the Minister in advance. The same shall apply when the licensee of a broadcasting radio station intends to change broadcasting subjects or broadcasting service areas.

(2) The provisions of the proviso to Article 9 paragraph (1), and paragraphs (2) and (3) of the same article shall apply mutatis mutandis to the case where construction work is carried out to change the radio equipment pursuant to the provisions of the preceding paragraph.

#### Article 18 (Inspection after Change)

(1) A licensee who has obtained, pursuant to the provisions of paragraph (1) of the preceding article, permission to change the location of the radio equipment or for construction work to change the radio equipment shall not operate that radio equipment until after the Minister conducts an inspection thereof and determines that the results of the change or construction work conform to the matters requiring permission in the same paragraph. However, this shall not apply to cases specified by the applicable MIC ordinance.

(2) A part of the inspection of the preceding paragraph may be omitted where a person who wishes to obtain the inspection prescribed in the same paragraph submits to the Minister documents on which the results of an inspection pertaining to the registration of the radio equipment subject to inspection, conducted pursuant to the provisions of the applicable MIC ordinance by the person registered under Article 24-2 paragraph (1) or Article 24-13 paragraph (1) are entered.

#### Article 19 (Changes to Frequencies, etc. upon Application)

Where a licensee or a person who has obtained a provisional license pursuant to Article 8 applies for a change in the designation of the identification signal, type of radio waves, frequencies, antenna power, or permitted operating hours, the Minister may change the designation, when determining that such change is particularly necessary for the elimination of interference, etc.

#### Article 20 (Succession of a License)

(1) When a licensee is involved in inheritance, the inheritor shall succeed to the status of the licensee.

(2) When a juridical person as a licensee (except the licensees of radio stations under paragraphs (5) and (6), the same shall apply through this and the following paragraphs) merges or divides (limited to cases where the entire business using radio stations is succeeded to), the surviving juridical person after the merger or a new juridical person to be established by the merger, or a juridical person to succeed to the entire business by division may succeed to the status of the licensee with the permission of the Minister.

(3) When a licensee transfers the entire business that the radio station is used for, the transferee may, with the permission of the Minister, succeed to the status of licensee.

(4) The provisions of Articles 5 and 7 shall apply mutatis mutandis to the permissions under the preceding two paragraphs.

(5) When the person who operates a ship equipped with a ship station or a ship equipped solely with an emergency position-indication radio beacon device or radar is changed due to the transfer of ownership of the ship or for other reasons, the person who operates the ship after the change shall succeed to the status of the licensee.

(6) The provisions of the preceding paragraph shall apply mutatis mutandis to aircraft equipped with an aircraft station or an aircraft earth station (except those whose purpose is to conduct telecommunications services), or to aircraft equipped solely with radar.

(7) A person who succeeds to the status of a licensee pursuant to the provisions of paragraph (1) and the preceding two paragraphs shall, without delay, notify the Minister of the fact along with documents that verify it.

(8) The provisions of the preceding seven paragraphs shall apply mutatis mutandis to a person who has obtained a provisional license under Article 8.

#### Article 21 (Correction to a Certificate for a Radio Station License)

When a change occurs in matters entered on a certificate for a radio station license, the licensee shall submit the certificate for the radio station license to the Minister and obtain corrections.

#### Article 22 (Abolition of Radio Stations)

When abolishing a radio station, the licensee shall notify the Minister of this fact.

#### Article 23

When a licensee has abolished a radio station, the license thereof shall lose its validity.

#### Article 24 (Return of a Certificate for a Radio Station License)

When a license loses its validity, the person who holds the certificate for the radio station license shall return it within one month.

Article 24-2 (Registration of Inspectors)

(1) A person who performs the business of conducting inspections of radio equipment, etc. may obtain registration from the Minister.

(2) Any person who wishes to obtain such registration under the preceding paragraph shall, pursuant to the provisions of the applicable MIC ordinance, submit to the Minister an application in which the following matters are described:

(i) Name or appellation and address of the applicant, or in cases where the applicant is a juridical person, name of the representative

(ii) Name and address of the office

(iii) Outline of measuring instruments and other equipment used for inspection

(3) Such application under the preceding paragraph shall be accompanied by a document defining the method of performing the business of inspection and any other documents as specified by the applicable MIC ordinance.

(4) The Minister shall grant registration to an applicant who has applied for registration under paragraph (1) of this article, when such applicant conforms to all of the following items:

(i) The inspection of radio equipment, etc. shall be conducted by a person with knowledge and experience conforming to any of the conditions listed in the appended table No. 1.

(ii) The inspection of radio equipment, etc. shall be conducted by using the measuring instruments or other equipment listed in appended table No. 2, which have been given any type of calibration or correction (hereinafter in this item, and in Article 38-3 paragraph (1) item (ii) and Article 38-8 paragraph (2) referred to as "calibration, etc.") listed below (limited to those being calibrated, etc. within one year from the first day of the month following the month in which the day of calibration, etc. takes place):

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

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

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

(d) Calibration, etc. conducted by using measuring instruments and other equipment listed in the right column of appended table No. 3, which shall have been given any type of calibration, etc. listed above from (a) to (c)

(iii) The method for executing the operations necessary for conducting the appropriate inspection of radio equipment, etc. shall be defined.

(5) Any person who falls under any of the following items shall not be given registration under paragraph (1) of this article:

(i) Any person who has been sentenced for a crime pursuant to the provisions of this Act, within a period of two years since the day the person's sentence or suspended sentence was served out

(ii) Any person whose registration was revoked pursuant to the provisions of Article 24-10 or Article 24-13 paragraph (3), within a period of two years since the day of revocation

(iii) Where the applicant is a juridical person, any of whose officers fall under any of the preceding two items

(6) In addition to the provisions prescribed in the preceding paragraphs, the necessary matters related to registration as prescribed in paragraph (1) shall be specified by the applicable MIC ordinance.

#### Article 24-3 (Registry)

The Minister shall prepare a Registry of Registered Inspectors and register the following matters pertaining to a person registered pursuant to paragraph (1) of the preceding article (hereinafter referred to as a "registered inspector") in said Registry of Registered Inspectors:

(i) Date and reference number of registration

(ii) Matters listed in items (i) and (ii) of paragraph (2) of the preceding article

#### Article 24-4 (Registration Certificate)

(1) When the Minister performs registration under Article 24-2 paragraph (1), the Minister shall issue a registration certificate.

(2) The registration certificate as prescribed in the preceding paragraph shall describe the following matters:

(i) Date and reference number of registration

(ii) Name or appellation and address of the person who was granted registration

(3) All registered inspectors shall display the registration certificate at a conspicuous place in their place of business.

#### Article 24-5 (Notification of Change)

(1) When there has been any change in the matters listed in Article 24-2 paragraph

(2) item (i) or (ii), the registered inspector shall, without delay, submit a notification to that effect to the Minister.

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

#### Article 24-6 (Succession)

(1) When the registered inspector transfers the entire business pertaining to the registration, or is involved in inheritance, merger or division (limited to cases where

the entire business pertaining to the registration is succeeded to), the transferee of the entire business pertaining to the registration or the inheritor thereof, the surviving juridical person after the merger or the new juridical person to be established by the merger, or a juridical person who will succeed to the entire business pertaining to the registration by division may succeed to the status of registered inspector.

(2) A person who succeeds to the status of registered inspector pursuant to the provisions of the preceding paragraph shall, without delay, submit a notification to that effect to the Minister along with documents that verify this fact.

#### Article 24-7 (Order for Compliance)

When the Minister determines that a registered inspector has failed to comply with any of the items in Article 24-2 paragraph (4), the Minister may order such registered inspector to take the necessary measures for compliance with all such provisions.

#### Article 24-8 (Reports and On-Site Inspection)

(1) When deemed necessary to enforce this Act, the Minister may order the registered inspector to report on the status quo of the operations pertaining to registration, or the ministerial staff to enter the place of business of the registered inspector and inspect the status quo of the services, equipment, account books, documents and other articles pertaining to the registration.

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

(3) The power of the on-site inspection pursuant to the provisions of paragraph (1), shall not be construed as legitimate for the purpose of criminal investigation.

#### Article 24-9 (Notification of Abolition)

(1) When abolishing the business pertaining to the registration, the registered inspector shall, without delay, submit a notification to that effect to the Minister.

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

#### Article 24-10 (Revocation of Registration)

If a registered inspector falls under any of the following items, the Minister may revoke the registration.

(i) When the registered inspector has come to fall under any of the items (except item (ii)) in Article 24-2 paragraph (5)

(ii) When the registered inspector has violated the provisions of Article 24-5 paragraph (1) or Article 24-6 paragraph (2)

(iii) When the registered inspector has violated the order pursuant to the provisions of Article 24-7



(iv) When it turns out that the registered inspector has notified false results of an inspection pertaining to their registration to a person who has undergone the inspection under Article 10 paragraph (1), Article 18 paragraph (1), or Article 73 paragraph (1)

(v) When the registered inspector has conducted the business of inspection pertaining to their registration without using methods of business that pertain to their registration in implementing the business

(vi) When the registered inspector obtains registration under Article 24-2 paragraph (1) by unlawful means

#### Article 24-11 (Deletion of Registration)

When the registration has lost its validity pursuant to the provisions of Article 24-9 paragraph (2) or the Minister has revoked the registration pursuant to the provisions of the preceding article, the Minister shall delete the registration of said registered inspector.

#### Article 24-12 (Return of Registration Certificate)

When the registration loses its validity pursuant to the provisions of Article 24-9 paragraph (2), or when the registration has been revoked pursuant to the provisions of Article 24-10, the person who was a registered inspector shall return the registration certificate within one month.

#### Article 24-13 (Registration, etc. of Foreign Inspectors)

(1) Any person who conducts the business of carrying out inspections of radio equipment, etc. in foreign countries may obtain registration from the Minister.

(2) The provisions of Article 24-2 paragraphs (2) through (5), Article 24-3, Article 24-4 paragraphs (1) and (2), Article 24-9 paragraph (2), and Article 24-11 shall apply mutatis mutandis to the registration under the preceding paragraph; and the provisions of Article 24-4 paragraph (3), Articles 24-5 through 24-8, Article 24-9 paragraph (1), and the preceding article shall apply mutatis mutandis to those who obtained registration (hereinafter referred to as a "registered foreign inspector") under the preceding article. In these cases, "a person registered pursuant to paragraph (1) of the preceding article (hereinafter referred to as a "registered inspector")" in Article 24-3 shall be deemed to be replaced with "a person who obtained"; "Registry of Registered Inspectors" in the same article shall be deemed to be replaced with "Registry of Foreign Registered Inspectors"; "order" in Article 24-7 shall be deemed to be replaced with "request"; "the preceding article" in Article 24-11 shall be deemed to be replaced with "Article 24-13 paragraph (3); and "Article 24-10" in the preceding article shall be deemed to be replaced with "paragraph (3) of the following article."

(3) When a registered foreign inspector falls under any of the following items, the Minister may revoke that registration:

(i) When the registered foreign inspector has come to fall under any of items (except item (ii)) in Article 24-2 paragraph (5), as is applied mutatis mutandis pursuant to the preceding paragraph

(ii) When the registered foreign inspector has violated the provisions of Article 24-5 paragraph (1) or Article 24-6 paragraph (2), as applied mutatis mutandis pursuant to the preceding paragraph

(iii) When the registered foreign inspector has failed to meet the request under the provisions of Article 24-7, as applied mutatis mutandis pursuant to the preceding paragraph

(iv) When it turns out that the registered foreign inspector has notified false results of an inspection pertaining to their registration to a person who has undergone the inspection under Article 10 paragraph (1), Article 18 paragraph (1), or Article 73 paragraph (1)

(v) When the registered foreign inspector conducted the business of inspection pertaining to their registration without using methods of business that pertain to their registration in implementing the business

(vi) When the registered foreign inspector has obtained the registration under paragraph (1) of this article by an unlawful means

(vii) When a report is not submitted or a false report is submitted, where the Minister makes the registered foreign inspector report pursuant to the provisions of Article 24-8 paragraph (1), as applied mutatis mutandis pursuant to the preceding paragraph

(viii) When the registered foreign inspector refuses, hinders, or evades the inspection, where the Minister delegates ministerial staff to inspect their place of business pursuant to the provisions of Article 24-8 paragraph (1), as applied mutatis mutandis pursuant to the preceding paragraph

(4) In addition to the provisions provided for under the preceding three paragraphs, the necessary matters pertaining to registration under paragraph (1) shall be specified by the applicable MIC ordinance.

#### Article 25 (Publication, etc. of Information Concerning Radio Stations)

(1) Whenever granting licenses or registration under Article 27-18 paragraph (1) (hereinafter referred to as "licenses, etc."), except radio stations specified by the applicable MIC ordinance, the Minister shall publicize matters entered on the certificate for the radio station license or the registration certificate under Article 27-22 paragraph (1) (hereinafter referred to as a "certificate for a radio station license, etc.") specified by the applicable MIC ordinance on the Internet or using other methods.

(2) In addition to the matters to be made public pursuant to the provisions of the preceding paragraph, the Minister may, at the request of a person intending to examine interference or traffic congestion necessary when the person in question

establishes his/her own radio station or changes frequencies, or when specified by the applicable MIC ordinance, to the extent necessary for said examinations, may provide said persons with information specified by the applicable MIC ordinance on the construction type of the radio equipment and other matters related to the radio stations.

(3) Persons who have obtained information pursuant to the provisions of the preceding paragraph shall not utilize or provide said information for purposes other than the purpose of examining the interference under the preceding paragraph.

#### Article 26 (Frequency Assignment Plan)

(1) The Minister shall prepare and offer for public perusal a list of available frequencies (hereinafter referred to as the "Frequency Assignment Plan") and shall issue a public notice of the Frequency Assignment Plan. The same shall apply when the Frequency Assignment Plan is revised.

(2) In the Frequency Assignment Plan, the following matters (with regard to frequencies pertaining to broadcasting radio stations (except those for the purpose of conducting telecommunications services), matters listed in item (i)) shall be entered for each available frequency, in order to clarify the range of radio stations eligible to be allocated.

(i) Mode of radio communications conducted by the radio station

(ii) Purpose of the radio station

(iii) Requirements for using frequencies, including the validity period for using frequencies

(iv) Whether the frequency is designated pursuant to the provision in Article 27-13 paragraph (4)

#### Article 26-2 (Survey, etc. of Actual Radio Spectrum Utilization)

(1) The Minister shall, pursuant to the provisions of the applicable MIC ordinance, conduct a survey on matters specified by the applicable MIC ordinance, necessary in assessing actual radio spectrum utilization, such as the number of radio stations, the traffic of radio communications operated by radio stations, and the usage modes of the radio equipment at the radio stations, (hereinafter referred to as "actual utilization survey") at approximately three-year intervals, in order to comprehensively and systematically establish or change the Frequency Assignment Plan and promote other measures that contribute to the effective utilization of the radio spectrum.

(2) The Minister may, when deemed necessary, during the three-year interval under the preceding paragraph, conduct an ad hoc actual utilization survey on the limited range of spectrum or services, etc.

(3) The Minister shall assess to what degree the radio spectrum is being utilized effectively based on the results of the actual utilization survey by taking into consideration trends in technological innovations and demand related to the radio

spectrum, international trends concerning the radio spectrum allocation, and other matters.

(4) The Minister shall, when the actual utilization survey and assessment pursuant to the provisions of the preceding paragraph are conducted, publicize an outline of the results of the actual usage survey and assessment thereof pursuant to the provisions of the applicable MIC ordinance.

(5) The Minister may, when deemed necessary where establishing or changing the Frequency Assignment Plan, based on results of the assessment under paragraph (3), pursuant to the provisions of the applicable MIC ordinance, conduct a survey on the technical and economic effects on licensees, etc. brought about by the establishment or change of said Frequency Assignment Plan.

(6) The Minister may, to the extent necessary for conducting the actual utilization survey and the survey pursuant to the provisions of the preceding paragraph, request licensees, etc. to report on necessary items.

Article 27 (Special Case of a License for a Radio Station on Board a Ship or Aircraft Acquired in Foreign Countries)

(1) The Minister may grant a license, not pursuant to the provisions of Articles 6 through 14, to a radio station established on board a ship or on board an aircraft that has been acquired in a foreign country.

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

Article 27-2 (Special Case of a License for a Specified Radio Station)

A person who wishes to establish two or more radio stations that are specified by the applicable MIC ordinance and that use only radio equipment with a conformity mark of radio stations transmitting only radio waves at frequencies automatically selected by receiving the radio waves from the radio station with which radio communications are conducted (hereinafter referred to as "specified radio station(s)"), may apply for a blanket license for these specified radio stations pursuant to the provisions of the following article through Article 27-11, where such specified radio stations share the same purpose, conduct radio communications with the same person, use the same type of radio waves and frequency, and the same standards of radio equipment (limited to standards specified by the applicable MIC ordinance).

Article 27-3 (Application for a License for a Specified Radio Station)

(1) Any person who wishes to obtain the license prescribed in the preceding article shall submit an application to the Minister along with a document, on which the following matters are entered:

(i) Purpose

(ii) Necessity for establishing the radio stations

(iii) Person(s) with whom radio communications are conducted

- (iv) Type of radio waves, and desirable frequency range and antenna power
  - (v) Construction type of the radio equipment
  - (vi) Maximum number of operational radio stations (referring to the maximum number of specified radio stations to be operated simultaneously during the period of validity of the license)
  - (vii) Expected commencement date of operation (referring to the earliest expected commencement date of operation out of various specified radio stations)
  - (viii) Where a contract is made with the licensee(s), etc. of (an)other radio station(s) on measures necessary to prevent disturbance including interference, details of the contract
- (2) Any person who wishes to obtain the license as prescribed in the preceding article, where radio communications are conducted with a foreign artificial satellite station, shall enter on the document in the preceding paragraph such matters as the orbit or position of the artificial satellite, matters related to the radio station to be established on land for the purpose of controlling the position and attitude, etc. of the artificial satellite, and other matters specified by the applicable MIC ordinance in addition to those matters listed in the same paragraph.

#### Article 27-4 (Examination of Application)

When receiving an application under the preceding article paragraph (1), the Minister shall examine without delay whether it conforms to the following items:

- (i) The feasibility of frequency assignments
- (ii) In addition to the matters listed in the preceding item, conformity to the essential standards for the establishment of the specified radio stations specified by the applicable MIC ordinance

#### Article 27-5 (Granting of a Blanket License)

(1) When determining, as a result of the examination pursuant to the provisions of the preceding article, that the application conforms to each item in the same article, the Minister shall issue a license to the applicant, designating the following matters:

- (i) Type of radio waves and frequencies
- (ii) Antenna power
- (iii) Designated number of radio stations (referring to the maximum number of specified radio stations operating simultaneously; the same shall apply hereinafter)
- (iv) Time limit for the commencement of operation (referring to the earliest commencement date of operation of one or more specified radio station(s))

(2) When granting a license under the preceding paragraph (hereinafter referred to as a "blanket license"), the Minister shall issue a certificate for a radio station license on which the following matters and designated matters pursuant to the provisions of the same paragraph are entered:

- (i) Date and reference number of the blanket license

(ii) Name or appellation and address of the blanket licensee (referring to the person who has obtained the blanket license; the same shall apply hereinafter)

(iii) Classification of the specified radio station

(iv) Purpose of the specified radio station

(v) Person with whom radio communications are conducted

(vi) Validity period of the blanket license

(3) The validity period of the blanket license shall be specified by the applicable MIC ordinance, not exceeding five years from the day the blanket license was granted. However, renewal may be allowed.

#### Article 27-6 (Commencement of Operation of a Specified Radio Station)

(1) The Minister may extend the time limit under the preceding article paragraph (1) item (iv), when deemed appropriate, upon receipt of the application of a blanket licensee.

(2) When commencing operation of one or more specified radio station(s) pertaining to the blanket license, the blanket licensee shall notify the Minister without delay. However, this shall not apply to cases specified by the applicable MIC ordinance.

#### Article 27-7 (Prohibition on Establishing Specified Radio Stations Exceeding the Designated Number of Radio Stations)

A blanket licensee shall not establish specified radio stations exceeding the designated number of radio stations entered on the certificate for the radio station license.

#### Article 27-8 (Permission for Changes, etc.)

When changing the person with whom radio communications are conducted, or when intending to conduct radio communications using radio equipment based on a construction type different from the one submitted pursuant to the provisions of Article 27-3 paragraph (1), a blanket licensee shall obtain the permission of the Minister in advance.

#### Article 27-9 (Changes in Frequencies, Designated Number of Radio Stations, etc. upon Application)

Where a blanket licensee applies for a change in the type of radio waves, frequencies, antenna power, or the designated number of radio stations, the Minister may change the designation when determining that such changes are particularly necessary to ensure the efficient utilization of the radio waves and for the elimination of interference, etc.

#### Article 27-10 (Abolition of a Specified Radio Station)

(1) When abolishing all the specified radio stations covered by a blanket license, the blanket licensee shall notify the Minister of it.

(2) When a blanket licensee abolishes all the specified radio stations covered by the blanket license, the blanket license shall lose its validity.

Article 27-11 (Exemptions, etc. Related to a Specified Radio Station and Blanket Licensee)

(1) A specified radio station whose license has been obtained pursuant to the provisions of Article 27-5 paragraph (1), shall be exempted from the application under the provisions of Article 15 and that blanket licensee shall be exempted from the application under the provisions of Articles 16, 17, 19, 22, and 23.

(2) With regard to an application under the provision of Article 20 paragraph (4) related to succession to the status of blanket licensee, "Article 7" in the same paragraph shall be deemed to be replaced with "Article 27-4".

Article 27-12 (Establishment Guidelines for Specified Base Stations)

(1) The Minister may, for fixed radio stations established on land that require to be established in a large number by one person in order to secure radio communications for mobile radio stations (limited to those with an operating area covering the entire area of one or more prefecture(s)) established on land for the purpose of conducting telecommunications business in their operating area for said radio communications, and where the Minister determines that it is necessary to promote their smooth establishment to secure fair and efficient utilization of radio waves (hereinafter referred to as "specified base station(s)"), specify guidelines concerning the establishment of specified base stations (hereinafter referred to as "Establishment Guidelines for specified base stations").

(2) Establishment Guidelines for specified base stations shall specify following matters:

(i) Matters concerning the coverage of specified base stations subject to Establishment Guidelines

(ii) Matters concerning the frequencies allocated to said specified base stations from among the available frequencies shown in the Frequency Assignment Plan and the use of those frequencies

(iii) Matters concerning the locations and the schedule for commencement of operation of the specified base stations

(iv) Matters concerning the introduction of technology to secure efficient utilization of radio waves pertaining to radio equipment for said specified base stations

(v) Matters concerning the smooth establishment of said specified base stations and other necessary matters

(3) The Minister shall, when establishing or amending Establishment Guidelines for specified base stations, issue a public notice on the fact without delay.

Article 27-13 (Attestation of Establishment Plan for Specified Base Stations)

(1) Any person who wishes to establish specified base stations may formulate a plan concerning the establishment of the specified base stations (hereinafter referred to as an "establishment plan for specified base stations") for each communications

system (referring to a unit of the specified base stations established by one person to communicate with the same parties; the same shall apply to item (iv) of the following paragraph and paragraph (4) item (iii)), may submit the plan to the Minister, and be granted attestation that the establishment plan is appropriate.

(2) The establishment plan for specified base stations shall contain the following matters:

(i) Necessity for establishing the specified base stations

(ii) Operating area for the mobile radio stations with whom the specified base stations communicate

(iii) Desirable frequency range

(iv) Total number of specified base stations in the communications system, locations of radio equipment at each specified base station, and expected commencement date of operations

(v) Technology for securing efficient utilization of radio waves, which is planned to be used for radio equipment at the specified base stations

(vi) Other matters specified by the applicable MIC ordinance

(3) The application for attestation under paragraph (1) shall be filed within a period not shorter than one month as fixed in the public notices of the Minister.

(4) Upon reception of an application under paragraph (1), when the application shall be deemed to conform to all of the following items, the Minister shall assign a frequency and grant attestation under the same paragraph.

(i) The establishment plan is adequate in the light of the establishment guidelines.

(ii) The establishment plan is deemed to be assuredly implemented.

(iii) The frequencies are available for all the specified base stations included in the communications system pertaining to the establishment plan.

(5) Notwithstanding the provisions under the preceding paragraph, the Minister shall not grant attestation under paragraph (1) to any person who falls under any items under Article 5 paragraph (3).

(6) The validity periods of the attestation under paragraph (1) shall be specified by the applicable MIC ordinance and not exceeding five years from the day of attestation.

(7) When granting attestation under paragraph (1), the Minister shall issue a public notice of the date of attestation, the validity period of attestation, designated frequencies pursuant to the provisions under paragraph (4), and other matters specified by the applicable MIC ordinance.

#### Article 27-14 (Changes, etc. to Establishment Plan)

(1) Any person who was granted attestation under paragraph (1) of the preceding article, when changing the establishment plan pertaining to the attestation (except the matters listed in paragraph (2) item (iii) of the same article), shall obtain attestation from the Minister.



(2) The provisions under paragraph (4) of the preceding article shall apply mutatis mutandis to the attestation under the preceding paragraph. In this case, "the Minister shall assign a frequency and grant attestation" in paragraph (4) of the same article shall be deemed to be replaced with "the Minister shall grant attestation."

(3) Where the person who establishes specified base stations pertaining to the establishment plan that was granted attestation under paragraph (1) of the preceding article (when the change of the establishment plan is attested, the changed plan; hereinafter referred to as "the attested plan") (the person shall be hereinafter referred to as "the attested establisher") files with the Minister an application for a change in the designated frequency, when determining that such change is particularly necessary for eliminating interference and other matters, the Minister may change the designation.

(4) Where the attested establisher applies for an extension of the validity periods of the attestation, the Minister may, when deemed particularly necessary, extend the terms not exceeding six years from the day of attestation under paragraph (1) of the preceding article.

(5) When granting attestation under paragraph (1) (limited to attestation pertaining to changes in matters specified by the applicable MIC ordinance under paragraph (7) of the preceding article), when changing the designation of frequencies pursuant to the provisions of paragraph (3), or when extending the validity period of attestation pursuant to the provisions of the preceding paragraph, the Minister shall issue a public notice on the fact.

#### Article 27-15 (Revocation, etc. of Attestation)

(1) When an attested establisher falls under any of the following items, the Minister may revoke the attestation:

(i) When the Minister determines that an attested establisher does not establish the specified base stations pertaining to the attested plan according to said attested plan without due reason

(ii) When the attested establisher is granted attestation under Article 27-13 paragraph (1) or paragraph (1) of the preceding article, or has the Minister change the designation pursuant to the provisions of paragraph (3) of the preceding article through unlawful means

(iii) When the attested establisher has come to fall under Article 5 paragraph (3) item (i)

(2) Upon revocation of attestation pursuant to the provisions of the preceding paragraph (except item (iii)), the Minister may revoke the attestation of other establishment plans of the revoked attested establisher under Article 27-13 paragraph (1), or revoke the licenses, etc. for the radio stations.

(3) Upon revocation pursuant to the provisions of the preceding two paragraphs, the Minister shall send to the attested establisher a notification with statement of reasons.

Article 27-16 (Application Mutatis Mutandis of the Provisions Concerning Mergers, etc.)

The provisions of Article 20 paragraphs (1) through (4) and paragraph (7) shall apply mutatis mutandis to the attested establisher. In this case, "Article 5 and Article 7" in paragraph (4) of the same article shall be deemed to be replaced with "Article 27-13 paragraphs (4) and (5)"; and "paragraph (1) and the preceding two paragraphs" in paragraph (7) of the same article shall be deemed to be replaced with "paragraph (1), as applied mutatis mutandis pursuant to Article 27-16."

Article 27-17 (Special Case of License Application Periods for Specified Base Stations Pertaining to Attested Plans)

The provisions of Article 6 paragraph (7) shall not apply to the application for a license for specified base stations that an attested establisher establishes according to the attested plan.

## **Section 2 Registration for Radio Stations**

Article 27-18 (Registration)

(1) Any person who wishes to establish a radio station having a function that ensures that, in the case where it is going to transmit radio waves, it will stop its transmission for a given period of time when receiving radio waves at the same frequency as its own, or to establish any other type of radio station that can be operated without causing interference or disturbance that impairs the operation of other radio stations having the same standards for their radio equipment as those for the radio equipment of said radio station (limited to standards specified by the applicable MIC ordinance; the same shall apply hereinafter), and which is one of the radio stations specified by the applicable MIC ordinance and exclusively uses radio equipment with a conformity mark, within areas specified by the applicable MIC ordinance, shall obtain registration from the Minister.

(2) Any person who wishes to obtain registration under the preceding paragraph shall, pursuant to the provisions of the applicable MIC ordinance, submit an application form describing the following matters:

(i) Name or appellation and address of the applicant, and in cases where the applicant is a juridical person, name of the representative

(ii) Standards for radio equipment of radio stations to be established

(iii) Location of the radio equipment

(iv) Frequencies and antenna power

(3) Application under the preceding paragraph shall be accompanied by a document describing the purpose of establishment and any other matters specified by the applicable MIC ordinance (including details of the contract where a contract is made

with the licensee(s), etc. of (an)other radio station(s) on measures necessary to prevent interference and other disturbance; the same shall apply to Article 27-29 paragraph (3)).

#### Article 27-19 (Implementation of Registration)

The Minister shall, in cases where an application for registration under paragraph (1) of the preceding article is submitted, except in cases where registration is denied pursuant to the provisions of the following article, implement registration of the following matters in the Comprehensive Radio Station Management File prescribed in Article 103-2 paragraph (4) item (ii).

(i) Matters listed in each item of paragraph (2) of the preceding article

(ii) Date of registration and reference number of registration

#### Article 27-20 (Denial of Registration)

(1) The Minister shall, in cases where the application for registration under Article 27-18 paragraph (1) falls under any of the following items, deny the registration:

(i) Where the locations of the radio equipment pertaining to the application are in areas other than those specified by the applicable MIC ordinance under Article 27-18 paragraph (1)

(ii) Where the application form or documents attached thereto contain any false description on important matters or lack descriptions of important matters

(2) The Minister may, in cases where the application for registration under Article 27-18 paragraph (1) falls under any of the following items, deny said registration:

(i) Where the applicant falls under any item of Article 5 paragraph (3)

(ii) Where radio stations pertaining to the registration that use the same frequency as radio stations pertaining to the application are prohibited from being established pursuant to the provisions of Article 76-2-2, or where the operation of the registered stations is restricted

(iii) In addition to the conditions listed in the preceding two paragraphs, where the establishment of radio stations pertaining to the application does not conform to the Frequency Assignment Plan, or where the establishment of such radio stations is likely to impair proper utilization of radio waves

#### Article 27-21 (Validity Period of Registration)

The validity period of registration in Article 27-18 paragraph (1) shall be specified by the applicable MIC ordinance and not exceeding five years from the day of registration. However, registration renewal may be allowed.

#### Article 27-22 (Registration Certificate)

(1) When granting registration under Article 27-18 paragraph (1), the Minister shall issue a registration certificate.

(2) The matters listed in each item under Article 27-19 shall be entered on the registration certificate in the preceding paragraph.

#### Article 27-23 (Registration of Change, etc.)

(1) Any registrant (referring to a person who is registered under Article 27-18 paragraph (1); the same shall apply hereinafter) shall, when intending to change matters listed in item (iii) or (iv) of paragraph (2) of the same article, obtain registration of change from the Minister. However, this shall not apply to minor changes specified by the applicable MIC ordinance.

(2) Any person who wishes to obtain registration of change as prescribed in the preceding paragraph shall, pursuant to the provisions of the applicable MIC ordinance, submit an application form describing matters pertaining to the change to the Minister.

(3) The provisions of Article 27-19 and Article 27-20 paragraph (1) shall apply mutatis mutandis to the registration of change in paragraph (1). In this case, "the following article" in Article 27-19 shall be deemed to be replaced with "paragraph (1) of the following article"; "the following matters" in Article 27-19 shall be deemed to be replaced with "the matters pertaining to the change"; and "the application form or documents attached thereto" in Article 27-20 paragraph (1) shall be deemed to be replaced with "the application form."

(4) Any registrant shall, after changing matters listed in Article 27-18 paragraph (2) item (i), or after implementing minor changes specified by the applicable MIC ordinance under the proviso to paragraph (1), submit a notification to that effect to the Minister without delay. Upon receiving the notification, the Minister shall change said registration without delay.

#### Article 27-24 (Succession)

(1) Where transfer of the entire business using registered stations, or inheritance, merger, or division (limited to those succeeding to the entire business using registered stations) for a registrant has been completed, the transferee who has taken over the entire business using registered stations or the inheritor thereof, the surviving juridical person after the merger or the new juridical person to be established by the merger, or a juridical person who is to succeed to the entire business using registered stations after the division, shall succeed to the status of registrant. Provided, however, that this shall not apply where the transferee who has taken over said entire business or the inheritor thereof, the surviving juridical person after the merger or the new juridical person to be established by the merger, or a juridical person who is to succeed to said entire business after the division falls under any of the items of Article 27-20 paragraph (2) (except item (ii)).

(2) Any person who has succeeded to the status of registrant pursuant to the provisions of the preceding paragraph shall notify the Minister without delay of the fact along with documents that verify it.

#### Article 27-25 (Correction of Registration Certificate)

After changing matters entered on the registration certificate, all registrants shall submit the registration certificate to the Minister and obtain corrections.

Article 27-26 (Notification of Abolition of Radio Stations)

(1) After abolishing a registered station, all registrants shall submit a notification to that effect to the Minister without delay.

(2) Having submitted the notification pursuant to the provisions of the preceding paragraph, the registration in Article 27-18 paragraph (1) shall lose its validity.

Article 27-27 (Deletion of Registration Record)

The Minister shall, having revoked a registration pursuant to the provisions of Article 27-15 paragraph (2), Article 76 paragraph (5) or paragraph (6), or Article 76-3 paragraph (1), when the validity period of the registration in Article 27-18 paragraph (1) has expired, or when registration under Article 27-18 paragraph (1) has lost its validity pursuant to the provisions of paragraph (2) of the preceding article, delete said registration.

Article 27-28 (Return of Registration Certificate)

Any person who was a registrant shall, having had their registration pursuant to the provisions of Article 27-15 paragraph (2), Article 76 paragraph (5) or paragraph (6), or Article 76-3 paragraph (1) revoked, when the validity period of the registration under Article 27-18 paragraph (1) has expired, or when registration under Article 27-18 paragraph (1) has lost its validity pursuant to the provisions of Article 27-26 paragraph (2), return the registration certificate to the Minister within one month.

Article 27-29 (Special Case of Registration)

(1) A person who intends to establish two or more radio stations to be registered under Article 27-18 paragraph (1) within areas specified by the applicable MIC ordinance under the same paragraph may, insofar as the radio stations have the same frequencies and the same standards for radio equipment, as prescribed in this article through Article 27-34, obtain registration under the same paragraph governing blanket registration for such radio stations.

(2) Any person who wishes to obtain registration under the preceding paragraph shall, pursuant to the provisions of the applicable MIC ordinance, submit an application form describing the following matters to the Minister:

(i) Name or appellation and address of the applicant and, in cases where the applicant is a juridical person, name of the representative

(ii) Standards for radio equipment of radio stations to be established

(iii) Areas in which the radio equipment is to be installed (in the case of mobile radio stations, operating areas thereof)

(iv) Frequencies and antenna power

(3) Application under the preceding paragraph shall be accompanied by a document describing the purpose of establishment and any other matters as specified by the applicable MIC ordinance.

Article 27-30 (Registration of Change, etc. Concerning Blanket Registrants)

(1) Any person who has obtained registration pursuant to the provisions of paragraph (1) of the preceding article (hereinafter referred to as a "blanket registrant") shall, when intending to change matters listed in item (iii) or item (iv) of paragraph (2) of the same article, obtain registration of change from the Minister. However, this shall not apply to minor changes specified by the applicable MIC ordinance.

(2) Any person who wishes to obtain registration of change under the preceding paragraph shall, pursuant to the provisions of the applicable MIC ordinance, submit an application form describing matters pertaining to the change to the Minister.

(3) The provisions of Article 27-19 and Article 27-20 paragraph (1) shall apply mutatis mutandis to registration of change under paragraph (1). In this case, "the following article" in Article 27-19 shall be deemed to be replaced with "paragraph (1) of the following article"; "the following matters" in Article 27-19 shall be deemed to be replaced with "matters pertaining to the change"; "the locations of the radio equipment" in Article 27-20 paragraph (1) shall be deemed to be replaced with "areas in which the radio equipment is to be installed (in the cases of mobile radio stations, operating areas thereof)"; and "the application form or documents attached thereto" in Article 27-20 paragraph (1) shall be deemed to be replaced with "the application form."

(4) Any blanket registrant shall, having changed matters listed in paragraph (2) item (i) of the preceding article or having implemented minor changes specified by the applicable MIC ordinance under the proviso to paragraph (1) submit a notification to that effect to the Minister without delay. Upon receiving the notification, the Minister shall change said registration without delay.

#### Article 27-31 (Notification of Establishment of Radio Stations)

After establishing radio stations pertaining to its registration (except when continuing to establish said radio stations upon renewal of registration), within a given period not exceeding fifteen days specified by the applicable MIC ordinance a blanket registrant shall submit to the Minister a notification describing, the date of commencement of operation, the location of the radio equipment and other matters specified by the applicable MIC ordinance pertaining to each of said radio stations.

#### Article 27-32 (Notification of Change)

Any blanket registrant shall, having changed matters submitted pursuant to the provisions of the preceding article, submit a notification to that effect to the Minister without delay.

#### Article 27-33 (Loss of Validity of Registration)

When a blanket registrant has abolished all radio stations pertaining to its registration, said registration shall lose its validity.

#### Article 27-34 (Exemptions, etc. Concerning Blanket Registrants)

(1) Blanket registrants shall be exempted from the application of the provisions in Article 27-23 and Article 27-26 paragraph (2).

(2) With respect to the application of the provisions of Article 27-19, Article 27-20, Article 27-22 paragraph (2), Article 27-24, Article 27-27, and Article 27-28 concerning registration pursuant to the provisions of Article 27-29 paragraph (1), "under paragraph (1) of the preceding article" in Article 27-19 shall be deemed to be replaced with "pursuant to the provisions of Article 27-29 paragraph (1)"; "the following article" in Article 27-19 shall be deemed to be replaced with "the following article that shall be deemed to be replaced otherwise and applied in Article 27-34 paragraph (2)"; "each item of paragraph (2) of the preceding article" in Article 27-19 shall be deemed to be replaced with "each item of Article 27-29 paragraph (2)"; "registration under Article 27-18 paragraph (1)" in Article 27-20 shall be deemed to be replaced with "registration pursuant to the provisions of Article 27-29 paragraph (1)"; "the locations of the radio equipment" in paragraph (1) item (i) of the same article shall be deemed to be replaced with "areas in which the radio equipment is to be installed (in the case of mobile radio stations, operating areas thereof)"; "are in areas" in paragraph (1) item (i) of the same article shall be deemed to be replaced with "include areas"; "each item under Article 27-19" in Article 27-22 paragraph (2) shall be deemed to be replaced with "each item under Article 27-19 that shall be deemed to be replaced otherwise and applied in Article 27-34 paragraph (2)"; "any of the items of Article 27-20 paragraph (2)" in Article 27-24 paragraph (1) shall be deemed to be replaced with "each of the items of Article 27-20 paragraph (2) that shall be deemed to be replaced otherwise and applied in Article 27-34 paragraph (2)"; "the preceding paragraph" in paragraph (2) of the same article shall be deemed to be replaced with "the preceding paragraph that shall be deemed to be replaced otherwise and applied in Article 27-34 paragraph (2)"; and "paragraph (2) of the preceding article" in Article 27-27 and "Article 27-26 paragraph (2)" in Article 27-28 shall be deemed to be replaced with "Article 27-33".

### **Section 3 Mediation, etc. Concerning Establishment of Radio Stations**

Article 27-35 (Mediation and Arbitration by the Telecommunications Business Dispute Settlement Commission)

(1) Where, despite the offer of consultation made by a person who was granted a license, etc. and has established a radio station (limited to those with the purpose of conducting telecommunications services and other business specified by the applicable MIC ordinance; the same shall apply in this article) or who intends to make changes to frequencies and other matters specified by the applicable MIC ordinance concerning the radio station that was granted a license, etc. to the licensee, etc. of any other radio station, for which the establishment of said radio station or the changes in matters concerning said radio station are likely to cause interference with or other disturbance to, on entering into a contract concerning the

measures necessary to prevent disturbance, where the licensee, etc. of said other radio station has not acceded to consult or the consultation has failed to come to an agreement, the concerned parties may file an application for mediation with the Telecommunications Business Dispute Settlement Commission (referring to the Telecommunications Business Dispute Settlement Commission prescribed in Article 144 paragraph (1) of the Telecommunications Business Act; referred to as the "Commission" in paragraphs (3) and (5)).

(2) The provisions of Article 154 paragraphs (2) through (6) of the Telecommunications Business Act shall apply mutatis mutandis to the mediation in the previous paragraph. In this case, "the parties file a petition under Article 35 paragraph (1) or (2), apply for an award for arbitration pursuant to the provisions of Article 35 paragraph (3), or apply for arbitration in accordance with paragraph (1) of the following paragraph" in paragraph (6) of the same article shall be deemed to be replaced with "the parties apply for arbitration in accordance with Article 27-35 paragraph (3) of the Radio Act."

(3) In the case where the consultation pursuant to the provisions of paragraph (1) has failed to come to an agreement, either of the concerned parties may file an application for arbitration with the Commission.

(4) The provisions of Article 155 paragraphs (2) through (4) of the Telecommunications Business Act shall apply mutatis mutandis to the mediation prescribed under the previous paragraph.

(5) Pursuant to the provisions of paragraph (1) or paragraph (3), the application for mediation or arbitration shall be filed with the Commission via the Minister.

Article 27-36 (Entrustment to Cabinet Order)

In addition to matters prescribed in the preceding article, matters necessary for procedures for mediation and arbitration shall be specified by the applicable cabinet order.

### **Chapter III Radio Equipment**

Article 28 (Quality of Radio Waves)

The quality of radio waves from transmitting equipment, including the tolerance and bandwidth of frequencies and the intensity of harmonics, shall satisfy the requirements specified by the applicable MIC ordinance.

Article 29 (Requirements for Receiving Equipment)

The radio waves or the high frequency current incidentally emitted from receiving equipment shall not disturb the function of other radio equipment in excess of the limits specified by the applicable MIC ordinance.

Article 30 (Safety Devices)

In order to avoid harm to human bodies or damage to other objects, the radio equipment shall be installed with safety devices as specified by the applicable MIC ordinance.



Article 31 (Installation of a Frequency Measuring Instrument)

Any transmitting equipment specified by the applicable MIC ordinance shall be installed with a frequency measuring instrument that has an error of one half or less of the permissible deviation from the emitting frequencies.

Article 32 (Installation of Meters and Spare Components)

Radio equipment for a ship station shall be installed with the meters and spare components required for operating the radio equipment, as specified by the applicable MIC ordinance.

Article 33 (Apparatus for Radio Equipment on Compulsory Ship Stations)

Radio equipment on a compulsory ship station, according to the classification of ships and navigating areas specified by the applicable MIC ordinance, shall be installed with apparatus for transmitting equipment and receiving equipment, apparatus for emergency position-indicating radio beacon equipment, apparatus for receiving information on safe navigation, and other apparatus specified by the applicable MIC ordinance.

Article 34 (Requirements for Radio Equipment on Compulsory Ship Stations, etc.)

Radio equipment on a compulsory ship station and a ship earth station specified by the applicable MIC ordinance which is established on a ship with a compulsory ship station (hereinafter referred to as a "compulsory ship station, etc.") shall be installed at a place that satisfy the requirements listed in the following items. However, this shall not apply to the radio equipment specified by the applicable MIC ordinance.

(i) A place where the operation of the radio equipment is not interfered with by mechanical, electrical, or other causes

(ii) A place on the ship as high as is practically possible to ensure its safety to the extent possible

(iii) A place that is not affected by water, temperature, or other environmental conditions that are likely to cause damage to the functioning of the radio equipment

Article 35

One or two of the following measures shall be taken for radio equipment on a compulsory ship station, etc. pursuant to the provisions of the applicable MIC ordinance. However this shall not apply to the radio equipment specified by the applicable MIC ordinance.

(i) Installation of spare equipment

(ii) Regular inspection of the ship in port and installation of necessary meters and spare components for maintenance in a mooring port

(iii) Installation of necessary meters and spare components for maintenance while the ship is navigating

Article 36 (Requirements for Compulsory Aircraft Stations)

Transmitting equipment for compulsory aircraft stations shall have an effective coverage as specified by the applicable MIC ordinance.

Article 36-2 (Requirements for Artificial Satellite Stations)

(1) Radio equipment on artificial satellite stations shall be capable of ceasing radio wave emissions immediately by remote control.

(2) The radio equipment on artificial satellite stations shall be capable of being remotely controlled to change its location. However, this shall not apply to the artificial satellite stations specified by the applicable MIC ordinance.

Article 37 (Examination of Apparatus for Radio Equipment)

The following radio equipment shall not be installed unless it has passed the type examination conducted by the Minister. However, this shall not apply to installation of apparatus that has passed a type examination equivalent to the one conducted by the Minister or installation of apparatus specified by the applicable MIC ordinance:

(i) Frequency measuring instruments to be installed pursuant to the provisions of Article 31

(ii) Radar to be installed on ships based on the order pursuant to the provisions of Article 2 of the Act for Safety of Vessels (including cases where applied *mutatis mutandis* to the cabinet order pursuant to the provisions in Article 29-7 of the same Act)

(iii) Apparatus for life-saving radio equipment installed on ships, which is specified by the applicable MIC ordinance

(iv) Apparatus for radio equipment to be installed pursuant to the provisions of Article 33 (except apparatus referred to in the preceding item)

(v) Apparatus for radio equipment on a ship earth station prescribed in the main clause of Article 34

(vi) Apparatus for radio equipment installed on aircraft, which is specified by the applicable MIC ordinance

Article 38 (Other Technical Regulations)

Radio equipment (except that used exclusively for broadcast receiving purpose) shall conform to the technical regulations specified by the applicable MIC ordinances in addition to those prescribed in this Chapter.

**Chapter III-2 Technical Regulations Conformity Certification, etc. of Specified Radio Equipment**

**Section 1 Technical Regulations Conformity Certification and Construction Type Certification of Specified Radio Equipment**

Article 38-2 (Registration of Registered Certification Bodies)

(1) With respect to radio equipment to be used for small-scale radio stations as specified by the applicable MIC ordinance (hereinafter referred to as "specified radio equipment"), a person who wishes to conduct the business of certifying such radio equipment's conformity to the technical regulations prescribed in the preceding

Chapter (hereinafter referred to as "technical regulations conformity certification") may obtain registration from the Minister according to each of the following classifications of business (in the following paragraph, Article 38-5 paragraph (1), Article 38-10, Article 38-31 paragraph (1) and the appended table No. 3, referred to simply as "classification of business").

(i) Business to conduct the technical regulations conformity certification service for specified radio equipment pertaining to a radio station prescribed in Article 4 item (ii) or (iii)

(ii) Business to conduct the technical regulations conformity certification service for specified radio equipment pertaining to a blanket license

(iii) Business to conduct the technical regulations conformity certification service for specified radio equipment other than those listed in the preceding two items

(2) A person who wishes to obtain registration under the preceding paragraph shall, pursuant to the provisions of the applicable MIC ordinance, submit to the Minister an application in which the following matters are described:

(i) Name or appellation and address of the applicant, and in the case where the applicant is a juridical person, name of the representative

(ii) Classification of business

(iii) Name and address of the office

(iv) Outline of measuring instruments and other equipment used for the examination of the technical regulations conformity certification

(v) Matters related to the appointment of certification examiners under Article 38-8 paragraph (2)

(vi) Planned commencement date of operation

(3) Such application under the preceding paragraph shall be accompanied by a document describing the plan for conducting the business of the technical regulations conformity certification service and other documents specified by the applicable MIC ordinance.

(4) When intending to establish the MIC ordinance under paragraph (1), or revise or abolish it, the Minister shall consult with the Minister of Economy, Trade and Industry.

#### Article 38-3 (Criteria for Registration)

(1) The Minister shall grant registration to any person who has applied for registration under paragraph (1) of the preceding article (hereinafter in this paragraph, referred to as "the applicant for registration"), if the registration applicant conforms to all of the following items:

(i) The technical regulations conformity certification service is to be conducted by a person with knowledge and experience conforming to any of the conditions in appended table No. 4.

(ii) The technical regulations conformity certification service is to be conducted by using measuring instruments and other equipment which are listed in the right column of appended table No. 3 according to the classification of business in the left column thereof, and which have been given any type of calibration, etc. as listed in Article 24-2 paragraph (4) item (ii) (a) through (d) (limited to those calibrated, etc. within one year from the first day of the month following the month containing the day of calibration, etc.).

(iii) The applicant for registration shall not fall under any of the following sub-items as someone controlled by a manufacturer, importer, or seller of specified radio equipment (hereinafter in this item referred to as "a specified manufacturer, etc."):

(a) In cases where the applicant for registration is a stock company, where a specified manufacturer, etc. is the parent company (referring to a "parent company" as prescribed in Article 879 paragraph (1) of the Companies Act (Act No. 86 of 2005); the same shall apply in Article 71-3-2 paragraph (4) item (iv) (a) of said applicant

(b) Where officers or staff members of a specified manufacturer, etc. (including those who were officers or staff members of said specified manufacturer, etc. in the past two years) account for more than half the number of officers of the applicant for registration (in the case of a partnership corporation (referring to a "partnership corporation" as prescribed in Article 575 paragraph (1) of the Companies Act; the same shall apply in Article 71-3-2 paragraph (4) item (iv) (b)), the employees executing the business

(c) The applicant for registration (in cases where said applicant is a juridical person, its representative officer) is an officer or a staff member of a specified manufacturer, etc. (including someone who was an officer or a staff member of said specified manufacturer, etc. in the past two years)

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

#### Article 38-4 (Renewal of Registration)

(1) The registration under Article 38-2 paragraph (1) shall, unless renewed during every five- to ten-year period as specified by the applicable cabinet order, lose validity with passage of the period.

(2) The provisions of Article 24-2 paragraphs (5) and (6), Article 38-2 paragraphs (2) and (3), and paragraph (1) of the preceding article shall apply *mutatis mutandis* to

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

Article 38-5 (Public Notice, etc. of Registration)

(1) The Minister shall, upon granting registration under Article 38-2 paragraph (1), issue a public notice of the name or appellation and address of the person who has obtained registration under the same paragraph (hereinafter referred to as a "registered certification body"), as well as the classification of business pertaining to its registration, the address of the office where the technical regulations conformity certification service is conducted, and the commencement date of the technical regulations conformity certification service.

(2) A registered certification body shall, when intending to change the matters listed in Article 38-2 paragraph (2) item (i) or (iii), notify the Minister to that effect at least two weeks prior to the date of the change.

(3) The Minister shall, when receiving a notification pursuant to the provisions of the preceding paragraph, issue a public notice to that effect.

Article 38-6 (Technical Regulations Conformity Certification, etc.)

(1) A registered certification body shall, when requested by a person who wishes to obtain the technical regulations conformity certification pertaining to its registration, conduct examinations pursuant to the provisions of the applicable MIC ordinance and conduct the technical regulations conformity certification service only when the specified radio equipment pertaining to said request is deemed to conform to the technical regulations prescribed in the preceding chapter.

(2) A registered certification body shall, upon granting the technical regulations conformity certification pertaining to its registration, notify the Minister of the classification of the specified radio equipment that received the technical regulations conformity certification and other matters specified by the applicable MIC ordinance.

(3) The Minister shall, when receiving such notification under the preceding paragraph, issue a public notice to that effect pursuant to the provisions of the applicable MIC ordinance.

(4) The Minister shall, when intending to establish, revise, or abolish the applicable MIC ordinance prescribed in paragraph (1) of this article, consult with the Minister of Economy, Trade and Industry.

Article 38-7 (Mark)

(1) The registered certification body shall, upon giving the technical regulations conformity certification pertaining to its registration, affix a mark indicating technical regulations conformity certification to the specified radio equipment pursuant to the provisions of the applicable MIC ordinance.

(2) Except in cases of affixing the mark pursuant to the provisions of the preceding paragraph (including cases where applied mutatis mutandis pursuant to Article 38-31 paragraph (4)), Article 38-26 (including cases where applied mutatis mutandis pursuant to Article 38-31 paragraph (6)), or Article 38-35, no person shall affix the mark or a misleadingly similar mark to radio equipment in Japan.

(3) Any person who has changed the specified radio equipment affixed with the mark pursuant to the provisions of paragraph (1) of this article (including cases where applied mutatis mutandis pursuant to Article 38-31 paragraph (4)), Article 38-26 (including cases where applied mutatis mutandis pursuant to Article 38-31 paragraph (6)), or Article 38-35 shall remove the mark by the means specified in the applicable MIC ordinance.

#### Article 38-8 (Obligation, etc. Related to Technical Regulations Conformity Certification)

(1) A registered certification body shall, when requested to grant technical regulations conformity certification pertaining to its registration, conduct examinations for technical regulations conformity certification without delay unless there is due reason not to do so.

(2) A registered certification body shall, when conducting the examinations under the preceding paragraph, use measuring instruments and other equipment listed in the right column of appended table No. 3 and which have been given any type of calibration, etc. as listed in Article 24-2 paragraph (4) item (ii) (a) through (d) (limited to those that have been calibrated, etc. within one year from the first day of the month following the month containing the day of calibration, etc.), and instruct a person who has knowledge and experience conforming to the conditions listed in appended table No. 4 (hereinafter referred to as "certification examiner") to conduct the examination.

#### Article 38-9 (Appointment and Dismissal of Officers, etc.)

When appointing or dismissing its officer or certification examiner, a registered certification body shall notify the Minister to that effect without delay.

#### Article 38-10 (Operational Regulations)

A registered certification body shall establish its operational regulations for the classification of business pertaining to its registration, the methods of conducting the technical regulations conformity certification service, and other matters specified by the applicable MIC ordinance, and shall notify the Minister of the operational regulations prior to the commencement of said service. The same shall apply when such regulations are to be revised.

Article 38-11 (Preparation of Financial Statements, etc. and Access, etc. Thereto)

(1) A registered certification body shall, within three months after the end of each business year, prepare a list of property, a balance sheet and a profit and loss statement or income and expenditure statement, and a business report (referred to as "financial statements, etc." in the following paragraph and Article 116 item (xvi), including the electromagnetic records (any records that are produced by electronic, magnetic, or any other means unrecognizable by natural perceptive function, and are used for data-processing by a computer; the same shall apply in this article) in cases where electromagnetic records are produced instead of those paper documents) and retain thereof for a five-year period at its office.

(2) Interested parties including a person who performs the business of dealing in specified radio equipment may, whenever within the business hours of a registered certification body, make the following requests. However, when making the request in item (ii) or item (iv), the fees set forth by the registered certification body shall be paid.

(i) Where financial statements, etc. are written documents, a request for access to said documents or a copy thereof

(ii) A request for a certified copy or an abridged copy of the documents under the preceding item

(iii) Where financial statements, etc. are produced as electromagnetic records, a request for access to or a copy of matters recorded on said electromagnetic records, which are displayed in a manner specified by the applicable MIC ordinance

(iv) A request for provision of the matters recorded on said electromagnetic records under the preceding item in an electromagnetic manner specified by the applicable MIC ordinance or a request for delivery of written documents containing said matters

Article 38-12 (Preparation, etc. of Record Book)

A registered certification body shall, pursuant to the provisions of the applicable MIC ordinance, prepare and maintain a record book, in which matters related to the technical regulations conformity certification service and specified by the applicable MIC ordinance, are entered.

Article 38-13 (Order, etc. to Improve Business Activities for Registered Certification Bodies)

(1) The Minister may, when a registered certification body is determined not to fall under any of the items in Article 38-3 paragraph (1), order said registered certification body to take the measures necessary for conformation to the provisions of such items.

(2) The Minister may, when a registered certification body is determined to have violated the provisions of Article 38-6 paragraph (1) or Article 38-8, order said registered certification body to conduct examinations for technical regulations

conformity certification or to take the necessary measures for improvements to its methods of business including the method of examination for the technical regulations conformity certification.

Article 38-14 (Application Concerning Technical Regulations Conformity Certification and Order of the Minister)

(1) A person who has requested technical regulations conformity certification pursuant to the provisions of Article 38-6 paragraph (1) may, when a registered certification body does not conduct examinations for the technical regulations conformity certification or when the person has objections to the results of the technical regulations conformity certification conducted by the registered certification body with regard to the specified radio equipment pertaining to its request, file an application with the Minister requesting to order that such registered certification body conduct examinations for the technical regulations conformity certification or that the registered certification body conduct the examinations for the technical regulations conformity certification again.

(2) The Minister shall, in cases where an application under the preceding paragraph is filed and when the registered certification body pertaining to said application is determined to have violated the provisions of Article 38-6 paragraph (1) or Article 38-8, issue an order pursuant to the provisions of paragraph (2) of the preceding article to the registered certification body pertaining to said application.

(3) The Minister shall, in the case of the preceding paragraph, upon deciding whether to issue or not to issue an order pursuant to the provisions of paragraph (2) of the preceding article, notify the person who filed said application of such decision without delay.

Article 38-15 (On-Site Inspection, etc. of Registered Certification Bodies)

(1) The Minister may when deemed necessary to enforce this Act, order a registered certification body to report on the situation of its technical regulations conformity certification service pertaining to its registration, or delegate ministerial staff to enter the place of business of said registered certification body to inspect the state of the technical regulations conformity certification service pertaining to its registration or facilities, record books, documents and other articles.

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

Article 38-16 (Suspension and Discontinuation of Service)

(1) A registered certification body shall, when intending to suspend or discontinue its technical regulations conformity certification service pertaining to its registration, notify the Minister to that effect in advance, pursuant to the provisions of the applicable MIC ordinance.



(2) When a registered certification body discontinues its entire technical regulations conformity certification service, the registration of said registered certification body shall lose its validity.

(3) When notified pursuant to the provisions of paragraph (1) of this article, the Minister shall issue a public notice to that effect.

#### Article 38-17 (Revocation, etc. of Registration)

(1) When a registered certification body has come to fall under any of the items (except item (ii)) of Article 24-2 paragraph (5), as applied mutatis mutandis pursuant to Article 38-3 paragraph (2), the Minister shall revoke its registration.

(2) Where a registered certification body falls under any of the following items, the Minister may revoke its registration or order it to suspend all or part of its technical regulations conformity certification service for a period specified by the Minister:

(i) When violating the provisions of this Section

(ii) When violating the orders pursuant to the provisions of Article 38-13 paragraph (1) or (2)

(iii) When obtaining the registration or renewal thereof under Article 38-2 paragraph (1) through unlawful means

(3) When revoking the registration pursuant to the provisions of paragraph (1) or the preceding paragraph, or ordering the registration body to suspend all or part of the technical regulations conformity certification service pursuant to the provisions of the preceding paragraph, the Minister shall issue a public notice to that effect.

#### Article 38-18 (Execution of Technical Regulations Conformity Certification Service by the Minister)

(1) When there is no one who has obtained registration under Article 38-2 paragraph (1), or when the Minister determines it necessary where a registered certification body has suspended or discontinued its technical regulations conformity certification service pursuant to the provisions of Article 38-16 paragraph (1), where the Minister has revoked the registration pursuant to the provisions of paragraph (1) or (2) of the preceding article, where the Minister has ordered a registered certification body to suspend all or part of the technical regulations conformity certification service pursuant to the provisions of the same paragraph, or where a registered certification body has fallen into difficulties in executing all or part of the technical regulations conformity certification service pertaining to its registration due to a natural disaster or any other reason, the Minister himself/herself shall conduct all or part of the technical regulations conformity certification service.

(2) The Minister shall conduct the technical regulations conformity certification service pursuant to the provisions of the preceding paragraph or shall, when discontinuing conducting the technical regulations conformity certification service pursuant to the provisions of the same paragraph, issue a public notice to that effect in advance.

(3) Where the Minister has determined to conduct the technical regulations conformity certification service pursuant to the provisions of paragraph (1) of this article, the succession of the technical regulations conformity certification service and other necessary matters shall be specified by the applicable MIC ordinance.

Article 38-19 (Application Mutatis Mutandis)

The provisions of Article 24-3 and Article 24-11 shall apply mutatis mutandis to the registration of registered certification bodies. In this case, "a person registered pursuant to paragraph (1) of the preceding article (hereinafter referred to as a "registered inspector)" in Article 24-3 shall be deemed to be replaced with "the person who has obtained the registration"; "Registry of Registered Inspectors" in the same article shall be deemed to be replaced with "Registry of Registered Certification Bodies"; "Date and reference number of registration" in the same article shall be deemed to be replaced with "Date of registration and the date of its renewal, and reference number of registration"; "items (i) and (ii) of paragraph (2) of the preceding article" in the same article shall be deemed to be replaced with "Article 38-2 paragraph (2) items (i) through (iii)"; "Article 24-9 paragraph (2)" in Article 24-11 shall be deemed to be replaced with "Article 38-4 paragraph (1) or Article 38-16 paragraph (2)"; and "the preceding article" in the same article shall be deemed to be replaced with "Article 38-17 paragraph (1) or (2)."

Article 38-20 (On-site Inspection, etc. of Bodies Who Have Been Given Technical Regulations Conformity Certification)

(1) The Minister may, when deemed necessary to enforce of this Act, order those who have been given the technical regulations conformity certification by a registered certification body to report on the specified radio equipment pertaining to said technical regulations conformity certification, or delegate the ministerial staff to enter the place of business of those who have been given the technical regulations conformity certification and check said specified radio equipment and other articles.

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

Article 38-21 (Submission of Specified Radio Equipment, etc.)

(1) When the Minister has ordered the delegated ministerial staff to conduct on-site inspection pursuant to the provisions of paragraph (1) of the preceding article, and where there is specified radio equipment on-site inspection of which is determined extremely difficult or where particular articles are necessary for inspecting such specified radio equipment, the Minister may order the person who has received the technical regulations conformity certification from a registered certification body to submit said specified radio equipment or said articles within a period specified by the Minister.

(2) The Government shall compensate the person who has received said technical regulations conformity certification for the loss caused by the order issued pursuant to the provisions of the preceding paragraph.

(3) The loss to be compensated pursuant to the provisions of the preceding paragraph shall be the ordinary loss incurred by the order under paragraph (1) of this article.

Article 38-22 (Order for Prevention of Disturbance, etc.)

(1) Where the Minister determines that specified radio equipment given a technical regulations conformity certification by a registered certification body and affixed with the mark under Article 38-7 paragraph (1) does not conform to the technical regulations prescribed in the preceding Chapter and that the use of said specified radio equipment is likely to induce interference and other disturbance that will impair other radio stations' operation or cause harm to human bodies, the Minister may, when deemed particularly necessary to prevent said disturbance or harm from expanding, order said person who was given said technical regulations conformity certification to take measures necessary for preventing said disturbance or harm caused by said specified radio equipment from expanding.

(2) The Minister shall, when intending to issue the order pursuant to the provisions of the preceding paragraph, consult with the Minister of Economy, Trade and Industry.

Article 38-23 (Case Where Mark Is Deemed Not to Be Affixed)

(1) Where the specified radio equipment that received the technical regulations conformity certification by a registered certification body and was affixed with the mark pursuant to the provisions of Article 38-7 paragraph (1) does not conform to the technical regulations prescribed in the preceding Chapter, and when deemed particularly necessary by the Minister to prevent the occurrence of interference and other disturbance that impair other radio stations' operation or of harm to human bodies, said specified radio equipment shall be deemed not to be affixed with the mark pursuant to the provisions of the same paragraph.

(2) The Minister shall, when the specified radio equipment is deemed not to be affixed with the mark pursuant to the provisions of the preceding paragraph, issue a public notice to that effect.

Article 38-24 (Certification of Construction Type of Specified Radio Equipment)

(1) A registered certification body, upon request from a person who conducts the business of dealing in specified radio equipment, shall certify that the construction type of said specified radio equipment (including the method to verify that each equipment conforms to the type) (hereinafter referred to as "construction type certification") conforms to the technical regulations prescribed in the preceding Chapter.

(2) A registered certification body shall, upon request for the construction type certification pertaining to its registration, conduct an examination pursuant to the

provisions of the applicable MIC ordinance, and shall perform the construction type certification only when it is determined that the construction type conforms to the technical regulations prescribed in the preceding Chapter and that any and all specified radio equipment based on said construction type is ensured to conform to said construction type.

(3) The provisions of Article 38-6 paragraphs (2) and (3), Article 38-8, Article 38-9, Article 38-12, Article 38-13 paragraph (2), and Article 38-14 shall apply mutatis mutandis to cases where a registered certification body performs the construction type certification; the provisions of Article 38-10, Article 38-15, Article 38-16, Article 38-17 paragraphs (2) and (3), and Article 38-18 shall apply mutatis mutandis to cases where a registered certification body conducts the technical regulations conformity certification service and the construction type certification service. In these cases, "that received" in Article 38-6 paragraph (2) shall be deemed to be replaced with "based on a construction type pertaining to"; "said service" in Article 38-10 shall be deemed to be replaced with "these services"; "Article 38-6 paragraph (1) or Article 38-8" in Article 38-13 paragraph (2) shall be deemed to be replaced with "Article 38-8 or Article 38-24 paragraph (2)"; "Article 38-6 paragraph (1)" in Article 38-14 paragraph (1) shall be deemed to be replaced with "Article 38-24 paragraph (2)"; "the specified radio equipment" in Article 38-14 paragraph (1) shall be deemed to be replaced with "the construction type (including the method to verify the conformity to said construction type)"; and "Article 38-6 paragraph (1) or Article 38-8" in Article 38-14 paragraph (2) shall be deemed to be replaced with "Article 38-8 or Article 38-24 paragraph (2)."

#### Article 38-25 (Obligations, etc. to Conform to Construction Types)

(1) A person who has received construction type certification (hereinafter referred to as a "certified dealer") from a registered certification body shall, when dealing in specified radio equipment based on the construction type pertaining to said construction type certification (hereinafter referred to as "certified construction type") ensure that said specified radio equipment conforms to said certified construction type.

(2) A certified dealer shall inspect specified radio equipment that it deals in under the preceding paragraph, in accordance with the method for verification pertaining to the construction type certification, and prepare and maintain the inspection records pursuant to the provisions of the applicable MIC ordinance.

#### Article 38-26 (Mark of Specified Radio Equipment Based on Certified Construction Type)

A certified dealer may, upon performing the obligations pursuant to the provisions of paragraph (2) of the preceding article with regard to specified radio equipment based on a certified construction type, affix to said specified radio equipment the mark specified by the applicable MIC ordinance.

Article 38-27 (Order for Certified Dealers to Take Improvement Measures)

The Minister may, when the Minister determines that a certified dealer has violated the provisions of Article 38-25 paragraph (1), order said certified dealer to take measures to improve the method of verification pertaining to the construction type certification.

Article 38-28 (Prohibiting from Affixing the Mark)

(1) The Minister may, in the cases listed in each of the following items, prohibit a certified dealer from affixing the mark prescribed in Article 38-26 to the specified radio equipment based on the certified construction type or the construction type prescribed in the following items for a period specified by the Minister not exceeding two years:

(i) Where specified radio equipment based on the certified construction type does not conform to the technical regulations prescribed in the preceding Chapter, and when deemed particularly necessary by the Minister to prevent the occurrence of interference and other disturbance that impair other radio stations' operation or of harm to human bodies (except in the case of item (vi)): Certified construction type of said specified radio equipment

(ii) When a certified dealer has violated the provisions of Article 38-25 paragraph (2): Certified construction type of the specified radio equipment pertaining to said violation

(iii) When a certified dealer has violated the order pursuant to the provisions of the preceding article: Certified construction type of the specified radio equipment pertaining to said violation

(iv) When a certified dealer has received the construction type certification from a registered certification body through unlawful means: Construction type pertaining to said construction type certification

(v) When a registered certification body has conducted the construction type certification in violation of the provisions of Article 38-24 paragraph (2), or the provisions of Article 38-8 paragraph (2), which are applied mutatis mutandis pursuant to Article 38-24 paragraph (3): Construction type pertaining to said construction type certification

(vi) Where the technical regulations prescribed in the preceding Chapter are revised, and when it is determined that the construction type that received the construction type certification prior to such revision does not conform to the revised technical regulations: Said construction type

(2) The Minister shall, when prohibiting the affixing of the mark pursuant to the provisions of the preceding paragraph, issue a public notice to that effect.

Article 38-29 (Application Mutatis Mutandis)

The provisions of Article 38-20 through Article 38-22 shall apply mutatis mutandis to certified dealers, and the provisions of Article 38-23 shall apply mutatis

mutandis to the specified radio equipment based on the certified construction type. In these cases, "technical regulations conformity certification" in Article 38-20 paragraph (1) shall be deemed to be replaced with "construction type certification which the certified dealer received"; "given a technical regulations conformity certification by a registered certification body" in Article 38-22 paragraph (1) shall be deemed to be replaced with "based on the certified construction type"; "Article 38-7 paragraph (1)" in Article 38-22 paragraph (1) and Article 38-23 paragraph (1) shall be deemed to be replaced with "Article 38-26"; "said" in Article 38-22 paragraph (1) shall be deemed to be replaced with "pertaining to said certified construction type"; and "the same paragraph" in Article 38-23 paragraph (1) shall be deemed to be replaced with "the same article."

#### Article 38-30 (Foreign Dealers)

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

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

(3) In addition to the case of the provisions of Article 38-28 paragraph (1), the Minister may, in the cases listed in each of the following items, prohibit a foreign dealer who received the construction type certification conducted by a registered certification body from affixing the mark prescribed in Article 38-26 to specified radio equipment based on the certified construction type prescribed in the following items for a period specified by the Minister not exceeding two years:

(i) When a report is not submitted or a false report is submitted, where the Minister requests said foreign dealer to report pursuant to the provisions of Article

38-20 paragraph (1), as applied mutatis mutandis pursuant to the preceding article: Certified construction type of the specified radio equipment pertaining to said report

(ii) Where the Minister delegates ministerial staff to inspect the place of business of the foreign dealer pursuant to the provisions of Article 38-20 paragraph (1), as applied mutatis mutandis pursuant to the preceding article, when the foreign dealer refuses, hinders, or evades the inspection: Certified construction type of the specified radio equipment pertaining to said inspection

(iii) When said foreign dealer has neglected the request pursuant to the provisions of Article 38-21 paragraph (1), as applied mutatis mutandis pursuant to the preceding article, where "order" shall be deemed to be replaced with "request" pursuant to the provisions of the preceding paragraph: Certified construction type of the specified radio equipment pertaining to said request

(4) The Minister shall, when prohibiting the affixing of the mark pursuant to the provisions of the preceding paragraph, issue a public notice to that effect.

Article 38-31 (Approved Certification Body)

(1) When an application is filed by any person who conducts inspection and testing of radio equipment in foreign countries based on a radio inspection system under foreign laws and regulations which is similar to the technical regulations conformity certification system, and who wishes to conduct the technical regulations conformity certification service prescribed in the preceding Chapter on the specified radio equipment dealt with in such foreign countries by a foreign dealer and to be used in Japan, the Minister may approve it according to the classification of business.

(2) A person who was approved pursuant to the provisions of the preceding paragraph (hereinafter referred to as an "approved certification body") shall, when suspending or discontinuing the technical regulations conformity certification service pertaining to its approval, notify the Minister to that effect without delay.

(3) The Minister shall issue a public notice to that effect upon receipt of the notification pursuant to the provisions of the preceding paragraph.

(4) The provisions of Article 24-2 paragraphs (5) and (6), Article 38-2 paragraphs (2) and (3), Article 38-3 paragraph (1), and Article 38-5 paragraph (1) shall apply mutatis mutandis to the approval by the Minister of paragraph (1); the provisions of paragraphs (2) and (3) of the same article, Article 38-6 paragraphs (1) through (3), Article 38-7 paragraph (1), Article 38-8, Article 38-10, Articles 38-12 through 38-15, and Article 38-23 shall apply mutatis mutandis to an approved certification body; and the provisions of Article 38-20 through Article 38-22 shall apply mutatis mutandis to a person who received the technical regulations conformity certification by an approved certification body. In these cases, "Article 24-10 or Article 24-13 paragraph (3)" in Article 24-2 paragraph (5) item (ii) shall be deemed to be replaced with "Article 38-32 paragraph (1) or (2)"; "the preceding paragraphs" in paragraph (6) of the same article shall be deemed to be replaced with "the preceding paragraph,

Article 38-2 paragraphs (2) and (3), Article 38-3 paragraph (1), and Article 38-31 paragraph (1)"; "applicant for registration" in Article 38-3 paragraph (1) shall be deemed to be replaced with "applicant for approval"; "if the registration applicant conforms to" in the same article and paragraph shall be deemed to be replaced with "unless the registration applicant conforms to"; "shall" in the same article and paragraph shall be deemed to be replaced with "shall not"; "Compnies Act" in the same paragraph item (iii) (a) shall be deemed to be replaced with "Companies Act in the foreign country"; "parent company" in the same paragraph and item (a) shall be deemed to be replaced with "an equivalent of parent company"; "person who has obtained registration under the same paragraph (hereinafter referred to as a "registered certification body")" in Article 38-5 paragraph (1) and "registered certification body" in Article 38-22 paragraph (1) shall be deemed to be replaced with "approved certification body"; "registration" in Article 38-6 paragraphs (1) and (2), Article 38-7 paragraph (1), Article 38-8 paragraph (1), Article 38-10, and Article 38-15 paragraph (1) shall be deemed to be replaced with "approval"; "order" in Article 38-13, Article 38-21 paragraph (1), and Article 38-22 paragraph (1) shall be deemed to be replaced with "request"; "to order" in Article 38-14 paragraph (1) shall be deemed to be replaced with "to request"; and "order" in paragraphs (2) and (3) in the same article, Article 38-21 paragraphs (2) and (3), and Article 38-22 paragraph (2) shall be deemed to be replaced with "request."

(5) An approved certification body may, upon the request of a foreign dealer, conduct the construction type certification service for the specified radio equipment that will be used in Japan.

(6) The provisions of Article 38-6 paragraphs (2) and (3), Article 38-8, Article 38-12, Article 38-13 paragraph (2), Article 38-14, Article 38-23, and Article 38-24 paragraph (2) shall apply mutatis mutandis to the construction type certification by an approved certification body; the provisions of Article 38-10, Article 38-15, and paragraphs (2) and (3) shall apply mutatis mutandis to the services of technical regulations conformity certification and construction type certification by an approved certification body; the provisions of Articles 38-20 through 38-22, Articles 38-25 through 38-28, and paragraphs (3) and (4) of the preceding article shall apply mutatis mutandis to a person who received the construction type certification by an approved certification body. In these cases, "registration" in Article 38-6 paragraph (2), Article 38-8 paragraph (1), Article 38-10, Article 38-15 paragraph (1), and Article 38-24 paragraph (2) shall be deemed to be replaced with "approval"; "that received" in Article 38-6 paragraph (2) and Article 38-23 paragraph (1) shall be deemed to be replaced with "based on the construction type pertaining to"; "said service" in Article 38-10 shall be deemed to be replaced with "these services"; "Article 38-6 paragraph (1) or Article 38-8" in Article 38-13 paragraph (2) and Article 38-14 paragraph (2) shall be deemed to be replaced with "Article 38-8 or Article



38-24 paragraph (2)"; "order" in Article 38-13 paragraph (2), Article 38-21 paragraph (1), Article 38-22 paragraph (1), and Article 38-27 shall be deemed to be replaced with "request"; "Article 38-6 paragraph (1)" in Article 38-14 paragraph (1) shall be deemed to be replaced with "Article 38-24 paragraph (2)"; "specified radio equipment" in the same article and paragraph shall be deemed to be replaced with "construction type (including the methods to verify the conformity to said construction type"; "to order" in the same article and paragraph shall be deemed to be replaced with "to request"; "order" in paragraphs (2) and (3) in the same article, Article 38-21 paragraphs (2) and (3) and Article 38-22 paragraph (2) shall be deemed to be replaced with "request"; "pertaining to said technical regulations conformity certification" in Article 38-20 paragraph (1) shall be deemed to be replaced with "pertaining to said construction type certification"; "given a technical regulations conformity certification by a registered certification body" in Article 38-22 paragraph (1) shall be deemed to be replaced with "based on the certified construction type"; "Article 38-7 paragraph (1)" in the same article and Article 38-23 paragraph (1) shall be deemed to be replaced with "Article 38-26"; "given said technical regulations conformity certification" in Article 38-22 paragraph (1) shall be deemed to be replaced with "given a technical regulations conformity certification pertaining to said certified construction type"; "the same paragraph" in Article 38-23 paragraph (1) shall be deemed to be replaced with "the same article"; "has violated the order" in Article 38-28 paragraph (1) item (iii) shall be deemed to be replaced with "has neglected the request"; "to said violation" in the same article and paragraph shall be deemed to be replaced with "to said request"; "registered certification body" in item (iv) of the same paragraph shall be deemed to be replaced with "approved certification body"; "registered certification body has conducted the construction type certification in violation of the provisions of Article 38-24 paragraph (2), or the provisions of Article 38-8 paragraph (2), which are applied mutatis mutandis pursuant to Article 38-24 paragraph (3)" in the same paragraph item (v) shall be deemed to be replaced with "approved certification body has conducted the construction type certification in violation of the provisions of Article 38-8 paragraph (2) or Article 38-24 paragraph (2)"; "the preceding article" in paragraph (3) items (i) and (ii) in the preceding article, and "the preceding article, where "order" shall be deemed to be replaced with "request" pursuant to the provisions of the preceding paragraph" in item (iii) of the same paragraph shall be deemed to be replaced with "paragraph (6) of the following article."

#### Article 38-32 (Revocation of Approval)

(1) The Minister shall revoke the approval when the approved certification body has lost its status in its own country pursuant to the provisions of paragraph (1) of the preceding article, or when it falls under any of the items (except item (ii)) of Article

24-2 paragraph (5), as applied mutatis mutandis pursuant to paragraph (4) of the same article.

(2) The Minister may revoke the approval when the approved certification body falls under any of the following items:

(i) When violating the provisions of paragraph (2) of the preceding article (including cases where applied mutatis mutandis pursuant to paragraph (6) of the same article), the provisions of Article 38-5 paragraph (2), Article 38-6 paragraph (2), Article 38-8, Article 38-10, or Article 38-12, as applied mutatis mutandis pursuant to paragraph (4) of Article 38-31, or the provisions of Article 38-6 paragraph (2), Article 38-8, Article 38-10, or Article 38-12, as applied mutatis mutandis pursuant to paragraph (6) of Article 38-31

(ii) When neglecting the request pursuant to the provisions of Article 38-13 paragraph (1) or (2), as applied mutatis mutandis pursuant to paragraph (4) of the preceding article, or the provisions of Article 38-13 paragraph (2), as applied mutatis mutandis pursuant to paragraph (6) of the preceding article

(iii) When obtaining the certification through unlawful means

(iv) When no report or a false report is submitted, where the Minister requests the approved certification body to report pursuant to the provisions of Article 38-15 paragraph (1), as applied mutatis mutandis pursuant to paragraph (4) or (6) of the preceding article

(v) When the approved certification body refuses, hinders, or evades the inspection, where the Minister delegates ministerial staff to inspect the place of business of the approved certification body pursuant to the provisions of Article 38-15 paragraph (1), as applied mutatis mutandis pursuant to paragraph (4) or (6) of the preceding article

(3) The Minister shall, when revoking the approval pursuant to the provisions of the preceding two paragraphs, issue a public notice to that effect.

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

Article 38-33 (Self-Confirmation of Technical Regulations Conformity, etc.)

(1) A manufacturer or an importer of the specified radio equipment that is, from the viewpoints of the technical regulations or usage modes, etc. of the radio equipment, specified by the applicable MIC ordinance as not likely to cause the occurrence of interference and other disturbance that significantly impair other radio stations' operation (hereinafter referred to as "special specified radio equipment") may confirm itself that the construction type (including the methods to verify the conformity to said construction type) of the special specified radio equipment conforms to the technical regulations prescribed in the preceding Chapter.

(2) Any manufacturer or importer shall verify pursuant to the provisions of the applicable MIC ordinance, and shall then confirm pursuant to the provisions of the preceding paragraph (referred to as "self-confirmation of technical regulations

conformity" in the following paragraph) only when the construction type of the special specified radio equipment conforms to the technical regulations prescribed in the preceding chapter and when it is determined that any of the special specified radio equipment based on such type is ensured to conform to such construction type. (3) Upon self-confirmation of the conformity of technical regulations, a manufacturer or an importer should, pursuant to the provisions of the applicable MIC ordinance, notify the Minister of the following items:

(i) Name or appellation and address of the manufacturer or importer, and in the case where the manufacturer or importer is a juridical person, name of the representative

(ii) Classification and construction type of the special specified radio equipment on which self-confirmation of the conformity of technical regulations was made

(iii) Outline of the verification results under the preceding paragraph

(iv) Method to confirm that any special specified radio equipment based on the construction type in item (ii) conforms to said construction type

(v) Other matters concerning the methods, etc. of self-confirmation of the conformity of technical regulations, which are specified by the applicable MIC ordinance

(4) A person who has submitted a notification pursuant to the provisions of the preceding paragraph (hereinafter referred to as a "notifying supplier") shall prepare and maintain record books pertaining to the confirmation under paragraph (2) of this article pursuant to the provisions of the applicable MIC ordinance.

(5) A notifying supplier shall, when changing any of the matters listed in the items (except items (ii) and (iii)) of paragraph (3) of this article, notify the Minister to that effect without delay, pursuant to the provisions of the applicable MIC ordinance.

(6) The Minister shall, when a notification pursuant to the provisions of paragraph (3) of this article is filed, issue a public notice to that effect pursuant to the provisions of the applicable MIC ordinance. The same shall apply when a notification was filed pursuant to the provisions of the preceding paragraph and any change was made in the matters included in the public notice.

(7) The Minister shall, when intending to establish, revise, or abolish such MIC ordinance as prescribed in paragraph (1) of this article, consult with the Minister of Economy, Trade and Industry.

Article 38-34 (Obligation to Conform to Construction Type, etc.)

(1) A notifying supplier shall, when manufacturing or importing the special specified radio equipment based on the construction type pertaining to the notification pursuant to the provisions of paragraph (3) of the preceding article (hereinafter referred to simply as "notified construction type"), make such special specified radio equipment conform to said notified construction type.

(2) A notifying supplier shall inspect the special specified radio equipment of the preceding paragraph pertaining to the manufacture or import in accordance with the confirmation methods pertaining to the notification pursuant to the provisions of paragraph (3) of the preceding article, and prepare and maintain the inspection records pursuant to the provisions of the applicable MIC ordinance.

Article 38-35 (Mark)

A notifying supplier may, upon performing the obligation pursuant to the provisions of paragraph (2) of the preceding article with regard to the special specified radio equipment based on the notified construction type, affix to said special specified radio equipment the mark specified by the applicable MIC ordinance.

Article 38-36 (Prohibition of Affixing Mark)

(1) The Minister may, in the cases listed in each of the following items, prohibit a notifying supplier from affixing the mark under the preceding article to the special specified radio equipment based on the notified construction type or construction type prescribed in each said item for a period specified by the Minister not exceeding two years:

(i) Where the special specified radio equipment based on the notified construction type does not conform to the technical regulations prescribed in the preceding Chapter, and when deemed particularly necessary by the Minister to prevent the occurrence of interference and other disturbance that impair other radio stations' operation or of harm to human bodies (except in item (v) of this paragraph): Notified construction type of said special specified radio equipment

(ii) When a notifying supplier filed a false notification in notifying pursuant to the provisions of Article 38-33 paragraph (3): Construction type pertaining to said false notification

(iii) When a notifying supplier has violated the provisions of Article 38-33 paragraph (4) or Article 38-34 paragraph (2): Notified construction type of the special specified radio equipment pertaining to said violation

(iv) When a notifying supplier has violated the order pursuant to the provisions of Article 38-27, as applied mutatis mutandis pursuant to Article 38-38: Notified construction type of the special specified radio equipment pertaining to said violation

(v) Where the technical regulations prescribed in the preceding Chapter are revised, and when it is determined that the construction type notified prior to such revision pursuant to the provisions of Article 38-33 paragraph (3) does not conform to the technical regulations after said revision: Said construction type

(2) The Minister shall, when prohibiting affixing of the mark pursuant to the provisions of the preceding paragraph, issue a public notice to that effect.

Article 38-37

(1) Where a notifying supplier has fallen under any of paragraph (1) items (ii) through (iv) of the preceding article and when the Minister determines that the notifying supplier is likely to fall again under any of items (ii) through (iv) of the same paragraph, the Minister may prohibit said notifying supplier from affixing the mark under Article 38-35 to the special specified radio equipment for a period specified by the Minister not exceeding two years.

(2) The Minister shall, when prohibiting the affixing of the mark pursuant to the provisions of the preceding paragraph, issue a public notice to that effect.

#### Article 38-38 (Application Mutatis Mutandis)

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

### **Chapter IV Radio Operators**

#### Article 39 (Operation of Radio Equipment)

(1) No person other than a radio operator who is permitted to engage in the operation of radio equipment pursuant to the provisions of Article 40 (referring to radio operators who hold the ship station radio operator attestation prescribed in Article 48-2 paragraph (1) in the case of the operation of radio equipment on a compulsory ship station, etc. which is specified by the applicable MIC ordinance; the same shall apply in this article) may operate radio equipment in a radio station (except easy-to-operate radio equipment specified by the applicable MIC ordinance) unless the person is under the control of someone who is appointed as a supervisor (hereinafter referred to as a "radio operator in full charge") to operate radio equipment in a radio station (except amateur radio stations; the same shall apply in this article) and whose appointment has been notified pursuant to the provisions of

paragraph (4). However, this shall not apply in cases where no radio operator can be supplemented because the ship or aircraft is navigating, or where specified by the applicable MIC ordinance.

(2) The operation of radio telegraphy that transmits or receives Morse code signals and the operation of radio equipment specified by the applicable MIC ordinance shall be conducted only by a radio operator pursuant to the provisions of Article 40, notwithstanding the provisions of the main clause of the preceding paragraph.

(3) The radio operator in full charge shall be a radio operator who is capable of supervising the operation of radio equipment pursuant to the provisions of Article 40, and who does not fall under matters specified by the applicable MIC ordinance.

(4) Any licensee, etc. of a radio station shall, when the licensee, etc. has appointed a radio operator in full charge, notify the Minister to that effect without delay. The same shall apply to cases where the licensee, etc. has dismissed the radio operator in full charge.

(5) Any radio operator in full charge whose appointment has been notified pursuant to the provisions of the preceding paragraph shall perform with integrity the duties specified by the applicable MIC ordinance, with respect to supervising the operation of radio equipment.

(6) Any person who is engaged in operating radio equipment under the supervision of a radio operator in full charge, whose appointment has been notified pursuant to the provisions of paragraph (4), shall observe any instructions of the radio operator in full charge which are determined necessary to perform the duties of the preceding paragraph.

(7) The licensee, etc. of a radio station (except where specified by the applicable MIC ordinance) shall order the radio operator in full charge, whose appointment has been notified pursuant to the provisions of paragraph (4), to take a training course organized by Minister for supervision of the operation of radio equipment every certain period as specified by the applicable MIC ordinance.

#### Article 39-2 (Designation of a Training Agency)

(1) The Minister may designate a person (hereinafter referred to as "designated training agency") to hold the training courses prescribed in paragraph (7) of the preceding article (hereinafter referred to simply as "training courses").

(2) A training agency shall be designated upon application by the person who wishes to hold the training courses for each of the classifications specified by the applicable MIC ordinance.

(3) Upon designating a training agency, the Minister shall not organize training courses in the classification pertaining to the designation.

(4) The Minister shall not designate a training agency unless the Minister recognizes that the application under paragraph (2) conforms to all of the following items:

(i) Plans to execute training course service, with respect to the staff, equipment, methods for executing the training course service, and other issues, are suitable for the proper and sure execution of the training course service.

(ii) The applicant has a sufficient financial base for the proper and sure execution of the plans to execute the training course service prescribed in the preceding item.

(iii) In the case where a training agency is conducting services other than training course services, such business is not likely to result in unfairness to the training courses.

(iv) The designation does not impair the proper or sure execution of the training course service in the classification pertaining to the application.

(5) The Minister shall not designate a training agency where those who filed an application under paragraph (2) fall under any of the following items:

(i) Any person other than a juridical person established pursuant to the provisions of Article 34 of the Civil Code (Act No. 89 of 1896)

(ii) Any person who has been sentenced to a penalty prescribed by this Act, within a period of two years since the day on which the person's sentence or suspended sentence was served out

(iii) Any person whose designation was revoked pursuant to the provisions of Article 39-11 paragraph (1) or paragraph (2), within a period of two years since the day on which the revocation was made

(iv) Any person, any of whose officers fall under item (ii)  
Article 39-3 (Public Notice, etc. of Designation)

(1) The Minister shall, upon designating a training agency, issue a public notice of the name and address of the designated training agency, the classification pertaining to its designation, the location of the office where the training course service is conducted, and the date of commencing the training course service.

(2) A designated training agency shall, when intending to change its name, address or the location of the office where the training course service is conducted, notify the Minister to that effect at least two weeks prior to the date of the change.

(3) The Minister shall, when receiving a notification pursuant to the provisions of the preceding paragraph, issue a public notice to that effect.

Article 39-4 (Officer and Staff Status as Public Officials)

Any officer or staff member of a designated training agency engaged in the training course service shall be deemed to be engaged in public service under laws and regulations with respect to the application of the Criminal Code (Act No. 45 of 1907) and other penal provisions.

Article 39-5 (Operational Regulations)

(1) A designated training agency shall establish operational regulations for matters related to the implementation of the training course service specified by the applicable MIC ordinance, and shall obtain authorization of such regulations from

the Minister. The same shall apply when a designated training agency intends to change such regulations.

(2) The Minister may, when the Minister determines that the operational regulations that received authorization under the preceding paragraph have become inappropriate for proper and sure implementation of the training course service, order a designated training agency to change the operational regulations.

Article 39-6 (Business Plan, etc. of a Designated Training Agency)

(1) A designated training agency shall formulate its business plan and revenues and expenditures budget for each business year, and shall submit them to the Minister prior to the commencement of said business year (for the business year during which the training agency is designated, without delay after designation). The same shall apply to the case where the designated examination agency intends to change its business plan or revenues and expenditures budget.

(2) A designated training agency shall formulate its annual business report and financial settlement report for each business year, and shall submit them to the Minister within three months after the end of said business year.

Article 39-7 (Preparation, etc. of Record Book)

A registered training agency shall, pursuant to the provisions of the applicable MIC ordinance, prepare and maintain a record book, in which matters related to the training courses and specified by the applicable MIC ordinance are entered.

Article 39-8 (Supervisory Orders)

The Minister may, when deemed necessary to enforce this Act, give a designated training agency orders necessary for supervision with respect to the training course service.

Article 39-9 (Reporting and On-site Inspection)

(1) The Minister may, when deemed necessary to enforce this Act, order a designated training agency to report on the state of the training course service, or delegate ministerial staff to enter the place of business of the designated training agency to inspect the state of the training course service, or equipment, record books, documents, and other articles.

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

(3) The power of the on-site inspection pursuant to the provisions of paragraph (1) shall not be construed as legitimate for the purpose of criminal investigation.

Article 39-10 (Suspension and Discontinuation of Service)

(1) A designated training agency shall not suspend or discontinue all or part of its training course service unless it has obtained permission from the Minister.

(2) When granting the permission referred to in the preceding paragraph, the Minister shall issue a public notice to that effect.



Article 39-11 (Revocation, etc. of Designation)

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

(2) Where a designated training agency falls under any of the following items, the Minister may revoke its designation or order said designated training agency to suspend all or part of its training course service for a period specified by the Minister:

(i) When violating the provisions of Article 39-3 paragraph (2), Article 39-5 paragraph (1), Article 39-6, Article 39-7, or paragraph (1) of the preceding article

(ii) When it is determined as not conforming to one or more of the items (except item (iv)) of Article 39-2 paragraph (4)

(iii) When violating the order pursuant to the provisions of Article 39-5 paragraph (2) or Article 39-8

(iv) When conducting the training course service without following the operational regulations authorized pursuant to the provisions of Article 39-5 paragraph (1)

(v) When obtaining the designation through unlawful means

(3) The Minister shall, when revoking the designation pursuant to the provisions of paragraph (1) or the preceding paragraph, or ordering the agency to suspend all or part of the training course service pursuant to the provisions of the preceding paragraph, issue a public notice to that effect.

Article 39-12 (Implementation of Training Course Service by the Minister)

(1) Where a designated training agency has suspended all or part of the training course service pursuant to the provisions of Article 39-10 paragraph (1), or the Minister has ordered a designated training agency to suspend all or part of the training course service pursuant to the provisions of paragraph (2) of the preceding article, or a designated training agency has fallen into difficulties in conducting all or part of the training course service due to a natural disaster or for any other reason, and if the Minister determines it necessary, the Minister shall conduct all or part of the training course service himself /herself, notwithstanding the provisions of Article 39-2 paragraph (3).

(2) When the Minister has determined it necessary to conduct the training course service pursuant to the provisions of the preceding paragraph or to discontinue such training course service being conducted pursuant to the provisions of the same paragraph, the Minister shall issues a public notice to that effect.

(3) Where the Minister has determined it necessary to conduct the training course service pursuant to the provisions of paragraph (1), or the Minister has permitted a designated training agency to discontinue the training course service pursuant to the provisions of Article 39-10 paragraph (1), or the Minister has revoked the designation pursuant to the provisions of paragraph (1) or (2) of the preceding article,

necessary matters including the succession of the training course service shall be prescribed in the applicable MIC ordinance.

Article 39-13 (Operation of Radio Equipment in Amateur Radio Stations)

The operation of radio equipment in amateur radio stations shall be conducted by a radio operator pursuant to the provisions of the following article. However, this shall not apply to cases where the operation of radio equipment in an amateur radio station is conducted pursuant to the provisions of the applicable MIC ordinance by someone who holds a qualification in a foreign country, which is specified by the applicable MIC ordinance as equivalent to the qualifications specified under paragraph (1) item (v) of the same article, or to other cases specified by the applicable MIC ordinance.

Article 40 (Qualifications of Radio Operators)

(1) The qualifications of radio operators shall be as listed in each of the following items corresponding to the classification listed in each of the following items.

(i) Qualifications of Radio Operators for General Services:

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

(ii) Qualifications for Maritime Radio Operators:

- (a) Maritime First-Class Radio Operator
- (b) Maritime Second-Class Radio Operator
- (c) Maritime Third-Class Radio Operator
- (d) Maritime Fourth-Class Radio Operator
- (e) Maritime Special Radio Operators specified by the applicable cabinet order

(iii) Qualifications for Aeronautical Radio Operators:

- (a) Aeronautical Radio Operator
- (b) Aeronautical Special Radio Operators specified by the applicable cabinet

order

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

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

order

(v) Qualifications for Radio Operators for Amateur Services:

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

(2) The scope of operation of or the scope of supervision of radio equipment by radio operators with the qualifications listed in items (i) through (iv) of the preceding

paragraph, and the scope of the operation of radio equipment by a radio operator with the qualification listed in item (v) of the same paragraph are specified by a cabinet order for each qualification.

#### Article 41 (License)

(1) Any person who wishes to be a radio operator shall obtain a license from the Minister.

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

(i) Someone who has passed the state examinations for radio operator which are held for each of the qualifications of paragraph (1) of the preceding article

(ii) A person who has completed a training course to develop radio operators with the qualifications (those only specified by the applicable MIC ordinance) of paragraph (1) of the preceding article, which is attested by the Minister to conform to the regulations specified by the applicable MIC ordinance

(iii) A person who has graduated from a school having completed the subjects related to radio communications specified by the applicable MIC ordinance for each of the qualifications (limited to those specified by the applicable MIC ordinance) of paragraph (1) of the preceding article corresponding to the classifications of schools listed in the following items based on the School Education Act (Act No. 26 of 1947):

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

(b) A junior college or a technical college

(c) A senior high school or a junior high school

(iv) A person who satisfies the requirements specified by the applicable MIC ordinance, including the qualification of paragraph (1) of the preceding article and a career in service, as a person possessing the knowledge and skills equivalent to or exceeding those of the persons listed in the preceding three items, for each of the qualifications of paragraph (1) of the preceding article (limited to those specified by the applicable MIC ordinance)

#### Article 42 (Cases in which Licenses are not Granted)

The Minister may not grant a radio operator license to a person who falls under any of the following items:

(i) A person who has been sentenced to a fine or severer penalty for any crime detailed in Chapter IX, within a period of two years since the day the person's sentence or suspended sentence was served out

(ii) A person whose radio operator license has been revoked pursuant to the provisions of Article 79 paragraph (1) item (i) or item (ii), within a period of two years since the day of the revocation

(iii) A person who is not suitable as a radio operator due to a serious physical or mental deficiency

Article 43 (Registry of Radio Operators)

The Minister shall prepare and maintain a registry of radio operators and enter therein matters related to licenses.

Article 44 (State Examinations for Radio Operators)

State examinations for radio operators shall be held with regard to the knowledge and skills necessary for the operation of radio equipment.

Article 45

The Minister shall hold state examinations for radio operators at least once a year for each of the qualification classifications of Article 40.

Article 46 (Designation of Examination Agency)

(1) The Minister may designate a person (hereinafter referred to as a "designated examination agency") and order the person to conduct all or part of operations related to the holding of state examinations for radio operators (hereinafter referred to as the "examination service").

(2) The designation of a person as a designated examination agency shall be made upon application by a person who wishes to conduct the examination service, to only one agency for each of the classifications specified by the applicable MIC ordinance.

(3) After designating a designated examination agency, the Minister shall not conduct an examination service related to the classification for which the designation was made.

(4) The Minister shall not designate as a designated examination agency a person who filed an application under paragraph (2) if they fall under any of the following items:

(i) Any person other than a juridical person established pursuant to the provisions of Article 34 of the Civil Code

(ii) Any person who has committed a crime prescribed in this Act and has been sentenced to a penalty, within a period of two years since the day the person's sentence or suspended sentence was served out

(iii) Any person whose designation was revoked pursuant to the provisions of Article 39-11 paragraph (1) or (2), as applied mutatis mutandis pursuant to Article 47-5, within a period of two years since the day of the revocation

(iv) Any person, any of whose officers fall under any of the following items:

(a) A person who falls under item (ii)

(b) A person who was dismissed by an order pursuant to the provisions of Article 47-2 paragraph (3), within a period of two years since the day of the dismissal

Article 47 (Conducting an Examination Service)

In conducting the examination service, a designated examination agency shall order a person who satisfies the requirements specified by the applicable MIC

ordinance (hereinafter referred to as an "examination executor") to conduct the service to determine examinees' knowledge and skills required for radio operators.  
Article 47-2 (Appointment and Dismissal of Officers, etc.)

(1) The appointment or dismissal of officers of a designated examination agency shall not be valid without the approval of the Minister.

(2) A designated examination agency shall, upon the appointment or dismissal of an examination executor, notify the Minister to that effect without delay.

(3) In cases where the officers or examination executors of a designated examination agency violate this Act, orders based on this Act or administrative dispositions based thereon, or operational regulations under Article 39-5 paragraph (1), as applied mutatis mutandis pursuant to Article 47-5, the Minister may order the designated examination agency to dismiss those officers or examination executors.

Article 47-3 (Confidentiality, etc.)

(1) Any officer or staff member (including an examination executor; the same shall apply to the following paragraph) of a designated examination agency, or any person who was in such a position, shall not divulge any confidential information that comes to his/her knowledge in connection with the examination service.

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

Article 47-4 (Business Plan, etc. of a Designated Examination Agency)

A designated examination agency shall, in each business year, formulate its business plan and revenues and expenditures budget, and obtain approval from the Minister prior to the commencement of said business year (in the business year to which the day of the designation belongs, after designation without delay). The same shall apply to the case where the designated examination agency intends to change its business plan or revenues and expenditures budget.

Article 47-5 (Application Mutatis Mutandis)

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

(5)" in Article 39-11 paragraph (1) shall be deemed to be replaced with "Article 46 paragraph (4)"; "Article 39-6, Article 39-7, or paragraph (1) of the preceding article" in Article 39-11 paragraph (2) item (i) shall be deemed to be replaced with "Article 39-6 paragraph (2), Article 39-7, paragraph (1) of the preceding article, or Articles 47 through Article 47-4"; " or Article 39-8" in Article 39-11 paragraph (2) item (iii) shall be deemed to be replaced with "Article 39-8, or Article 47-2 paragraph (3)"; and "Article 39-2 paragraph (3)" in Article 39-12 paragraph (1) shall be deemed to be replaced with "Article 46 paragraph (3)."

Article 48 (Suspension of Examinations, etc.)

(1) In the event that an illegal act is committed with respect to the state examinations for radio operators, the Minister may suspend an examinee related to the illegal act from taking the examinations or may regard the examination as invalid. In this case, the Minister may prohibit said examinee from taking further examinations for a specified period.

(2) The designated examination agency may execute the authority of the Minister prescribed in the first sentence of the preceding paragraph with respect to conducting the examination service.

Article 48-2 (Ship Station Radio Operator Attestation)

(1) Anyone who wishes to operate or supervise the operation of radio equipment on a compulsory ship station, etc. which is specified by the applicable MIC ordinance in the main clause of Article 39 paragraph (1), may receive ship station radio operator attestation upon application to the Minister.

(2) The Minister shall designate as a ship station radio operator anyone who applies for ship station radio operator attestation if they hold an appropriate qualification as a radio operator as specified by the applicable MIC ordinance as long as they fall under any of the following items:

(i) When an applicant has completed the training course for operation, or supervision of operation, of radio equipment on compulsory ship stations, etc., which the Minister organizes for said applicant

(ii) When an applicant has completed a training course which has been attested by the Minister that has contents equivalent to those of the training course in the preceding item, within a period of five years since the day of completion

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

Article 48-3 (Loss of Validity of Attestation as a Ship Station Radio Operator)

Attestation as a ship station radio operator shall lose validity when the person in question falls under any of the following items after the date of receiving it.

(i) When a person is not engaged in operation or supervision of operation of radio equipment on a compulsory ship station, etc. which is specified by the applicable MIC ordinance in the main clause of Article 39 paragraph (1), or in other radio stations specified by the applicable MIC ordinance during a period of five years starting on the day of completion of the training course pertaining to attestation as a ship station radio operator and does not complete either the training course which the Minister organizes for operation, or supervision of operation, of radio equipment on compulsory ship stations, etc. for those receiving attestation as a ship station radio operator, or a training course which the Minister attests has the equivalent contents during that period

(ii) When a person who has not been engaged in the operation of the preceding item for an uninterrupted period of five years and has not completed any of the training courses under the preceding item during that period

(iii) When a person is no longer qualified as a radio operator under paragraph (2) of the preceding article

(iv) When a person whose attestation as a ship station radio operator has been suspended pursuant to the provisions of Article 79-2 paragraph (1) and the period of suspension has exceeded five years

#### Article 49 (Entrustment to MIC Ordinances)

In addition to the matters prescribed in Articles 39 and 41 through the preceding article, matters related to conducting the training course service including subjects of training courses; procedural matters related to radio operator licenses including application for a license, the issuance, reissuance, and return of licenses; matters related to attestation in Article 41 paragraph (2) item (ii); and detailed matters for holding state examinations for radio operators including examination subjects and procedures for examinations; as well as matters related to giving attestation for ship station radio operators including applications for attestation as ship station radio operators, the issuance, reissuance, and return of certificates of attestation as ship station radio operators, training courses which the Minister organizes pursuant to the provisions of Article 48-2 paragraph (2) item (i), and item (i) of the preceding article, and attestation under Article 48-2 paragraph (2) item (ii), and item (i) of the preceding article shall be specified by the applicable MIC ordinance.

#### Article 50 (Stationing of a Distress Traffic Operator in Charge, etc.)

(1) A person who is a radio operator specified by the applicable MIC ordinance and holds attestation as a ship station radio operator shall be stationed as a distress traffic operator in charge (referring to a person who controls and manages the matters related to communications on board listed in Article 52 item (i) through item (iii)) at a compulsory ship station on a passenger ship or a ship of 300 gross tons or more engaged on international voyages.

(2) In addition to the requirements prescribed in the preceding paragraph, the Minister may, when deemed necessary to enforce this Act, specify, pursuant to the provisions of the applicable MIC ordinance, the number of radio operators for each classification of the qualifications (including qualifications pertaining to radio operators in full charge and attestation as a ship station radio operator) to be stationed at radio stations.

Article 51 (Notification on Appointment and Discharge)

The provisions of Article 39 paragraph (4) shall apply mutatis mutandis to the appointment or discharge of radio operators other than radio operators in full charge.

## **Chapter V Operation**

### **Section 1 General**

Article 52 (Prohibition on Utilizing Radio Stations beyond Their Purpose, etc.)

No radio station shall be operated beyond the scope of the purpose, the persons with whom radio communications are being conducted, or the subject of communications (broadcast items for broadcasting radio stations (except stations established to conduct a telecommunications service)), which are entered on the radio station license. However, this shall not apply to the following types of communication:

(i) Distress traffic (referring to radio communication conducted by a method where communication starts with a distress signal or other method specified by the applicable MIC ordinance, when a ship or aircraft is in grave and imminent danger; hereinafter the same shall apply)

(ii) Urgency traffic (referring to radio communication conducted by a method where communication starts with an urgency signal or other method specified by the applicable MIC ordinance, when a ship or aircraft is potentially in grave and imminent danger, or at a time of urgency; hereinafter the same shall apply)

(iii) Safety traffic (referring to radio communication conducted by a method where communication starts with a safety signal or other method specified by the applicable MIC ordinance, for the purpose of preventing grave danger to the navigation of a ship or aircraft; hereinafter the same shall apply)

(iv) Emergency traffic (referring to radio communication conducted to save lives, provide disaster relief, ensure telecommunications for transportation, or maintain public order, when it is impossible or extremely difficult to rely upon wired communications, where an emergency situation, including earthquakes, typhoons, floods, tidal waves, snow damage, conflagration, and riots, has occurred or is anticipated to occur; hereinafter the same shall apply)

(v) Receiving broadcasts

(vi) Other communications specified by the applicable MIC ordinance

Article 53



When operating a radio station, the location of its radio equipment, identification signal, type of radio waves, and frequencies shall observe the terms of the radio station license, etc. However, this shall not apply to distress traffic.

#### Article 54

In operating a radio station, its antenna power shall be pursuant to the provisions of each of the following items. However, this shall not apply to distress traffic:

- (i) The antenna power is within the range entered on the radio station license, etc.
- (ii) The antenna power is the lowest possible level required for conducting communications.

#### Article 55

A radio station shall not be operated beyond the permitted operating hours entered on the radio station license. However, this shall not apply when conducting any of the communication types listed in the items of Article 52 or which is specified by the applicable MIC ordinance.

#### Article 56 (Prevention of Radio Interference, etc.)

(1) A radio station shall be operated in such a way as not to cause interference or any other disturbance that impairs the operation of other radio stations, receiving equipment that is used for radio astronomy (referring to a service to receive radio waves from outer space), or other receiving equipment specified by the applicable MIC ordinance (except equipment in radio stations), which is designated by the Minister. However, this shall not apply to the communications listed in Article 52 items (i) through (iv).

(2) The designation prescribed in the preceding paragraph shall be made upon application by a person who has installed receiving equipment pertaining to said designation.

(3) The Minister shall, upon making a designation prescribed in paragraph (1), issue a public notice of the matters specified by the applicable MIC ordinance, for the receiving equipment pertaining to said designation.

(4) In addition to the matters prescribed in the preceding two paragraphs, application procedures for the designation, standards for the designation, revocation of the designation, and other matters necessary for the designation prescribed in paragraph (1) shall be specified by the applicable MIC ordinance.

#### Article 57 (Use of Dummy Antenna Circuits)

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

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

#### Article 58 (Communications by Experimental Radio Stations, etc.)

Neither experimental radio stations nor amateur radio stations shall use encryption in their communications.

Article 59 (Protection of Secrecy)

Unless otherwise specified by law, no one shall intercept, and divulge or take advantage of the existence or contents of radio communications that are conducted with any specific person (except communications under Article 4 paragraph (1) or Article 164 paragraph (2) of the Telecommunications Business Act; the same shall apply to Article 109 and Article 109-2 paragraphs (2) and (3)).

Article 60 (Provision of a Timepiece and Service Documents)

A radio station shall be provided with an accurate timepiece, a radio inspection book, a radio service log, and other documents specified by the applicable MIC ordinance. However, all or part of this provision may be omitted for radio stations specified by the applicable MIC ordinance.

Article 61 (Methods of Communication, etc.)

The calling or answering method and other communication methods for radio stations, as well as details on the matters necessary for maintaining the function of radio equipment, including the collation of timepieces and the adjustment of radio equipment on lifeboats and direction-finding apparatus, are specified by the applicable MIC ordinance.

**Section 2 Operation of Coastal Stations, etc.**

Article 62 (Operation of Ship Stations)

(1) The operation of a ship station is allowed only while the ship is navigating. However, this shall not apply to cases where only receiving equipment is operated or when the communication types listed in individual items of Article 52 are being conducted, or to cases which are specified by the applicable MIC ordinance.

(2) A coastal station (referring to a radio station established on land to communicate with ship stations; hereinafter the same shall apply) may, when receiving any disturbance to its operation from a ship station, request the ship station causing such disturbance to take the measures necessary to eliminate it.

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

Article 63 (Operation of Coastal Stations, etc.)

Coastal stations and coastal earth stations (referring to radio stations established on land for the purposes of telecommunications services, which communicate with ship earth stations via a relay from an artificial satellite station; hereinafter the same shall apply) shall operate all the time. However, this shall not apply to coastal stations and the coastal earth stations specified by the applicable MIC ordinance.

Article 64 (Deleted)

Article 65 (Watchkeeping Obligations)

The radio stations listed in the left column of the following table and specified by the applicable MIC ordinance shall keep watch on the frequencies listed in the right column; consecutively for those listed in rows 1 and 2 of the Table, during the hours specified by the applicable MIC ordinance for those listed in row 3, and during the obligated operating hours (referring to the hours during which radio stations are obliged to operate; hereinafter the same shall apply) for those listed in row 4. However, this shall not apply where specified by the applicable MIC ordinance.

Radio Stations	Frequency
(i) Ship stations and coastal stations equipped with a digital selective-calling system	Frequency specified by the applicable MIC ordinance
(ii) Ship earth stations and coastal earth stations	Frequency specified by the applicable MIC ordinance
(iii) Ship stations	156.65 MHz, 156.8 MHz and frequency specified by the applicable MIC ordinance
(iv) Coastal stations	Frequency specified by the applicable MIC ordinance

Article 66 (Distress Traffic)

(1) Any coastal station, coastal earth station, ship station or ship earth station (referred to as "coastal station, etc." in the following article and Article 68) shall, when receiving distress traffic, reply immediately, giving absolute priority over all other radio communications, and take the best measures for communications related to the rescue, such as informing the radio station that is in the most convenient position to help save the ship or aircraft in distress, pursuant to the provisions of the applicable MIC ordinance.

(2) Any radio station shall, when receiving distress traffic or radio communications conducted by the methods specified by the applicable MIC ordinance under Article 52 item (i), immediately stop transmitting radio waves that are likely to interfere with the distress traffic.

Article 67 (Urgency Traffic)

(1) Any coastal station, etc. shall give urgency traffic the second highest priority next to distress traffic.

(2) Any coastal station, etc. shall, when receiving urgency signals or radio communications conducted by the methods specified by the applicable MIC ordinance under Article 52 item (ii), receive the urgency traffic consecutively until that communication is confirmed to have no relation to the station itself (at least for

three minutes in the case specified by the applicable MIC ordinance), unless this happens while receiving distress traffic.

#### Article 68 (Safety Traffic)

(1) Any coastal station, etc. shall deal with safety traffic promptly and assuredly.

(2) Any coastal station, etc. shall, when receiving safety signals or radio communications conducted by the methods specified by the applicable MIC ordinance under Article 52 item (iii), receive the safety traffic until that communication is confirmed to have no relation to the station itself.

#### Article 69 (Communications to Tune Ship Station Radio Equipment)

Any coastal or ship station, when requested by any other ship station to communicate to tune radio equipment shall accept such a request to the extent practicable.

#### Article 70 (Deleted)

### **Section 3 Operation of Aeronautical Stations, etc.**

#### Article 70-2 (Operation of Aircraft Stations)

(1) The operation of an aircraft radio station is only allowed during flight or preparation for flight. However, this shall not apply to cases where only receiving equipment is operated or the communication types listed in individual items under Article 52 are being conducted, or to cases which are specified by the applicable MIC ordinance.

(2) An aeronautical station (referring to a radio station established on land to communicate with aircraft stations; hereinafter the same shall apply) or a coastal station, when receiving any disturbance to its operation from an aircraft station, may request the aircraft station causing the disturbance to take the necessary measures to eliminate it.

(3) When communicating with an aeronautical station, if an aircraft station receives instructions from the aeronautical station related to the order or time of communication, or the type or frequency of radio waves, the aircraft station shall observe those instructions.

#### Article 70-3 (Obligatory Operating Hours)

(1) Compulsory aircraft stations and aircraft earth stations shall operate during the hours specified by the applicable MIC ordinance.

(2) Aeronautical stations and aeronautical earth stations (referring to radio stations established on land, which communicate with aircraft earth stations via an artificial satellite station relay; the same shall apply to the following article) shall operate all the time. However, this shall not apply to cases specified by the applicable MIC ordinance.

#### Article 70-4 (Watchkeeping Obligations)

Aeronautical stations, aeronautical earth stations, aircraft stations, and aircraft earth stations (referred to as "aeronautical stations, etc." in Article 70-6 paragraph

(2)) shall keep watch during obligatory operating hours on the frequencies specified by the applicable MIC ordinance. However, this shall not apply to cases specified by the applicable MIC ordinance.

Article 70-5 (Communications for Aircraft Stations)

During flight, an aircraft station shall communicate with an aeronautical station specified by the applicable MIC ordinance by methods specified by the applicable MIC ordinance.

Article 70-6 (Application Mutatis Mutandis)

(1) The provisions of Article 69 (Communications to Tune Ship Station Radio Equipment) shall apply mutatis mutandis to the operation of aeronautical and aircraft stations.

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

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

Article 70-7 (Operation of Radio Stations by an Emergency Operator)

(1) Where an emergency situation, including earthquakes, typhoons, floods, tidal waves, snow damage, conflagration, and riots, has occurred or is anticipated to occur and when conducting radio communications to save lives, provide disaster relief, ensure telecommunications for transportation, or maintain public order, the licensee of a radio station (limited to an easy-to-operate station exclusively specified by the applicable MIC ordinance in the main clause of Article 39 paragraph (1)) may, during the period of validity of the license, etc. of the radio station, appoint a person other than himself/herself to operate the radio station.

(2) Any licensee, etc. who has appointed a person other than himself/herself to operate the radio station pursuant to the preceding paragraph (hereinafter referred to as an "emergency operator" in this article) shall notify the Minister without delay of the name or appellation of the emergency operator, the relevant period of operation, and other matters specified by the applicable MIC ordinance.

(3) The licensee, etc. prescribed in the preceding paragraph shall supervise the emergency operator as necessary and appropriate pursuant to the provisions of the applicable MIC ordinance so that the radio station is operated properly.

(4) The provisions of Article 74-2 paragraph (2), Article 76 paragraphs (1) and (2), Article 76-2-2, and Article 81 shall apply mutatis mutandis to an emergency operator. In this case, the technical terms in those articles and paragraphs that need to be replaced shall be specified by the applicable Cabinet Order.

Article 70-8 (Operation of a Registered Station by Other than the Registrant)

(1) The registrant of a registered station may, when determining that the operation of the registered station by a person other than the registrant contributes to the efficient utilization of the radio spectrum and is not likely to cause interference or other disturbance to other radio stations, appoint a person other than

himself/herself to operate the registered station during the period of validity of their registration. However, this shall not apply when the appointed person falls under any of the items (except item (ii)) in Article 27-20 paragraph (2).

(2) The provisions of paragraphs (2) and (3) of the preceding article shall apply mutatis mutandis to a registrant who has appointed a person other than himself/herself to operate a registered station pursuant to the provisions of the preceding paragraph.

(3) The provisions of Article 39 paragraphs (4) and (7), Article 51, Article 74-2 paragraph (2), Article 76 paragraphs (1) and (2), Article 76-2-2, and Article 81 shall apply mutatis mutandis to a person other than the registrant of a registered station who operates the registered station pursuant to the provisions of paragraph (1).

(4) In the cases under the preceding two paragraphs, the technical terms in those articles and paragraphs that need to be replaced shall be specified by the applicable Cabinet Order.

### **Chapter VI Supervision**

Article 71 (Change of Frequencies, etc.)

(1) When deemed necessary for the purpose of regulating radio waves or in the public interest, the Minister may change the designation for the frequency or antenna power of radio stations (except registered stations), or order a change in the frequency or antenna power of registered stations or the location of radio equipment on artificial satellite stations, only within a scope that does not disturb the fulfillment of the purposes of said radio stations.

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

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

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

(5) The Government shall be the defendant in the action under the preceding paragraph.

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

Article 71-2 (Specific Frequency Change Support Service and Specific Frequency Termination Support Service)

(1) The Minister may, where changing the Frequency Assignment Plan or the Plan for the Available Frequencies Allocated to Broadcasting (hereinafter referred to as the "Frequency Assignment Plan, etc.") that fall under the requirements listed in the following items, when deemed necessary for ensuring the proper utilization of radio waves, compensate the licensees or other establishers of radio equipment who will carry out the work to modify the radio equipment concerning the change of the frequency or antenna power prescribed in item (iii) for the cost of said work and other necessary support (hereinafter referred to as the "specific frequency change support service") within the extent of the available budget.

(i) With regard to the conditions concerning the use of frequencies by a specific radio station classification (referring to the classification of radio stations specified by the applicable MIC ordinance in line with the technical requirements prescribed in Chapter III concerning modes of radio communications, the purpose of the radio stations, and the radio equipment; the same shall apply hereinafter), the time limit on the use of frequencies shall be determined as not exceeding ten years from the day public notice of the change in the Frequency Assignment Plan, etc., is given and the frequencies assignable (hereinafter referred to as the "newly assignable frequencies" in this article) to said radio station classification (hereinafter referred to as the "old assignment classification" in this article) shall be assigned to radio station classifications other than the old assignment classification.

(ii) In cases where, among the radio station classifications to which the newly assignable frequencies can be assigned, there is a radio station classification that has the same radio communications mode and the same radio station purpose (hereinafter referred to as "classification with the same purpose" in this item) in a classification other than the old assignment classification (referred to as "new assignment classification" in the following item), the ratio of frequencies that can be assigned to the classification with the same purpose as the newly assignable frequencies shall not exceed three fourths.

(iii) In response to an application for a license for a radio station for which the Minister issues a public notice along with the public notice on the change in the Frequency Assignment Plan, etc. (hereinafter referred to as a "newly established specific radio station"), for those radio stations in the new assignment classification, the newly assignable frequencies shall be assignable within five years from the day that public notice of the change in said Frequency Assignment Plan, etc. is given. In this case, it shall be possible to change in advance the frequencies or antenna power of existing established radio stations (limited to the extent that the change does not disturb implementation of the purpose of existing established stations; in the case of a change of frequency, limited to the extent that the change is within the range of

the newly assignable frequencies), so that those radio stations in the old assignment classification, which have already been assigned newly assignable frequencies upon public notice of said change in said Frequency Assignment Plan, etc. (hereinafter referred to as "existing established radio stations"), shall not cause interference or other disturbance that significantly impairs the operation of the newly established specific radio station.

(2) In order to facilitate the establishment of radio stations notified to the public by the Minister (hereinafter referred to as "notified specified stations"), where the Minister changes the Frequency Assignment Plan based on the results of the assessment in Article 26-2 paragraph (3), and where the Minister specifies the period for using part or all of the frequencies (hereinafter referred to as the "old assignment period") that can be assigned to radio station classifications other than those pertaining to said notified specified stations not exceeding five years (or ten years where it is deemed especially necessary in consideration of the financial impact of said change in the Frequency Assignment Plan on licensees, etc.; hereinafter in this paragraph referred to as the "standard period") from the day public notice on said change in the Frequency Assignment Plan is given (except for cases prescribed in part other than those listed in the individual items of the preceding paragraph), the Minister may compensate licensees, etc. who apply for a change in the designation of frequencies (in the cases of registered stations, registration of change in frequencies), or who intend to abolish the radio station before the day of expiry of the old assignment period in response to the establishment of said old assignment period, for the ordinary costs arising from the establishment of said old assignment period as shorter than the standard period and other necessary support (hereinafter referred to as the "specific frequency termination support service") within the extent of the available budget.

#### Article 71-3 (Designated Frequency Change Support Agency)

(1) The Minister may designate a person (hereinafter referred to as a "designated frequency change support agency") to conduct the specific frequency change support service.

(2) A person who wishes to conduct a specific frequency change support service shall be designated to a frequency change support agency upon application, limited to only one agency for each change in the Frequency Assignment Plan, etc. accompanying the specific frequency change support service.

(3) After designating a frequency change support agency, the Minister shall not himself conduct a specific frequency change support service pertaining to said designation.

(4) Standards concerning the provision of compensation pertaining to the specific frequency change support service conducted by a designated frequency change



support agency pursuant to the provisions of paragraph (1) shall be specified by the applicable MIC ordinance.

(5) A designated frequency change support agency may, pursuant to the provisions of the applicable MIC ordinance, and when approved by the Minister, commission other parties to conduct part of the specific frequency change support service (except for decision-making on the delivery of compensation).

(6) A designated frequency change support agency may, when it is deemed necessary for the specific frequency change support service, require the person whom it is decided to provide with compensation to produce reports on necessary matters.

(7) A designated frequency change support agency shall formulate an annual business report, balance sheet, financial settlement report, and list of property each business year and submit them to the Minister within three months after the end of said business year for approval by the Minister.

(8) A designated frequency change support agency shall, where also conducting services other than the specific frequency change support service, separate the accounts pertaining to said services from the accounts pertaining to the specific frequency change support service.

(9) The Minister may, within the extent of the available budget, provide a designated frequency change support agency with an amount of money equivalent to all or part of the costs required to conduct the specific frequency change support service.

(10) In addition to the matters prescribed in this article, matters necessary for the financial affairs and accounts of a designated frequency change support agency shall be specified by the applicable MIC ordinance.

(11) The provisions of Article 39-2 paragraph (4) (except item (iv)), Article 39-3, Article 39-5, Articles 39-7 through 39-12, Article 46 paragraph (4), Article 47-2 paragraphs (1) and (3), Article 47-3, and Article 47-4 shall apply mutatis mutandis to designated frequency change support agencies. In these cases, "application under paragraph (2)" in Article 39-2 paragraph (4) and Article 46 paragraph (4) shall be deemed to be replaced with "application under Article 71-3 paragraph (2)"; "training course service" in Article 39-2 paragraph (4), Article 39-3 paragraph (2), Article 39-5, Article 39-8, Article 39-9 paragraph (1), Article 39-10 paragraph (1), Article 39-11 paragraphs (2) and (3), and Article 39-12, "training courses" in Article 39-7, and "examination service" in Article 47-3 shall be deemed to be replaced with "specific frequency change support service"; "to the training courses" in Article 39-2 paragraph (4) item (iii) shall be deemed to be replaced with "to the specific frequency change support service"; "classification pertaining to its designation, the location of the office where the training course service is conducted, and the date of commencing the training course service" in Article 39-3 shall be deemed to be replaced with "address of the office where the specific frequency change support service is conducted, and the date of commencing the specific frequency change

support service"; "Article 39-2 paragraph (5)" in Article 39-11 paragraph (1) shall be deemed to be replaced with "Article 46 paragraph (4)"; "Article 39-6, Article 39-7, or paragraph (1) of the preceding article" in Article 39-11 paragraph (2) item (i) shall be deemed to be replaced with "Article 39-7, paragraph (1) of the preceding article, Article 47-4, or Article 71-3 paragraph (5), (7), or (8)"; "or Article 39-8" in Article 39-11 paragraph (2) item (iii) shall be deemed to be replaced with ", Article 39-8, or Article 47-2 paragraph (3)"; "Article 39-2 paragraph (3)" in Article 39-12 paragraph (1) shall be deemed to be replaced with "Article 71-3 paragraph (3)"; "Article 47-5" in Article 46 paragraph (4) item (iii) and Article 47-2 paragraph (3) shall be deemed to be replaced with "Article 71-3 paragraph (11)"; "officers or examination executors" in Article 47-2 paragraph (3) shall be deemed to be replaced with "officers"; and "staff member (including an examination executor; the same shall apply in the following paragraph)" in Article 47-3 shall be deemed to be replaced with "staff member."

Article 71-3-2 (Registered Frequency Termination Support Agency)

(1) The Minister may appoint a person who is registered by the Minister (hereinafter referred to as a "registered frequency termination support agency") to conduct all or part of the specific frequency termination support service.

(2) After appointing a registered frequency termination support agency to conduct the specific frequency termination support service pursuant to the provisions of the preceding paragraph, the Minister shall not conduct said specific frequency termination support service himself.

(3) A person who wishes to conduct the specific frequency termination support service shall apply to be registered as prescribed in paragraph (1), pursuant to the provisions of the applicable MIC ordinance.

(4) The Minister shall register a person who has submitted an application for registration pursuant to the provisions of the preceding paragraph (hereinafter in this paragraph referred to as an "applicant for registration") provided they conform to all of the following items:

(i) Staff working for the applicant for registration who possess knowledge and experience conforming to any of the conditions listed in the appended Table No. 5 may take part in decision-making on the delivery of compensation pertaining to the specific frequency termination support service.

(ii) The liabilities of the applicant for registration shall not exceed their assets.

(iii) The applicant for registration shall not be a person who has established radio stations using radio frequencies pertaining to the old assignment period.

(iv) The applicant for registration shall not fall under any of the following sub-items as being under the control of a specified person:

(a) Where the applicant for registration is a stock company, and where any other stock company is the parent company of said applicant.

(b) Where officers or staff members of the specified person (including those who were officers or staff members of said specified person within the past two years) account for more than half the number of officers (in the case of a partnership corporation, the employees executing the business) of the applicant for registration.

(5) The provisions of Article 24-2 paragraphs (5) and (6) shall apply mutatis mutandis to the registration under paragraph (1). In this case, "Article 24-10 or Article 24-13 paragraph (3)" in paragraph (5) item (ii) of the same article shall be deemed to be replaced with "Article 38-17 paragraph (1) or (2) as applied mutatis mutandis pursuant to Article 71-3-2 paragraph (11)"; and "preceding paragraphs" in paragraph (6) of the same article shall be deemed to be replaced with "preceding paragraph and Article 71-3-2 paragraphs (1) through (4) and paragraph (6)."

(6) The registration under paragraph (1) shall be made by entering the following matters in the registration book of the registered frequency termination support agency:

(i) Date of registration and reference number of registration

(ii) Name or appellation and address of the person who has obtained registration and, in the case where the person is a juridical person, name of the representative

(iii) Name or appellation and address of the office where the person who has obtained registration conducts the specific frequency termination support service

(7) Unless renewed every three years or longer period specified by the applicable Cabinet Order, the registration under paragraph (1) shall lose validity with the passage of the period.

(8) The provisions of paragraphs (3) through (6) shall apply mutatis mutandis to the renewal of registration under the preceding paragraph.

(9) After the Minister has requested a registered frequency termination support agency to conduct a specific frequency termination support service, the agency shall start the specific frequency termination support service without delay unless there is due reason not to do so.

(10) When determining that a registered frequency termination support agency violates the provisions of the preceding paragraph, or where it is deemed necessary to ensure proper implementation of its specific frequency termination support service, the Minister may order said registered frequency termination support agency to conduct its specific frequency termination support service, or take the necessary measures to improve its methods of operation, including the method of operating its specific frequency termination support service.

(11) The provisions of Article 24-7, Article 24-11, Article 38-5, Article 38-9, Article 38-11, Article 38-12, Article 38-15, Article 38-17, Article 38-18, Article 39-5, Article 39-10, Article 47-3, and paragraphs (4) through (6) and paragraphs (8) and (9) of the preceding article shall apply mutatis mutandis to the registered frequency termination support agency. In these cases, the words and phrases listed in the

middle column of the following table for the provisions listed in the left column of the same table shall be deemed to be replaced with the words and phrases listed in the right column of the same table.

Article 24-7	any of the items in Article 24-2 paragraph (4)	any of the items in Article 71-3-2 paragraph (4)
Article 24-11	Article 24-9 paragraph (2)	Article 71-3-2 paragraph (7)
	has lost its validity pursuant to the provisions of Article 24-9 paragraph (2),	has lost its validity pursuant to the provisions of Article 71-3-2 paragraph (7), when the registered frequency termination support agency has terminated all of its specific frequency termination support service pursuant to the provisions of Article 39-10 paragraph (1), as applied mutatis mutandis pursuant to Article 71-3-2 paragraph (11),
	the preceding article	Article 38-17 paragraph (1) or (2), as applied mutatis mutandis pursuant to Article 71-3-2 paragraph (11)
Article 38-5 paragraph (1)	Article 38-2 paragraph (1)	Article 71-3-2 paragraph (1)
	the person who has obtained registration under the same paragraph (hereinafter referred to as a "registered certification body")	the person who has obtained registration under the same paragraph

	the classification of business pertaining to its registration, the address of the office where the technical regulations conformity certification service	the address of the office where the specific frequency termination support service
	date of the technical regulations conformity certification service	date of the specific frequency termination support service
Article 38-5 paragraph (2)	Article 38-2 paragraph (2) item (i) or (iii)	Article 71-3-2 paragraph (6) item (ii) or (iii)
Article 38-9	officer or certification examiner	officer or person who has knowledge and experience conforming to the conditions listed in appended Table No. 5
Article 38-11 paragraph (2)	person who performs the business of dealing in specified radio equipment	licensee who has applied for the provision of compensation pertaining to the specific frequency termination support service
Article 38-12	technical regulations conformity certification	specific frequency termination support service
Article 38-15 paragraph (1), Article 38-17 paragraph (2) (excluding listed items) and paragraph (3), and	technical regulations conformity certification service	specific frequency termination support service

Article 38-18 paragraph (2) and paragraph (3)		
Article 38-17 paragraph (1)	Article 38-3 paragraph (2)	Article 71-3-2 paragraph (5)
Article 38-17 paragraph (2) item (i)	this Section	Article 38-5 paragraph (2), Article 38-9, Article 38-11 paragraph (1), Article 38-12, Article 39-5 paragraph (1), Article 39-10 paragraph (1), or Article 71-3 paragraph (5) or (8), as applied mutatis mutandis, in Article 71-3-2 paragraph (11)
Article 38-17 paragraph (2) item (ii)	Article 38-13 paragraph (1) or (2)	Article 71-3-2 paragraph (10), or Article 24-7 or Article 39-5 paragraph (2), as applied mutatis mutandis pursuant to Article 71-3-2 paragraph (11)
Article 38-17 paragraph (2) item (iii)	Article 38-2 paragraph (1)	Article 71-3-2 paragraph (1)
Article 38-18 paragraph (1)	When there is no one who has obtained registration under Article 38-2 paragraph (1), or when the Minister	When the Minister
	Article 38-16 paragraph (1)	Article 39-10 paragraph (1), as applied mutatis mutandis pursuant to Article 71-3-2 paragraph (11)
	technical regulations conformity certification service	specific frequency termination support service
Article 39-5 and Article 39-10 paragraph (1)	training course service	specific frequency termination support service

Article 47-3 paragraph (1)	staff member (including an examination executor; the same shall apply to the following paragraph)	staff member
	examination service	specific frequency termination support service
Article 47-3 paragraph (2)	examination service	specific frequency termination support service
paragraph (4) of the preceding article	paragraph (1)	paragraph (1) of the following article
	specific frequency change support service	specific frequency termination support service
paragraphs (5), (6), (8) and (9) of the preceding article	specific frequency change support service	specific frequency termination support service

Article 71-4 (Obligation, etc. of Licensees, etc. to Whom it is Decided to Deliver Compensation)

(1) A licensee to whom it is decided to deliver compensation pertaining to its specific frequency change support service shall, without delay, apply to change the designation of the frequency or antenna power.

(2) Any licensee, etc. to whom it is decided to deliver compensation pertaining to its specific frequency termination support service shall, without delay, apply for a change in the designation of the frequency (in the cases of a registrant, registration of change in the frequency) or abolish the radio station.

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

Article 72 (Suspension of Transmission of Radio Waves)

(1) The Minister may, on determining that the quality of radio waves transmitted by a radio station does not satisfy the requirements specified by the applicable MIC

ordinance under Article 28, order the radio station to temporarily suspend the transmission of radio waves.

(2) The Minister shall, after receiving a notification from the radio station that has received an order under the preceding paragraph that its radio waves satisfy the requirements specified by the applicable MIC ordinance under Article 28, require the radio station to carry out a trial transmission of radio waves.

(3) Where the radio waves transmitted pursuant to the provisions of the preceding paragraph satisfy the requirements specified by the applicable MIC ordinance under Article 28, the Minister shall immediately terminate the suspension order under paragraph (1).

#### Article 73 (Inspection)

(1) The Minister shall dispatch ministerial staff to radio stations (except those specified by the applicable MIC ordinance) to inspect the radio equipment, etc. on a day notified in advance at regular intervals specified by the applicable MIC ordinance. However, with respect to radio stations for which the Minister determines it unnecessary to inspect other matters involving its radio equipment other than those pertaining to the quality of the radio waves transmitted by or the antenna power of the radio station, the quality of the transmitted radio waves or antenna power shall be inspected by ordering the radio station to transmit radio waves.

(2) The inspection under the preceding paragraph may, notwithstanding the provisions of the same paragraph, be postponed or omitted where inspection of the radio station is deemed unnecessary during the period specified by the applicable MIC ordinance under the same paragraph or where a ship or aircraft with a radio station installed is on a voyage between foreign countries during said period.

(3) Part of the inspection under paragraph (1) may be omitted, notwithstanding the provisions of paragraph (1), when the licensee of the radio station submits, at least one month before the date notified by the Minister pursuant to the provisions of the same paragraph, documents on which are recorded the results of an inspection of the radio equipment, etc. in the radio station pertaining to the registration, conducted by a person registered under the provisions of Article 24-2 paragraph (1) or Article 24-13 paragraph (1) pursuant to the provisions of the applicable MIC ordinance.

(4) When ordering suspension of transmission of radio waves under paragraph (1) of the preceding article, receiving notification under paragraph (2) of the same article, being notified of the fact that a ship or aircraft with a radio station installed is departing for a foreign country, or where deemed particularly necessary to enforce this Act, the Minister may dispatch ministerial staff to the radio station to inspect its radio equipment, etc.

(5) When determining it necessary to inspect only the matters pertaining to the quality of the radio waves transmitted by or the antenna power of the radio station,



where a ship or aircraft with a radio station installed is departing for a foreign country or where inspection is particularly necessary to enforce this Act, the Minister may order the radio station to transmit radio waves in order to inspect the quality of the transmitted radio waves or the antenna power of the radio station.

(6) The provisions of Article 39-9 paragraphs (2) and (3) shall apply *mutatis mutandis* to the inspection pursuant to the provisions of the main clause of paragraph (1) or the provisions of paragraph (4).

#### Article 74 (Radio Communications in Case of Emergencies)

(1) Where an emergency situation, including earthquakes, typhoons, floods, tidal waves, snow damage, conflagration, and riots, has occurred or is anticipated to occur, the Minister may order any radio station to conduct radio communications necessary for saving lives, for disaster relief, to ensure telecommunications for transportation, or to maintain public order.

(2) When the Minister has ordered a radio station to conduct radio communications pursuant to the provisions of the preceding paragraph, the Government shall compensate the radio station for the actual expenses required for the radio communications.

#### Article 74-2 (Development of Telecommunications Systems in Case of Emergencies)

(1) In case of emergency, the Minister shall develop telecommunications plans, conduct telecommunications training, and take other necessary measures in order to maintain and improve the systems necessary to ensure good communications as prescribed in paragraph (1) of the preceding article.

(2) The Minister may request the cooperation of licensees, etc. when taking measures as prescribed in the preceding paragraph.

#### Article 75 (Revocation of a Radio Station License, etc.)

(1) The Minister shall revoke the license of a licensee who is no longer qualified to hold a radio station license pursuant to the provisions of Article 5 paragraphs (1), (2), or (4).

(2) Notwithstanding the provisions of the preceding paragraph, where a licensee is no longer qualified to hold a license pursuant to the provisions of Article 5 paragraph (4) (limited to cases where the licensee falls under item (iii)), the Minister may, when deemed necessary in consideration of the circumstances, including a situation where the licensee now falls under paragraph (3) of the same article, not revoke the license for a specified period limited to the period within the remainder of the period of validity of the license.

#### Article 76

(1) The Minister may, when a licensee, etc. has violated the provisions of this Act or the Broadcast Act, or any orders or administrative dispositions thereunder, order the licensee, etc. to suspend operation of the radio station for a specified period not exceeding three months, or suspend all or part of the validity of the registration

under Article 27-18 paragraph (1), or impose a limitation on the permitted operating hours, frequencies, or antenna power for a specified period.

(2) In addition to the provisions of the preceding paragraph, where a registrant is likely to cause harmful effects on the operation of other registered stations by using radio equipment not conforming to the technical regulations prescribed in Chapter III, or where the efficient utilization of radio waves is most likely to be impeded due to the inappropriate operation of the registered station, the Minister may suspend all or part of the validity of the registration for a specified period not exceeding three months.

(3) The Minister may revoke the license of a licensee (except a blanket licensee) who falls under any of the following items:

(i) When suspending operation of the radio station for a period of six months or longer consecutively without due reason

(ii) When obtaining a radio station license, receiving permission under Article 17, or changing the designated matters pursuant to the provisions of Article 19, through unlawful means

(iii) When failing to observe any order or limitation pursuant to the provisions under paragraph (1)

(iv) When the licensee now falls under Article 5 paragraph (3) item (i)

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

(i) When failing to commence operation of the specified radio station by the time limit under Article 27-5 paragraph (1) item (iv) (or a time limit postponed pursuant to the provisions of Article 27-6 paragraph (1))

(ii) When suspending operation of all the specified radio stations pertaining to a blanket license for a period of six months or longer consecutively without due reason

(iii) When obtaining a blanket license, receiving permission under Article 27-8, or changing the designated matters pursuant to the provisions of Article 27-9, through unlawful means

(iv) When failing to observe any order or limitation pursuant to the provisions of paragraph (1)

(v) When the blanket licensee now falls under Article 5 paragraph (3) item (i)

(5) The Minister may revoke the registration of a registrant who falls under any of the following items:

(i) When obtaining registration under Article 27-18 paragraph (1), or obtaining registration of change under Article 27-23 paragraph (1) or Article 27-30 paragraph (1), through unlawful means

(ii) When failing to observe any order under paragraph (1) or (2)

(iii) When the registrant now falls under Article 5 paragraph (3) item (i)

(6) When revoking a license pursuant to the provisions of paragraph (3) (except item (iv)) and paragraph (4) (except item (v)) or a registration pursuant to the provisions of the preceding paragraph (except item (iii)), the Minister may revoke the licenses, etc. of the other radio stations granted to the person who was the licensee, etc., or the attestation of the establishment plan of said person under Article 27-13 paragraph (1).

#### Article 76-2

The Minister may, with respect to specified radio stations, reduce the designated number of radio stations when sufficient reasons are found to show that the maximum number of specified radio stations in operation simultaneously during the validity period of the blanket license is likely to fall far below the designated number of radio stations pertaining to the blanket license. In this case, the Minister shall also change the frequency designation of the blanket license.

#### Article 76-2-2

When deemed necessary, in cases specified by the applicable MIC ordinance where there is a large number of registered stations using a specific radio frequency among registered stations and a further increase in the number of registered stations using radio waves of said specific frequency is likely to have serious effects on the operation of other radio stations, the Minister may prohibit the registrant using radio waves of said specific frequency establishing radio stations anew pertaining to the registration to the extent necessary to prevent such effects, or limit the operation of registered stations established by said registrant.

#### Article 76-3

(1) In addition to cases involving changing the frequency designation pursuant to the provisions of Article 71 paragraph (1) or cases involving ordering a change of frequency, when having specified a period for using part or all of the frequencies assignable to a specific radio station classification after changing the Frequency Assignment Plan based on the results of the assessment under Article 26-2 paragraph (3), after the expiration of said period, the Minister may change the designation of frequencies for radio stations (except registered stations) using radio waves of frequencies pertaining to said period, order the registrant to change the frequencies of registered stations that are using radio waves of said frequencies, or revoke the licenses, etc. of radio stations that are using radio waves of said frequencies.

(2) The Government shall compensate the licensee, etc. of the radio station for losses resulting from the change in the frequency designation for the radio station, the order to change the frequency of the registered station, or revocation of the license, etc. of the radio station, pursuant to the provisions of the preceding paragraph.

(3) The provisions under Article 71 paragraphs (3) through (5) shall apply mutatis mutandis to the compensation for losses pursuant to the provisions of the preceding paragraph.

#### Article 77

When administrative dispositions have been taken pursuant to the provisions of Articles 75 through the preceding article, the Minister shall send the licensee, etc. a notification with a statement of the reasons entered thereon.

#### Article 78 (Dismantling of Antennas)

When the license, etc. of a radio station has lost its validity, the person who has been the licensee, etc. of that radio station shall dismantle the antennas without delay.

#### Article 79 (Revocation of Radio Operators' Licenses, etc.)

(1) The Minister may revoke a radio operator's license, or order a radio operator to cease engaging in such service for a specified period not exceeding three months, if the radio operator falls under any of the following items:

(i) When violating the provisions of this Act or any orders under this Act, or administrative dispositions thereunder

(ii) When obtaining the radio operator's license through unlawful means

(iii) When the situation now falls under Article 42 item (iii)

(2) The provisions of the preceding paragraph (except item (iii)) shall apply mutatis mutandis to a person who holds a ship station radio operator attestation. In this case, "radio operator's license" in the same paragraph shall be deemed to be replaced with "ship station radio operator attestation."

(3) The provisions of Article 77 shall apply mutatis mutandis to revocation or cease pursuant to the provisions of paragraph (1) (including cases where applied mutatis mutandis pursuant to the preceding paragraph).

#### Article 79-2 (Suspension of Validity of Ship Station Radio Operator Attestation)

(1) When a person who has been required to submit a document pursuant to the provisions of Article 81-2 paragraph (2) fails to submit the document, the Minister may suspend the validity of the ship station radio operator attestation.

(2) The Minister shall, upon the submission of the document as prescribed in the preceding paragraph after the validity of a ship station radio operator attestation has been suspended pursuant to the preceding paragraph, terminate the suspension without delay.

(3) The provisions of Article 77 shall apply mutatis mutandis to the suspension pursuant to the provisions of paragraph (1).

#### Article 80 (Reporting, etc.)

Any licensee, etc. of a radio station shall report to the Minister by the procedures specified by the applicable MIC ordinance in the following cases:

(i) When conducting distress, urgency, safety, or emergency traffic (including cases where it is conducted by a person other than a licensee, etc., who is appointed to operate the radio station pursuant to the provisions of Article 70-7 paragraph (1) or Article 70-8 paragraph (1))

(ii) When recognizing any other radio station operated in violation of the provisions of this Act or any orders thereunder

(iii) When, in a foreign country, a radio station is restricted from operating beyond the scope of a public notice issued in advance by the Minister

#### Article 81

The Minister may, when deemed necessary for the purpose of maintaining order in radio communications or ensuring the proper operation of radio stations, request a licensee, etc. to report on the radio station.

#### Article 81-2

(1) The Minister may, when deemed necessary to enforce this Act, request a person who holds a ship station radio operator attestation to report on the ship station radio operator attestation.

(2) When it is suspected that a person holding a ship station radio operator attestation falls under Article 48-3 item (i) or (ii), the Minister may, pursuant to the provisions of the applicable MIC ordinance, request the person to submit documents specified by the applicable MIC ordinance to determine the validity of the ship station radio operator attestation.

#### Article 82 (Supervision of Radio Stations Requiring No License, etc. and Receiving Equipment)

(1) When radio waves transmitted from radio equipment in the radio stations listed in Article 4 items (i) through (iii) (hereinafter referred to as "radio stations requiring no license, etc.") or radiowaves or high frequency currents incidentally transmitted from receiving equipment in said radio stations cause successive and serious disturbance to the function of other radio equipment, the Minister may order the person who holds or occupies the equipment to take necessary measures to eliminate the disturbance.

(2) When deemed particularly necessary after issuing an order to take measures as prescribed in the preceding paragraph for radio equipment in any radio station requiring no license, etc. or for receiving equipment other than receiving equipment for the purpose of receiving broadcasts, the Minister may dispatch ministerial staff to the place where the equipment is located to inspect the equipment.

(3) The provisions of Article 39-9 paragraphs (2) and (3) shall apply mutatis mutandis to the inspection specified in the preceding paragraph.

### **Chapter VII Filing an Objection and Lawsuits**

#### Article 83 (Procedure for Filing an Objection)

(1) Any person who files an objection against an administrative disposition taken by the Minister pursuant to the provisions of this Act or any orders thereunder shall submit one original and one copy of the written objection.

(2) Notwithstanding the provisions of the preceding paragraph, in the case of filing an objection utilizing an electronic data processing system pursuant to the provisions of paragraph (1) of Article 3 of the "Act Concerning the Use of Information and Communications Technologies for Administrative Procedures, etc." (Act No. 151 of 2002), it shall be deemed that one original and one copy of the written objection have been submitted.

#### Article 84 (Exemptions to Restrictions on Filing an Objection)

The provisions under Article 27 paragraph (2) of the Administrative Procedure Act (Act No. 88 of 1993) shall not apply to administrative dispositions by the Minister pursuant to the provisions of this Act and the order thereunder after going through the hearings specified by the Administrative Procedure Act.

#### Article 85 (Reference to the Radio Regulatory Council)

Where an objection is filed pursuant to the provisions of Article 83, the Minister shall, unless the objection is rejected, refer it without delay to the Radio Regulatory Council.

#### Article 86 (Commencement of Proceedings)

The Radio Regulatory Council shall, within thirty days of the day on which it received the filing of an objection, commence proceedings on the matter referred to the Council pursuant to the provisions of the preceding article.

#### Article 87

The proceedings shall be presided over by a proceedings officer whom the Radio Regulatory Council nominates on specifying the matter to be dealt with. However, this shall not apply to cases where the Council nominates one of its members to preside over the proceedings when the matter is particularly important.

#### Article 88

(1) The proceedings shall commence with the delivery of a notice of the commencement of proceedings to the objector in the name of the proceedings officer (or the member of the Radio Regulatory Council, in the case of the proviso to the preceding article; hereinafter the same shall apply), on which the purport, date and place of the proceedings and a request for an appearance by the objector are entered.

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

#### Article 89 (Participants)

(1) The interested parties may, with the permission of the proceedings officer, be involved in the procedures for the proceedings as participants.

(2) The proceedings officer may, when deemed necessary, request the interested parties to be involved in the procedures for the proceedings as participants.

#### Article 90 (Proxy and Designated Officers)

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

(2) The Minister may appoint a ministerial staff member (hereinafter referred to as an "appointed officer") to be involved in the procedures for the proceedings.

(3) Any proxy under paragraph (1) may fully act in the proceedings on behalf of the objector, participants, or appointed officer.

#### Article 91 (Expression of Opinions)

(1) The objector, participants, or appointed officer may attend the proceedings and express their opinions.

(2) In the preceding paragraph, the objector and participants may, with the permission of the proceedings officer, attend the proceedings accompanied by their assistants.

(3) The proceedings officer may, when deemed necessary for the proceedings, request the objector, participants, or appointed officer, to state their opinions.

#### Article 92 (Submission of Documents, etc. as Evidence)

The objector, participants, or appointed officer may submit both documentary and physical evidence at the proceedings. However, where the proceedings officer specifies a reasonable period for submission of documentary or physical evidence, such evidence shall be submitted within that specified period.

#### Article 92-2 (Request for Statement and Appraisal by Witnesses)

The proceedings officer may, at the request of the objector, participants, or appointed officer, or ex officio, require any person deemed appropriate to attend the proceedings as a witness to state the known facts or make an appraisal. In this case, the objector, participants, and appointed officer may also request the witness to make a statement.

#### Article 92-3 (Request for Submission of Articles)

The proceedings officer may, at the request of the objector, participants, or appointed officer, or ex officio, request the possessor of any relevant documents or other articles to submit them and may retain them.

#### Article 92-4 (Inspection)

(1) The proceedings officer may, at the request of the objector, participants, or appointed officer, or ex officio, conduct an on-the-spot inspection of a relevant place.

(2) Where conducting an on-the-spot inspection under the preceding paragraph at the request of the objector, participants or appointed officer, the proceedings officer shall notify in advance the person requesting the inspection of the date and place of the inspection to give them the opportunity to attend the inspection.

#### Article 92-5 (Hearings Involving the Objector or Participants)

The proceedings officer may, at the request of the objector, participants, or appointed officer, or ex officio, conduct hearings involving the objector or any of the participants. In this case, the provisions of the second sentence of Article 92-2 shall apply *mutatis mutandis*.

#### Article 93 (Record and Written Opinion)

(1) The proceedings officer shall make a record of the proceedings.

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

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

#### Article 93-2 (Return of Documents, etc. Submitted as Evidence)

The proceedings officer shall, having submitted a written opinion pursuant to the provisions of paragraph (2) of the preceding article, return without delay the documentary or physical evidence submitted pursuant to the provisions of Article 92 and the documents or other articles submitted in response to the request pursuant to the provisions of Article 92-3, to the person who submitted them.

#### Article 93-3 (Limitation of Appeal)

No one may appeal under the Administrative Appeal Act (Act No. 160 of 1962) against an administrative disposition which the proceedings officer has made in the procedures for the proceedings.

#### Article 93-4 (Resolution)

The Radio Regulatory Council shall pass a resolution as a draft decision on the matter based on the record and written opinions specified in Article 93.

#### Article 93-5 (Suspension of the Execution of an Administrative Disposition)

Where an appeal is filed pursuant to the provisions of Article 34 paragraph (2) of the Administrative Appeal Act, as applied *mutatis mutandis* pursuant to Article 48 of the same Act, against a disposition pertaining to the matter referred to the Radio Regulatory Council pursuant to the provisions of Article 85, the Minister shall take into account the opinions of the Radio Regulatory Council.

#### Article 94 (Decision)

(1) When the resolution specified in Article 93-4 is made, the Minister shall, based on the resolution, make a final decision on the filing of the objection, within seven days of the passing of the resolution.

(2) The matter authorized by the Radio Regulatory Council through the proceedings shall be entered in the written decision.

(3) When making a decision, the Minister shall observe the provisions of Article 42 of the Administrative Appeal Act, as applied *mutatis mutandis* pursuant to Article 48



of the same Act, and send to each of the participants pursuant to the provisions of Article 89 a certified copy of the written decision.

Article 95 (Traveling and Other Expenses for Witnesses)

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

Article 96 (Entrustment to the MIC Ordinances)

In addition to the provisions in this Chapter, other procedures relating to the proceedings shall be specified by the applicable MIC ordinance.

Article 96-2 (Filing of Litigation)

Any person who is dissatisfied with an administrative disposition by the Minister pursuant to the provisions of this Act or orders thereunder, may only file litigation to rescind the decision on the filing of the objection against the administrative proposition.

Article 97 (Exclusive Jurisdiction)

The litigation (except litigation against a decision to reject the filing of an objection) under the preceding article shall fall under the exclusive jurisdiction of the Tokyo High Court.

Article 98 (Submission of Records)

Where litigation under the preceding article has been filed, the court shall request the Minister to submit records related to the case without delay.

Article 99 (Binding Effect of Fact Finding)

(1) With respect to the litigation under Article 97, the lawful findings of the Radio Regulatory Council shall be binding on the court when there is substantial evidence to prove that the fact exists.

(2) Evaluation of the evidence prescribed in the preceding paragraph shall be left to the discretion of the court.

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

Article 99-2 (Establishment)

The Radio Regulatory Council shall be established in the MIC, to ensure fair and efficient administrative operations concerning radio waves, broadcasting (including program-supply broadcasting; the same shall apply in Article 102-2 paragraph (1) item (ii) and Article 108-2 paragraph (1)), and rules for broadcasting on telecommunications services as prescribed in Article 2 paragraph (1) of the Act Concerning Broadcast on Telecommunications Services (Act No. 85 of 2001), in order to deal with the items that are attributed to the authority of the Council pursuant to the provisions of this Act, the Broadcast Act, and the Act Concerning Broadcast on Telecommunications Services and in order to examine and resolve appeals against administrative dispositions made by the Minister under the Cable Television

Broadcast Act (Act No. 114 of 1972) or the Act to Regulate the Operation of Cable Sound Broadcasting Services (Act No. 135 of 1951).

Article 99-2-2 (Organization)

- (1) The Radio Regulatory Council shall be composed of five members.
- (2) The Radio Regulatory Council shall set up the post of chairperson, who is elected by a mutual vote among the members.
- (3) The chairperson shall preside over the operation of the Council.
- (4) The Radio Regulatory Council shall nominate a vice-chairperson from the members, who shall act on behalf of the chairperson in the event that the chairperson is unable to fulfill his/her duties.

Article 99-3 (Appointment of Members)

- (1) The members of the Radio Regulatory Council shall be appointed by the Minister with the consent of both the House of Representatives and the House of Councillors from persons possessing the experience and knowledge necessary to make fair judgments from the standpoint of the public welfare.
- (2) Where the term of office of a member expires or when there is a vacancy among the members, the Minister may, notwithstanding the provisions of the preceding paragraph, appoint a person as a member without the consent of both the House of Representatives and the House of Councillors when it is impossible to obtain the consent of both Houses for the appointment of the member due to the Diet being in the closed period or due to the House of Representatives being dissolved. In this case, the Minister shall obtain the consent of both Houses during the first Diet session after the appointment.
- (3) Any person who falls under any of the following items shall not be eligible to become a member of the Radio Regulatory Council:
  - (i) Any person who has been sentenced to imprisonment without work or a severer penalty
  - (ii) Any person who has been subjected to disciplinary dismissal as a government worker within a period of two years since the day of dismissal
  - (iii) Any person who is a broadcaster, a broadcaster on telecommunications services prescribed in Article 2 paragraph (3) of the Act Concerning Broadcast on Telecommunications Services, a paid broadcasting management operator prescribed in Article 52-6-2 paragraph (2) of the Broadcast Act (including cases where applied mutatis mutandis pursuant to Article 15 of the Act Concerning Broadcast on Telecommunications Services), an certified broadcasting holding company prescribed in Article 52-31 of the Broadcast Act, a telecommunications carrier prescribed in Article 2 item (v) of the Telecommunications Business Act (limited to a person who installs telecommunications circuit facilities (referring to transmission circuit facilities connecting transmitting points with receiving points, switching facilities installed as inseparable units therefrom, and ancillary facilities of such

facilities)), a manufacturer or a dealer in radio equipment, or an officer of a juridical person, when the person is a juridical person (referring to a person, whatever their title may be, who has authority or management power equal to or above that of the officer; the same shall apply in this article), or a holder of one tenth or more of the voting rights in the juridical person (including any person who falls under the above categories within a year prior to the day of appointment)

(iv) Any person who is an officer of any of the entities listed in the preceding item (including any person who fell under any of the above within a year prior to the day of appointment)

#### Article 99-4 (Service Regulations)

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

#### Article 99-5 (Term of Office)

(1) A member's term of office shall be three years. However, a member who has been appointed to fill a vacancy shall hold the office for the remainder of the predecessor's term.

(2) Any member may be reappointed.

#### Article 99-6 (Retirement)

Any member of the Radio Regulatory Council shall naturally lose their membership if the appointment fails to obtain the consent of both the House of Representatives and the House of Councillors pursuant to the provisions of the second sentence in Article 99-3 paragraph (2).

#### Article 99-7 (Dismissal)

In the event that any member of the Radio Regulatory Council falls under any of the items of Article 99-3 paragraph (3), the Minister shall dismiss the member.

#### Article 99-8

When determining that a member is incapable of performing their duties due to a mental or physical deficiency, or that a member has committed nonfeasance of duties or any other misconduct not befitting membership of the Council, the Minister may dismiss the member with the consent of both the House of Representatives and the House of Councillors.

#### Article 99-9 (Restrictions on Employment Following Retirement)

No person who has been a member of the Radio Regulatory Council shall obtain any post listed in Article 99-3 paragraph (3) items (iii) and (iv) within a period of one year from the day of their retirement.

#### Article 99-10 (Meetings and Procedures)

(1) The Radio Regulatory Council may neither hold a meeting nor pass a resolution, unless three or more members, including the chairperson, attend the meeting.

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

(3) In addition to the provisions of the preceding two paragraphs, the procedures for a meeting of the Council shall be specified by the applicable MIC ordinance.

#### Article 99-11 (Mandatory Consultation)

(1) The Minister shall consult with the Radio Regulatory Council in any of the following matters:

(i) Establishment, revision, or abolition of any of the applicable MIC ordinances pursuant to the provisions of Article 4 items (i), (ii), and (iii) (Radio Stations Requiring No License, etc.), Article 4-2 (Designation of Call Signs or Call Names), Article 6 paragraph (7) (Period of Application for a Radio Station License), Article 7 paragraph (1) item (iii) (Essential Standards for Establishment of Radio Stations Other than Broadcasting Radio Stations), paragraph (2) item (iv) of the same Article (Standards for Enjoyment of Freedom of Expression by Broadcasting), item (v) of the same paragraph (Essential Standards for Establishment of Broadcasting Radio Stations), Article 8 paragraph (1) item (iii) (Identification Signal), the proviso to Article 9 paragraph (1) (Changes in Construction Types Not Requiring Permission), Article 13 paragraph (1) (Validity Period of Licenses for Radio Stations), Article 15 (Simplified Licensing Procedures), Article 26-2 paragraph (1) (Survey, etc. of Actual Radio Spectrum Utilization), Article 27-2 (Specified Radio Station), Article 27-4 item (ii) (Essential Standards for Establishment of Specified Radio Stations), Article 27-5 paragraph (3) (Validity Period of the Blanket License), Article 27-13 paragraph (6) (Validity Period of Establishment Plan Attestation), Article 27-18 paragraph (1) (Registration), Article 27-21 (Validity Period of Registration), Article 27-23 paragraph (1) (Minor Changes Not Requiring Registration), Article 27-30 paragraph (1) (Minor Changes Concerning Blanket Registrants Not Requiring Registration), Article 27-31 (Notification of Establishment of Radio Stations), Article 27-35 paragraph (1) (Mediation and Arbitration by the Telecommunications Business Dispute Settlement Commission), Article 28 (including cases where applied mutatis mutandis pursuant to Article 100 paragraph (5)) (Quality of Radio Waves), Article 29 (Requirements for Receiving Equipment), Article 30 (including cases where applied mutatis mutandis pursuant to Article 100 paragraph (5)) (Safety Devices), Article 31 (Installation of a Frequency Measuring Instrument), Article 32 (Installation of Meters and Spare Components), Article 33 (Apparatus for Radio Equipment on Compulsory Ship Stations), Article 35 (Requirements for Radio Equipment on Compulsory Ship Stations, etc.), Article 36 (Requirements for Compulsory Aircraft Stations), Article 37 (Approval of Apparatus for Radio Equipment), Article 38 (including cases where applied mutatis mutandis pursuant to Article 100 paragraph (5)) (Technical Regulations), Article 38-2 paragraph (1) (Specified Radio Equipment), Article 38-33 paragraph (1) (Special Specified Radio Equipment), Article 39

paragraphs (1), (2), (3), (5), and (7) (Operation of Radio Equipment), the proviso to Article 39-13 (Operation of Radio Equipment in Amateur Radio Stations), Article 41 paragraph (2) items (ii), (iii), and (iv) (Regulations for Attestation Related to Training Courses for Radio Operators, etc.), Article 47 (Conducting an Examination Service), Article 48-3 item (i) (Loss of Validity of Attestation as a Ship Station Radio Operator), Article 49 (Details of State Examinations, etc.), Article 50 (Stationing of a Distress Traffic Operator in Charge, etc.), Article 52 items (i), (ii), (iii), and (vi) (Utilization Beyond Purpose), Article 55 (Operation Beyond Permitted Operating Hours), Article 61 (Methods of Communication, etc.), Article 65 (Watchkeeping Obligations), Article 66 paragraph (1) (Distress Traffic), Article 67 paragraph (2) (Urgency Traffic), Article 70-4 (Watchkeeping Obligations), Article 70-5 (Communications for Aircraft Stations), Article 71-3 paragraph (4) (including cases where applied mutatis mutandis pursuant to Article 71-3-2 paragraph (11)) (Standards Concerning Provision of Compensation), Article 73 paragraph (1) (Inspection), Article 100 paragraph (1) item (ii) (Equipment Utilizing High Frequency Current), Article 102-13 paragraph (1) (Designation of Radio Equipment Using Specified Frequencies), Article 102-14 paragraph (1) (Notification in Sales of Designated Radio Equipment, etc.), Article 102-14-2 (Utilization of Information Communications Technology), Article 102-18 paragraph (1) (Measuring Instruments, etc.), paragraph (9) of the same article (Conducting a Calibration Service), and Article 103-2 paragraph (7) (Collection of Spectrum User Fees, etc.)

(ii) On establishing or changing the Plan for the Available Frequencies Allocated to Broadcasting pursuant to the provisions of Article 7 paragraph (3) or paragraph (4), establishing or changing the Frequency Assignment Plan under Article 26 paragraph (1) (except the part pertaining to paragraph (2) item (iv) of the same article), assessing the degree to which the radio spectrum is being utilized effectively pursuant to the provisions of Article 26-2 paragraph (3), establishing or changing the Establishment Guidelines for specified base stations under Article 27-12 paragraph (1), and determining or changing notified specified stations under Article 71-2 paragraph (2)

(iii) On revoking the attestation of an Establishment Plan pursuant to the provisions of Article 27-15 paragraph (1) or (2), revoking a license, etc. of a radio station pursuant to the provisions of the same paragraph, or revoking the designation of a designated training agency, a designated examination agency, a designated frequency change support agency, a center, or a designated calibration agency pursuant to the provisions of Article 39-11 paragraph (2) (including cases where applied mutatis mutandis pursuant to Article 47-5, Article 71-3 paragraph (11), Article 102-17 paragraph (5), and Article 102-18 paragraph (13)); or ordering the dismissal of officers of a designated examination agency or a designated frequency change support agency, or of examination executors at a designated

examination agency or calibrators at a designated calibration agency pursuant to the provisions of Article 47-2 paragraph (3) (including cases where applied mutatis mutandis pursuant to Article 71-3 paragraph (11) and Article 102-18 paragraph (13)) or revoking a radio station license pursuant to the provisions of Article 76 paragraphs (3), (4), or (6), revoking the attestation of an Establishment Plan pursuant to the provisions of the same paragraphs, or revoking registration under Article 27-18 paragraph (1) pursuant to the provisions of Article 76 paragraph (5) or (6); or reducing the designated number of radio stations and changing the designation of frequencies pursuant to the provisions of Article 76-2, prohibiting the establishment of radio stations pertaining to registration or limitations on the operation of registered stations pursuant to the provisions of Article 76-2-2, or changing the designation of frequencies for radio stations, ordering a change in frequencies for registered stations, or revoking radio station licenses, etc. pursuant to the provisions of Article 76-3 paragraph (1); or revoking a radio operator license or ship station radio operator attestation pursuant to the provisions of Article 79 paragraph (1) (including cases where applied mutatis mutandis pursuant to Article 79 paragraph (2))

(iv) On issuing a provisional license for a radio station pursuant to the provisions of Article 8; or giving permission to make changes in construction types pursuant to the provisions of Article 9 paragraph (1); or giving permission for making changes in broadcasting subjects pursuant to the provisions of Article 9 paragraph (4) or the second sentence of Article 17 paragraph (1); or issuing a blanket license pursuant to the provisions of Article 27-5 paragraph (1); or giving attestation to an Establishment Plan pursuant to the provisions of Article 27-13 paragraph (1); or designating a training agency pursuant to Article 39-2 paragraph (1); or designating an examination agency pursuant to the provisions Article 46 paragraph (1); or changing the designation of frequencies, etc. of radio stations or ordering a change in the frequencies, etc. for registered stations or the location of radio equipment on artificial satellite stations pursuant to the provisions of Article 71 paragraph (1); or designating a frequency change support agency pursuant to the provisions of Article 71-3 paragraph (1); or designating a radio propagation disturbance prevention area pursuant to the provisions of Article 102-2 paragraph (1); or designating the Center pursuant to the provisions of Article 102-17 paragraph (1); or designating a calibration agency pursuant to the provisions of Article 102-18 paragraph (1)

(2) Of the matters listed in the preceding paragraph items (i), (ii) and (iv), the Minister may take measures without consulting the Radio Regulatory Council for matters which the Council determines to be minor.

Article 99-12 (Hearing)

(1) Where consultation is requested pursuant to the provisions of paragraph (1) item (i) or (iii) of the preceding article, the Radio Regulatory Council shall hold a hearing.

(2) In addition to the provision of the preceding paragraph, the Radio Regulatory Council may hold a hearing when deemed necessary if the Minister requests consultation pursuant to the provisions of paragraph (1) item (ii) and item (iv) of the preceding article.

(3) The hearing provided for in the preceding two paragraphs shall commence with a public notice granted in the name of the proceedings officer (or a member of the Council in the case of the proviso to Article 87, as applied mutatis mutandis pursuant to paragraph (6); hereinafter the same shall apply) of the purport and the date and place of the hearing. However, where the matter involves an administrative disposition made to a particular person, a hearing commencement notification shall be sent to the person, indicating the purport and the date and place of the hearing, as well as a request that they appear at the hearing.

(4) As a proviso to the preceding paragraph, a public notice shall be issued indicating the purport of the hearing and the date and place of the hearing.

(5) Any person interested in the hearing as prescribed under paragraphs (1) and (2) (except matters pertaining to adverse dispositions prescribed in Article 2 item (iv) of the Administrative Procedure Act (referred to simply as "adverse dispositions" in paragraphs (6) and (8)), may attend on the day of the hearing and express their opinion, upon receipt of a permit from the proceedings officer.

(6) The provisions of Article 87, Articles 90 through 93-3, and Article 96 shall apply mutatis mutandis to the hearing provided for under paragraphs (1) and (2), and the provisions of Article 89 and the Administrative Procedure Act Article 18 shall apply mutatis mutandis to the hearing provided for under paragraphs (1) and (2) pertaining to adverse dispositions. In these cases, "the objector" in Article 90 paragraph (3) shall be deemed to be replaced with "the persons who received a hearing commencement notification under the proviso to Article 99-12 paragraph (3) (where at the hearing pertaining to dispositions to order a designated examination agency to dismiss its officer or examination executor, or a designated frequency change support agency to dismiss its officer or a designated calibration agency to dismiss its calibrator pursuant to the provisions of Article 47-2 paragraph (3) (including cases where applied mutatis mutandis pursuant to Article 71-3 paragraph (11) and Article 102-18 paragraph (13)), persons who have received a hearing commencement notification under the proviso to Article 99-12 paragraph (3), and said officer, said examination executor, or said calibrator; collectively referred to as "the party" hereinafter through Article 92-5)"; "the objector" in the provisions of Article 91 through 92-5 shall be deemed to be replaced with "the party"; "this Chapter" in Article 96 shall be deemed to be replaced with "Article 99-12"; and in Article 18 paragraph (1) of the Administrative Procedure Act, "the party" shall be deemed to be replaced with "the party under Article 90 paragraph (3) of the Radio Act replaced and applied mutatis mutandis pursuant to Article 99-12 paragraph (6)

of the same Act"; "the participants" shall be deemed to be replaced with "the participants under Article 89 paragraph (1) or (2) of the same Act, as applied mutatis mutandis pursuant to Article 99-12 paragraph (6) of the same Act"; and "the hearing notification" shall be deemed to be replaced with "sending to the person a hearing commencement notification as prescribed in the proviso to Article 99-12 paragraph (3) of the same Act."

(7) The Radio Regulatory Council shall resolve matters for which the Council has held a hearing pursuant to the provisions of paragraph (1) or (2) based upon the record and written opinions of Article 93, as applied mutatis mutandis pursuant to the preceding paragraph.

(8) The provisions of Chapter III (except Articles 12 and 14) of the Administrative Procedure Act shall not apply to an administrative disposition made after proceeding with the hearings under the provisions of paragraph (1) or (2), which falls under adverse dispositions.

#### Article 99-13 (Recommendations)

(1) The Radio Regulatory Council may make necessary recommendations to the Minister with respect to the list given in Article 99-11.

(2) Upon receipt of recommendations under the preceding paragraph, the Minister shall make the content public.

#### Article 99-14 (Proceedings Officers)

(1) The Radio Regulatory Council shall appoint no more than five proceedings officers.

(2) The proceedings officers shall preside over the proceedings prescribed in the preceding Chapter (including cases where applied mutatis mutandis pursuant to Article 53-13 of the Broadcast Act, Article 28 of the Cable Television Broadcast Act, Article 9 of the Act to Regulate the Operation of the Cable Sound Broadcasting Services, and Article 21 of the Act Concerning Broadcast on Telecommunications Services), or the procedures for the hearings prescribed under Article 99-12 of this Act, Article 53-11 of the Broadcast Act, or Article 19 of the Act Concerning Broadcast on Telecommunications Services.

(3) The proceedings officers shall be appointed by the Minister following a resolution of the Radio Regulatory Council.

### **Chapter VIII Miscellaneous Provisions**

#### Article 100 (Equipment Utilizing High Frequency Current)

(1) Any person who wishes to install the following equipment shall obtain permission from the Minister:

(i) Telegraphy, telephony, or other communications equipment that conducts high frequency current at frequencies of 10 kHz or higher through electric lines (except cable carrier equipment, twin twisted wire balanced type carrier equipment, or other communications equipment specified by the applicable MIC ordinance)



(ii) Equipment other than radio equipment and the equipment in the preceding item, which utilizes electric current at a frequency of 10 kHz or higher and is specified by the applicable MIC ordinance

(2) Upon receipt of an application for permission under the preceding paragraph, the Minister shall permit the construction in the application after determining that the application conforms to the technical regulations in Articles 28, 30, or 38, as applied *mutatis mutandis* pursuant to paragraph (5), and that the use of frequencies pertaining to the application causes no interference with other communications (including monitoring of radio waves by the Minister at places specified by public notices issued by the Minister).

(3) When a person who has obtained permission under paragraph (1) transfers the equipment to another person, or is involved in inheritance, merger, or division (limited to cases where said equipment is succeeded to), the transferee of said equipment or the inheritor thereof, the surviving juridical person after the merger or the new juridical person established by the merger, or the juridical person who succeeds to said equipment by division shall succeed to the status of the person who has obtained permission in the same paragraph.

(4) Any person who has succeeded to the status of a person who has obtained permission under paragraph (1) pursuant to the provisions of the preceding paragraph shall notify the Minister without delay of the fact along with documents that verify it.

(5) The provisions of Article 14 paragraphs (1) and (2) (Certificates for Radio Station Licenses), Article 17 (Permission for Changes, etc.), Article 21 (Correction to a Certificate for a Radio Station License), Articles 22 and 23 (Abolition of Radio Stations), Article 24 (Return of a Certificate for a Radio Station License), Article 28 (Quality of Radio Waves), Article 30 (Safety Devices), Article 38 (Technical Regulations), Article 72 (Suspension of Transmission of Radio Waves), Article 73 paragraphs (4) and (6) (Inspection), Articles 76 and 77 (Revocation of a Radio Station License, etc.), and Article 81 (Reporting) shall apply *mutatis mutandis* to the equipment for which permission has been obtained pursuant to the provisions of paragraph (1).

Article 101 (Protection of the Functions of Radio Equipment)

The provisions of Article 82 paragraph (1) shall apply *mutatis mutandis* to cases where the radio waves or high frequency current incidentally transmitted by any equipment other than radio equipment (except the equipment in the preceding article) causes successive and serious disturbance to the functions of radio equipment.

Article 102

(1) Any person who wishes to construct, at a place within one kilometer of the site of radio direction finding equipment installed by the Minister, any buildings or

structures specified by the applicable MIC ordinance which may cause disturbances in the electromagnetic field shall notify the Minister of such construction in advance.

(2) The Minister shall issue a public notice of the sites of the radio direction finding equipment in the preceding paragraph.

Article 102-2 (Designation of Radio Propagation Disturbance Prevention Areas)

(1) When determined necessary for the purpose of preventing any disturbance to the radio propagation in the radio propagation route for radio communications on frequencies of 890 MHz or higher between specific fixed points, which fall under any of the following items (hereinafter referred to as "important radio communications"), the Minister may, within the scope of necessity in order to ensure important radio communications, designate an area up to one hundred meters wide on each side of the estimated center line of the plane on the ground along the radio propagation route as a radio propagation disturbance prevention area:

(i) Radio communications by means of radio equipment in a radio station used for a telecommunications service

(ii) Radio communications by means of radio equipment in a radio station used for a broadcasting service

(iii) Radio communications by means of radio equipment used for a service for the purpose of protecting lives or property or of maintaining public peace and order

(iv) Radio communications by means of radio equipment used for a meteorological service

(v) Radio communications by means of radio equipment used for an electrical power supply service pertaining to the electricity business

(vi) Radio communications by means of radio equipment used for the operation of trains pertaining to the railway business

(2) The designation of a radio propagation disturbance prevention area pursuant to the provisions of the preceding paragraph shall become valid with the issuing of a public notice pursuant to the provisions of the applicable cabinet order.

(3) The Minister shall, pursuant to the provisions of the applicable cabinet order, provide the offices of the MIC and of relevant local public entities with charts showing radio propagation disturbance prevention areas pertaining to the public notice under the preceding paragraph for public inspection.

(4) The Minister shall, where there is no longer any reason for the designation of the radio propagation disturbance prevention area pertaining to the public notice specified in paragraph (2) pursuant to the provisions of paragraph (1), cancel the designation without delay.

Article 102-3 (Notification of Construction of Tall Buildings and Structures within Radio Propagation Disturbance Prevention Areas)

(1) Any person who makes a contract with a constructor or carries out the construction himself/herself (hereinafter referred to simply as a "building owner") for any construction that involves an act which falls under any of the following items (hereinafter referred to as the "specified act") within a radio propagation disturbance prevention area pertaining to the public notice in paragraph (2) of the preceding article (including cases where the construction extends not only the area but also other areas) shall, as specified by the applicable MIC ordinance, notify the Minister in writing prior to starting or having the contractor (including subcontractors; hereinafter the same shall apply) start the construction pertaining to the specified act, with regard to those details of the structure pertaining to the specified act, including the location of the site and its height, form, structural properties, and major materials used for its highest part (referring to the whole or any part of the structure higher than thirty-one meters above the ground surface; hereinafter the same shall apply), and further, where the person makes a contract with a contractor for a construction pertaining to the specified act, the name or appellation, address and other necessary matters:

(i) The construction of a new building or structure with its highest part higher than thirty-one meters above the ground surface (including structure(s) among one or more structure(s) constructed on the top of a structure fixed to the ground, where the highest part of such structure(s) is higher than thirty-one meters above the ground surface; hereinafter referred to as a "tall building, etc.")

(ii) The extension or transfer of a structure other than tall buildings, etc. which makes the structure a tall building, etc. as a result of such extension or transfer

(iii) The extension, transfer, rebuilding, repair, or alteration of a tall building, etc. (Such rebuilding, repair, and alteration shall be limited to the extent specified by the applicable MIC ordinance.)

(2) When intending to make any change in the notified details, a building owner who has notified the Minister pursuant to the provisions of the preceding paragraph shall further notify the Minister in writing of the matters pertaining to such change pursuant to the provisions of the applicable MIC ordinance.

(3) When the notification pursuant to the provisions of the preceding two paragraphs has been made and it is difficult to decide, based solely on the entries in the documents pertaining to the notification, whether the highest part may, as far as it is in the radio propagation disturbance prevention area on the radio propagation route, cause interference to the propagation of important radio communications (hereinafter referred to as an "important radio communications interference cause"), the Minister may request the building owner within the extent necessary to make such decision on the matter to submit any additional necessary information within a specified period.

(4) When a new radio propagation disturbance prevention area is designated pursuant to the provisions of the preceding article paragraph (1), none of the provisions in paragraph (1) shall apply to a specified act already in progress (including cases where preparation for the construction has proceeded to the extent specified by the applicable MIC ordinance) in a radio propagation disturbance prevention area (including cases where the construction extends not only the area but also other areas).

(5) A building owner pertaining to the specified act pursuant to the provisions of the preceding paragraph shall, as specified by the applicable MIC ordinance, notify the Minister of the plan for the construction pertaining to the specified act without delay after designation of the radio propagation disturbance prevention area.

(6) The provisions of paragraphs (2) and (3) shall apply mutatis mutandis to cases where a building owner pertaining to the specified act pursuant to the provisions of paragraph (4) intends to make a change in the matters specified by the applicable MIC ordinance in the plan pertaining to the specified act at the time of the designation of the radio propagation disturbance prevention area (or in the new plan after the change where the plan pertaining to the notification pursuant to the provisions of this paragraph was changed).

#### Article 102-4

(1) Where notification is required pursuant to the provisions of paragraph (1) or (2) of the preceding article (including cases where applied mutatis mutandis pursuant to paragraph (6) of the preceding article and the following paragraph), when it has come to the knowledge of the Minister that a building owner has started or has asked a contractor to start the construction pertaining to the specified act or the construction of the part pertaining to any matters pertaining to the change (except the construction specified by the applicable MIC ordinance) without notification, the Minister shall immediately order the building owner to notify him/her in writing, within a specified period, of the matters required pursuant to the provisions of paragraph (1) or (2) of the same article (including cases where applied mutatis mutandis pursuant to paragraph (6) of the same article and the following paragraph).

(2) The provisions of paragraph (2) of the preceding article shall apply mutatis mutandis to a person who was ordered to notify the Minister of the matters required to be notified pursuant to the provisions of paragraph (1) of the preceding article based on the provisions of the preceding paragraph and has notified the Minister of said matters.

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

Article 102-5 (Notice of Possibility of Radio Propagation Interference, etc.)

(1) When a notification is submitted pursuant to the provisions of Article 102-3 paragraph (1) or (2) (including cases where applied mutatis mutandis pursuant to paragraph (6) of the same article and paragraph (2) of the preceding article) or in response to an order pursuant to the provisions of paragraph (1) of the preceding article, the Minister shall study the matters pertaining to the notification, and where the Minister determines that the highest part of the building, etc. pertaining to the notification (in cases pertaining to a change in the notification, the highest part of the building, etc. after the change; hereinafter the same shall apply) constitutes an important radio communications interference cause in the radio propagation disturbance prevention area, the Minister shall notify the building owner to that effect with a document indicating the part causing important radio communications interference (hereinafter referred to as the "interference causing part") and the reason thereof, or where the Minister determines that the highest part does not constitute an important radio communications interference cause in the radio propagation disturbance prevention area, the Minister shall notify the building owner to that effect with a document showing the results of the study.

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

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

Article 102-6 (Restriction on the Construction of Highest Parts Constituting Important Radio Communications Interference Causes)

A building owner who has been notified pursuant to the provisions of the preceding article paragraphs (1) and (2) that the highest part referred to in the notification is determined to constitute an important radio communications

interference cause in the radio propagation disturbance prevention area shall not start or have their contractor start construction pertaining to the specified act, which pertains to the interference causing part, for a period of two years from the day of the notice, except in cases that fall under any of the following items:

(i) Where a change has been made in the plan for the construction pertaining to the specified act and the change has been notified pursuant to the provisions of Article 102-3 paragraph (2) (including cases where applied mutatis mutandis pursuant to paragraph (6) of the same article and Article 102-4 paragraph (2)), and when a notice is received that the highest part does not constitute an important radio communications interference cause in the radio propagation disturbance prevention area pursuant to the provisions of paragraphs (1) and (2) of the preceding article

(ii) When agreement pursuant to the provisions of paragraph (1) of the following article has been reached with the licensee of the radio station conducting the important radio communications in the radio propagation disturbance prevention area

(iii) Other cases specified by the applicable MIC ordinance

Article 102-7 (Consultation for Preventing Interference with Important Radio Communications)

(1) A building owner as prescribed in the preceding article and the licensee of a radio station conducting important radio communications in the radio propagation disturbance prevention area may mutually request consultation with the other party on the measures necessary for changing either the radio propagation route of the important radio communications or the construction plan pertaining to the highest part, as well as on the coordination needed to assure the important radio communications and exercise of the property rights pertaining to the tall building, etc.

(2) The Minister shall, when requested by either or both of the parties, make the necessary arrangements for consultation pursuant to the provisions of the preceding paragraph.

Article 102-8 (Measures to Be Taken in Case of Violation)

(1) The Minister may, when deemed necessary in the case where a building owner falls under any of the following items, order the building owner, to the extent necessary, to discontinue or to order his contractor to discontinue construction of the relevant building work that he or his contractor is executing, or to suspend or order the contractor to suspend construction of the relevant building work for a specified reasonable period:

(i) Where the building owner has failed to submit a notification pursuant to the provisions of Article 102-3 paragraph (1) or (2) (including cases where applied mutatis mutandis pursuant to paragraph (6) of the same article and Article 102-4 paragraph (2)) in violation of said provisions (except cases where a notification has

been submitted in response to the order based on the provisions of Article 102-4 paragraph (1) and a notice thereof has been given pursuant to the provisions of Article 102-5 paragraphs (1) and (2)) and when the building owner has already started or has ordered a contractor to start, or is in the near future believed to be starting or ordering a contractor to start, the construction pertaining to the specified act, which pertains to the highest part of a building, etc.

(ii) Where a building owner has failed to report within the specified period in spite of a request by the Minister pursuant to the provisions of Article 102-3 paragraph (3) (including cases where applied *mutatis mutandis* pursuant to paragraph (6) of the same article and Article 102-4 paragraph (3)) and when the building owner has already started or has ordered a contractor to start, or is in the near future believed to be starting or ordering a contractor to start, the construction pertaining to the specified act, which pertains to the highest part of a building, etc.

(2) The reasonable period in the preceding paragraph shall be specified on the basis of the period prescribed in Article 102-6, taking into account the circumstances, including the extent to which said highest part constitutes an important radio communications interference cause in said radio propagation disturbance prevention area, and the expected period normally required for making any changes in the radio propagation route of said important radio communications.

(3) Having issued an order pursuant to the provisions of paragraph (1) to a building owner not to start or order a contractor to start construction of the highest part for a specified period, the Minister shall without delay withdraw the order if agreement is reached within that period between the building owner and the licensee of the radio station conducting important radio communications in the radio propagation disturbance prevention area, or if the situation now falls under Article 102-6 item (i) or (iii), or if the order is no longer necessary.

#### Article 102-9 (Requesting a Report)

The Minister may, to the extent deemed necessary to enforce the provisions of the preceding seven articles, request from the building owner a report on the status of the plan or execution of the construction pertaining to the specified act.

#### Article 102-10 (Cooperation between the Minister and the Minister of Land, Infrastructure and Transport)

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

#### Article 102-11 (Recommendations, etc. on Non-Conforming Equipment)

(1) Where a radio station causes interference or any other disturbance that significantly impairs the operation of other radio stations, when determining that the disturbance is caused by the use of radio equipment manufactured or modified based on a design that does not conform to the technical regulations prescribed in

Chapter III, and that such radio equipment manufactured or modified based on the same design (hereinafter in this paragraph and the following article referred to as "non-conforming equipment") is so widely marketed that radio stations using such non-conforming equipment are likely to cause serious adverse effects on the operation of other radio stations unless appropriate measures are taken, the Minister may recommend the manufacturer or the seller of the non-conforming equipment to take the necessary measures to correct the situation, to the extent necessary to maintain orderly radio communications.

(2) When any person who has been given a recommendation pursuant to the provisions of the preceding paragraph fails to implement the recommendation, the Minister may make the fact public.

(3) The Minister shall, when intending to make a recommendation pursuant to the provisions of paragraph (1), obtain the consent of the Minister of Economy, Trade and Industry.

#### Article 102-12 (Requesting a Report)

To the extent necessary for enforcing the provisions of the preceding article, the Minister may request a report from the manufacturer or seller of non-conforming equipment on its activities.

#### Article 102-13 (Designation of Radio Equipment Using Specified Frequencies)

(1) Where it is determined that there are a significant number of radio stations established in violation of the provisions of Article 4 using radio waves within the specified frequency range (hereinafter referred to as "unlicensed specified radio stations"), when determining that the radio equipment using radio waves within the specified frequency range (hereinafter referred to as "specified frequency radio equipment" except radio equipment used for radio stations not requiring a license, etc. and radio equipment deemed unlikely to be used for said unlicensed specified radio stations) is so widely sold that it is not easy to decrease the number of unlicensed specified radio stations, the Minister may designate the use of the specified frequency radio equipment by unlicensed specified radio stations to be prevented by the applicable MIC ordinance.

(2) The Minister shall, when determining that it is no longer necessary to maintain the designation pursuant to the provisions of the preceding paragraph, cancel the designation.

(3) The Minister shall, when intending to establish, revise, or abolish the applicable MIC ordinance in paragraph (1), consult with the Minister of Economy, Trade and Industry.

#### Article 102-14 (Notification in Sales of Designated Radio Equipment, etc.)

(1) Any person who is retailing specified frequency radio equipment designated pursuant to the provisions of paragraph (1) of the preceding article (such equipment is hereinafter referred to as "designated radio equipment" and such a person is



hereinafter referred to as a "designated radio equipment retailer") shall, before entering into a sales contract for said designated radio equipment, notify the other party or indicate by the method specified by the applicable MIC ordinance that any person who wishes to establish a radio station using said designated radio equipment shall obtain a radio station license, etc.

(2) Any designated radio equipment retailer, when entering into a sales contract for designated radio equipment shall, without delay, issue the purchaser with a document describing the following matters pursuant to the provisions of the applicable MIC ordinance:

(i) The matters that shall be notified or indicated pursuant to the provision of the preceding paragraph

(ii) The fact that any person who establishes a radio station using designated radio equipment without a license, etc. shall be sentenced to the penalty prescribed under this Act

(iii) The name or appellation and address of the government office to which an application for a license, etc. of a radio station using designated radio equipment shall be submitted

#### Article 102-14-2 (Utilization of Information Communications Technology)

Pursuant to the provisions of the applicable cabinet order and with the consent of the purchaser, instead of issuing the document pursuant to the provisions of the preceding article paragraph (2), a designated radio equipment retailer may provide the purchaser with the information to be entered on the document using a method that utilizes an electronic information processing system or other information communications technology specified by the applicable MIC ordinance. In this case, said designated radio equipment retailer is deemed to have issued said document.

#### Article 102-15 (Instruction)

(1) The Minister may, where a designated radio equipment retailer violates the provisions of Article 102-14, when determining that the violation would promote the establishment of unlicensed specified radio stations and hamper the maintenance of orderly radio communications, instruct the designated radio equipment retailer to take any necessary measures.

(2) When intending to give instruction pursuant to the provisions of the preceding paragraph, the Minister shall obtain the consent of the Minister of Economy, Trade and Industry.

#### Article 102-16 (Reporting and On-site Inspection)

(1) The Minister may, to the extent necessary to enforce the provisions of the preceding article, order a designated radio equipment retailer to submit a report on its activities, or delegate ministerial staff to enter the place of business of the designated radio equipment retailer to inspect the designated radio equipment, account books, documents, and other articles.

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

Article 102-17 (Center for Promotion of Effective Utilization of the Radio Spectrum)

(1) When determining that a juridical person established under Article 34 of the Civil Code with the objective of contributing to effective and proper utilization of radio waves is capable of properly and securely conducting the service prescribed in the following paragraph, on application from the juridical person, the Minister may designate the juridical person as a center for promoting the effective utilization of the radio spectrum (hereinafter referred to as the "Center").

(2) The Center shall:

(i) Answer inquiries or give consultation on investigation of interference or other matters necessary for establishing radio stations or changing frequency designations, etc.

(ii) Collect and provide information on matters related to changing frequency designations for radio stations to properly enforce conventions on radio waves, matters related to equipment that significantly contribute to the efficient utilization of radio waves, and other matters that contribute to the effective and proper utilization of radio waves

(iii) Research and study the utilization of radio waves

(iv) Conduct educational activities on the effective and proper utilization of radio waves

(v) Engage in activities incidental to those listed in the preceding items

(3) Where an officer of the Center violates this Act, the orders issued hereunder, or the administrative dispositions based on these Act and orders, or the operational regulations of Article 39-5 paragraph (1), as applied mutatis mutandis pursuant to paragraph (5), the Minister may recommend the Center to dismiss the officer.

(4) The Minister may provide the Center with information on radio stations, or instructions and advice which are necessary for conducting the services listed in item (i) of paragraph (2).

(5) The provisions of Article 39-2 paragraph (5) (except item (i)), Article 39-3, Article 39-5, Article 39-6, Article 39-8, Article 39-9, Article 39-11, and Article 47-3 shall apply mutatis mutandis to the Center. In this case, "application under paragraph (2)" in Article 39-2 paragraph (5) shall be deemed to be replaced with "application under Article 102-17 paragraph (1)"; "classification pertaining to its designation, the location of the office where the training course service is conducted, and the date of commencing the training course service" in Article 39-3 paragraph (1) shall be deemed to be replaced with "location of the office where the service prescribed in Article 102-17 paragraph (2) is conducted, and the date of commencing the service prescribed in the same paragraph"; "training course service" in Article 39-3

paragraph (2), Article 39-8, and Article 39-11 paragraphs (2) (excluding item (iv)) and (3) shall be deemed to be replaced with "service prescribed in Article 102-17 paragraph (2)"; "training course service" in Article 39-5 shall be deemed to be replaced with "service listed in Article 102-17 paragraph (2) items (i) and (ii)"; "report on the state of the training course service" in Article 39-9 paragraph (1) shall be deemed to be replaced with "report on the state of the service prescribed in Article 102-17 paragraph (2)"; inspect the state of the training course service" in 39-9 paragraph (1) shall be deemed to be replaced with "inspect the state of the service prescribed in the same paragraph"; "Article 39-6, Article 39-7, or paragraph (1) of the preceding article" in Article 39-11 paragraph (2) item (i) shall be deemed to be replaced with "or Article 39-6"; "determined as not conforming to one or more of the items (except item (iv)) of Article 39-2 paragraph (4)" in Article 39-11 paragraph (2) item (ii) shall be deemed to be replaced with "determined that it is impossible to conduct the service prescribed in Article 102-17 paragraph (2) properly and surely"; "training course service" in Article 39-11 paragraph (2) item (iv) shall be deemed to be replaced with "service listed in Article 102-17 paragraph (2) item (i) or (ii)"; "examination service" in Article 47-3 shall be deemed to be replaced with "service listed in Article 102-17 paragraph (2) item (i)"; and "staff member (including an examination executor; the same shall apply to the following paragraph)" in Article 47-3 paragraph (1) shall be deemed to be replaced with "staff member".

Article 102-18 (Calibration of Measuring Instruments, etc.)

(1) The NICT shall calibrate the measuring instruments and other equipment to be used for the inspection of radio equipment as specified by the applicable MIC ordinance (hereinafter referred to as "measuring instruments, etc." in this article), or the Minister may designate a person and require the person (hereinafter referred to as a "designated calibration agency") to conduct the calibration service for the same.

(2) A calibration agency shall be designated upon application of a person who intends to conduct the calibration service specified in the preceding paragraph.

(3) Upon completion of calibration under paragraph (1), the NICT or the designated calibration agency shall affix to the measuring instruments, etc. a mark indicating that the calibration service has been duly completed pursuant to the provisions of the applicable MIC ordinance.

(4) The mark in the preceding paragraph or a misleadingly similar mark shall not be affixed to measuring instruments, etc. other than those calibrated by the NICT or a designated calibration agency.

(5) The Minister shall not designate a calibration agency unless the Minister determines that the application specified in paragraph (2) satisfies all of the following items:

(i) The calibration service implementation plan on matters including the staff, equipment, and calibration service methods is suitable for implementing the service properly and reliably.

(ii) The applicant has a financial base sufficient for implementing the calibration service plan specified in the preceding item properly and reliably.

(iii) In cases where the applicant is a juridical person, its officers or the structure of its members specified by the applicable MIC ordinance according to the type of juridical person does not have an adverse effect on fair implementation of the calibration service.

(iv) In addition to the case prescribed for in the preceding item, the applicant satisfies the criteria specified by the applicable MIC ordinance as not likely to cause any unfair calibration in practice.

(v) The designation does not impede the proper and reliable implementation of the calibration service.

(6) The Minister shall not designate an applicant as a calibration agency if the applicant who filed an application under paragraph (2) of this article falls under any of the following items:

(i) Any person who has been sentenced for a crime pursuant to the provisions of this Act, within a period of two years since the day the person's sentence or suspended sentence was served out

(ii) Any person whose designation was revoked pursuant to the provisions of Article 39-11 paragraph (1) or (2), as applied mutatis mutandis pursuant to paragraph (13) of this article, within a period of two years since the day of revocation

(iii) Where an applicant is a juridical person, any of whose officers falls under either of the preceding two items

(7) The designation of a calibration agency shall, unless renewed every five to ten years as specified by the applicable cabinet order, lose validity with the passage of the period.

(8) The provisions of paragraphs (2), (5), and (6) of this article shall apply mutatis mutandis to renewal of the designation under the preceding paragraph.

(9) A designated calibration agency shall, when conducting calibration, use measuring instruments and other equipment specified by the applicable MIC ordinance and have the calibration conducted by a person who satisfies the requirements specified by the applicable MIC ordinance (hereinafter referred to as a "calibrator").

(10) Any officer (where a designated calibration agency is not a juridical person, a person who is designated as a calibration agency; the same shall apply to Article 110-2 and Article 113-2) or staff member (including calibrators) of a designated calibration agency engaged in the calibration service shall be deemed to be a person

engaged in public service under laws and regulations with respect to the application of the Criminal Code and other penal provisions.

(11) A designated calibration agency shall, when intending to suspend or discontinue all or part of its calibration service, pursuant to the provisions of the applicable MIC ordinance, notify the Minister to that effect in advance.

(12) The Minister shall, upon receipt of the notification pursuant to the provisions of the preceding paragraph, issue a public notice to that effect.

(13) The provisions of Article 39-3, Articles 39-5 through Article 39-9, Article 39-11, and Article 47-2 paragraphs (2) and (3) shall apply mutatis mutandis to a designated calibration agency. In these cases, "classification pertaining to its designation, the location of the office where the training course service is conducted, and the date of commencing the training course service" in Article 39-3 paragraph (1) shall be deemed to be replaced with "location of the office where the calibration service is conducted, and the date of commencing the calibration service"; "training course" in Article 39-3 paragraph (2), Article 39-5, Article 39-7, Article 39-8, Article 39-9 paragraph (1), and Article 39-11 paragraphs (2) and (3) shall be deemed to be replaced with "calibration"; "any of the items (except item (iii)) of Article 39-2 paragraph (5)" in Article 39-11 paragraph (1) shall be deemed to be replaced with "any of the items (except item (ii)) of Article 102-18 paragraph (6)"; "or paragraph (1) of the preceding article" in Article 39-11 paragraph (2) item (i) shall be deemed to be replaced with ", Article 47-2 paragraph (2), or Article 102-18 paragraph (9) or (11)"; "one or more of the items (except item (iv)) of Article 39-2 paragraph (4)" in Article 39-11 paragraph (2) item (ii) shall be deemed to be replaced with "one or more of the items (except item (v) of Article 102-18 paragraph (5)"; "or Article 39-8" in Article 39-11 paragraph (2) item (iii) shall be deemed to be replaced with ", Article 39-8, or Article 47-2 paragraph (3)"; "an examination executor" in Article 47-2 paragraph (2) shall be deemed to be replaced with "an officer or calibrator"; and "officers or examination executor" and "Article 47-5" in Article 47-2 paragraph (3) shall be deemed to be replaced with "calibrators" and "Article 102-18 paragraph (13)", respectively.

#### Article 103 (Collection of Fees)

(1) Any person listed in the following items shall, pursuant to the provisions of the cabinet order, pay the fee that is specified by the cabinet order taking actual expenses into account to the Government (for a person who takes a training course conducted by a designated training agency, to said designated training agency; for a person who takes the state examination for radio operators at a designated examination agency that executes in place of the Government, to said designated examination agency; or for a person for whom the calibration is conducted by the NICT, to the NICT).

(i) A person who applies for a license pursuant to the provisions of Article 6

- (ii) A person who obtains an inspection pursuant to the provisions of Article 10
- (iii) A person who obtains an inspection pursuant to the provisions of Article 18 (except a person who has obtained permission under Article 17 paragraph (1) due to the designation being changed pursuant to the provisions of Article 71 paragraph (1) or Article 76-3 paragraph (1))
- (iv) A person who is provided with information pursuant to the provisions of Article 25 paragraph (2)
- (v) A person who applies for a license pursuant to the provisions of Article 27-3
- (vi) A person who applies for an attestation pursuant to the provisions of Article 27-13 paragraph (1)
- (vii) A person who applies for registration pursuant to the provisions of Article 27-18 paragraph (1)
- (viii) A person who applies for registration pursuant to the provisions of Article 27-29 paragraph (1)
- (ix) A person who applies for approval pursuant to the provisions of Article 37
- (x) A person who applies for renewal of registration pursuant to the provisions of Article 38-4 paragraph (1)
- (xi) A person who wishes to obtain a technical regulations conformity certification pursuant to the provisions of Article 38-18 paragraph (1)
- (xii) A person who wishes to obtain a construction type certification pursuant to the provisions of Article 38-18 paragraph (1), as applied mutatis mutandis pursuant to Article 38-24 paragraph (3)
- (xiii) A person who takes a training course pursuant to the provisions of Article 39 paragraph (7)
- (xiv) A person who takes a state examination for radio operators pursuant to the provisions of Article 41
- (xv) A person who applies for a license pursuant to the provisions of Article 41
- (xvi) A person who applies for ship station radio operator attestation pursuant to the provisions of Article 48-2 paragraph (1)
- (xvii) A person who takes a training course organized by the Minister pursuant to the provisions of Article 48-2 paragraph (2) item (i)
- (xviii) A person who takes a training course organized by the Minister pursuant to the provisions of Article 48-3 item (i)
- (xix) A person who applies for re-issuance of the certificate for a radio station license, a registration certificate, registration certification, a radio operator's license, or ship station radio operator attestation
- (xx) A person who obtains an inspection pursuant to the provisions of Article 73 paragraph (1)
- (xxi) A person who uses the calibration service pursuant to the provisions of Article 102-18 paragraph (1) (except calibration by a designated calibration agency)

(2) Fees paid to a designated training agency, a designated examination agency, or the NICT pursuant to the provisions of the preceding paragraph shall be the revenues of said designated training agency, said designated examination agency, or the NICT.

Article 103-2 (Collection of Spectrum User Fees, etc.)

(1) Licensees, etc. shall pay to the Government the amount of money listed in the right column of the appended Table No. 6 corresponding to the classification of radio stations listed in the left column of the same table (where the period from the day of the license, etc. of the radio station or the day corresponding to the day on which the license of the radio station expires is less than a year; an amount of money equivalent to the amount obtained by multiplying the amount of money listed in the table by the number obtained by dividing the number of months in the period by 12), as the Spectrum User Fee, within 30 days of the day of the license, etc. or within 30 days of the day corresponding to the day of the license, etc. in each subsequent year (hereinafter referred to as the "corresponding day" in this article; the corresponding day shall be the day following that day, where there is no day corresponding to that day) for the one-year period beginning from the day of license, etc. of the radio station or the corresponding day (referred to as the "initial day of reckoning" in this paragraph; where this period begins on March 1 of the preceding year to a leap year under the condition that if the day of the license, etc. is February 29, the period shall be from March 1 to February 28 of the following year, and where the period from the initial day of reckoning to the day on which the license of the radio station expires is less than one year, the period shall be that period).

(2) In addition to the fee pursuant to the provisions of the preceding paragraph, a licensee who uses radio waves of frequencies (limited to frequencies of 3,000 MHz or less) designated by the Minister for each of the areas listed in the left column of appended Table No. 7 for use exclusively by radio stations established in large numbers over a wide area by one person (hereinafter referred to as "radio waves exclusively for a wide area" in this article), shall pay to the Government an amount of money as the Spectrum User Fee equivalent obtained by multiplying the figure for the frequency bandwidth of the radio waves exclusively for the wide area pertaining to the licensee, expressed in megahertz, by the coefficient listed in the right column of the same table, and further by 45,869,800 yen (1,928,900 yen in the case of radio waves exclusively for a wide area listed in row 4 or 5 in appended Table No. 6), before November 1 every year for a period of one year beginning on October 1 of the year. In this case, with respect to the application of the provisions in the first sentence of this paragraph to the period from the day of the license to the last day of the first September, if the day of the license of the radio station that first commences to use the radio waves exclusively for a wide area is other than October 1, "before November 1 every year for a period of one year beginning on October 1 of the year"

shall be replaced with "within thirty days from the last day of the month to which the day of the license for the radio station that first uses the radio waves exclusively for a wide area belongs, for a period from the day of the license to the last day of the first September after the day of the license" and "an amount of money as the Spectrum User Fee equivalent obtained by multiplying" shall be replaced with "an amount of money as the Spectrum User Fee equivalent obtained by multiplying the number that is obtained by dividing the number of months in the period by 12, by."

(3) In the case where radio waves of the designated frequencies pertaining to the attested plan are radio waves exclusively for a wide area, if the attested establisher pertaining to the attested plan does not obtain a license for any of the specified base stations pertaining to the attested plan within six months from the day on which the attestation was obtained, said attested establisher shall be deemed to be a licensee who has obtained the license for the specified base station that first uses radio waves exclusively for a wide area on the day when the six months have elapsed, and the provisions of the preceding paragraph shall apply to said attested establisher.

(4) The "Spectrum User Fee" in this article and the following article means the money which the licensee, etc., the person who has established specified radio stations not requiring a license, etc. under paragraph (10), or the person affixing marks under paragraph (11) shall pay, which is to be allocated for the expenses (referred to as the "expenses for spectrum users' common benefit" in the following article) required by the Minister for the following administrative work with the direct objective of benefiting radio stations as a whole concerning the assurance of the proper utilization of radio waves.

(i) Monitoring and control of radio waves, and search for illegally established radio stations

(ii) Establishment and management of the Integrated Radio Stations Database (referring to a database that registers for all radio stations, using an electronic data processing system, matters that shall be entered on documents and applications specified in Article 6 paragraphs (1) and (2), Article 27-3, Article 27-18 paragraphs (2) and (3), and Article 27-29 paragraphs (2) and (3), and on certificates of radio station licenses, etc. and other matters related to licenses, etc.)

(iii) Research and development for establishing technical regulations on radio equipment concerning technologies to be developed within about five years for the efficient utilization of frequencies, technologies to promote the common utilization of frequencies, or technologies to promote the shift to higher frequencies, as well as communication and coordination with international organizations, administrative organizations of foreign countries, and other organizations in foreign countries concerned with establishing technical regulations on radio equipment using technologies already developed for the efficient utilization of frequencies,



technologies to promote the common use of frequencies, or technologies to promote the shift to higher frequencies, and tests and analyses of the results thereof

(iv) Research on the effect of radio waves on human bodies, etc.

(v) Standard-frequency and time-signal transmissions

(vi) Specific frequency change support services (including delivery of subsidies to a designated frequency change support agency pursuant to the provisions of Article 71-3 paragraph (9))

(vii) Specific frequency termination support services (including delivery of subsidies to a registered frequency termination support agency pursuant to the provisions of Article 71-3 paragraph (9), as applied mutatis mutandis pursuant to Article 71-3-2 paragraph (11); the same shall apply to paragraphs (10) and (11))

(viii) Delivery of subsidies and other necessary support to improve and maintain the following equipment (including ancillary equipment specified by the applicable MIC ordinance installed as an inseparable unit with such equipment and the structure required to install said equipment and said ancillary equipment) for the purpose of enabling the utilization of radio communications conducted using technology that contributes to the efficient utilization of radio waves, using low antenna power to the extent possible required in areas where it is difficult to utilize such radio communications

(a) Radio equipment of a radio station used for the radio communications service and transmission circuit equipment required to establish the radio station

(b) Transmission circuit equipment that enables reception of the radio communications

(ix) In addition to matters listed in the preceding item, delivery of subsidies for the purpose of improving and maintaining equipment to enable the utilization of radio communications conducted using technology that contributes to the efficient utilization of radio waves in a tunnel or other environment where it is difficult to utilize such radio communications

(x) Necessary support for the use of frequencies to ensure the efficient utilization of radio waves or prevent adverse effects of radio waves on human bodies, etc., or for activities to enhance literacy concerning protection of human bodies, etc.

(xi) Planning or drafting a plan for a system pertaining to the Spectrum User Fee or administrative work incidental to the administrative work listed in each of the preceding items

(5) Notwithstanding the provisions of paragraph (1), with respect to a blanket licensee or a blanket registrant (hereinafter referred to as a "blanket licensee, etc." in this article); in the case of a blanket licensee, the blanket licensee shall notify the Minister of the number of specified radio stations that have been already established (hereinafter referred to as the "number of established radio stations" in this paragraph and the following paragraph) as of the last day of the month to which the

day of issue of the blanket license belongs or the day corresponding to the day of issue of the blanket license in each of the following years belongs (the previous day where there is no corresponding day) by the fifteenth day of the following month, and shall, within thirty days from the day of acceptance of said notification, pay to the Government as the Spectrum User Fee; and in the case of a blanket registrant, the blanket registrant shall, within forty-five days of the last day of the month to which the day of registration pursuant to the provisions of Article 27-29 paragraph (1) belongs or the day corresponding to the day of the blanket registration in each of the following years belongs (the previous day where there is no corresponding day) pay to the Government as the Spectrum User Fee, for each one-year period commencing from the respective days of the blanket license and registration pursuant to the provisions of the same paragraph (hereinafter referred to as the "blanket license, etc.") or the day corresponding to the day of issue of the blanket license, etc. (the following day where there is no corresponding day) in each of the following years (where this period begins on March 1 of the preceding year to a leap year under the condition that if the day of issue of a blanket license, etc. is February 29, the period shall be from March 1 to February 28 of the following year; and where the period from the day of issue of said blanket license, etc. or the day corresponding to the day of issue of said blanket license, etc. (the following day where there is no corresponding day) to the day of expiration of the validity of said blanket license, etc. is less than one year, the period shall be that period; hereinafter the same shall apply in this paragraph and the following paragraph), the amount obtained by multiplying 540 yen for the blanket licensee (420 yen for a radio station using radio waves exclusively for a wide area and the radio station that communicates with said radio station), or 570 yen for a blanket registrant (or the amount of money listed in the right column of Appended table No. 8 according to the classification of radio stations in the left column of the same table for radio stations that do not move), by the number of established radio stations or established registered stations (referring to the number of established registered stations as of the last day of the month to which the day of registration belongs or the day corresponding to the day of the registration in each of the following years belongs (the previous day where there is no corresponding day); the same shall apply to the following paragraph) pertaining to said period of one year (in cases where the period from the day of issue of said blanket license, etc. or the day corresponding to the day of issue of said blanket license, etc. (the following day where there is no corresponding day) to the day of expiration of the validity of said blanket license, etc. is less than one year, the amount shall be equivalent to the amount obtained by multiplying the amount by the number that is obtained by dividing the number of months in said period by 12).

(6) In addition to the fee pursuant to the provisions of the preceding paragraph, in cases where, during the one-year period commencing from the day of issue of a

blanket license, etc. or the day corresponding to the day of issue of a blanket license, etc. in each of the following years (the following day where there is no corresponding day), the number of specified radio stations or registered stations established as of the last day of each month following the month to which the day of issue of said blanket license, etc. belongs or the day corresponding to the day of issue of said blanket license, etc. in each following year (the previous day where there is no corresponding day) belongs exceeds the number of established radio stations (where a notification has already been submitted pursuant to the provisions of this paragraph; the number of specified radio stations pertaining to the notification after the day of notification) or registered stations (where there is a month in which the number of registered stations has exceeded the number of established registered stations; the number of registered radio stations established as of the last day of each month subsequent to such month) pertaining to said one-year period, a blanket licensee shall notify the Minister of the number of said established specified radio stations by the fifteenth day of the month following the month of said excess and shall pay to the Government as the Spectrum User Fee within thirty days from the day of acceptance of said notification the amount obtained by multiplying 540 yen (420 yen for a radio station using radio waves exclusively for a wide area and the radio station that communicates with said radio station); and a blanket registrant shall pay to the Government as the Spectrum User Fee within forty-five days from the last day of the month of said excess the amount obtained by multiplying 570 yen (or the amount of money listed in the right column of appended Table No. 8 according to the classification of radio stations in the left column of the same table for radio stations that do not move), by said excess number of specified radio stations or said excess number of registered stations (in cases where said blanket licensee, etc. who is granted another blanket license, etc. (limited to a license pertaining to radio stations specified by the applicable MIC ordinance as having the functions equivalent to those of radio stations pertaining to the blanket license, etc. of said licensee, etc.), when the number of specified radio stations or registered stations established based on said other blanket license, etc. as of the last day of the month of said excess is less than the number of specified radio stations or registered stations established based on said other blanket license, etc. as of the last day of the month previous to the month of said excess; the number obtained by deducting the shortage in the number of specified radio stations or registered stations from each of these numbers with the number of deductions limited to said excess number of specified radio stations or registered stations) and by the number obtained by dividing the number of months in said period by 12, for the period from the month of said excess to the month prior to the month to which the corresponding day of the subsequent blanket license, etc. (the previous day where there is no corresponding day) belongs,

or to the month prior to the month to which the day following the expiration day of said blanket license, etc. belongs.

(7) Where licensees are licensees of existing established radio stations, with respect to the application under the provisions of paragraph (1) pertaining to said existing established radio stations, during a period not exceeding ten years specified by the applicable cabinet order from the day of a public notice on changes to the Frequency Assignment Plan, etc. pertaining to said existing established radio stations to the day subsequent to the period, "by 12)" in the same paragraph shall be replaced by "by 12) and the additional amount of money specified by the applicable cabinet order according to the frequency and antenna power for said existing established radio stations considering the amount obtained by multiplying the amount equivalent to half the estimated costs required for a specific frequency change support service (including delivery of subsidies to a designated frequency change support agency pursuant to the provisions of Article 71-3 paragraph (9)) pertaining to said licensee, etc. by the ratio of the average of the periods during which each licensee of existing established radio stations pertaining to said specific frequency change support service establishes new specified radio stations in addition to said existing established radio stations to the period from the day of the public notice on changes to the Frequency Assignment Plan, etc. (limited to those pertaining to the time limit on the use of frequencies in the classification of radio stations pertaining to said existing established radio stations) pertaining to said existing established radio stations to the time limit on the use of said frequency."

(8) Where licensees, etc. are licensees, etc. of notified specified stations, with respect to the application of the provisions of paragraphs (1), (5) and, (6) pertaining to said notified specified stations, during a period not exceeding ten years specified by the applicable cabinet order from the day following the day of expiration of the old assignment period (hereinafter referred to as the "day of expiration") pertaining to said notified specified stations to the day subsequent to the period, "by 12)" in paragraph (1) shall be replaced by "by 12) and the additional amount of money specified by the applicable cabinet order according to the type, frequency, and antenna power for radio stations considering the amount equivalent to half the estimated costs (including costs estimated to be required for compensation in the cases of compensating licensees, etc. of radio stations using radio frequencies with the old assignment period pertaining to a specific frequency termination support service pursuant to the provisions of Article 71 paragraph (2) or Article 76-3 paragraph (2)) to be required for a specific frequency termination support service (including delivery of subsidies to a specific frequency termination support agency pursuant to the provisions of Article 71-3 paragraph (9), as applied mutatis mutandis pursuant to Article 71-3-2 paragraph (11)) pertaining to said licensee, etc., as well as the number of notified specified stations pertaining to said specific

frequency termination support service that are estimated to be established during the period specified by the applicable cabinet order under paragraph (8)"; and "move)" in paragraphs (5) and (6) shall be replaced by "move) and the additional amount of money specified by the applicable cabinet order according to the type, frequency, and antenna power for radio stations considering the amount equivalent to half the estimated costs (including costs to be required for compensation in the case of compensating licensees, etc. of radio stations using radio frequencies with the old assignment period pertaining to a specific frequency termination support service pursuant to the provisions of Article 71 paragraph (2) or Article 76-3 paragraph (2))to be required for a specific frequency termination support service (including delivery of subsidies to a specific frequency termination support agency pursuant to the provisions of Article 71-3 paragraph (9), as applied mutatis mutandis pursuant to Article 71-3-2 paragraph (11)) pertaining to said licensee, etc. as well as the number of notified specified stations pertaining to said specific frequency termination support service that are estimated to be established during the period specified by the applicable cabinet order under paragraph (6)."

(9) Notwithstanding the provisions of the preceding paragraph, where licensees are licensees of notified specified stations, with respect to the application of the provisions of paragraph (1) pertaining to the first specified base station in the cases where said licensees establish a specified base station for the first time in accordance with the attested plan, during a period not exceeding five years specified by the applicable cabinet order from the day following the day of expiration pertaining to said notified specified stations to the day subsequent to the period, "by 12)," in the same paragraph shall be replaced by "by 12), and the additional amount of money specified by the applicable cabinet order according to frequencies and areas thereof to be used by specified base stations considering the amount equivalent to half the estimated costs (including costs estimated to be required for compensation in the cases of compensating licensees, etc. of radio stations using radio frequencies with the old assignment period pertaining to a specific frequency termination support service pursuant to the provisions of Article 71 paragraph (2) or Article 76-3 paragraph (2)) to be required for a specific frequency termination support service (including delivery of subsidies to a specific frequency termination support agency pursuant to the provisions of Article 71-3 paragraph (9), as applied mutatis mutandis pursuant to Article 71-3-2 paragraph (11)) pertaining to said licensee, etc., and further an additional amount of money, which is less than the amount specified by said cabinet order, calculated pursuant to the provisions of the applicable MIC ordinance considering the validity period of attestation pertaining to said attested plan, the total number of specified base stations and other matters including the extent to which said attested plan can contribute to the smooth establishment of specified base stations, in total." In this case, the provisions of the preceding

paragraph shall neither apply to specified base stations other than said specified base stations to be established for the first time in accordance with said attested plan nor to mobile radio stations with which specified base stations to be established in accordance with said attested plan communicate.

(10) Any person who establishes specified radio stations not requiring a license, etc. (limited to those using radio equipment specified by the applicable MIC ordinance exclusively used for radio stations for telecommunications business or equivalent business thereto) pertaining to a specific frequency termination support service during the period specified by the applicable cabinet order not exceeding ten years from the day following the day of expiration pertaining to said notified specified stations (hereinafter referred to as a "covered period" in this article) where all notified specified stations pertaining to said specific frequency termination support service are radio stations under Article 4 item (iii) (hereinafter referred to as "specified radio stations not requiring a license, etc."), shall notify the Minister of the name of the person (in the case of a juridical person, the appellation and the name of its representative; the same shall apply in the following paragraph) and address thereof, and the number of said specified radio stations not requiring a license, etc. (hereinafter referred to as the "number of established specified radio stations not requiring a license, etc." in this paragraph) established as of the corresponding day (the previous day where there is no corresponding day) to the day of expiration pertaining to said specified radio stations not requiring a license, etc. in each year during the covered period, according to the functions of radio stations specified by the applicable cabinet order, by the fifteenth day of the month following the month to which the day belongs, and pay to the Government within thirty days from the day of acceptance of said notification, as the Spectrum User Fee for a one-year period to said corresponding day, an amount of money obtained by multiplying the amount specified by the applicable cabinet order according to functions of radio stations specified by said applicable cabinet order considering the amount equivalent to half the estimated costs (including costs estimated to be required for compensation in the case of compensating licensees, etc. of radio stations using radio frequencies with the old assignment period pertaining to a specific frequency termination support service pursuant to the provisions of Article 71 paragraph (2) or Article 76-3 paragraph (2); hereinafter the same shall apply to the following paragraph) to be required for the specific frequency termination support service pertaining to said specified radio stations not requiring a license, etc. and the number of specified radio stations not requiring a license, etc. pertaining to said specific frequency termination support service estimated to be established within the covered period, by the number of specified radio stations not requiring a license, etc. established pertaining to said one-year period.

(11) In the cases prescribed for in the preceding paragraph, any person who has affixed marks (referring to the mark pursuant to the provisions of Article 38-7 paragraph (1), Article 38-26 (except for cases applying to foreign dealers), or Article 38-35; the same shall apply in paragraph (18)) to radio equipment (except those specified by the applicable MIC ordinance under the preceding paragraph) (hereinafter referred to as a "person affixing marks" in this article) that may be used for specified radio stations not requiring a license, etc. pertaining to said specific frequency termination support service shall notify the Minister of the name of the person and address thereof, and the number of items of said radio equipment to which the person has affixed the marks during the one-year period before the corresponding day (the previous day where there is no corresponding day) to the day of expiration in each year within the covered period, and other matters specified by the applicable MIC ordinance, according to the functions of radio stations specified by the applicable cabinet order, by the fifteenth day of the month following the month to which the day belongs, and pay to the Government within thirty days from the day of acceptance of said notification as the Spectrum User Fee the total amount of money obtained by multiplying the amount of money specified by the applicable cabinet order according to the functions of radio stations specified by said applicable cabinet order considering the amount equivalent to half the estimated costs required for the specific frequency termination support service pertaining to said specified radio stations not requiring a license, etc. using said radio equipment, the number of specified radio stations not requiring a license, etc. pertaining to said specific frequency termination support service estimated to be established during the covered period, and the average period during which said radio equipment is estimated to be used, by the number of items (where, out of said radio equipment, there is radio equipment that is estimated to either be exclusively used in foreign countries or not used at all due to functional faults in transit or storage and other similar reasons, referring to the number after deducting the number of items of such radio equipment pursuant to the provisions of the applicable MIC ordinance; the same shall apply in the second sentence of paragraph (18)) of radio equipment to which the marks have been affixed within said one-year period.

(12) The provisions of paragraphs (1), (2), and (5) through (10) shall not apply to licensees, etc. of the following radio stations or persons who have established specified radio stations not requiring a license, etc.:

(i) Radio stations licensed pursuant to the provisions of Article 27 paragraph (1)

(ii) Radio stations established by local public entities and used for the purpose of fire control by prefectural governors or organizations for fire control set up pursuant to the provisions of Article 9 of the Organization of Fire Control Act (Act No. 226 of 1947) (including cases applied *mutatis mutandis* pursuant to Article 28 of that Act)

(iii) Radio stations established by local public entities or flood control and management bodies prescribed in Article 2 paragraph (1) of the Flood Control Act (Act No. 193 of 1949) and used for the purpose of flood control by prefectural governors, flood control managers prescribed in paragraph (2) of the same article, or flood control bodies

(13) The amount of money for the Spectrum User Fee that a licensee, etc. listed in the following items or a person who has established a specified radio station not requiring a license, etc. shall pay shall be, notwithstanding the provisions of each of said items, the amount of money equivalent to half the amount of money prescribed in said provisions.

(i) A licensee, etc. of a radio station (except for radio stations listed in items (2) and (3) of the preceding paragraph) established by local public entities for the purpose of conducting communications required for disaster prevention as prescribed in the Local Disaster Prevention Plan listed in Article 2 paragraph (10) of the Disaster Control Fundamental Act (Act No. 223 of 1961), or a person who has established a specified radio station not requiring a license, etc.; paragraphs (1) and (5) through (10)

(ii) In the case where the period of validity for all or part of the frequencies used by a radio station is specified by the Frequency Assignment Plan (except cases where the provisions of Article 71-2 paragraph (1) apply), a licensee, etc. of a radio station for whom the Minister has confirmed that said radio station be abolished within two years from the day of the license, etc. or the corresponding day; paragraph (1)

(14) The number of months in paragraphs (1), (2), and (5) shall be reckoned according to the calendar, and any fraction of less than one month shall be counted as one month.

(15) In paying the Spectrum User Fee pursuant to the provisions of paragraph (1), licensees, etc. (except blanket licensees, etc.) may prepay the Spectrum User Fee for the period after the corresponding day of the following year.

(16) Where the portion of the Spectrum User Fee prepaid pursuant to the provisions of the preceding paragraph only pertains to the period after the first corresponding day following the request, it is to be refunded upon the request of the person who has prepaid.

(17) A person affixing marks may, notwithstanding the provisions of paragraph (11), after approval from the Minister, pay an estimated total amount for the Spectrum User Fee to be paid by said person affixing marks pursuant to the provisions of the same paragraph during a period specified by the applicable MIC ordinance (hereinafter referred to as a "prepayment period" in this article) within the covered period. In this case, said person affixing marks is not required to submit a notification pursuant to the provisions of the same paragraph during the prepayment period.



(18) A person affixing marks who has prepaid pursuant to the provisions of the preceding paragraph shall, on or before the fifteenth day of the month following the month to which the day on which the prepayment period has elapsed belongs (in cases where said person affixing marks has suspended or discontinued its service pertaining to marks and on the occurrence of reasons specified by the applicable MIC ordinance; the day when such reasons occurred), notify the Minister of the number of items of radio equipment under paragraph (11) to which marks have been affixed during the prepaid period. In this case, said person affixing marks shall, when the amount of the prepaid Spectrum User Fee falls short of the amount obtained by multiplying the amount of money specified by the applicable cabinet order in the same paragraph by the number of items of radio equipment to which marks have been affixed during the prepaid period (referred to as the "amount to be paid" in the following paragraph), pay the Government such shortage in amount within thirty days from the day when said notification is accepted.

(19) Where the amount of the Spectrum User Fee prepaid by the person affixing marks pursuant to the provisions of paragraph (17) exceeds the amount to be paid, the excess amount shall be refunded upon the request of said person affixing marks.

(20) The Minister may, upon receipt of a proposal from a licensee, etc., a person who has established specified radio station not requiring a license, etc., or a person affixing marks, to entrust a financial institution with which such person has a bank account or a postal savings account with the payment of the Spectrum User Fee by transfer of funds in the form of bank deposits or postal savings held in said account, approve the proposal only after determining that the payment is certain and that approval of the proposal is advantageous for the collection of the Spectrum User Fee.

(21) Where the Spectrum User Fee pertaining to the approval in the preceding paragraph is paid by the date specified by the applicable MIC ordinance as the time limit for payment of the Spectrum Fee by the financial institution in the same paragraph, the payment shall be deemed to have been made by the original time limit, even though the date of payment is after the original time limit.

(22) The Minister shall press any person who has not paid the due Spectrum User Fee for payment by sending a reminder that sets a time limit.

(23) The Minister shall dispose of the unpaid amount of the person who was pressed for payment pursuant to the provisions of the preceding paragraph who has not paid the relevant Spectrum User Fee and arrears pursuant to the provisions of the following paragraph by the designated time limit, in the manner of disposition for failure to pay national taxes. In this case, the statutory lien on the Spectrum User Fee and its arrears shall come next to that of national taxes and local taxes in that order.

(24) The Minister shall, when pressing for payment pursuant to the provisions of paragraph (22), collect arrears on the relevant Spectrum User Fee reckoned

according to the number of days from the day following the time limit to the day preceding payment or seizure of property, with the rate being set at 14.5% per year. However this shall not apply where it is deemed to have occurred under unavoidable conditions, or to other cases specified by the applicable MIC ordinance.

(25) In addition to matters prescribed in paragraph (15) through the preceding paragraph, matters necessary for the payment of the Spectrum User Fee, including procedures for payment of the Spectrum User Fee, shall be specified by the applicable MIC ordinance.

#### Article 103-3

(1) The Government shall allocate as a fund for the expenses for spectrum users' common benefit every fiscal year an amount of money equivalent to the budgeted amount for the revenue of the Spectrum User Fees for the relevant year pursuant to the provisions of the national budget. However, where the amount of money is determined to exceed the amount budgeted for the expenses for spectrum users' common benefit in the relevant year, this shall not apply to the excess amount of money.

(2) The Government shall, when deemed necessary in light of the expenses for spectrum users' common benefit required for the relevant fiscal year, allocate as a fund for the expenses for spectrum users' common benefit for the relevant fiscal year pursuant to the provisions of the national budget, in addition to the amount budgeted from the revenue of the Spectrum User Fee for the relevant year, all or part of the money equivalent to the amount obtained by deducting the total amount in the settlement account (the budgeted amount for the year preceding the relevant year) for the expenses for spectrum users' common benefit for each year from 1993 to the year preceding the relevant year, from the total amount in the settlement account (the budgeted amount for the year preceding the relevant year) for the revenue from the Spectrum User Fee for each year from 1993 to the year preceding the relevant year.

(3) The Minister shall make public the results of the research and development prescribed in paragraph (4) item (iii) of the preceding article and data concerning the status of the other activities listed in each of the items in the same paragraph.

#### Article 103-4 (Foreign Radio Stations Established on Board a Ship or Aircraft)

(1) No provisions under Chapter II or IV shall apply to foreign radio stations established on board a ship or aircraft.

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

(i) Communications under any of the items of Article 52

(ii) Communications with radio stations for the purpose of conducting telecommunications services

(iii) Communications for the purpose of safe navigation (except those in the preceding item)

Article 103-5 (Foreign Radio Stations Sharing the Same Person(s) with Specified Radio Stations with Whom Radio Communications are Conducted)

(1) Notwithstanding the provisions of Chapter II, Chapter III, and Chapter IV, a blanket licensee may, with the permission of the Minister, operate foreign radio stations in Japan that share the same person (s) with specified radio stations pertaining to the blanket license with whom radio communications are conducted, where said foreign radio stations transmit only radio waves of a frequency automatically selected by receiving radio waves from the radio station with which said radio communications are conducted.

(2) Upon receipt of an application for permission under the preceding paragraph, the Minister shall grant permission when determining that the radio equipment of the radio station under application conforms to technical regulations corresponding to the technical regulations prescribed in Chapter III.

(3) Where the blanket license of the blanket licensee loses its validity, the permission under paragraph (1) that has been granted to the blanket licensee shall lose its validity.

(4) When the blanket licensee has been granted permission under paragraph (1), the radio stations pertaining to said permission shall be deemed specified radio stations established by said blanket licensee under the blanket license, and the provisions of Chapter V and Chapter VI shall apply thereto. However, the provisions of Article 71 paragraph (2), Article 76 paragraph (4) items (i) and (ii), Article 76-2, and Article 76-3 paragraph (2) shall not apply.

Article 104 (Exemption from Application for the Government, etc.)

(1) None of the provisions of Article 103, Article 103-2, nor those of Chapter IX shall apply to the Government, and none of the provisions of Article 103 nor Article 103-2 shall apply to independent administrative institutions (limited to those institutions specified by the applicable cabinet order, considering said independent administrative institutions' activities, etc.) prescribed in Article 2 paragraph (1) of the Independent Administrative Institution General Act (Act No. 103 of 1999). However, the provisions of Article 103 and Article 103-2 shall apply to those entities which are regarded as government organizations pursuant to the provisions of other laws.

(2) Where the provisions of this Act apply to the Government, "license" or "permission" shall be deemed to be replaced with "authorization."

Article 104-2 (Conditions, etc. of Provisional Licenses, etc.)

(1) A provisional license, license, permission, or registration under Article 27-18 paragraph (1) may be provided with some conditions or term.

(2) Such conditions or term in the preceding paragraph shall be limited to the minimum extent necessary for promoting the public interest or ensuring the implementation of matters pertaining to a provisional license, license, permission, or registration under Article 27-18 paragraph (1), without undue obligations upon the persons subject to such administrative disposition.

Article 104-3 (Entrustment of Authority)

(1) The authority of the Minister prescribed in this Act may partially be entrusted, pursuant to the provisions of the applicable MIC ordinance, to the Directors-General of Regional Bureaus of Telecommunications and to the Director-General of Okinawa Office of Telecommunications.

(2) The provisions of Articles 85 through 99 shall apply mutatis mutandis to a request for examination or an action against administrative dispositions which the Director-General of Regional Bureaus of Telecommunications or the Directors-General of Okinawa Office of Telecommunications has made with the authority entrusted pursuant to the provisions of the preceding paragraph. In this case, "the Minister" in Article 96-2 shall be deemed to be replaced with "the Directors-General of Regional Bureaus of Telecommunications or the Director-General of Okinawa Office of Telecommunications," and "the decision on the filing of the objection" in the same article shall be deemed to be replaced with "the determination on the request for examination."

Article 104-4 (Request for Examination, etc. on Administrative Dispositions Made by a Designated Examination Agency)

(1) A person who is dissatisfied with administrative dispositions by a designated examination agency pursuant to the provisions of this Act may request the Minister to conduct the examination.

(2) The provisions of Articles 85 through 96 shall apply mutatis mutandis to a request for examination pursuant to the provisions of the preceding paragraph; and the provisions of Articles 96-2 through 99, to a lawsuit against administrative dispositions pursuant to the provisions of the preceding paragraph. In this case, "the Minister" in Article 90 paragraph (2) and Article 96-2 shall be deemed to be replaced with "the designated examination agency," "the ministerial staff" in Article 90 paragraph (2) shall be deemed to be replaced with "an officer or a staff member," and "the decision on the filing of the objection" in Article 96-2 shall be deemed to be replaced with "the determination on the request for examination."

Article 104-5 (Transitional Measures)

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

**Chapter IX Penal Provisions**

#### Article 105

(1) Any person who is engaged in a radio communications service shall, when failing or delaying to handle distress traffic under the provisions of Article 66 paragraph (1) (including cases where applied mutatis mutandis pursuant to Article 70-6), be guilty of an offense and liable to imprisonment with work for a definite term of one year or longer.

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

(3) Any attempted offense under the preceding two paragraphs shall be punished.

#### Article 106

(1) Any person who transmits a false message by means of radio equipment or other communications equipment under Article 100 paragraph (1) item (i), with the aim of benefiting himself/herself or another person or inflicting damage on another person, shall be guilty of an offense and liable to imprisonment with work for a period not exceeding three years or to a fine not exceeding one million five hundred thousand yen.

(2) Any person who transmits distress traffic by means of radio equipment irrespective of the fact that neither a ship nor aircraft is in distress shall be guilty of an offense and liable to imprisonment with work for a period of from three months to ten years.

#### Article 107

Any person who uses radio equipment or other communications equipment under Article 100 paragraph (1) item (i), to advocate destruction through the use of violence of the Constitution of Japan or the Government that has been established under that Constitution shall be guilty of an offense and liable to imprisonment with work or imprisonment without work for a period not exceeding five years.

#### Article 108

Any person who transmits a message with indecent contents by means of radio equipment or communications equipment under Article 100 paragraph (1) item (i) shall be guilty of an offense and liable to imprisonment with work for a period not exceeding two years or to a fine not exceeding one million yen.

#### Article 108-2

(1) Any person who destroys, or makes any object touch, or impairs the functions of either radio equipment of a radio station used for telecommunications or broadcasting services or radio equipment used for the protection of life or property, for the maintenance of public peace, for meteorological services, for the supply of electric power pertaining to the electricity supply business, or for the operation of trains pertaining to the railway business, thereby causing interference with radio communications, shall be guilty of an offense and liable to imprisonment with work

for a period not exceeding five years or to a fine not exceeding two million five hundred thousand yen.

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

#### Article 109

(1) Any person who divulges or takes advantage of a secret related to radio communications being handled by a radio station shall be guilty of an offense and liable to imprisonment with work for a period not exceeding one year or to a fine not exceeding five hundred thousand yen.

(2) Any person who is engaged in a radio communications service and divulges or takes advantage of a secret as specified in the preceding paragraph related to a service that came to his/her knowledge shall be guilty of an offense and liable to imprisonment with work for a period not exceeding two years or to a fine not exceeding one million yen.

#### Article 109-2

(1) When any person, who has intercepted cipher communications or mediates cipher communications and has received said cipher communications, has decoded their content for the purposes of divulging or taking advantage of secrets contained in said cipher communications, that person shall be guilty of an offense and liable to imprisonment with work for a period not exceeding one year or to a fine not exceeding five hundred thousand yen.

(2) Any person engaged in a radio communications service who commits a crime under the preceding paragraph (limited to cases of interception or reception of cipher communications related to the service) shall be guilty of an offense and liable to imprisonment with work for a period not exceeding two years or to a fine not exceeding one million yen.

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

(4) Any attempted offense under paragraphs (1) and (2) shall be punished.

#### Article 109-3

Any person who divulges, in violation of the provisions of Article 47-3 paragraph (1) (including cases where applied mutatis mutandis pursuant to Article 47-3 paragraph (11), Article 71-3-2 paragraph (11) and Article 102-17 paragraph (5)), a secret which came to his/her knowledge related to his/her duties shall be guilty of an offense and liable to imprisonment with work for a period not exceeding one year or a fine not exceeding five hundred thousand yen.

#### Article 110

Any person who falls under any of the following items shall be guilty of an offense and liable to imprisonment with work for a period not exceeding one year or to a fine not exceeding one million yen:

(i) Any person who establishes a radio station without a license under the provisions of Article 4 or registration under Article 27-18 paragraph (1)

(ii) Any person who operates a radio station without a license under the provisions of Article 4 or registration under Article 27-18 paragraph (1), and not pursuant to the provisions of Article 70-7 paragraph (1) or the provisions of Article 70-8 paragraph (1)

(iii) Any person who establishes specified radio stations in violation of the provisions of Article 27-7

(iv) Any person who operates equipment under the provisions of Article 100 paragraph (1) without permission pursuant to the provisions of the same paragraph

(v) Any person who operates a radio station in violation of the provisions of Article 52, Article 53, Article 54 item (i), or Article 55

(vi) Any person who operates radio equipment in violation of the provisions of Article 18 paragraph (1)

(vii) Any person who operates a radio station or the equipment specified in Article 100 paragraph (1), irrespective of radio wave transmissions therefrom or operation thereof being suspended pursuant to the provisions of Article 72 paragraph (1) (including cases where applied mutatis mutandis pursuant to Article 100 paragraph (5)) or Article 76 paragraph (1) (including cases where applied mutatis mutandis pursuant to Article 70-7 paragraph (4), Article 70-8 paragraph (3), and Article 100 paragraph (5))

(viii) Any person who fails to observe administrative dispositions pursuant to the provisions of Article 74 paragraph (1)

(ix) Any person who violates an order pursuant to the provisions of Article 38-22 paragraph (1) (including cases where applied mutatis mutandis pursuant to Article 38-29 and Article 38-38)

(x) Any person who violates the prohibition pursuant to the provisions of Article 38-28 paragraph (1) (limited to those pertaining to item (i)), Article 38-36 paragraph (1) (limited to those pertaining to item (i)), or Article 38-37 paragraph (1)  
Article 110-2

Any person who falls under any of the following items shall be guilty of an offense and liable to imprisonment with work for a period not exceeding one year or to a fine not exceeding five hundred thousand yen:

(i) Any person who violates an order pursuant to the provisions of Article 38-17 paragraph (2) (including cases where applied mutatis mutandis pursuant to Article 38-24 paragraph (3) and Article 71-3-2 paragraph (11))

(ii) Any person who carries out by himself/herself or orders a contractor to carry out construction of a part that causes interference in violation of the provisions of Article 102-6

(iii) Any person who fails to discontinue or to order a contractor to discontinue construction of the highest part of a tall building, etc., or who carries out such construction by himself/herself or orders a contractor to carry out such construction, in violation of an order issued pursuant to the provisions of Article 102-8 paragraph (1)

#### Article 110-3

Any officer or staff member of a designated training agency, a designated examination agency, a designated frequency change support agency, the Center, or a designated calibration agency who violates an order to suspend the respective services pursuant to the provisions of Article 39-11 paragraph (2) (including cases where applied mutatis mutandis pursuant to Article 47-5, Article 71-3 paragraph (11), Article 102-17 paragraph (5), and Article 102-18 paragraph (13)) shall be guilty of an offense and liable to imprisonment with work for a period not exceeding one year or to a fine not exceeding five hundred thousand yen.

#### Article 110-4

Any person who violates the provisions of Article 99-9 shall be guilty of an offense and liable to imprisonment with work for a period not exceeding one year or to a fine not exceeding five hundred thousand yen.

#### Article 111

Any person who refuses, hinders, or evades an inspection to be conducted pursuant to the provisions of Article 73 paragraph (1), (4) (including cases where applied mutatis mutandis pursuant to Article 100 paragraph (5)) or (5), or Article 82 paragraph (2) shall be guilty of an offense and liable to imprisonment with work for a period not exceeding six months or to a fine not exceeding three hundred thousand yen.

#### Article 112

Any person who falls under any of the following items shall be guilty of an offense and liable to a fine not exceeding five hundred thousand yen:

(i) Any person who violates the provisions of Article 38-7 paragraph (2) or (3)

(ii) Any person who violates the provisions of Article 62 paragraph (1)

(iii) Any person who violates the provisions of Article 70-2 paragraph (1)

(iv) Any person who fails to observe an order to limit the operation pursuant to the provisions of Article 76 paragraph (1) (including cases where applied mutatis mutandis pursuant to Article 70-7 paragraph (4), Article 70-8 paragraph (3), and Article 100 paragraph (5))

(v) Any person who fails to notify or makes a false notification in violation of an order pursuant to the provisions of Article 102-4 paragraph (1)



(vi) Any person who violates the provisions of Article 102-18 paragraph (4)  
Article 113

Any person who falls under any of the following items shall be guilty of an offense and liable to a fine not exceeding three hundred thousand yen:

(i) Any person who fails to submit a report or makes a false report pursuant to the provisions of Article 24-8 paragraph (1), or refuses, hinders, or evades an inspection to be conducted pursuant to the provisions of the same paragraph

(ii) Any person who fails to submit a report or makes a false report pursuant to the provisions of Article 26-2 paragraph (6)

(iii) Any person who has changed the matters listed in Article 27-18 paragraph (2) item (iii) or (iv) in violation of the provisions of Article 27-23 paragraph (1)

(iv) Any person who has changed the matters listed in Article 27-29 paragraph (2) item (iii) or (iv) in violation of the provisions of Article 27-30 paragraph (1)

(v) Any person who fails to submit a notification or makes a false notification in violation of the provisions of Article 27-31

(vi) Any person who fails to submit a notification or makes a false notification in violation of the provisions of Article 27-32

(vii) Any person who fails to submit a report or makes a false report pursuant to the provisions of Article 38-6 paragraph (2) (including cases where applied *mutatis mutandis* pursuant to Article 38-24 paragraph (3))

(viii) Any person who fails to prepare a record book, who fails to make an entry or makes a false entry therein, or who fails to maintain such a record book in violation of the provisions of Article 38-12 (including cases where applied *mutatis mutandis* pursuant to of Article 38-24 paragraph (3) and Article 71-3-2 paragraph (11))

(ix) Any person who fails to submit a report or makes a false report pursuant to the provisions of Article 38-15 paragraph (1) (including cases where applied *mutatis mutandis* pursuant to Article 38-24 paragraph (3) and Article 71-3-2 paragraph (11); hereinafter the same shall apply in this item), or who refuses, hinders, or evades an inspection to be conducted pursuant to the provisions of Article 38-15 paragraph (1)

(x) Any person who discontinues the service without notification pursuant to the provisions of Article 38-16 paragraph (1) (including cases where applied *mutatis mutandis* pursuant to Article 38-24 paragraph (3)), or who submits a false notification

(xi) Any person who fails to submit a report or makes a false report pursuant to the provisions of Article 38-20 paragraph (1) (including cases where applied *mutatis mutandis* pursuant to Article 38-29 and Article 38-38), or who refuses, hinders, or evades the inspection to be conducted pursuant to the provisions of the same paragraph

(xii) Any person who violates an order pursuant to the provisions of Article 38-21 paragraph (1) (including cases applied mutatis mutandis pursuant to Article 38-29 and Article 38-38)

(xiii) Any person who submits a false notification in notifying pursuant to the provisions of Article 38-33 paragraph (3)

(xiv) Any person who fails to prepare a record book, or who makes a false entry therein, or who fails to maintain such a record book, in violation of the provisions of Article 38-33 paragraph (4)

(xv) Any person who violates the provisions of Article 39 paragraph (1) or (2), or Article 39-13

(xvi) Any person who fails to notify or makes a false notification in violation of the provisions of Article 39 paragraph (4) (including cases where applied mutatis mutandis pursuant to Article 70-8 paragraph (3))

(xvii) Any person who fails to make a report or makes a false report pursuant to the provisions of Article 71-3 paragraph (6) (including cases where applied mutatis mutandis pursuant to Article 71-3-2 paragraph (11))

(xviii) Any person who violates the provisions of Article 78

(xix) Any person who operates radio equipment irrespective of the fact that the person has been ordered to cease engaging in services pursuant to the provisions of Article 79 paragraph (1) (including cases where applied mutatis mutandis pursuant to Article 79 paragraph (2))

(xx) Any person who operates radio equipment on a ship station specified by the applicable MIC ordinance under the main clause of Article 39 paragraph (1) irrespective of the fact that the validity of the ship station radio operator attestation has been suspended pursuant to the provisions of Article 79-2 paragraph (1)

(xxi) Any person who violates an order pursuant to the provisions of Article 82 paragraph (1) (including cases where applied mutatis mutandis pursuant to Article 101)

(xxii) Any person who fails to notify or makes a false notification in violation of the provisions of Article 102-3 paragraph (1) or (2) (including cases where applied mutatis mutandis pursuant to Article 102-3 paragraph (6) and Article 102-4 paragraph (2))

(xxiii) Any person who fails to make a report or makes a false report pursuant to the provisions of Article 102-9

(xxiv) Any person who fails to make a report or makes a false report pursuant to the provisions of Article 102-12

(xxv) Any person who violates an instruction pursuant to the provisions of Article 102-15 paragraph (1)

(xxvi) Any person who fails to make a report or makes a false report pursuant to the provisions of Article 102-16 paragraph (1), or who refuses, hinders, or evades an inspection to be conducted pursuant to the provisions of the same paragraph

Article 113-2

Any officer or staff member of a designated training agency, a designated examinations agency, a designated frequency change support agency, a registered frequency termination support agency, the Center, or a designated calibration agency who falls under any of the following items shall be guilty of an offense and liable to a fine not exceeding three hundred thousand yen:

(i) When a person fails to prepare a record book, fails to make an entry, or makes a false entry therein, or fails to maintain the record book in violation of the provisions of Article 39-7 (including cases where applied mutatis mutandis pursuant to Article 47-5, Article 71-3 paragraph (11), and Article 102-18 paragraph (13))

(ii) When a person fails to submit a report or makes a false report pursuant to the provisions of Article 39-9 paragraph (1) (including cases where applied mutatis mutandis pursuant to Article 47-5, Article 71-3 paragraph (11), Article 102-17 paragraph (5) and Article 102-18 paragraph (13); hereinafter the same shall apply in this item), or refuses, hinders, or evades an inspection to be conducted pursuant to the provisions of Article 39-9 paragraph (1)

(iii) When a person has completely discontinued a training service, examination service, specific frequency change support service, or specific frequency termination support service without permission under Article 39-10 paragraph (1) (including cases where applied mutatis mutandis pursuant to Article 47-5, Article 71-3 paragraph (11), and Article 71-3-2 paragraph (11))

(iv) When a person has discontinued all of the services without notification or submits a false notification pursuant to the provisions of Article 102-18 paragraph (11)

Article 114

Where any representative of a juridical person, or any agent, employee, or other worker of a person or juridical person violates the provisions of the articles listed in the following items with respect to the business activities of the person or juridical person, not only shall the violator be punished but said juridical person also shall be punished with the fine prescribed under the relevant item, and said person shall be punished with the fine prescribed under the relevant article.

(i) Article 110 (limited to the provisions pertaining to items (ix) and (x)): Fine not exceeding one hundred million yen

(ii) Article 110 (except for the provisions pertaining to items (ix) and (x)), Article 110-2, or Articles 111 through 113: Fine under the relevant article

Article 115

Any person who fails to attend, does not make a statement, or make a false statement, or does not make an appraisal or submits a false appraisal in violation of the administrative dispositions made by the proceedings officer pursuant to the provisions of Article 92-2 shall be guilty of an offense and liable to a non-penal fine not exceeding three hundred thousand yen.

Article 116

Any person who falls under any of the following items shall be liable to a non-penal fine not exceeding three hundred thousand yen:

(i) Any person who fails to notify in violation of the provisions of Article 20 paragraph (7) (including cases where applied mutatis mutandis pursuant to Article 20 paragraph (8) and Article 27-16)

(ii) Any person who fails to notify in violation of the provisions of Article 22 (including cases where applied mutatis mutandis pursuant to Article 100 paragraph (5))

(iii) Any person who fails to return the certificate for a radio station license in violation of the provisions of Article 24 (including cases where applied mutatis mutandis pursuant to Article 100 paragraph (5))

(iv) Any person who fails to notify or who submits a false notification in violation of the provisions of Article 24-5 paragraph (1)

(v) Any person who fails to notify or who submits a false notification in violation of the provisions of Article 24-6 paragraph (2)

(vi) Any person who fails to notify or who submits a false notification in violation of the provisions of Article 24-9 paragraph (1)

(vii) Any person who fails to return the registration certificate in violation of the provisions of Article 24-12

(viii) Any person who utilizes or provides information for purposes other than the purpose of conducting the interference examinations in violation of the provisions of Article 25 paragraph (3)

(ix) Any person who fails to notify in violation of the provisions of Article 27-10 paragraph (1)

(x) Any person who fails to notify or submits a false notification in violation of the provisions of Article 27-23 paragraph (4)

(xi) Any person who fails to notify in violation of the provisions of Article 27-24 paragraph (2) (including cases under Article 27-24 paragraph (2) that shall be deemed to be replaced otherwise and applied in Article 27-34 paragraph (2))

(xii) Any person who fails to notify in violation of the provisions of Article 27-26 paragraph (1)

(xiii) Any person who fails to return a certificate of registration in violation of the provisions of Article 27-28 (including cases under Article 27-28 that shall be deemed to be replaced otherwise and applied in Article 27-34 paragraph (2))

(xiv) Any person who fails to notify or submits a false notification in violation of the provisions of Article 27-30 paragraph (4)

(xv) Any person who fails to notify or submits a false notification in violation of the provisions of Article 38-5 paragraph (2) (including cases where applied mutatis mutandis pursuant to Article 71-3-2 paragraph (11))

(xvi) Any person who fails to prepare financial statements, etc., who fails to make entry or who makes a false entry therein in violation of the provisions of Article 38-11 paragraph (1) (including cases where applied mutatis mutandis pursuant to Article 71-3-2 paragraph (11)), or who, without due reason, refuses a request pursuant to the provisions of Article 38-11 paragraph (2) (including cases where applied mutatis mutandis pursuant to Article 71-3-2 paragraph (11))

(xvii) Any person who fails to notify or submits a false notification in violation of the provisions of Article 38-33 paragraph (5)

(xviii) Any person who fails to notify or submits a false notification in violation of the provisions of Article 70-7 paragraph (2) (including cases where applied mutatis mutandis pursuant to Article 70-8 paragraph (2))

(xix) Any person who fails to notify in violation of the provisions of Article 100 paragraph (4)

(xx) Any person who fails to notify in violation of the provisions of Article 102-3 paragraph (5)

(xxi) Any person who fails to notify or submits a false notification in violation of the provisions of Article 103-2 paragraph (5), (6), (10), (11), or (18)

#### **Supplementary Provisions (Excerpts)**

(Effective Date)

(1) This Act shall come into effect as from the day on which thirty days have elapsed from the date of promulgation.

(Repeal of the Radiotelegraphy Act)

(2) The Radiotelegraphy Act (Act No. 26 of 1915; hereinafter referred to as "the Old Act") shall be repealed.

(Application of Penal Provisions of the Old Act)

(4) With regard to the application of Penal Provisions to acts committed prior to the enforcement of this Act, the Old Act shall remain in force even after the enforcement of this Act.

(Transitional Measures Concerning Radio Operators)

(5) A person who holds the qualification of First-Class, Second-Class, Third-Class, Radiotelephone-Class, or Listener-Class Radio Operator pursuant to the provisions of the Regulations for the Radio Operator Qualification Examination (Ordinance of the Ministry of Communications No. 8 of 1931) as of the effective date of this Act shall be deemed to be granted on the effective date of this Act a license as a First-Class Radio Operator, Second-Class Radio Operator, Third-Class Radio

Operator, Radiotelephone-Class Radio Operator, or Listener-Class Radio Operator, respectively, pursuant to the provisions of this Act.

(6) As of the day on which the old Regulations for the Telecommunications Engineer Qualification Examination (Ordinance of the Ministry of Communications: Ordinance No. 13 of 1940) was repealed (June 1, 1949), a person who holds the qualification of First-Class or Second-Class Telecommunications Engineer or the qualification of Third-Class Telecommunications Engineer (radio) shall be deemed on the effective date of this Act to be granted a license as a First-Class Technical Radio Operator or Second-Class Technical Radio Operator, respectively, pursuant to the provisions of this Act.

(Dispositions, etc. Prior to the Enforcement of this Act)

(9) In addition to the provisions of paragraphs (5) and (6), dispositions, procedures, or other acts based on the provisions of the Old Act or the orders thereunder shall, if there are provisions in this Act that relate to them, be deemed to have been made under this Act. In this case, the validity period of a license for a radio station (except ship radio stations on board ships under Article 4 of the Act for Safety of Vessels or on board fishing boats under Article 5 of the Cabinet Order for restricting fishing areas for fishing boats) shall, notwithstanding the provisions of Article 13 paragraph (1), be for a period of one year or longer and not exceeding three years from the effective date of this Act specified by the applicable rule of the Radio Regulatory Commission for each type of radio station.

(Transitional Measures Concerning Telegrams)

(13) In the period during which the telegram business is deemed to be a telecommunications business pursuant to the provisions of Article 5 paragraph (1) of the Supplementary Provisions of the Telecommunications Business Act, the telecommunications business prescribed in Article 5 paragraph (2) item (vi), Article 16-2, Article 102-2 paragraph (1) item (i), Article 103-4 paragraph (2) item (ii), and Article 108-2 paragraph (1) shall include operations pertaining to said telegram business.

(Review)

(14) The Government shall, at least once every three years, review the status of enforcement of the provisions of Article 103-2 from the viewpoint of ensuring the suitability of the Spectrum User Fee, and take the necessary measures based on the results of the review when deemed necessary.

#### **Supplementary Provisions (Act No. 249 of July 31, 1952) (Excerpts)**

(1) This Act shall come into effect as from the date of promulgation. However, the provisions for revision under Article 33 paragraph (3), Article 33-2 to Article 36 inclusive, Article 37 (limited to the part pertaining to mobile radiotelegraphy for lifeboats to be installed on ships by the order based on the provisions of Article 2 of

the Act for Safety of Vessels), Article 63, Article 65, and Article 99-11 item (i) shall come into effect as from November 19, 1952.

**Supplementary Provisions (Act No. 251 of July 31, 1952) (Excerpts)**

(1) This Act comes into effect as from the effective date of the Nippon Telegraph and Telephone Public Corporation Act.

**Supplementary Provisions (Act No. 280 of July 31, 1952)**

(1) This Act comes into effect as from the effective date of the act (Act No. 279 of 1952) that revises part of the Ministry of Posts and Telecommunications Establishment Act.

(2) The organization and staff (except chairperson or members) of the former Radio Regulatory Commission shall remain as the relevant organization and staff of the Ministry of Posts and Telecommunications, and shall retain the same status.

(3) The Rules of the Radio Regulatory Commission which are in effect on the effective date of this Act shall remain effective even after this Act comes into effect as an Ordinance of the Ministry of Posts and Telecommunications.

**Supplementary Provisions (Act No. 301 of August 7, 1952) (Excerpts)**

(Effective Date)

(1) The effective date of this Act shall be specified by the applicable Cabinet Order, but shall be no later than March 31, 1953.

**Supplementary Provisions (Act No. 98 of July 31, 1953) (Excerpts)**

This Act shall come into effect as from August 1, 1953.

**Supplementary Provisions (Act No. 140 of May 6, 1958) (Excerpts)**

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

(2) A person who holds a qualification in the left column of the following table as of the effective date of this Act shall be deemed to be granted on the effective date of this Act a license for the respective qualification in the right column of the same table pursuant to the provisions of the Radio Act revised by this Act.

Old Qualification	New Qualification
First-Class Radio Operator	First-Class Radio Operator
Second-Class Radio Operator	Second-Class Radio Operator
Third-Class Radio Operator	Third-Class Radio Operator
Aeronautical-Class Radio Operator	Aeronautical-Class Radio Operator
Radiotelephone-Class Radio Operator	Radiotelephone-Class Radio Operator
First-Class Technical Radio Operator	First-Class Technical Radio Operator
Second-Class Technical Radio Operator	Second-Class Technical Radio Operator
Special Technical Radio Operator	Special Technical Radio Operator

Amateur First-Class Radio Operator	Amateur First-Class Radio Operator
Amateur Second-Class Radio Operator	Amateur Radiotelephone-Class Radio Operator

**Supplementary Provisions (Act No. 140 of May 16, 1962) (Excerpts)**

- (1) This Act shall come into effect as from October 1, 1962.
- (2) The provisions revised by this Act shall, unless otherwise provided for in these Supplementary Provisions, apply to events that occurred prior to the enforcement of this Act. However, this does not preclude the effect of the provisions prior to revision by this Act.
- (3) With regard to an action pending on the effective date of this Act, notwithstanding the provisions revised by this Act and providing that said action shall not be filed, the provisions then in force shall remain applicable.
- (4) With regard to the jurisdiction of an action pending on the effective date of this Act, notwithstanding the provisions revised by this Act and providing that said jurisdiction shall be the exclusive jurisdiction, the provisions then in force shall remain applicable.
- (5) With regard to a statute of limitations for filing an action, where the statute of limitations for filing an action pursuant to the provisions prior to revision by this Act against a disposition or a determination has not expired by the effective date of this Act, the provisions then in force shall remain applicable. However, this is limited to cases where the statute of limitations for filing an action pursuant to the provisions revised by this Act is shorter than the statute of limitations for filing an action pursuant to the provisions prior to revision by this Act.
- (6) Where the statute of limitations for filing an action has been determined pursuant to revision by this Act in a party litigation concerning a disposition or a determination prior to the enforcement of this Act, the statute of limitations for filing an action shall be calculated from the effective date of this Act.
- (7) With regard to an action for the revocation of a disposition or a determination pending on the effective date of this Act, notwithstanding the provisions revised by this Act and providing that either party concerned with this Act is a defendant, the provisions then in force shall remain applicable. However, the court may, at the request of the plaintiff, decide to allow said action to be changed to a party litigation.
- (8) The provisions of the second sentence of Article 18 and the provisions of Article 21 paragraph (2) to paragraph (5) inclusive of the Administrative Case Litigation Act shall apply mutatis mutandis to cases under the proviso to the preceding paragraph.

**Supplementary Provisions (Act No. 161 of September 15, 1962) (Excerpts)**

- (1) This Act shall come into effect as from October 1, 1962.



(2) The provisions revised by this Act shall, unless otherwise provided for in these Supplementary Provisions, apply also to dispositions made by administrative agencies prior to the enforcement of this Act, inaction of administrative agencies pertaining to applications filed prior to the enforcement of this Act, and other matters that occurred prior to the enforcement of this Act. However, this does not preclude the effect of the provisions prior to revision by this Act.

(3) With regard to a petition, an application for examination, the filing of an objection, or other appeal (hereinafter referred to as a "petition, etc.") prior to the enforcement of this Act, the provisions then in force shall remain applicable even after the enforcement of this Act. The same shall apply also to a petition, etc. in the case of further objection to the determination, decision, or any other disposition (hereinafter referred to as "the determination, etc.") made after the enforcement of this Act on a determination, etc. made prior to the enforcement of this Act or on a petition, etc. filed prior to the enforcement of this Act.

(4) The petition, etc. prescribed in the preceding paragraph pertaining to the disposition, against which an appeal may be entered under the Administrative Appeal Act after the enforcement of this Act, shall, with regard to the application of acts other than said Act, be deemed to be an appeal under the Administrative Appeal Act.

(5) No appeal may be entered under the Administrative Appeal Act with regard to the determination, etc. on an application for examination, on the filing of an objection, or on an appeal made after the enforcement of this Act pursuant to the provisions of paragraph (3).

(6) With regard to a disposition made by an administrative agency prior to the enforcement of this Act, for which a petition, etc. may be filed pursuant to the provisions prior to revision by this Act, and for which the time period for filing was not specified, the time period during which an appeal may be entered under the Administrative Appeal Act shall be calculated from the effective date of this Act.

(8) With regard to the application of Penal Provisions to acts committed prior to the enforcement of this Act, the provisions then in force shall remain applicable.

(9) In addition to what is provided for in the preceding eight paragraphs, transitional measures necessary for the enforcement of this Act shall be specified by the applicable Cabinet Order.

(10) Where there are revision provisions in this Act and in the Act Concerning the Adjustment, etc. of Relevant Acts on the Enforcement of the Administrative Case Litigation Act (Act No. 140 of 1962) on identical acts, said acts shall be revised firstly by this Act, and then revised by the Act Concerning the Adjustment, etc. of Relevant Acts on the Enforcement of the Administrative Case Litigation Act.

**Supplementary Provisions (Act No. 82 of April 4, 1963) (Excerpts)**

(1) This Act shall come into effect as from the day specified by the applicable Cabinet Order within a period not exceeding four months from the date of promulgation.

**Supplementary Provisions (Act No. 149 of July 4, 1964) (Excerpts)**

(Effective Date)

(1) This Act shall come into effect as from the day specified by the applicable Cabinet Order within a period not exceeding sixty days from the date of promulgation. However, the revision provisions of Article 33, Article 33-2 (including the article title), Article 35, Article 35-2, Article 63, Article 65, and Article 99-11 paragraph (1) item (i) and the provisions of the following paragraph shall come into effect as from the day when the International Convention for the Safety of Life at Sea of 1960 becomes effective for Japan.

**Supplementary Provisions (Act No. 114 of June 2, 1965)**

(1) This Act shall come into effect as from the day specified by the applicable Cabinet Order within a period not exceeding three months from the date of promulgation.

(2) With regard to a radio station that holds a license or a provisional license which has been granted under Article 8 as of the effective date of this Act, within the validity period of the license pertaining to a license or provisional license, notwithstanding the revised provisions of Article 56 paragraph (1), the provisions then in force shall remain applicable.

**Supplementary Provisions (Act No. 36 of June 12, 1967)**

(1) This Act shall come into effect as from the effective date of the Registration and License Tax Act.

(2) Where a person who has filed a written application for registration or a license (hereinafter referred to as "registration, etc.") listed in items (xxiii)-(iii), (xiii), (xvi), and (xvii), item (xxxi), items (xl) through (xlv), and item (xlviii) of Appended Table No. 1 under the Registration and License Tax Act with the administrative registry taking charge of services for said registration, etc. (hereinafter referred to as "the administrative registry, etc.") prior to the date of promulgation of the same Act, when the person obtains registration, etc. pertaining to said written application by December 31, 1967, the provisions then in force shall remain applicable to the amount of the fee pertaining to said registration.

(3) Where a person who has filed a written application for registration etc. with the administrative registry, etc. during the period from the date of promulgation of the Registration and License Tax Act to July 31, 1967 obtains registration, etc. pertaining to said written application after July 31, 1967, or where a person who has filed a written application for registration, etc. with the administrative registry, etc. prior to the date of promulgation of the same Act obtains registration, etc. for said written application on or after January 1, 1968, when the person has paid the fee pertaining to said registration, etc. on the application of said registration, etc., the amount of the paid fee shall be deemed to have been paid as part of the amount of the

registration license tax to be paid pursuant to the provisions of the Registration and License Tax Act.

**Supplementary Provisions (Act No. 44 of May 10, 1968) (Excerpts)**

(Effective Date)

Article 1

This Act shall come into effect as from the day when the International Convention on Load Lines of 1966 becomes effective for Japan. However, the revision provisions of Article 4 and the provisions of Article 2 paragraph (3), Article 3, and Article 4 of Supplementary Provisions shall come into effect as from October 1, 1969.

**Supplementary Provisions (Act No. 96 of June 1, 1971) (Excerpts)**

(Effective Date, etc.)

(1) This Act shall come into effect as from the date of promulgation.

(16) With regard to the application of Penal Provisions to acts committed prior to the enforcement of this Act (or for the provisions listed in each item of paragraph (1) of the Supplementary Provisions, said provisions), the provisions then in force shall remain applicable.

**Supplementary Provisions (Act No. 130 of December 31, 1971) (Excerpts)**

(Effective Date)

(1) This Act shall come into effect as from the day when the Agreement between Japan and the United States of America on the Ryukyu Islands and Daito Islands becomes effective.

**Supplementary Provisions (Act No. 111 of July 1, 1972) (Excerpts)**

(Effective Date)

(1) This Act shall come into effect as of the date of promulgation.

(9) With regard to the application of Penal Provisions to acts made prior to the enforcement of this Act (or for the provisions prescribed in the proviso to paragraph (1) of the Supplementary Provisions, said provisions), the provisions then in force shall remain applicable.

**Supplementary Provisions (Act No. 114 of July 1, 1972) (Excerpts)**

(Effective Date)

(1) This Act shall come into effect as from the day on which six months have elapsed from the date of promulgation. However, the provisions of, Chapter IV, the provisions of paragraph (6) of Supplementary Provisions, and the revision provisions, in paragraph (12) of Supplementary Provisions, of Article 10-2 paragraph (1) item (i) of the Ministry of Posts and Telecommunications Establishment Act (Act No. 244 of 1948) and of the table in Article 19 paragraph (1) (limited to the part pertaining to the Cable Broadcast Council) of the same Act shall come into effect as from the date of promulgation.

**Supplementary Provisions (Act No. 80 of September 14, 1973) (Excerpts)**

Article 1 (Effective Date)

This Act shall come into effect as from the day on which three months have elapsed from the date of promulgation.

**Supplementary Provisions (Act No. 58 of July 10, 1975) (Excerpts)**

(Effective Date)

(1) This Act shall come into effect as from the day on which three months have elapsed from the date of promulgation.

**Supplementary Provisions (Act No. 27 of April 24, 1978) (Excerpts)**

(Effective Date)

(1) This Act shall come into effect as from the date of promulgation. However, the revision provisions of Article 11 paragraph (1) of the Act Concerning Real Estate Appraisal in Article 1, the provisions under Article 2, Article 3, Article 5, and Article 6, the revision provisions of Article 107 paragraph (1) of the Patent Act in Article 19, the revision provisions of Article 31 paragraph (1) of the Utility Model Act in Article 20, the revision provisions of Article 42 paragraph (1) and paragraph (2) of the Design Act in Article 21, the revision provisions of Article 40 paragraph (1) and (2) of the Trademark Act in Article 22, the revision provisions of Article 5 paragraph (2) of the Guide-Interpreter Business Act in Article 28, and the provisions under Article 29 and Article 30 shall come into effect as from May 1, 1978.

**Supplementary Provisions (Act No. 54 of May 23, 1978) (Excerpts)**

(Effective Date)

(1) This Act shall come into effect as from the date of promulgation. However, the provisions of Article 1 and the following paragraph to paragraph (7) inclusive of the Supplementary Provisions shall come into effect as from the day specified by the applicable Cabinet Order within a period not exceeding three months from the date of promulgation.

**Supplementary Provisions (Act No. 67 of December 18, 1979) (Excerpts)**

(Effective Date)

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

(Transitional Measures)

(2) A radar of a type that has passed the type examination conducted by the Minister of Posts and Telecommunications prior to the enforcement of this Act shall be deemed to be of a type that has passed the examination prescribed in Article 37 of the revised Radio Act.

(3) A radar (except a radar of a type that is deemed to have passed the examination pursuant to the provisions of the preceding paragraph) that is installed on board a ship by an order pursuant to the provisions of Article 2 of the Act for Safety of Vessels as of the effective date of this Act and that has passed the inspection pursuant to the provisions of Article 10 and Article 18 of the Radio Act prior to revision before the enforcement of this Act, shall be deemed, insofar as said radar is

installed on board said ship, to be of a type that has passed the examination prescribed in Article 37 of the revised Radio Act.

**Supplementary Provisions (Act No. 45 of May 19, 1981) (Excerpts)**

(Effective Date)

(1) This Act shall come into effect as from the date of promulgation.

**Supplementary Provisions (Act No. 49 of May 23, 1981)**

(Effective Date)

(1) This Act shall come into effect as from the day on which six months have elapsed from the date of promulgation. However, the revision provisions of Article 110 item (i) shall come into effect as from January 1, 1983.

(Transitional Measures)

(2) With regard to the application of Penal Provisions to acts committed prior to the enforcement of this Act, the provisions then in force shall remain applicable.

**Supplementary Provisions (Act No. 59 of June 1, 1982) (Excerpts)**

(Effective Date)

(1) This Act shall come into effect as from the day specified by the applicable Cabinet Order within a period not exceeding one year from the date of promulgation. However, the revision provisions of Article 4 paragraph (1), the revision provisions of Article 5 paragraph (2), the revision provisions of Article 99-11 paragraph (1) item (i) (limited to the part which revises "the proviso to Article 4 paragraph (1)" to "Article 4 paragraph (1) items (i) and (ii)," and the part which revises "and Article 100 paragraph (1) item (ii)" to "as well as Article 100 paragraph (1) item (ii)") as well as the provisions of the following paragraph, Supplementary Provisions paragraph (3), and Supplementary Provisions paragraph (8) shall come into effect as from January 1, 1983.

(Transitional Measures)

(2) Where a radio station that holds a license as of the effective date of the revision provisions of Article 4 paragraph (1), the radio equipment of the radio station that falls under the category of a radio station specified by the applicable Ordinance of the Ministry of Posts and Telecommunications under Article 4 paragraph (1) item (ii) of the revised Radio Act (hereinafter referred to as "the New Act") shall be deemed to have received technical regulations conformity certification pursuant to the provisions of Article 38-2 paragraph (1) of the New Act on the effective date of the revision provisions under Article 4 paragraph (1).

(3) The license for the radio station in the preceding paragraph shall lose its validity on the effective date of the revision provisions of Article 4 paragraph (1).

(4) A person who holds the qualification of radio operator under Article 48-2 paragraph (2) of the New Act as of the effective date of this Act shall be deemed to have received ship station radio operator attestation pursuant to the provisions of paragraph (1) of the same article on the effective date of this Act.

(5) A person who has passed the state examination for a radio operator with the radio operator qualifications under Article 48-2 paragraph (2) of the New Act as of the effective date of this Act and has not obtained a radio operator's license for said qualification shall be deemed to have received ship station radio operator attestation pursuant to the provisions of paragraph (1) of the same article on the day the person receives said license.

(6) A person who is deemed to have received ship station radio operator attestation pursuant to the provisions of the preceding two paragraphs shall, within five years from the effective date of this Act, apply for the issuance of a certificate for ship station radio operator attestation pursuant to the provisions of the New Act.

(7) Where a person who is deemed to have received ship station radio operator attestation pursuant to the provisions of paragraph (4) or paragraph (5) of the Supplementary Provisions does not apply pursuant to the provisions of the preceding paragraph within five years from the effective date of this Act, the ship station radio operator attestation shall lose its validity when said period expires.

(8) With regard to the application of Penal Provisions to acts committed prior to the enforcement of the revision provisions under Article 4 paragraph (1), the provision then in force shall remain applicable.

**Supplementary Provisions (Act No. 60 of June 1, 1982) (Excerpts)**

(Effective Date)

(1) This Act shall come into effect as from the day on which six months have elapsed from the date of promulgation.

**Supplementary Provisions (Act No. 78 of December 2, 1983)**

(1) This Act (except Article 1) shall come into effect as from July 1, 1984.

(2) With regard to an organization, etc. established as of the day before the effective date of this Act pursuant to the provisions of acts that shall be established on or after the effective date of this Act, pursuant to the provisions of the National Government Organization Act or of the applicable Cabinet Orders based on the provisions of the acts concerned revised by this Act (hereinafter referred to as "the Cabinet Orders concerned"), transitional measures necessary for the organization or other transitional measures necessary for establishing, revising, or repealing the Cabinet Orders concerned along with the enforcement of this Act, may be specified by the applicable Cabinet Orders.

**Supplementary Provisions (Act No. 48 of May 29, 1984)**

This Act shall come into effect as from September 1, 1984. However, the revision provisions of Article 103 shall come into effect as from the date of promulgation.

**Supplementary Provisions (Act No. 87 of December 25, 1984) (Excerpts)**

(Effective Date)

Article 1

This Act shall come into effect as from April 1, 1985.

(Transitional Measures Along with Partial Revision of the Radio Act)

Article 18

(1) A designation made prior to the enforcement of this Act pertaining to a radio propagation disturbance prevention area pursuant to the provisions of Article 102-2 paragraph (1) of the Radio Act prior to revision by the provisions of Article 47, or a notification on causing important radio communications interference pertaining to a radio propagation disturbance prevention area pursuant to the provisions of Article 102-5 paragraph (1) of the same Act shall be deemed to be a designation or notification, respectively, which shall pertain to a telecommunications business disturbance prevention area pursuant to the provisions of Article 102-2 paragraph (1) or Article 102-5 paragraph (1) of the Radio Act revised by the provisions of Article 47.

(2) With regard to the application of Penal Provisions to acts committed prior to the enforcement of this Act in violation of the provisions of the Radio Act prior to revision by the provisions of Article 47, the provisions then in force shall remain applicable.

Article 28 (Entrustment to Cabinet Order)

In addition to what is provided for in the Supplementary Provisions Article 2 through the preceding article, the necessary matters concerning the enforcement of this Act shall be specified by the applicable Cabinet Order.

**Supplementary Provisions (Act No. 102 of December 24, 1985) (Excerpts)**

Article 1 (Effective Date)

This Act shall come into effect as from the date of promulgation. However, the provisions listed in each of the following items shall come into effect as from the days prescribed in the respective items:

(i) through (iv): (omitted)

(v) The revision provisions of Article 37 of the Radio Act in Article 21: The day specified by the applicable Cabinet Order within a period not exceeding five months from the date of promulgation

(vi) : (omitted)

(vii) The revision provisions of the appended table of the Consumer Products Safety Act in Article 10, the provisions of Article 21 (except the revision provisions of Article 37 of the Radio Act), and the provisions of Article 26: The day specified by the applicable Cabinet Order within a period not exceeding one year from the date of promulgation

Article 8 (Transitional Measures for Penal Provisions)

With regard to the application of Penal Provisions to acts committed prior to the enforcement of this Act (or for the provisions listed in each item of Article 1 of the Supplementary Provisions, said respective provisions) and to acts committed after the enforcement of the provisions of Article 11 in cases where the provisions then in

force shall remain applicable pursuant to the provisions of Article 4 of Supplementary Provisions, the provisions then in force shall remain applicable.

**Supplementary Provisions (Act No. 35 of April 25, 1986)**

(Effective Date, etc.)

(1) This Act shall come into effect as from July 1, 1986. However, the provisions of the following paragraph shall come into effect as from the date of promulgation.

(2) The Minister of Posts and Telecommunications may, even prior to the effective date of this Act, establish the applicable Ordinance of the Ministry of Posts and Telecommunications based on the provisions of Article 37 item (iv) of the Radio Act revised by this Act (hereinafter referred to as "the New Act"), and conduct the type examination for apparatus (hereinafter referred to as "apparatus subject to the new examination") of radio equipment which is determined not to be installed under said Ministerial Ordinance unless its type passes anew the examination conducted by the Ministry of Posts and Telecommunications.

(Transitional Measures)

(3) Apparatus which is installed on board a ship as of the effective date of this Act and which is subject to the new examination shall, where it has passed the inspection pursuant to the provisions of Article 10 or Article 18 of the Radio Act prior to revision before the enforcement of this Act, insofar as the apparatus is installed on board said ship, be deemed to be apparatus of a type that has passed the examination prescribed in Article 37 of the New Act.

**Supplementary Provisions (Act No. 93 of December 4, 1986) (Excerpts)**

Article 1 (Effective Date)

This Act shall come into effect as from April 1, 1987.

Article 36 (Transitional Measures Along with Partial Revision of the Radio Act)

A designation made prior to the enforcement of this Act concerning radio propagation disturbance prevention areas pursuant to the provisions of Article 102-2 paragraph (1) item (vi) of the Radio Act prior to revision by the provisions of Article 141, or a notification on causing important radio communications interference pertaining to radio propagation disturbance prevention areas pursuant to the provisions of Article 102-5 paragraph (1) of the same Act shall be deemed to be a designation or notification, respectively, which shall pertain to radio propagation disturbance prevention areas pursuant to the provisions of Article 102-2 paragraph (1) item (vi) or Article 102-5 paragraph (1) revised by the provisions of Article 141.

Article 41 (Transitional Measures for Application of Penal Provisions)

With regard to the application of Penal Provisions to acts committed prior to the enforcement of this Act and to acts committed after the enforcement of this Act pertaining to matters to which the provisions then in force shall remain applicable, the provisions then in force shall remain applicable.

**Supplementary Provisions (Act No. 55 of June 2, 1987) (Excerpts)**



(Effective Date)

(1) This Act shall come into effect as from the day specified by the applicable Cabinet Order within a period not exceeding six months from the date of promulgation. However, the revision provisions of Article 13 and the provisions of paragraph (4) of the Supplementary Provisions shall come into effect as from the date of promulgation.

(Transitional Measures)

(2) Where a radio station that holds a license as of the effective date of this Act, the radio equipment of a radio station that falls under the category of a radio station specified by the applicable Ordinance of the Ministry of Posts and Telecommunications under Article 4 paragraph (3) of the revised Radio Act (hereinafter referred to as "the New Act") shall be deemed, on the effective date of this Act, to have received technical regulations conformity certification pursuant to the provisions of Article 38-2 paragraph (1) of the New Act and also to have received the designation of call signs or call names pursuant to the provisions of Article 4-2 paragraph (1) of the New Act.

(3) The license for a radio station specified in the preceding paragraph shall lose its validity on the effective date of this Act.

(4) A person who has received a license for a radio station under Article 13 paragraph (2) of the New Act from the effective date of the revision provisions of Article 13 shall, with regard to matters concerning the validity period of the license entered on the license certificate of said radio station, not be required to obtain corrections pursuant to the provisions of Article 21 of the New Act.

(5) With regard to the application of Penal Provisions to acts committed prior to the enforcement of this Act, the provisions then in force shall remain applicable.

**Supplementary Provisions (Act No. 56 of June 2, 1987) (Excerpts)**

(Effective Date)

(1) This Act shall come into effect as from January 1, 1988.

**Supplementary Provisions (Act No. 29 of May 6, 1988) (Excerpts)**

Article 1 (Effective Date)

This Act shall come into effect as from October 1, 1988.

Article 5 (Effects of Dispositions, etc. Based on the Provisions of the Old Act, etc.)

Dispositions, procedures, or other acts made prior to the enforcement of this Act pursuant to the provisions of the Old Act or of the Radio Act prior to revision by the provisions of Article 2 shall, if there are relevant provisions in the New Act or the Radio Act revised pursuant to the provisions of Article 2 (hereinafter referred to as "the New Act, etc."), be deemed to have been made pursuant to the provisions of the New Act, etc.

Article 6 (Transitional Measures for Application of Penal Provisions)

With regard to the application of Penal Provisions to acts committed prior to the enforcement of this Act, the provisions then in force shall remain applicable.

**Supplementary Provisions (Act No. 55 of June 28, 1989) (Excerpts)**

(Effective Date, etc.)

(1) This Act shall come into effect as from October 1, 1989. However, in Article 1, the revision provisions of the Contents of the Broadcast Act, the revision provisions to revise Article 53 of the same Act to Article 52-8 of the same Act, the revision provisions of Article 59 of the same Act, the revision provisions to revise Chapter IV of the same Act to Chapter VI of the same Act, the revision provisions to revise Article 53-6 of the same Act to Article 53-13 of the same Act, the revision provisions of Article 53-5 of the same Act, the revision provisions to revise said article to Article 53-12 of the same Act, the revision provisions of Article 53-4 paragraph (1) item (ii) of the same Act, the revision provisions to add item (ii) to Article 53-4 paragraph (1) of the same Act (limited to the part pertaining to item (iv) of said paragraph), the revision provisions of Article 53-4 paragraph (2) of the same Act, the revision provisions to revise said article to Article 53-10 of the same Act and add one article after said article, the revision provisions to revise Article 53-3 of the same Act to Article 53-9 of the same Act and revise Article 53-2 of the same Act to Article 53-8 of the same Act, the revision provisions to revise Chapter III-2 of the same Act to Chapter V of the same Act and the revision provisions to add three articles after Article III of the same Act (limited to the part pertaining to Chapter IV of the same Act), and, in Article 2, the revision provisions of Article 99-14 paragraph (2) of the Radio Act shall come into effect as from the date of promulgation, and, in Article 1, the revision provisions of Article 26 of the Broadcast Act shall come into effect as from the day on which thirty days have elapsed from the date of promulgation.

**Supplementary Provisions (Act No. 67 of November 7, 1989) (Excerpts)**

Article 1 (Effective Date, etc.)

(1) This Act shall come into effect as from the day specified by the applicable Cabinet Order within a period not exceeding one year from the date of promulgation. However, the provisions listed in the following items shall come into effect as from the days prescribed in the respective items:

(i) The revision provisions of the Contents and Article 6 paragraph (1) item (iv), the revision provisions to revise Article 10 (except the part to revise "Article 48-2 paragraph (1)" to "requirements for radio operators in full charge prescribed in Article 39 paragraph (3), Article 48-2 paragraph (1)"), the revision provisions to delete Article 50 paragraph (2), the revision provisions of paragraph (3) of said article (limited to the part to revise "the preceding two paragraphs" to "the preceding paragraph"), the revision provisions to revise said paragraph to paragraph (2) of said article, the revision provisions of the section title of Chapter V Section 2, Article 63 paragraph (5), the section title of Section 3 of the same chapter, Article 70-3, Article

70-4, and Article 70-6, the revision provisions of Article 99-11 paragraph (1) item (i) (limited to the part to revise "Article 50 paragraph (3)" to "Article 50 paragraph (2)"), and the provisions of the following paragraph: The day of promulgation

(ii) The revision provisions of Article 52 and Article 64 paragraph (1), the revision provisions to add one paragraph to Article 65, the revision provisions of Article 66 to Article 68 inclusive, the revision provisions of Article 99-11 paragraph (1) item (i) (limited to the part to revise "Article 52 item (vi)" to "Article 52 item (i), item (ii), item (iii), and item (vi)" and the part to add "and paragraph (4) (Watchkeeping Obligation), Article 66 paragraph (1) (Distress Traffic), Article 67 paragraph (2) (Urgency traffic)" after "Article 65 paragraph (1)"), and the provisions of Article 3 of Supplementary Provisions: July 1, 1991

(2) During the period from the day prescribed in the preceding paragraph item (i) to June 30, 1991, ", ship earth stations (referring to radio stations established on board ship for the purpose of the telecommunications service and of conducting radio communications via satellite stations; the same shall apply hereinafter), radio stations on board aircraft" in Article 6 paragraph (1) item (iv) of the revised Radio Act shall be replaced with ", radio stations on board aircraft"; "ship earth stations" in Article 63 paragraph (5) of the same Act shall be replaced with "ship earth stations (ship earth stations (referring to radio stations established on board ship for the purpose of the telecommunications service and of conducting radio communications via satellite stations"; "; the same shall apply hereinafter" in said paragraph shall be deleted.

(3) During the period from the effective date of this Act to June 30, 1991, "(a) Maritime First-Class Radio Operator, (b) Maritime Second-Class Radio Operators, (c) Maritime Third-Class Radio Operators, (d) Maritime Fourth-Class Radio Operators, (e) Maritime Special Radio Operators pecified by the applicable Cabinet Order" in Article 40 paragraph (1) item (ii) of the Radio Act revised by this Act (referred to as "the New Act" in the following paragraph and the following Article) shall be replaced with "(a) Maritime Fourth-Class Radio Operators, (b) Maritime Special Radio Operators specified by the applicable Cabinet Order."

(4) Notwithstanding the provisions of the preceding paragraph, the Minister of Posts and Telecommunications may, even before July 1, 1991, hold the state examinations for radio operators for granting the qualifications listed in Article 40 paragraph (1) item (ii) (a) through (c) of the New Act, or grant licenses for said qualifications.

#### Article 2 (Transitional Measures Concerning Radio Operators)

(1) A person who has received a license for the qualifications listed in the left column of the following table (hereinafter referred to as "old qualifications") pursuant to the provisions of the Radio Act prior to revision by this Act (hereinafter referred to as "the Old Act") as of the effective date of this Act shall be deemed to have received on the effective date of this Act a license for the qualifications listed in the right column

of said table (hereinafter referred to as "new qualifications") pursuant to the provisions of the Radio Act revised by this Act (hereinafter referred to as "the New Act").

Old Qualification	New Qualification
First-Class Radio Operator	First-Class Radio Operator for General Services
Second-Class Radio Operator	Second-Class Radio Operator for General Services
Third-Class Radio Operator	Third-Class Radio Operator for General Services
Aeronautical-Class Radio Operator	Aeronautical-Class Radio Operator
Telephone-Class Radio Operator	Maritime Fourth-Class Radio Operator
First-Class Technical Radio Operator	First-Class Technical Radio Operator for On-the-Ground Services
Second-Class Technical Radio Operator	Second-Class Technical Radio Operator for On-the-Ground Services
Special Radio Operator	The qualification listed in Article 40 paragraph (1) item (ii) (e), item (iii) (b), or item (iv) (c) and also specified by the applicable Cabinet Order
Amateur First-Class Radio Operator	Amateur First-Class Radio Operator
Amateur Second-Class Radio Operator	Amateur Second-Class Radio Operator
Amateur Telegram-Class Radio Operator	Amateur Third-Class Radio Operator
Amateur Radiotelephone-Class Radio Operator	Amateur Fourth-Class Radio Operator

(2) A person who has passed the state examination for radio operators pursuant to the provisions of the Old Act (hereinafter referred to as "the old examination") or has completed the training course (hereinafter referred to as "the old training course") for radio operators, where said person has applied for a license for the old qualification pursuant to the provisions of the Old Act as of the effective date of this Act, or a person who has passed the old examination or has completed the old training course and has not applied for a license for the old qualifications as of the effective date of this Act, where said person applies for a license pursuant to the

provisions of the New Act within three months from the day the person passed said old examination or completed said old training course, except cases where a license is not granted pursuant to the provisions of Article 42 of the Radio Act, shall be granted a license for the new qualification corresponding to the old qualification.

(3) In addition to the cases prescribed in the preceding paragraph, dispositions, procedures, or other acts made by the Minister of Posts and Telecommunications pursuant to the provisions of the Old Act or orders thereon prior to the enforcement of this Act shall be deemed to have been made by the Minister of Posts and Telecommunications pursuant to the relevant provisions of the New Act or orders thereon, respectively, and the application, notification, and other acts made to the Minister of Posts and Telecommunications pursuant to the provisions of the Old Act or orders thereon prior to the enforcement of this Act shall be deemed to have been made to the Minister of Posts and Telecommunications pursuant to the relevant provisions of the New Act or orders thereon, respectively.

#### Article 3 (Transitional Measures for Ship Earth Stations)

(1) A person who has received a license for a ship earth station under Article 6 paragraph (1) item (iv) of the Radio Act revised by the revision provisions listed in Article 1 paragraph (1) item (i) of the Supplementary Provisions (hereinafter referred to simply as "ship earth station" in this article) as of the effective date of the revision provisions listed in Article 1 paragraph (1) item (ii) of the Supplementary Provisions, shall notify the Minister of Posts and Telecommunications of the location of radio equipment on said ship earth station within thirty days from the day prescribed in Article 1 paragraph (1) item (ii) of the Supplementary Provisions.

(2) Any person who fails to notify the Minister of Posts and Telecommunications pursuant to the provisions of the preceding paragraph, or submits a false notification shall be guilty of an offence and liable to a fine not exceeding one hundred thousand yen.

(3) In the event that any representative of a juridical person, or any agent, employee, or other worker of a person or juridical person commits a violation under the preceding paragraph with regard to the business activities of the person or juridical person, not only shall the violator be punished, but also the person or juridical person shall be punished with the penalty specified in the same paragraph.

(4) Any person who has received a license for a ship earth station as of the effective date of the revision provisions listed in Article 1 paragraph (1) item (ii) of the Supplementary Provisions may be exempted, with regard to the operating area of the radio equipment entered on the certificate of the license for the said ship earth station, from having to obtain corrections pursuant to the provisions of Article 21 of the Radio Act.

(5) With regard to the application of the provisions of Article 53 of the Radio Act to a ship earth station that has been granted a license as of the effective date of the

revision provisions listed in Article 1 paragraph (1) item (ii) of Supplementary Provisions, the location of the radio equipment notified pursuant to the provisions of paragraph (1) shall be deemed to be the location of the radio equipment entered on the certificate of the license for said ship earth station.

(6) The provisions of paragraph (1) shall apply mutatis mutandis to a person who has received a provisional license for a ship earth station as of the effective date of the revision provisions listed in Article 1 paragraph (1) item (ii) of the Supplementary Provisions. In this case, "within thirty days from the day prescribed" in paragraph (1) shall be deemed to be replaced with "without delay after the day prescribed."

**Article 4 (Transitional Measures for Penal Provisions)**

With regard to the application of Penal Provisions to acts committed prior to the enforcement of this Act (or for the revision provisions listed in Article 1 paragraph (1) item (ii) of the Supplementary Provisions, said revision provisions), the provisions then in force shall remain applicable.

**Supplementary Provisions (Act No. 54 of June 27, 1990) (Excerpts)**

(Effective Date)

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

**Supplementary Provisions (Act No. 67 of May 2, 1991)**

(Effective Date)

(1) This Act shall come into effect as from February 1, 1992.

(Transitional Measures)

(2) With regard to a compulsory ship station as prescribed in Article 13 paragraph (3) of the Radio Act (hereinafter referred to simply as a "compulsory ship station") on board a ship that is built or the building of which is commenced on or before January 31, 1995, except for matters concerning ship station radio operator attestation, the provisions then in force shall remain applicable until January 31, 1999 (or where said compulsory ship station installs facilities that shall be installed before said day pursuant to the provisions of Article 33 of the revised Radio Act (hereinafter referred to as "the New Act"), until the day when the facilities are installed).

(3) A compulsory ship station to which the provisions then in force shall remain applicable pursuant to the provisions of the preceding paragraph shall, notwithstanding the provisions of the same paragraph, install apparatus for emergency position-indicating radio beacon equipment and apparatus for receiving information on safe navigation, as specified by the applicable Ordinance of the Ministry of Posts and Telecommunications, among the apparatus to be installed pursuant to the provisions of Article 33 of the New Act, before the day specified by the applicable Ordinance of the Ministry of Posts and Telecommunications before January 31, 1999. In this case, said apparatus specified by the applicable Ordinance of the Ministry of Posts and Telecommunications (limited to apparatus for receiving

information on safe navigation) shall be deemed to be the apparatus listed in Article 37 item (v) of the New Act, and the provisions of said article shall apply to said apparatus notwithstanding the provisions of said paragraph.

(4) Apparatus for radio equipment which is determined not to be installed until its type has passed a new examination conducted by the Minister of Posts and Telecommunications pursuant to the provisions of Article 37 item (v) and item (vi) of the New Act (referred to as "apparatus subject to a new examination" in the following paragraph) shall, where the apparatus has passed the type examination conducted by the Minister of Posts and Telecommunications prior to the enforcement of this Act, be deemed to be of a type that has passed the examination prescribed in said article.

(5) Apparatus installed on board ship as of the effective date of this Act which is subject to the new examination and has passed the examination pursuant to the provisions of Article 10 or Article 18 of the Radio Act prior to revision (referred to as "the Old Act" in the following paragraph) before enforcement of this Act shall, insofar as it is installed on board said ship, be deemed to be of a type that has passed the examination prescribed in Article 37 of the New Act.

(6) Dispositions, procedures, or other acts made prior to the enforcement of this Act by the Minister of Posts and Telecommunications on ship station radio operator attestation pursuant to the provisions of the Old Act or orders thereon shall be deemed to have been made pursuant to the relevant provisions of the New Act or orders thereon, respectively, and an application or other acts made by a person who wishes to obtain ship station radio operator attestation pursuant to the provisions of the Old Act or orders thereon prior to the enforcement of this Act or by a person who has received ship station radio operator attestation as of the effective date of this Act shall be deemed to have been made pursuant to the relevant provisions of the New Act or orders thereon, respectively.

#### **Supplementary Provisions (Act No. 74 of June 5, 1992)**

(Effective Date)

(1) This Act shall come into effect as from April 1, 1993. However, the revision provisions of Article 102-13 shall come into effect as from the date of promulgation.

(Transitional Measures)

(2) A person who has received a license for a compulsory ship station or compulsory aircraft station pursuant to the provisions of Article 13 paragraph (3) as of the effective date of this Act shall, within two years from the date this Act comes into effect, submit the license certificate to the Minister of Posts and Telecommunications to obtain correction to the address on the license certificate.

(3) With regard to a radio station that has been granted a license as of the effective date of this Act, the provisions of Article 103-2 paragraph (1) and paragraph (3) after revision shall not apply until the day before the first corresponding day prescribed in

paragraph (1) of said article that comes after this Act comes into effect (or if the validity period of said license expires before the corresponding day, the day of expiry).

**Supplementary Provisions (Act No. 71 of June 16, 1993)**

(Effective Date)

(1) This Act shall come into effect as from April 1, 1994. However, the revision provisions for the Contents, Article 5 paragraph (2), Article 6, Article 7 paragraph (1), and Article 39-3, the part of the revision provisions in Article 99-11 paragraph (1) item (i) to revise "Article 7 paragraph (1) item (iv)" to "Article 7 paragraph (1) item (iii)," the revision provisions in Article 99-11 paragraph (1) item (i) to delete Article 104-3, to change Article 104-4 to Article 104-3, to change Article 104-5 to Article 104-4, and to change Article 104-6 to Article 104-5, and the provisions of the following paragraph shall come into effect as from the date of promulgation.

(Transitional Measures)

(2) With regard to the radio stations listed in Article 5 paragraph (2) item (iv) and item (vi) pursuant to the provisions of Article 104-3 of the Radio Act prior to revision, the conditions or the term of the provisional license, license, or permission given by the Minister of Posts and Telecommunications or the restrictions on the operation imposed by the Minister before the revision provisions to delete Article 104-3 come into effect shall lose their validity on the effective date of the revision provisions to delete Article 104-3.

(3) With regard to the application of Penal Provisions to acts committed prior to the enforcement of this Act, the provisions then in force shall remain applicable.

**Supplementary Provisions (Act No. 89 of November 12, 1993) (Excerpts)**

Article 1 (Effective Date)

This Act shall come into effect as from the effective date of the Administrative Procedure Act (Act No. 88 of 1993).

Article 2 (Transitional Measures Concerning Adverse Dispositions on Which Consultations, etc. Are Made)

Where, prior to the enforcement of this Act, a consultation or other request has been made to a council or other consultation body under the laws and regulations for procedures to allow a hearing or an explanation as prescribed in Article 13 of the Administration Procedure Act or other procedures for stating opinions to be taken, with regard to procedures for adverse dispositions pertaining to the consultation or other request, notwithstanding the provisions of relevant acts revised by this Act, the provisions then in force shall remain applicable.

Article 13 (Transitional Measures for Penal Provisions)

With regard to the application of Penal Provisions to acts committed prior to the enforcement of this Act, the provisions then in force shall remain applicable.



Article 14 (Transitional Measures on Adjustment of Provisions Concerning Hearings)

A hearing, an inquiry, or a hearing panel (except one pertaining to adverse dispositions), or the procedure for these acts made pursuant to the provisions of acts prior to the enforcement of this Act shall be deemed to have been made pursuant to the applicable provisions of relevant acts revised by this Act.

Article 15 (Entrustment to Cabinet Order)

In addition to what is provided for in from Article 2 through the preceding article in the Supplementary Provisions, transitional measures necessary for the enforcement of this Act shall be specified by the applicable Cabinet Order.

**Supplementary Provisions (Act No. 73 of June 29, 1994)**

This Act shall come into effect as from the date of promulgation.

**Supplementary Provisions (Act No. 74 of June 29, 1994) (Excerpts)**

(Effective Date)

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

**Supplementary Provisions (Act No. 83 of May 8, 1995)**

(Effective Date)

(1) This Act shall come into effect as from April 1, 1996. However, the revision provisions of Article 103-2 shall come into effect as from the day specified by the applicable Cabinet Order within a period not exceeding one year from the date of promulgation.

(Transitional Measures)

(2) With regard to a radio operator's license for a person who has received attestation pursuant to the provisions of Article 41 paragraph (2) item (iii) prior to revision, and has not received a radio operator's license or has applied for attestation pursuant to the provisions of the same item as of the effective date of this Act, the provisions then in force shall remain applicable.

**Supplementary Provisions (Act No. 70 of June 12, 1996)**

(Effective Date)

(1) This Act shall come into effect as from the date of promulgation.

(Transitional Measures)

(2) With regard to a radio station that is granted a license prior to the effective date of this Act (hereinafter referred to as "the effective date"), the provisions of Article 103-2 after revision shall apply to the Spectrum User Fee pertaining to the period on or after the first corresponding day as prescribed in paragraph (1) of the same article on or after the effective date (hereinafter referred to simply as "the corresponding day"), and the provisions then in force shall remain applicable to the Spectrum User Fee pertaining to the period before the corresponding day.

(3) With regard to the Spectrum User Fee pertaining to radio stations listed in row 2 through row 6 and row 9 of the table in revised Article 103-2 paragraph (1), which pertains to the period on or after the corresponding day and was prepaid pursuant to the provisions of paragraph (5) of the same article prior to revision, the part that exceeds the amount of the Spectrum User Fee pertaining to said period pursuant to the provisions of paragraph (1) and paragraph (3) of the same article after revision shall be refunded.

**Supplementary Provisions (Act No. 47 of May 9, 1997)**

(Effective Date, etc.)

Article 1

(1) This Act shall come into effect as from the day specified by the applicable Cabinet Order within a period not exceeding six months from the date of promulgation. However, the revision provisions of Article 6, Article 10, and Article 18, the revision provisions to add seven articles after Article 24, the revision provisions of Article 73, the revision provisions to delete Article 73-2, the revision provisions of Article 99-11 paragraph (1) item (i) (limited to the part that adds ", Article 24-2 paragraph (1) (Attestation of Business Operators' Inspection Capability), Article 27-2 (Specified Radio Station), Article 27-4 item (ii) (Essential Standards for the Establishment of Specified Radio Stations), Article 27-5 paragraph (3) (Validity Period of a Blanket License)" after "Article 15 (Licensing Procedures)" (limited to the part pertaining to Article 24-2 paragraph (1)), and the part that deletes ", Article 73-2 paragraph (1) (Designated Inspection Agency)", the revision provisions of item (iv) of the same paragraph (limited to the part that deletes ", designation of the designated inspection agency pursuant to the provisions of Article 73-2 paragraph (1)"), the revision provisions of Article 100 paragraph (5), the revision provisions of Article 103 paragraph (1) (limited to the part that deletes "; or for a person who obtains an inspection executed by a designated inspection agency, the designated inspection agency"), the revision provisions of paragraph (2) of the same article, Article 104-4, and Article 109-2, the revision provisions of Article 110, (limited to the part that revises "Article 18" to "Article 18 paragraph (1)"), the revision provisions of Article 111 and Article 113, the revision provisions to revise item (v) to item (ix) and item (iv) to item (viii), and add four items after item (iii) in the revision provisions of Article 116 (limited to the part pertaining to item (iv) to item (vi) inclusive), and the provisions of Article 3 to Article 5 inclusive of the Supplementary Provisions shall come into effect as from April 1, 1998.

(2) With regard to attestation pursuant to the provisions of Article 24-2 paragraph (1) of the Radio Act revised by this Act (hereinafter referred to as "the New Act") and procedures and other acts necessary for attestation, even prior to the enforcement of the revision provisions prescribed in the proviso to the preceding paragraph, the provisions of the New Act may be applicable.

(3) During the period from the effective date of this Act to March 31, 1998, "Article 102-18 paragraph (5)" in Article 99-11 paragraph (1) item (i) of the New Act shall be replaced with "Article 73-2 paragraph (5) and Article 102-18 paragraph (5)"; "Article 47-2 and Article 102-18 paragraph (5)" in item (iii) of the same paragraph, Article 99-12 paragraph (6) of the New Act, and Article 113-2 items (i) and (iii) of the New Act shall be replaced with "Article 47-2, Article 73-2 paragraph (5), and Article 102-18 paragraph (5)"; "or a designated calibration agency" in Article 99-11 paragraph (1) item (iii) shall be replaced with ", a designated inspection agency, or a designated calibration agency" and "or calibrators" shall be replaced with ", inspectors, or calibrators"; "Article 102-17 paragraph (6) and Article 102-18 paragraph (5)" in the same item, Article 110-2, and Article 113-2 item (ii) of the New Act shall be replaced with "Article 73-2 paragraph (5), Article 102-17 paragraph (6), and Article 102-18 paragraph (5)"; "the Center or a designated calibration agency" in Article 99-11 paragraph (1) item (iii) of the New Act shall be replaced with "a designated inspection agency, the Center, or a designated calibration agency" ; in Article 99-12 paragraph (6) of the New Act, "or a designated calibration agency" shall be replaced with ", a designated inspection agency, or a designated calibration agency" and "or calibrators" shall be replaced with ", inspectors, or calibrators"; "radio equipment" in Article 102-18 paragraph (1) of the New Act shall be replaced with "radio equipment (including equipment which shall be installed pursuant to the provisions of Article 30 and Article 32)"; "the Center or a designated calibration agency" in Article 110-2 and Article 113-2 of the New Act shall be replaced with "a designated inspection agency, the Center, or a designated calibration agency"; "or all of the calibration service" in Article 113-2 item (iii) of the New Act shall be replaced with ", all of the periodical inspection service, or all of the calibration service."

#### Article 2 (Transitional Measures)

Where a written application has been filed for a license for a radio station listed in item (xlvi) of Appended Table 1 of the Registration and License Tax Act (Act No. 35 of 1967) with the Minister of Posts and Telecommunications prior to the enforcement of this Act, with regard to the fee pertaining to the license for said radio station and the Spectrum User Fee prescribed in Article 103-2 paragraph (1) of the New Act, the provisions then in force shall remain applicable.

#### Article 3

With regard to the obligation pertaining to a person who was an officer or a staff member of a designated inspection agency not to divulge any secrets which came to his/her knowledge in connection with the work, even after the enforcement of the revision provisions prescribed in the proviso to Article 1 paragraph (1) of the Supplementary Provisions, the provisions then in force shall remain applicable.

#### Article 4

(1) With regard to dispositions on a designated inspection agency made pursuant to the provisions of the Radio Act prior to revision (hereinafter referred to as "the Old Act") before the enforcement of the revision provisions prescribed in the proviso to Article 1 paragraph (1) of the Supplementary Provisions, the provisions of Article 104-4 of the Old Act shall remain effective even after the enforcement of said revision provisions.

(i) In this case, "the Minister of Posts and Telecommunications" in the same article shall be replaced with "the Minister of Public Management, Home Affairs, Posts and Telecommunications."

(2) With regard to determination of a request for examination pursuant to the provisions of Article 104-4 paragraph (1) of the Old Act which is determined to remain effective pursuant to the provisions of the preceding paragraph, said request for examination shall be deemed to be the filing of an objection with the Minister of Public Management, Home Affairs, Posts and Telecommunications, and the provisions of Article 47 of the Administrative Appeal Act (Act No. 160 of 1962) shall apply.

#### Article 5

With regard to the application of Penal Provisions to acts committed prior to the enforcement of the revision provisions prescribed in the proviso to Article 1 paragraph (1) of the Supplementary Provisions and to acts committed after the enforcement of said provisions in cases where the provisions then in force remain applicable pursuant to the provisions of Article 3 of the Supplementary Provisions, the provisions then in force shall remain applicable.

(Review)

#### Article 6

The Government shall, in cases where ten years have elapsed after enforcement of the revision provisions prescribed in the proviso to Article 1 paragraph (1) of the Supplementary Provisions, review the status of the enforcement of the provisions of Article 24-2 to Article 24-8 inclusive and Article 102-18 after revision, and shall take necessary measures, when deemed necessary from the viewpoint of supervision and management of radio waves, based on the results of the review.

#### **Supplementary Provisions (Act No. 100 of June 20, 1997)**

(Effective Date)

(1) This Act shall come into effect as from the day when the Fourth Protocol to the General Agreement on Trade in Services becomes effective for Japan.

(Transitional Measures for Penal Provisions)

(2) With regard to the application of Penal Provisions to acts committed prior to the enforcement of this Act, the provisions then in force shall remain applicable.

#### **Supplementary Provisions (Act No. 58 of May 8, 1998) (Excerpts)**

Article 1 (Effective Date)

This Act shall come into effect as from the day specified by the applicable Cabinet Order within a period not exceeding six months from the date of promulgation. However, the provisions listed in the following items shall come into effect as from the days prescribed in the respective items:

(i) The revision provisions of Article 99-3 of the Radio Act in Article 3 and the provisions of the following article and Article 3 of the Supplementary Provisions: The day of promulgation

(iii) In Article 2, the revision provisions of the Contents of the Telecommunications Business Act, the revision provisions of Article 50 of the same Act, the revision provision to add three articles after the same article, the revision provisions of the section name of Chapter 2 Section 5 of the same Act, the revision provisions of Article 72 of the same Act, the revision provision to add one article and one subsection after the same article, the revision provisions of Articles 92 and Article 98, the revision provisions of Article 108 of the same Act (limited to the part pertaining to item (iv)), the revision provisions of Article 109 of the same Act (limited to the part pertaining to item (iii)), and the revision provisions of Article 110 of the same Act; in Article 3, the revision provisions of the Contents of the Radio Act, the revision provisions of Articles 10 and Article 18 of the same Act, the revision provision to add one article after Article 24-8 of the same Act, the revision provisions of Article 38-2 of the same Act, the revision provision to add three articles after Article 38-15 of the same Act, the revision provisions of Article 73 of the same Act, the revision provisions of Article 99-11 of the same Act (limited to the part that adds "Article 38-17 paragraph (5) and" after "Article 38-5 paragraph (5) ("), the revision provisions of Article 103 of the same Act, the revision provisions of Article 112 of the same Act (limited to the part that revises "Article 38-2 paragraph (6) or paragraph (7)" to "Article 38-2 paragraph (7) or paragraph (8)"), and the revision provisions of Article 103 of the same Act; and the provision of Article 8 of the Supplementary Provisions: The day specified by the applicable Cabinet Order within a period not exceeding ten months from the date of promulgation

Article 7 (Transitional Measures for Application of Penal Provisions)

With regard to the application of Penal Provisions to acts committed prior to the enforcement of the respective revision provisions of this Act and to acts committed on or after the day of enforcement in cases where the provisions then in force shall remain applicable pursuant to the provisions of Article 5 paragraph (1) of the Supplementary Provisions and paragraph (3) of the preceding article, the provisions then in force shall remain applicable.

**Supplementary Provisions (Act No. 101 of June 12, 1998) (Excerpts)**

Article 1 (Effective Date)

This Act shall come into effect as from April 1, 1999.

**Supplementary Provisions (Act No. 47 of May 21, 1999)**

(Effective Date)

(1) This Act shall come into effect as from the date of promulgation. However, the revision provisions of Article 5, Article 6, Article 20, Article 27, and Article 70-3 shall come into effect as from the day specified by the applicable Cabinet Order within a period not exceeding six months from the date of promulgation.

(Transitional Measures)

(2) With regard to a radio station that is granted a license prior to the effective date of this Act (hereinafter referred to as "the effective date"), the provisions of Article 103-2 after revision shall apply to the Spectrum User Fee pertaining to the period on or after the first corresponding day prescribed in paragraph (1) of the same article on or after the effective date (hereinafter referred to simply as "the corresponding day"), and the provisions then in force shall remain applicable to the Spectrum User Fee pertaining to the period before the corresponding day.

(3) With regard to the Spectrum User Fee pertaining to radio stations listed in row 2 through row 6 and row 9 of the table of revised Article 103-2 paragraph (1), which pertains to the period on or after the corresponding day and was prepaid pursuant to the provisions of paragraph (7) of the same article prior to revision, the part that exceeds the amount of the Spectrum User Fee pertaining to said period pursuant to the provisions of paragraph (1) and paragraph (5) of the same article after revision shall be refunded.

(4) With regard to the application of Penal Provisions to acts committed prior to the enforcement of this Act, the provisions then in force shall remain applicable.

#### **Supplementary Provisions (Act No. 72 of June 11, 1999) (Excerpts)**

Article 1 (Effective Date)

This Act shall come into effect, according to the classification listed in the following items, as from the days prescribed in the respective items:

(i) The revision provisions of Article 28, Article 54, Article 54-2, Article 60 to Article 61-2 inclusive, Article 66, Article 76, Article 145, and Article 148-2; and the provisions of Article 7, Article 13 to Article 15 inclusive, and Article 17 of the Supplementary Provisions: The day on which one month has elapsed from the date of promulgation

#### **Supplementary Provisions (Act No. 102 of July 16, 1999) (Excerpts)**

Article 1 (Effective Date)

This Act shall come into effect as from the effective date of the Act to Partially Amend the Cabinet Act (Act No. 88 of 1999) comes into effect. However, the provisions listed in each of the following items shall come into effect as from the days prescribed in the respective items:

(ii) The provisions of Article 10 paragraph (1) and paragraph (5), Article 14 paragraph (3), Article 23, Article 28, and Article 30 of Supplementary Provisions: The day of promulgation

### Article 3 (Status Transfer of Staff Members)

A person who is, as of the effective date of this Act, a staff member of the former Prime Minister's Office; Ministry of Justice; Ministry of Foreign Affairs; Ministry of Finance; Ministry of Education; Ministry of Health and Welfare; Ministry of Agriculture, Forestry and Fisheries; Ministry of International Trade and Industry; Ministry of Transport; Ministry of Posts and Telecommunications; Ministry of Labour; Ministry of Construction; or Ministry of Home Affairs (hereinafter referred as "the former office or ministry" in this article) (except a chairperson or a member of a council, etc. under Article 8 of the National Government Organization Act (Act No. 120 of 1948), a member of the Central Disaster Prevention Council, a chairperson or a member of the Japanese Industrial Standards Committee, or other person specified by the applicable Cabinet Order to be similar to these) shall, unless otherwise appointed, with identical working conditions, be an equivalent staff member of the Cabinet Office; Ministry of Public Management, Home Affairs, Posts and Telecommunications; Ministry of Justice; Ministry of Foreign Affairs; Ministry of Finance; Ministry of Education, Culture, Sports, Science and Technology; Ministry of Health, Labour and Welfare; Ministry of Agriculture, Forestry and Fisheries; Ministry of Economy, Trade and Industry; Ministry of Land, Infrastructure and Transport; or Ministry of the Environment (hereinafter referred to as "the new office or ministry"), or a bureau or organization set up in the new office or ministry, which is specified by the applicable Cabinet Order to be the new office or ministry, or the bureau or organization set up in the office or ministry as equivalent to the former office or ministry, or the bureau or organization set up in the office or ministry which said staff member belongs to as of the effective date of this Act.

### Article 16 (Transitional Measures Along with Partial Revision of the Radio Act)

(1) A person who is, as of the effective date of this Act, a member of the former Radio Regulatory Council of the Ministry of Posts and Telecommunications shall be deemed to be appointed on the effective date of this Act, pursuant to the provisions of Article 99-3 paragraph (1) or paragraph (2) of the Radio Act revised by the provisions of Article 40 (hereinafter referred to as "the new Radio Act") as a member of the Radio Regulatory Council of the Ministry of Public Management, Home Affairs, Posts and Telecommunications. In this case, the term of the person who is deemed to be appointed shall, notwithstanding the provisions of Article 99-5 paragraph (1) of the new Radio Act, be the same as the remaining term as a member of the former Radio Regulatory Council of the Ministry of Posts and Telecommunications as of said date.

(2) A person who is the chairperson of the former Radio Regulatory Council of the Ministry of Posts and Telecommunications on the effective date of this Act shall be deemed to be appointed as of the effective date of this Act as the chairperson of the

Radio Regulatory Council of the Ministry of Public Management, Home Affairs, Posts and Telecommunications pursuant to the provisions of Article 99-2-2 paragraph (2) of the new Radio Act.

(3) A person who performs on behalf of the chairperson, on the effective date of this Act, the duties of the chairperson as prescribed in Article 99-2-2 paragraph (4) of the Radio Act prior to revision by the provisions of Article 40 shall be deemed to be specified on the effective date of this Act as a person who performs, on behalf of the chairperson, the duties of the chairperson prescribed in Article 99-2-2 paragraph (4) of the new Radio Act.

Article 30 (Transitional Measures to be Separately Specified)

In addition to what is provided for in from Article 2 to the preceding article inclusive, the transitional measures which become necessary with the enforcement of this Act shall be separately specified by the applicable acts.

**Supplementary Provisions (Act No. 160 of December 22, 1999) (Excerpts)**

Article 1 (Effective Date)

This Act (except Article 2 and Article 3) shall come into effect as from January 6, 2001.

**Supplementary Provisions (Act No. 162 of December 22, 1999) (Excerpts)**

Article 1 (Effective Date)

This Act shall come into effect as from January 6, 2001. However, the provisions of Article 9 and Article 10 of the Supplementary Provisions shall come into effect as from the day specified by the applicable Cabinet Order within a period not exceeding six months from said date.

**Supplementary Provisions (Act No. 220 of December 22, 1999) (Excerpts)**

Article 1 (Effective Date)

This Act (except Article 1) shall come into effect as from January 6, 2001.

Article 4 (Entrustment to Cabinet Order)

In addition to what is provided for in the preceding two paragraphs, the matters necessary for enforcing this Act shall be specified by the applicable Cabinet Order.

**Supplementary Provisions (Act No. 91 of May 31, 2000)**

(Effective Date)

(1) This Act shall come into effect as from the effective date of the Act to Partially Amend the Commercial Code, etc. (Act No. 90 of 2000).

(Transitional Measures)

(2) Where the effective date of this Act is before the effective date of the provisions of Article 8 of the Supplementary Provisions of the "Independent Administrative Institution, Center for Food Quality, Labeling and Consumer Services Act" (Act No. 183 of 2001), "Article 27" in the revision provisions of Article 19-5-2, Article 19-6 paragraph (1) item (iv), and Article 27 in Article 31 of the "Act Concerning



Standardization and Proper Labeling of Agricultural and Forestry Products" shall be replaced with "Article 26."

**Supplementary Provisions (Act No. 109 of June 2, 2000)**

(Effective Date)

(1) This Act shall come into effect as from the day specified by the applicable Cabinet Order within a period not exceeding six months from the date of promulgation. However, the revision provisions of Article 20 and Article 27-11 paragraph (2) and the revision provisions of Article 116 item (i) (except the part pertaining to Article 27-16) shall come into effect as from the date of promulgation.

(Transitional Measures)

(2) With regard to the time limit of an application for a radio operator's license pertaining to the qualification of a person who has obtained the necessary qualification that allows that person to obtain a radio operator's license as prescribed in Article 41 paragraph (3) of the Radio Act prior to revision before a date three months prior to the effective date of this Act, the provisions then in force shall remain applicable. However, where the person who has obtained the radio operator's license as of the effective date of this Act applies for relicensing after their radio operator's license has been revoked, this shall not apply.

**Supplementary Provisions (Act No. 126 of November 27, 2000) (Excerpts)**

Article 1 (Effective Date)

This Act shall come into effect as from the day specified by the applicable Cabinet Order within a period not exceeding five months from the date of promulgation. However, the provisions listed in the following items shall come into effect as from the days prescribed in the respective items:

(ii) The revision provisions of Article 99-11 paragraph (1) item (i) of the Radio Act in Article 10: January 6, 2001

Article 2 (Transitional Measures for Penal Provisions)

With regard to the application of Penal Provisions to acts committed prior to the enforcement of this Act, the provisions then in force shall remain applicable.

**Supplementary Provisions (Act No. 48 of June 15, 2001) (Excerpts)**

Article 1 (Effective Date)

This Act shall come into effect as from the day specified by the applicable Cabinet Order within a period not exceeding four months from the date of promulgation. However, the revision provisions of Article 99-11 paragraph (1) item (i) (limited to the part that adds ", Article 71-3 paragraph (4) (Standards Concerning Provision of Compensation)" after "(Communications for Aircraft Stations)") shall come into effect as from the date of promulgation.

Article 2 (Transitional Measures)

(1) A person who has obtained the designation specified in Article 38-2 paragraph (1) of the Radio Act prior to revision (hereinafter referred to as "the Old Act") as of the

effective date of this Act shall be deemed to have obtained the designation specified in Article 38-2 paragraph (1) of the revised Radio Act (hereinafter referred to as "the New Act") on the effective date of this Act.

(2) A person who has obtained the designation specified in Article 102-18 paragraph (1) of the Old Act as of the effective date of this Act shall be deemed to have obtained the designation specified in Article 102-18 paragraph (1) of the New Act on the effective date of this Act.

(3) In addition to what is provided for in the preceding two paragraphs, dispositions, procedures, or other acts made prior to the enforcement of this Act pursuant to the provisions of the Old Act shall, if there are relevant provisions in the New Act, be deemed to have been made pursuant to the provisions of the New Act.

(4) With regard to the application of Penal Provisions to acts committed prior to the enforcement of this Act, the provisions then in force shall remain applicable.

**Supplementary Provisions (Act No. 85 of June 29, 2001) (Excerpts)**

Article 1 (Effective Date)

This Act shall come into effect as from the day specified by the applicable Cabinet Order within a period not exceeding one year from the date of promulgation.

**Supplementary Provisions (Act No. 38 of May 10, 2002)**

(Effective Date)

(1) This Act shall come into effect as from the day specified by the applicable Cabinet Order within a period not exceeding six months from the date of promulgation. However, the provisions listed in the following items shall come into effect as from the days prescribed in the respective items:

(i) The revision provisions of Article 99-11 paragraph (1) item (i): The day of promulgation

(ii) The revision provisions of Article 37: The day when the revision of the annex to the International Convention for the Safety of Life at Sea of 1974 adopted on December 5, 2000 becomes effective for Japan

(iii) The revision provisions of Article 25, Article 27-11 paragraph (1), Article 103 paragraph (1), and Article 106: The day specified by the applicable Cabinet Order within a period not exceeding one year from the date of promulgation

(Review)

(2) The Government shall, in cases where ten years have elapsed after the enforcement of this Act, review the status of the enforcement of the provisions of Article 26-2 after revision, from the viewpoint of the supervision and management of radio waves, and take necessary measures, when deemed necessary, based on the results of the review.

**Supplementary Provisions (Act No. 134 of December 6, 2002) (Excerpts)**

Article 1 (Effective Date)

This Act shall come into effect as from April 1, 2004.

**Supplementary Provisions (Act No. 152 of December 13, 2002) (Excerpts)**

Article 1 (Effective Date)

This Act shall come into effect as from the effective date of the Act on the Use of Information and Communications Technologies for Administrative Procedures, etc. (Act No. 151 of 2002)

Article 4 (Transitional Measures for Penal Provisions)

With regard to the application of Penal Provisions to acts committed prior to the enforcement of this Act, the provisions then in force shall remain applicable.

Article 5 (Entrustment of Other Transitional Measures to the Cabinet Order)

In addition to what is provided for in the preceding three articles, transitional measures necessary for the enforcement of this Act shall be specified by the applicable Cabinet Order.

**Supplementary Provisions (Act No. 68 of June 6, 2003) (Excerpts)**

Article 1 (Effective Date)

This Act shall come into effect as from the day specified by the applicable Cabinet Order within a period not exceeding nine months from the date of promulgation. However, the provisions listed in the following items shall come into effect as from the days prescribed in the respective items:

(i) The revision provisions of Article 26 paragraph (1) and the revision provisions of Article 99-11 paragraph (1) item (i) (limited to the part that revises "Article 38-5 paragraph (2) (Article 38-17 paragraph (5) and Article 102-18 paragraph (8)" to "Article 38-8 paragraph (2) (Article 38-24 paragraph (3) and Article 38-31 paragraph (4)" and to the part that adds ", Article 38-33 paragraph (1) (special specified radio equipment)" after "obligations, etc.)": the date of promulgation

(ii) The revision provisions of Article 71-2, Article 103-2, and Article 116 item (xiv), and the provisions of Articles 6 and 10 of the Supplementary Provisions: The day specified by the applicable Cabinet Order within a period not exceeding three months from the date of promulgation

Article 2 (Transitional Measures Concerning Attested Inspectors, etc.)

(1) A person who, as of the effective date of this Act, has actually received attestation pursuant to the provisions of Article 24-2 paragraph (1) or Article 24-9 paragraph (1) of the Radio Act prior to revision by this Act (hereinafter referred to as "the Old Act") shall be deemed to have been registered pursuant to the provisions of Article 24-2 paragraph (1) or Article 24-13 paragraph (1) of the Radio Act revised by this Act (hereinafter referred to as "the New Act") on the effective date of this Act.

(2) An application for attestation pursuant to the provisions of Article 24-2 paragraph (1) or Article 24-9 paragraph (1) of the Old Act that has already been filed as of the effective date of this Act shall be deemed to be an application for registration pursuant to the provisions of Article 24-2 paragraph (1) or Article 24-13 paragraph (1) of the New Act.

(3) An inspection pertaining to an attestation made by a person who was attested pursuant to the provisions of Article 24-2 paragraph (1) or Article 24-9 paragraph (1) of the Old Act prior to the enforcement of this Act shall be deemed to be an inspection pertaining to a registration made by a person who has been registered pursuant to the provisions of Article 24-2 paragraph (1) or Article 24-13 paragraph (1) of the New Act.

(4) A certificate of attestation that has actually been delivered pursuant to the provisions of Article 24-3 paragraph (1) of the Old Act (including cases where applied mutatis mutandis pursuant to Article 24-9 paragraph (2) of the Old Act) as of the effective date of this Act shall be deemed to be a certificate of registration delivered pursuant to the provisions of Article 24-4 paragraph (1) of the New Act (including cases where applied mutatis mutandis pursuant to Article 24-13 paragraph (2) of the New Act).

#### Article 3 (Transitional Measures Concerning Designated Certification Agencies)

(1) A person who has actually been designated pursuant to the provisions of Article 38-2 paragraph (1) of the Old Act as of the effective date of this Act shall be deemed to have been registered pursuant to the provisions of Article 38-2 paragraph (1) of the New Act on the effective date of this Act. In this case, the period prescribed in Article 38-4 paragraph (1) of the New Act shall be reckoned from the day of designation or renewal of designation under the Old Act.

(2) A person who has actually been approved pursuant to the provisions of Article 38-17 paragraph (1) of the Old Act as of the effective date of this Act shall be deemed to have been approved on the effective date of this Act pursuant to the provisions of Article 38-31 paragraph (1) of the New Act.

(3) An application that has actually been filed as of the effective date of this Act for a designation pursuant to the provisions of Article 38-2 paragraph (2) of the Old Act, for renewal of the designation pursuant to the provisions of Article 38-3-2 paragraph (1) of the Old Act, or for approval pursuant to the provisions of Article 38-17 paragraph (1) of the Old Act shall be deemed to be an application for registration pursuant to the provisions of Article 38-2 paragraph (1) of the New Act, for renewal of registration pursuant to the provisions of Article 38-4 paragraph (1) of the New Act, or for approval pursuant to the provisions of Article 38-31 paragraph (1) of the New Act, respectively.

#### Article 4 (Transitional Measures Concerning Technical Regulations Conformity Certification, etc.)

(1) An application that has actually been filed as of the effective date of this Act for technical regulations conformity certification pursuant to the provisions of Article 38-2 paragraph (4) of the Old Act, for certification pursuant to the provisions of Article 38-2 paragraph (4) of the Old Act, as applied mutatis mutandis pursuant to the provisions of Article 38-17 paragraph (5) of the Old Act, or for certification

pursuant to the provisions of Article 38-16 paragraph (1) or Article 38-17 paragraph (6) shall be deemed to be a request for technical regulations conformity certification pursuant to the provisions of Article 38-6 paragraph (1) of the New Act (including cases where applied mutatis mutandis pursuant to Article 38-31 paragraph (4) of the New Act) or for construction type certification pursuant to the provisions of Article 38-24 paragraph (1) or Article 38-31 paragraph (5), respectively.

(2) Radio equipment that has received technical regulations conformity certification pursuant to the provisions of Article 38-2 paragraph (4) of the Old Act prior to the enforcement of this Act, or radio equipment that has received certification pursuant to the provisions of Article 38-2 paragraph (4) of the Old Act, as applied mutatis mutandis pursuant to Article 38-17 paragraph (5) of the Old Act prior to the enforcement of this Act, shall be deemed to be radio equipment that has received technical regulations conformity certification pursuant to the provisions of Article 38-6 paragraph (1) of the New Act (including cases where applied mutatis mutandis pursuant to Article 38-31 paragraph (4) of the New Act) and also deemed to be affixed with the mark pursuant to the provisions of Article 38-7 paragraph (1) of the New Act (including cases where applied mutatis mutandis pursuant to Article 38-31 paragraph (4) of the New Act).

(3) A construction type that has been certified pursuant to the provisions of Article 38-16 paragraph (1) or Article 38-17 paragraph (6) of the Old Act prior to the enforcement of this Act shall be deemed to be a construction type that has received construction type certification pursuant to the provisions of Article 38-24 paragraph (2) of the New Act (including cases where applied mutatis mutandis pursuant to Article 37-31 paragraph (6) of the New Act).

(4) A person who has been certified pursuant to the provisions of Article 38-16 paragraph (1) of the Old Act or Article 38-17 paragraph (6) of the Old Act prior to the enforcement of this Act shall be deemed to be a person who has received construction type certification pursuant to the provisions of Article 38-24 paragraph (2) of the New Act (including cases where applied mutatis mutandis pursuant to Article 38-31 paragraph (6) of the New Act) on the effective date of this Act. In these cases, the person who has been certified pursuant to the provisions of Article 38-16 paragraph (1) of the Old Act or Article 38-17 paragraph (6) of the Old Act shall be deemed to be the person who has performed its obligations pursuant to the provisions of Article 38-25 paragraph (2) of the New Act (including cases where applied mutatis mutandis pursuant to Article 38-31 paragraph (6) of the New Act).

(5) Specified radio equipment based on a construction type certified pursuant to the provisions of Article 38-16 paragraph (1) of the Old Act or Article 38-17 paragraph (6) of the Old Act prior to the enforcement of this Act, which is affixed with a mark pursuant to the provisions of Article 38-16 paragraph (5) of the Old Act (including cases where applied mutatis mutandis pursuant to Article 38-17 paragraph (8) of the

Old Act), shall be deemed to be specified radio equipment based on a construction type certified pursuant to the provisions of Article 38-24 paragraph (2) of the New Act (including cases where applied mutatis mutandis pursuant to Article 38-31 paragraph (6) of the New Act), which is affixed with a mark pursuant to the provisions of Article 38-26 of the New Act (including cases where applied mutatis mutandis pursuant to Article 38-31 paragraph (6) of the New Act).

(6) The provisions of Article 38-22 of the New Act (including cases where applied mutatis mutandis pursuant to Article 38-29 and Article 38-31 paragraphs (4) and (6) of the New Act) shall not apply to radio equipment that has received technical regulations conformity certification prior to the enforcement of this Act pursuant to the provisions of Article 38-2 paragraph (4) of the Old Act, radio equipment that has received certification pursuant to the provisions of Article 38-2 paragraph (4) of the Old Act as applied mutatis mutandis pursuant to Article 38-17 paragraph (5) of the Old Act prior to the enforcement of this Act, and specified radio equipment based on a construction type that has received certification pursuant to the provisions of Article 38-16 paragraph (3) of the Old Act (including cases where applied mutatis mutandis pursuant to Article 38-17 paragraph (8) of the Old Act) prior to the enforcement of this Act, which is affixed with a mark pursuant to the provisions of Article 38-16 paragraph (5) of the Old Act (including cases where applied mutatis mutandis pursuant to Article 38-17 paragraph (8) of the Old Act).

#### Article 5 (Dispositions and Procedures Pursuant to the Provisions of the Old Act)

In addition to what is provided for in the preceding three articles, dispositions, procedures, and other acts made pursuant to the provisions of the Old Act prior to the enforcement of this Act shall, if there are relevant provisions in the New Act, be deemed to have been made pursuant to the provisions of the New Act.

#### Article 6 (Transitional Measures Concerning the Spectrum User Fee)

The provisions of Article 103-2 paragraph (2) of the New Act shall apply to the Spectrum User Fee pertaining to the period on or after the first corresponding day prescribed in Article 103-2 paragraph (1) of the New Act that comes on or after the day of enforcement of the revision provisions listed in Article 1 item (ii) of the Supplementary Provisions (hereinafter referred to simply as "the corresponding day" in this article), and the provisions then in force shall remain applicable to the Spectrum User Fee pertaining to the period before the corresponding day.

#### Article 7 (Transitional Measures for Penal Provisions)

With regard to the application of Penal Provisions to acts committed prior to the enforcement of this Act, the provisions then in force shall remain applicable.

#### Article 8 (Entrustment of Other Transitional Measures to the Cabinet Order)

In addition to what is provided for in the Supplementary Provisions, transitional measures necessary for the enforcement of this Act shall be specified by the applicable Cabinet Order.

Article 9 (Review)

The Government shall, in cases where ten years have elapsed after the enforcement of this Act, review the status of the enforcement of the provisions of Article 24-2 to Article 24-13 inclusive and Article 38-2 to Article 38-38 inclusive of the New Act, from the viewpoint of supervision and management of radio waves, and take necessary measures, when deemed necessary, based on the results of the review.

**Supplementary Provisions (Act No. 125 of July 24, 2003) (Excerpts)**

Article 1 (Effective Date)

This Act shall come into effect as from the day specified by the applicable Cabinet Order within a period not exceeding nine months from the date of promulgation. However, the provisions listed in the following items shall come into effect as from the days prescribed in the respective items:

(iii) The provisions of Article 2; in the provisions of Article 3, the revision provisions of Article 11 paragraph (2) of the Companies Act, as well as the provisions of Article 6 to Article 15 inclusive of the Supplementary Provisions, Article 21 to Article 31 inclusive of the Supplementary Provisions, Article 34 to Article 41 inclusive of the Supplementary Provisions, and Article 44 to Article 48 inclusive of the Supplementary Provisions: the day specified by the applicable Cabinet Order within a period not exceeding one year from the date of promulgation

**Supplementary Provisions (Act No. 47 of May 19, 2004) (Excerpts)**

Article 1 (Effective Date)

This Act shall come into effect as from the day specified by the applicable Cabinet Order within a period not exceeding three months from the date of promulgation. However, the provisions listed in the following items shall come into effect as from the respective days prescribed in the items:

(i) In Article 1, the revision provisions of Article 99-11 paragraph (1) item (ii) of the Radio Act and the provisions of Article 5 of the Supplementary Provisions: the date of promulgation

(ii) In Article 1, the revision provisions of Article 59 of the Radio Act, the revision provisions to revise Article 109-2 of the same Act to Article 109-3 of the same Act, and the revision provisions to add one article after Article 109 of the same Act (except the part pertaining to Article 109-2 paragraph (5) of the same Act): the day on which twenty days have elapsed from the date of promulgation

(iii) The provisions of Article 2 (except the revision provisions of Article 99-11 paragraph (1) item (i) of the Radio Act) and the provisions of Article 6 and Article 8 to Article 12 inclusive of the Supplementary Provisions: The day specified by the applicable Cabinet Order within a period not exceeding one year from the date of promulgation

(iv) In Article 1, the revision provisions to add one article after Article 109 of the Radio Act (limited to the part pertaining to Article 109-2 paragraph (5) of the Radio Act) and the provisions of Article 3, and Article 4 of the Supplementary Provisions: the day when the Convention on Cybercrime becomes effective for Japan

(Transitional Measures Concerning the Operational Regulations and Procedures for Registered Certification Bodies, etc.)

#### Article 2

(1) Operational regulations and procedures that have actually been authorized as of the effective date of this Act pursuant to the provisions of Article 38-10 (including cases where applied *mutatis mutandis* pursuant to Article 38-24 paragraph (3) and Article 38-31 paragraphs (4) and (6) of the old Radio Act; the same shall apply in the following paragraph) of the Radio Act prior to revision by this Act (hereinafter referred to as "the old Radio Act" in this and the following articles) shall be deemed to be operational regulations and procedures notified pursuant to the provisions of Article 38-10 of the Radio Act revised by this Act (hereinafter referred to as "the new Radio Act" in this article and Article 6) (including cases where applied *mutatis mutandis* pursuant to Article 38-24 paragraph (3) and Article 38-31 paragraphs (4) and (6) of the new Radio Act; the same shall apply to the following paragraph).

(2) An application for authorization pursuant to the provisions of Article 38-10 of the old Radio Act that has actually been filed as of the effective date of this Act shall be deemed to be a notification pursuant to the provisions of Article 38-10 of the new Radio Act.

#### Article 3 (Transitional Measures Concerning the Radio Propagation Disturbance Prevention System)

With regard to the restriction on the construction of the highest part of a building constituting an important radio communications interference cause pertaining to the notification pursuant to the provisions of Article 102-3 paragraph (1) or (2) of the old Radio Act (including cases where applied *mutatis mutandis* pursuant to paragraph (6) of the same article or Article 102-4 paragraph (2) of the old Radio Act) or pertaining to a notification based on the order pursuant to the provisions of Article 102-4 paragraph (1) of the old Radio Act, which was made prior to the enforcement of this Act, the provisions then in force shall remain applicable.

#### Article 4 (Transitional Measures Concerning the Application by Convention to Criminals Abroad)

The provisions of Article 109-2 paragraph (5) of the Radio Act revised by the provisions listed in Article 1 item (iv) of the Supplementary Provisions and the provisions of Article 14 paragraph (4) of the Wire Telecommunications Act shall apply only to crimes subject to punishment even when committed outside of Japan pursuant to the convention that becomes effective for Japan on or after the effective date of said provisions.



Article 5 (Entrustment of Other Transitional Measures to the Cabinet Order)

In addition to what is provided for in the preceding three articles, transitional measures necessary for the enforcement of this Act shall be specified by the applicable Cabinet Order.

Article 6 (Review)

The Government shall, in cases where ten years have elapsed after the provisions listed in Article 1 item (iii) of the Supplementary Provisions came into effect, review the status of the enforcement of the provisions revised by the provisions of Article 71-3-2 and Article 2 of the new Radio Act from the viewpoint of supervision and management of radio waves, and take necessary measures, when deemed necessary, based on the results of the review.

**Supplementary Provisions (Act No. 84 of June 9, 2004) (Excerpts)**

Article 1 (Effective Date)

This Act shall come into effect as from the day specified by the applicable Cabinet Order within a period not exceeding one year from the date of promulgation.

Article 50 (Review)

The Government shall, in cases where five years have elapsed after the enforcement of this Act, review the status of the enforcement of the New Act, and take necessary measures, when deemed necessary, based on the results of the review.

**Supplementary Provisions (Act No. 21 of March 31, 2005) (Excerpts)**

Article 1 (Effective Date)

This Act shall come into effect as from April 1, 2005.

Article 89 (Entrustment of Other Transitional Measures to the Cabinet Order)

In addition to what is provided for in these Supplementary Provisions, transitional measures necessary for the enforcement of this Act shall be specified by the applicable Cabinet Order.

**Supplementary Provisions (Act No. 87 of July 26, 2005) (Excerpts)**

This Act shall come into effect as from the effective date of the Companies Act.

**Supplementary Provisions (Act No. 107 of November 2, 2005) (Excerpts)**

Article 1 (Effective Date)

This Act shall come into effect as from the day specified by the applicable Cabinet Order within a period not exceeding three months from the date of promulgation. However, the provisions listed in the following items shall come into effect as from the respective days prescribed in the items:

(i) The revision provisions of Article 103-2 paragraph (2) item (iii) of the Radio Act in Article 1, the revision provisions to add one item to the same paragraph, and the provisions of Article 6 of the Supplementary Provisions: The day of promulgation

(ii) The revision provisions of Article 5 and Article 75 of the Radio Act in Article 1, the provisions of Article 2 and the provisions of Article 5 and Article 8 of the

Supplementary Provisions: The day specified by the applicable Cabinet Order within a period not exceeding six months from the date of promulgation

Article 2 (Transitional Measures)

(1) With regard to a radio station that is granted a license, or registered under Article 27-18 paragraph (1) of the Radio Act prior to revision by the provisions of Article 1 (hereinafter referred to as "the old Radio Act") prior to the effective date of this Act (hereinafter referred to as "the effective date"), the provisions of Article 103-2 paragraphs (1), (5), (6), and (13) of the Radio Act revised by the provisions of Article 1 (hereinafter referred to as "the new Radio Act") shall apply to the Spectrum User Fee pertaining to the period on or after the day prescribed in the following respective items according to the classification of said radio station as listed in each of the following items, and the provisions then in force shall remain applicable to the Spectrum User Fee pertaining to the period up to the day prescribed in the respective items.

(i) A radio station that is granted a license (except a license under Article 27-5 paragraph (1) of the old Radio Act (hereinafter referred to as a "blanket license"); referred to simply as a "license" in Article 4 of the Supplemental Provisions) or registered under Article 27-18 paragraph (1) of the old Radio Act (except registration under Article 27-29 paragraph (1) of the old Radio Act (hereinafter referred to as "blanket registration"); referred to simply as "registration" in Article 4 of the Supplemental Provisions): The first corresponding day prescribed in Article 103-2 paragraph (1) of the new Radio Act that comes on or after the effective date

(ii) A radio station pertaining to a blanket license or blanket registration (hereinafter referred to as a "blanket license, etc."): Where the day of the blanket license, etc. is on or after October 1, 2005, the day of the blanket license, etc.; and where the day of the blanket license, etc. is before October 1, 2005, the first day corresponding to the day of the blanket license, etc. in 2005 or 2006 that comes on or after said day (or March 1, 2006 in the absence of a corresponding day in 2006)

(2) Where the amount of the Spectrum User Fee pertaining to the period on or after the day prescribed in item (ii) of the preceding paragraph paid pursuant to the provisions of Article 103-2 paragraph (3) or (4) of the old Radio Act exceeds the amount of the Spectrum User Fee pursuant to the provisions of Article 103-2 paragraph (5) or (6) of the new Radio Act, the amount of money of said excess part may be appropriated for the Spectrum User Fee pertaining to radio waves exclusively for a wide area as prescribed in paragraph (2) of the same article (referred to simply as "radio waves exclusively for a wide area" in the following article) to be paid by the blanket licensee, etc. prescribed in Article 5 of the same article who made said payment.

(3) The Spectrum User Fee pertaining to the period on or after the day prescribed in paragraph (1) item (i) prepaid prior to the effective date pursuant to the provisions

of Article 103-2 paragraph (13) of the old Radio Act shall be appropriated for the Spectrum User Fee to be paid for each one year period on or after the day prescribed in said item in sequence from an earlier one year period out of the period pertaining to said prepayment pursuant to the provisions of Article 103-2 paragraph (1) of the new Radio Act.

#### Article 3

(1) With regard to the application of the provisions in the first sentence of Article 103-2 paragraph (2) of the new Radio Act for the period from the effective date to the last day of September 2006 to a person who was granted a license for a radio station using radio waves exclusively for a wide area prior to October 1, 2005, "before November 1 every year for a period of one year beginning on October 1 of the year" shall be replaced with "within thirty days from the effective date of the act (Act No. 107 of 2005) that revises part of the Radio Act and the Broadcast Act for a period from the effective date of the same Act to the last day of September 2006."

(2) With regard to application of the provisions in the first sentence of Article 103-2 paragraph (2) of the new Radio Act for the period from the effective date to the last day of September 2006 to a person who was granted a license for a radio station to first use radio waves exclusively for a wide area during the period from October 2, 2005 to the day before the effective date, "before November 1 every year for a period of one year beginning on October 1 of the year" shall be replaced with "within thirty days from the effective date of the act (Act No. 107 of 2005) that revises part of the Radio Act and the Broadcast Act for a period from the effective date of the same Act to the last day of September 2006" and "the amount obtained by multiplying" shall be replaced with "the amount obtained by multiplying the number that is obtained by dividing the number of months in the period from the day of the license pertaining to said licensee to the last day of said month by 12, by."

#### Article 4

In addition to what is provided for in Article 103-2 paragraph (1) of the new Radio Act, for the period from the effective date to the day prescribed in Article 2 paragraph (1) item (i) of the Supplementary Provisions, a licensee, etc. of a radio station that has been granted a license or registration (hereinafter referred to as a "license, etc." in this article) prior to the effective date (limited to a radio station that has been granted a license, etc. during the period from October 1, 2005 to the day before the effective date, or whose corresponding day prescribed in Article 103-2 paragraph (1) of the old Radio Act has arrived), who is prescribed in Article 26-2 paragraph (5), shall pay to the Government the amount of money obtained by deducting the amount of money listed in the right column of the table in Article 103-2 paragraph (1) of the old Radio Act from the amount listed in the right column of Appended Table No. 6 of the new Radio Act according to the classification of radio stations listed in the left column of the same table (where the expiration day of

validity of said license, etc. is on or before the last day of September 2006; the amount equivalent to the amount obtained by multiplying said amount of money by the number that is obtained by dividing the number of months in the period from October 1, 2005 to the expiration day of validity of said license, etc. by 12), as the Spectrum User Fee, within thirty days from the effective date. In this case, the provisions of Article 103-2 paragraph (14) of the new Radio Act shall apply mutatis mutandis.

#### Article 5

Where a licensee of a radio station that has been established as of the effective date of the provisions of Article 1 paragraph (2) of the Supplementary Provisions with a license granted under Article 4 of the old Radio Act, which transmits radio communications aimed at direct reception by the general public (except those aimed at conducting telecommunications services under Article 2 item (vi) of the Telecommunications Business Act (Act No. 86 of 1984), those that aim to relay-broadcast for preventing reception disturbance under Article 5 paragraph (5) of the old Radio Act, and those established on board an artificial satellite) becomes a person as listed in Article 5 paragraph (4) item (iii) of the new Radio Act on the effective date of the provisions listed in Article 1 item (ii) of the Supplementary Provisions; with regard to the application of the provisions of Article 52-8 paragraph (3) of the Broadcast Act revised by the provisions of Article 2 pertaining to said licensee, "Article 5 paragraph (4) item (iii) (a) of the Radio Act" in the same paragraph of the Broadcast Act shall be replaced with "as of the effective date of provisions listed in Article 1 item (ii) of the Supplementary Provisions of, the act (Act No. 107 of 2005) that revises part of the Radio Act and the Broadcast Act, Article 5 paragraph (4) item (iii) (a) of the Radio Act revised by the provisions of Article 1 of the same act," and "with the increase in the proportion of voting rights" shall be replaced with "with the proportion of voting rights."

#### Article 6 (Entrustment to Cabinet Order)

In addition to what is provided for in from Article 2 to the preceding article inclusive of the Supplementary Provisions, transitional measures necessary for the enforcement of this Act shall be specified by the applicable Cabinet Order.

#### **Supplementary Provisions (Act No. 50 of June 2, 2006) (Excerpts)**

(Effective Date)

(1) This Act shall come into effect as from the effective date of the Act on General Incorporated Associations and General Incorporated Foundations.

(Adjustment Provisions)

(2) Where the effective date of the Act for the Partial Revision of the Penal Code, etc. for Dealing with the Internationalization and Organization of Crime and Advancement of Information Processing (Act No. xx of 2006) is on or after the effective date of this Act, with regard to the application of the provisions of item

(lxii) of the Appended Table in the Act for the Punishment of Organized Crime, Control of Crime Proceeds and Other Matters (Act No. 136 of 1999; referred to as "the Act for the Punishment of Organized Crime" in the following paragraph) during the period from the effective date of this Act to the day before the effective date of the Act for the Partial Revision of the Penal Code, etc. for Dealing with the Internationalization and Organization of Crime and Advancement of Information Processing, "the crime specified in Article 157 (Special Breach of Trust by Directors, etc.) of the Intermediate Corporation Act (Act No. 49 of 2001)" in the same item shall be replaced with "the crime specified in Article 334 (Special Breach of Trust by Directors, etc.) of the Act on General Incorporated Associations and General Incorporated Foundations (Act No. 48 of 2006)."

(3) In addition to what is provided for in the preceding paragraph, in the case of the same paragraph, with regard to the application of the provisions of the Act for the Punishment of Organized Crime during the period until the day before the effective date of the Act for the Partial Revision of the Penal Code, etc. for Dealing with the Internationalization and Organization of Crime and Advancement of Information Processing, the crimes specified in Article 157 (Special Breach of Trust by Directors, etc.) of the old Intermediate Corporation Act in cases where the provisions then in force remain applicable pursuant to the provisions of Article 457 shall be deemed to be the crimes listed in item (lxii) of the Appended Table of the Act for the Punishment of Organized Crime.

**Supplementary Provisions (Act No. 64 of June 14, 2006 (Excerpts))**

Article 1 (Effective Date)

This Act shall come into effect as from the date of promulgation.

**Supplementary Provisions (Act No. 136 of December 28, 2007) (Excerpts)**

Article 1 (Effective Date)

This Act shall come into effect as from the day specified by the applicable Cabinet Order (hereinafter referred to as "the effective date") within a period not exceeding one year from the date of promulgation. However, the provisions listed in the following items shall come into effect as from the days prescribed in the respective items:

(i) The revision provisions of Article 99-11 paragraph (2) of the Radio Act in Article 2, the revision provisions of Article 29 paragraph (1) and the revision provisions of Article 147 paragraph (1) of the Telecommunications Business Act in Article 3, and the provisions of the following article and Article 9 to Article 11 inclusive of the Supplementary Provisions: The day of promulgation

(ii) In Article 2, the revision provisions of the Contents of the Radio Act (limited to the part that revises "Section 2 Registration for Radio Stations (Article 27-18 to Article 27-34 inclusive)" to "Section 2 Registration for Radio Stations (Article 27-18 to Article 27-34 inclusive)", Section 3 Mediation, etc. Concerning Establishment of

Radio Stations (Article 27-35, Article 27-36)", the revision provisions to add one item to Article 6 paragraph (1) of the same Act, the revision provisions to add one item to paragraph (2) of the same article, the revision provisions of Article 26-2 paragraph (5) of the same Act, the revision provisions to add one item to Article 27-3 paragraph (1) of the same Act, the revision provisions of Article 27-18 paragraph (3) of the same Act, the revision provisions to add one section after Chapter II Section 2 of the same Act, the revision provisions to add ", Article 27-35 paragraph (1) (Mediation and Arbitration by the Telecommunications Business Dispute Settlement Commission)" in Article 99-11 paragraph (1) item (i) after "(Notification of Establishment of Radio Stations)," and in Article 3, the revision provisions of Article 144 paragraph (2) of the Telecommunications Business Act, and the provisions of Article 8 and Article 16 of the Supplementary Provisions: The day specified by the applicable Cabinet Order within a period not exceeding nine months from the date of promulgation

Article 8 (Transitional Measures Concerning the Application for a License, etc. for Radio Stations)

With regard to documents to be attached to the written application pertaining to the application of a person who has, prior to the effective date of the provisions listed in Article 1 item (ii) of the Supplementary Provisions, applied for a license under Article 6 paragraph (1) of the Radio Act prior to revision by the provisions of Article 2, for a license under paragraph (2) of the same article, for a license under Article 27-3 paragraph (1) of the same Act, for registration under Article 27-18 paragraph (2) of the same Act, or for registration under Article 27-29 paragraph (2) of the same Act, the provisions then in force shall remain applicable.

Article 9 (Effects of Dispositions, etc.)

Dispositions, procedures, or other acts made or to be made prior to the enforcement of this Act (or for the provisions listed in each item of Article 1 of the Supplementary Provisions, said respective provisions) pursuant to the provisions of the respective acts prior to revision shall, if there are relevant provisions in the respective revised acts, be deemed to have been made or to be made, respectively, pursuant to the relevant provisions of the respective revised acts unless otherwise provided for in these Supplementary Provisions.

Article 10 (Transitional Measures for the Application of Penal Provisions)

With regard to the application of Penal Provisions to acts committed prior to the enforcement of this Act (or for the provisions listed in each item of Article 1 of the Supplementary Provisions, said respective provisions), the provisions then in force shall remain applicable.

Article 11 (Entrustment of Other Transitional Measures to the Cabinet Order)

In addition to what is provided for in these Supplementary Provisions, transitional measures (including transitional measures concerning the penal

provisions) necessary for the enforcement of this Act (or for the provisions listed in each item of Article 1 of the Supplementary Provisions, said respective provisions) shall be specified by the applicable Cabinet Order.

#### Article 12 (Review)

(1) The Government shall, in cases where five years have elapsed after the enforcement of this Act, take into consideration the status of the enforcement of the new Broadcast Act, the change in social and economic situations, etc. and review NHK's international broadcast programming operations as prescribed in Article 9 paragraph (1) item (v) of the new Broadcast Act, paid broadcasting as prescribed in Article 52-4 paragraph (1) of the new Broadcast Act, paid broadcasting services as prescribed in Article 52-6-2 paragraph (1) of the new Broadcast Act, succession to the position of program-supplying broadcaster as prescribed in Article 52-18 paragraph (2) of the new Broadcast Act, and the system pertaining to an approved broadcasting holding company as prescribed in Article 52-31 of the new Broadcast Act, and take necessary measures, when deemed necessary, based on the results of the review.

(2) The Government shall, in cases where five years have elapsed after the enforcement of this Act, review the status of the enforcement of the provisions of Article 70-7, Article 70-9, and Article 80 of the new Radio Act, from the viewpoint of supervision and management of radio waves, and take necessary measures, when deemed necessary, based on the results of the review.

#### **Supplementary Provisions (Act No. 50 of May 30, 2008) (Excerpts)**

##### Article 1 (Effective Date)

This Act shall come into effect as from the day specified by the applicable Cabinet Order within a period not exceeding nine months from the date of promulgation. However, the provisions listed in the following items shall come into effect as from the days prescribed in the respective items:

(i) The revision provisions of Article 99-11 provision (1) (except the part that adds "Article 70-8 paragraph (1) (Easy-to-Operate Radio Station by Other than a Licensee" after "(Communications for Aircraft Stations)"), the revision provisions of Article 103-2 paragraph (4), the revision provisions to add one paragraph to Article 103-3, the revision provisions to add one paragraph to the Supplementary Provisions, and the provisions of the following article and Article 7 of the Supplementary Provisions: The day of promulgation

(ii) The revision provisions of Article 38-11 paragraph (1) and the revision provisions of Article 103-2 (except the revision provisions of paragraphs (2), (4) to (6) inclusive, (12), and (13)), and the provisions of Article 9 of the Supplementary Provisions: The day specified by the applicable Cabinet Order within a period not exceeding one year from the date of promulgation

##### Article 2 (Consulting with the Radio Regulatory Council)

The minister may, even prior to the effective date of this Act (referred to as "the effective date" in Article 5 of the Supplementary Provisions), consult with the Radio Regulatory Council for the purpose of establishing the applicable MIC Ordinance pursuant to the provisions of Article 70-8 paragraph (1) of the Radio Act revised by this Act (hereinafter referred to as "the New Act").

Article 3 (Effects of Dispositions, etc.)

Dispositions, procedures, or other acts made or to be made prior to the enforcement of this Act (or for the provisions listed in each of the items of Article 1 of the Supplementary Provisions, said respective provisions) pursuant to the provisions of the Radio Act before revision by this Act (hereinafter referred to as "the Old Act") shall, if there are relevant provisions in the New Act, be deemed to have been made or to be made pursuant to the relevant provisions of the New Act unless otherwise provided for in these Supplementary Provisions.

Article 4 (Transitional Measures Concerning the Spectrum User Fee)

(1) Notwithstanding the provisions in row 6 of the Appended Table No. 6 of the New Act, with regard to radio stations listed in the same row, which use radio waves of frequencies of 6,000 MHz or less and broadcast television programs, the Spectrum User Fee pertaining to the radio stations listed in the radio station classification column of the following table shall be, for the period listed in the period column of the table, the fee as listed, respectively, in the amount column of the same table.

Radio Station Classification		Period	Amount
Radio stations transmitting digital signals		Until December 31, 2010	5,400 yen
Radio stations other than the above using radio waves of frequencies of 300 MHz or less	Radio stations with antenna power of less than 0.1 W	Until December 31, 2008	600 yen
		From January 1, 2009 until December 31, 2009	1,100 yen
		From January 1, 2010 until December 31, 2010	3,000 yen



	Radio stations with antenna power of 0.1 W or more but less than 10 kW		Until December 31, 2008	17,200 yen
			From January 1, 2009 until December 31, 2009	34,500 yen
			From January 1, 2010 until December 31, 2010	91,900 yen
	Radio stations with antenna power of 10 kW or more but less than 50 kW	Radio stations in a location other than in specified areas or Radio stations used for broadcasting necessary for education at the Open University of Japan prescribed in Article 2 paragraph (1) of the University of the Air Foundation Act (Act No. 156 of 2002)	Until December 31, 2008	17,200 yen
			From January 1, 2009 until December 31, 2009	34,500 yen
			From January 1, 2010 until December 31, 2010	91,900 yen
		Other than the above	Until December 31, 2008	6,194,4 00 yen
			From January 1, 2009 until December 31, 2009	12,388, 800 yen

		From January 1, 2010 until December 31, 2010	33,029,800 yen
	Radio stations with antenna power of 50 kW or more	Until December 31, 2008	30,969,900 yen
		From January 1, 2009 until December 31, 2009	61,939,700 yen
		From January 1, 2010 until December 31, 2010	165,137,900 yen
Radio stations other than the above using radio waves of frequencies exceeding 300 MHz	Radio stations with antenna power of less than 0.2 W	Until December 31, 2008	600 yen
		From January 1, 2009 until December 31, 2009	1,000 yen
		From January 1, 2010 until December 31, 2010	3,000 yen
	Radio stations with antenna power of 0.2 W or more but less than 20 kW	Until December 31, 2008	17,200 yen

		From January 1, 2009 until December 31, 2009	34,500 yen
		From January 1, 2010 until December 31, 2010	91,900 yen
Radio stations with antenna power of 20 kW or more but less than 100 kW	Radio stations in a location other than in specified areas or Radio stations used for broadcasting necessary for education at the Open University of Japan prescribed in Article 2 paragraph (1) of the University of the Air Foundation Act	Until December 31, 2008	17,200 yen
		From January 1, 2009 until December 31, 2009	34,500 yen
		From January 1, 2010 until December 31, 2010	91,900 yen
		Radio stations other than the above	Until December 31, 2008
		From January 1, 2009 until December 31, 2009	12,388,800 yen
		From January 1, 2010 until December 31, 2010	33,029,800 yen

	Radio stations with antenna power of 100 kW or more	Until December 31, 2008	30,969, 900 yen
		From January 1, 2009 until December 31, 2009	61,939, 700 yen
		From January 1, 2010 until December 31, 2010	165,137 ,900 yen

(2) The term "a location" or "specified areas" as used in the table in the preceding paragraph shall mean the location of installation or specified areas as prescribed in item (i) or item (vi), respectively, of Remarks to Appended Table No. 6 of the New Act.

Article 5

(1) With regard to a radio station that is granted a license or registration under Article 27-18 paragraph (1) of the Old Act prior to the effective date, the provisions of Article 103-2 paragraphs (1), (5), (6), and (13) of the New Act and the provisions of the preceding article shall apply to the Spectrum User Fee pertaining to the period on or after the first corresponding day, etc. on or after the effective date (referring to the corresponding day prescribed in Article 103-2 paragraph (1) of the New Act (hereinafter referred to simply as "the corresponding day" in this article) or the day corresponding to the day of the blanket license, etc. prescribed in Article 103-2 paragraph (5) of the New Act; hereinafter the same shall apply in this paragraph), and the provisions then in force shall remain applicable to the Spectrum User Fee pertaining to the period before said corresponding day, etc.

(2) With regard to the Spectrum User Fee pertaining to a radio station where the amount of the Spectrum User Fee pursuant to the provisions of Article 103-2 paragraph (1) of the New Act is less than the amount of the Spectrum User Fee pursuant to the provisions of Article 103-2 paragraph (1) of the Old Act, the part of the Spectrum User Fee pertaining to the period on or after the first corresponding day on or after the effective date prepaid pursuant to the provisions of paragraph (15) of the same article, which exceeds the amount of the Spectrum User Fee pertaining to said period pursuant to the provisions of Article 103-2 paragraphs (1) and (13) of the New Act, shall be refunded.

(3) With regard to the Spectrum User Fee pertaining to a radio station where the amount of the Spectrum User Fee pursuant to the provisions of Article 103-2 paragraph (1) of the New Act exceeds the amount of the Spectrum User Fee pursuant to the provisions of Article 103-2 paragraph (1) of the Old Act, the Spectrum User Fee pertaining to the period on or after the first corresponding day on and after the effective date prepaid pursuant to the provisions of paragraph (15) of the same article shall be appropriated for the Spectrum User Fee to be paid for each one year period on or after said corresponding day in sequence from an earlier one year period out of the period pertaining to said prepayment pursuant to the provisions of Article 103-2 paragraph (1) of the New Act.

Article 6 (Transitional Measures for Application of Penal Provisions)

With regard to the application of Penal Provisions to acts committed prior to the enforcement of this Act, the provisions then in force shall remain applicable.

Article 7 (Entrustment of Other Transitional Measures to the Cabinet Order)

In addition to what is provided for in these Supplementary Provisions, transitional measures (including transitional measures concerning the penal provisions) necessary for the enforcement of this Act shall be specified by the applicable Cabinet Order.

Article 8 (Review)

(1) The Government shall, in the case where five years have elapsed after the enforcement of this Act, review the status of the enforcement of the provisions of Article 70-8 and Article 80 of the New Act, from the viewpoint of the supervision and management of radio waves, and take necessary measures, when deemed necessary, based on the results of the review.

(2) The Government shall, within two years as a guideline after the enforcement of the provisions listed in Article 1 item (ii) of the Supplementary Provisions, review the status of the enforcement of the provisions of Article 103-2 paragraph (24) to paragraph (38) inclusive of the New Act, from the viewpoint of ensuring the collection of the Spectrum User Fee and promoting the benefit of persons who intend to pay the Spectrum User Fee, and take necessary measures, when deemed necessary, based on the results of the review.

Table No. 1 (related to Article 24-2)

(i) The person shall hold the qualification for a First-Class Radio Operator for General Services, Second-Class Radio Operator for General Services, Third-Class Radio Operator for General Services, Maritime First-Class Radio Operator, Maritime Second-Class Radio Operator, Maritime Fourth-Class Radio Operator, Aeronautical-Class Radio Operator, First-Class Technical Radio Operator for On-the-Ground Services, Second-Class Technical Radio Operator for On-the-Ground Services, On-the-Ground Special Radio Operator specified by the Cabinet Order or Amateur First-Class Radio Operator.

(ii) The person shall have a certificate issued by a foreign government agency which certifies that said person holds a qualification equivalent to one of the qualifications listed in the preceding item.

(iii) The person shall have graduated from a university or college, technical college, senior high school (upper secondary school), or junior high school (lower secondary school) under the School Education Act having completed the subjects related to radio communications, and shall have two years' or longer experience in servicing, including the testing, tuning, and maintenance of radio equipment.

(iv) The person shall have graduated from a school in a foreign country which is equivalent to a university or college, technical college, senior high school (upper secondary school), or junior high school (lower secondary school) under the School Education Act having completed the subjects related to radio communications, and shall have two years' or longer experience in servicing, including the testing, tuning, and maintenance of radio equipment.

Table No. 2 (related to Article 24-2)

- (i) Frequency meter
- (ii) Spectrum analyzer
- (iii) Field intensity meter
- (iv) High-frequency power meter
- (v) Voltammeter
- (vi) Standard signal generator

Table No. 3 (related to Article 24-2, Article 38-3, and Article 38-8)

Classification of Servicing	Measuring Instruments and Other Equipment
(1) Servicing under Article 38-2 paragraph (1) item (i)	<ul style="list-style-type: none"> <li>(i) Frequency meter</li> <li>(ii) Spectrum analyzer</li> <li>(iii) Band meter</li> <li>(iv) Field intensity meter</li> <li>(v) Oscilloscope</li> <li>(vi) High-frequency power meter</li> <li>(vii) Power measuring receiver</li> <li>(viii) Spurious power meter</li> <li>(ix) Voltammeter</li> <li>(x) Low-frequency oscillator</li> <li>(xi) Artificial voice generator</li> <li>(xii) Pseudo signal generator</li> </ul>
(2) Servicing under Article 38-2 paragraph (1) item (ii)	<ul style="list-style-type: none"> <li>(i) Those listed in the right column of (1)</li> <li>(ii) Modulation factor meter</li> </ul>

	(iii) Specific absorption rate measuring apparatus (iv) Linear detector (v) Distortion rate noise meter
(3) Servicing under Article 38-2 paragraph (1) item (iii)	(i) Those listed in the right column of (2) (ii) Level meter (iii) Standard signal generator

(i) The person shall have graduated from a university or college (except a junior college; the same shall apply to item (iv)) under the School Education Act or a university or college under the old Imperial Ordinance for Universities (Imperial Ordinance No. 388 of 1918), having completed the subjects related to radio communications, or shall hold a qualification as a First-Class Technical Radio Operator for On-the-Ground Services, and shall have three years' or longer experience in servicing, including the testing, tuning, and maintenance of radio equipment.

(ii) The person shall have graduated from a junior college or technical college under the School Education Act, or a vocational college under the old Imperial Ordinance for Technical Colleges (Imperial Ordinance No. 61 of 1903), having completed the subjects related to radio communications, or shall hold a qualification as a First-Class Radio Operator for General Services, Maritime First-Class Radio Operator, or Second-Class Technical Radio Operator for On-the-Ground Services, and shall have five years' or longer experience in servicing, including the testing, tuning, and maintenance of radio equipment.

(iii) The person shall have a certificate issued by a foreign government agency which certifies that said person holds a qualification equivalent to either of the qualifications listed in the preceding item, and shall have five years' or longer experience in servicing, including the testing, tuning, and maintenance of radio equipment.

(iv) The person shall have graduated from a school in a foreign country which is equivalent to a university or college under the School Education Act having completed the subjects related to radio communications, and shall have three years' or longer experience in servicing, including the testing, tuning, and maintenance of radio equipment.

(v) The person shall have graduated from a school in a foreign country which is equivalent to a junior college or technical college under the School Education Act having completed the subjects related to radio communications, and shall have five years' or longer experience in servicing, including the testing, tuning, and maintenance of radio equipment.

Table No. 5 (related to Article 71-3-2)

(i) The person shall have graduated from a university or college (except a junior college; the same shall apply in item (iv)) under the School Education Act or a university or college under the old Imperial Ordinance for Universities, having completed the subjects related to radio communications, or shall hold a qualification as a First-Class Technical Radio Operator for On-the-Ground Services, and shall have one year or longer experience in servicing, including the testing, tuning, and maintenance of radio equipment.

(ii) The person shall have graduated from a junior college or technical college under the School Education Act, or a vocational college under the old Imperial Ordinance for Technical Colleges, having completed the subjects related to radio communications, or shall hold a qualification as a First-Class Radio Operator for General Services, Maritime First-Class Radio Operator, or Second-Class Technical Radio Operator for On-the-Ground Services, and shall have three years' or longer experience in servicing, including the testing, tuning, and maintenance of radio equipment.

(iii) The person shall have a certificate issued by a foreign government agency which certifies that said person holds a qualification equivalent to either of the qualifications listed in the preceding item, and shall have three years' or longer experience in servicing, including the testing, tuning, and maintenance of radio equipment.

(iv) The person shall have graduated from a school in a foreign country which is equivalent to a university or college under the School Education Act having completed the subjects related to radio communications, and shall have one year' or longer experience in servicing, including the testing, tuning, and maintenance of radio equipment.

(v) The person shall have graduated from a foreign school equivalent to a junior college or technical college under the School Education Act having completed the subjects related to radio communications and shall have three years' or longer experience in servicing, including the testing, tuning, and maintenance of radio equipment.

Table No. 6 (related to Article 103-2)

Radio Station Classification			Amount
1. Mobile radio stations (except the mobile stations listed in row 3 through row 5 and row 8. The same shall apply to	Radio stations using radio waves of frequencies	Aircraft stations or ship stations	600 yen
		Radio stations other than aircraft stations or ship stations	Radio stations using radio waves with a frequency bandwidth not exceeding 6 MHz 600 yen



row 2.)	not exceeding 3,000 MHz		Radio stations using radio waves with a frequency bandwidth exceeding 6 MHz but not exceeding 15 MHz	Radio stations with antenna power not exceeding 0.01 W	700 yen
				Radio stations with antenna power exceeding 0.01 W	380,800 yen
			Radio stations using radio waves with a frequency bandwidth exceeding 15 MHz but not exceeding 30 MHz	Radio stations with antenna power not exceeding 0.01 W	1,400 yen
				Radio stations with antenna power exceeding 0.01 W	768,000 yen
			Radio stations using radio waves with a frequency bandwidth exceeding	Radio stations with antenna power not exceeding 0.01 W	1,400 yen

			30 MHz	Radio stations with antenna power exceeding 0.01 W	1,497,500 yen
	Radio stations using radio waves of frequencies exceeding 3,000 MHz but not exceeding 6,000 MHz	Radio stations using radio waves with a frequency bandwidth not exceeding 100 MHz			600 yen
		Radio stations using radio waves with a frequency bandwidth exceeding 100 MHz			54,300 yen
	Radio stations using radio waves of frequencies exceeding 6,000 MHz				600 yen
2. Fixed radio stations established on land to communicate with mobile radio stations or receiving equipment for portable use (except the radio stations listed in row 8)	Radio stations using radio waves of frequencies not exceeding 3,000 MHz	Radio stations using radio waves with a frequency bandwidth exceeding 6 MHz, which have a function that ensures that, in the case where the radio station is going to transmit radio waves, it will stop its transmission for a given period of time when receiving radio waves at the same frequency as its own	Radio stations located in Region 1	12,400 yen	
			Radio stations located in Region 2	8,300 yen	
			Radio stations located in Region 3	4,900 yen	
			Radio stations located in Region 4	4,500 yen	
		Radio stations other than the above	Radio stations with antenna power not exceeding 0.01 W	5,300 yen	

			Radio stations with antenna power exceeding 0.01 W	7,900 yen
	Radio stations	Radio stations with antenna power not exceeding 0.01 W		5,300 yen
	using radio waves of frequencies exceeding 3,000 MHz but not exceeding 6,000 MHz	Radio stations with antenna power exceeding 0.01 W		7,900 yen
	Radio stations using radio waves of frequencies exceeding 6,000 MHz			7,900 yen
3. Artificial satellite stations (except the radio stations listed in row 8)	Radio stations	Radio stations using radio waves with a frequency bandwidth not exceeding 3 MHz		2,451,400 yen
	using radio waves of frequencies not exceeding 3,000 MHz	Radio stations using radio waves with a frequency bandwidth exceeding 3 MHz		89,467,500 yen
	Radio stations	Radio stations using radio waves with a frequency bandwidth not exceeding 3 MHz		186,800 yen
	using radio waves of frequencies exceeding 3,000 MHz but not exceeding 6,000 MHz	Radio stations using radio waves with a frequency bandwidth exceeding 3 MHz but not exceeding 200 MHz		11,887,500 yen
		Radio stations using radio waves with a frequency bandwidth exceeding 200 MHz but not exceeding 500 MHz		61,429,600 yen
		Radio stations using radio waves with a frequency bandwidth exceeding 500 MHz		177,601,800 yen
	Radio stations using radio waves of frequencies exceeding 6,000 MHz			186,800 yen

4. Radio stations conducting radio communications via satellite stations (except the radio stations listed in row 5 and row 8)	Radio stations using radio waves of frequencies not exceeding 6,000 MHz	Radio stations using radio waves with a frequency bandwidth not exceeding 3 MHz	Radio stations located in Region 1	951,700 yen
			Radio stations located in Region 2	477,200 yen
			Radio stations located in Region 3	97,600 yen
			Radio stations located in Region 4	50,200 yen
	Radio stations using radio waves with a frequency bandwidth exceeding 3 MHz but not exceeding 50 MHz	Radio stations using radio waves with a frequency bandwidth exceeding 3 MHz but not exceeding 50 MHz	Radio stations located in Region 1	10,283,900 yen
			Radio stations located in Region 2	5,143,300 yen
			Radio stations located in Region 3	1,030,800 yen
			Radio stations located in Region 4	516,800 yen
	Radio stations using radio waves with a frequency bandwidth exceeding 50 MHz but not exceeding 100 MHz	Radio stations using radio waves with a frequency bandwidth exceeding 50 MHz but not exceeding 100 MHz	Radio stations located in Region 1	22,716,200 yen
			Radio stations located in Region 2	11,359,500 yen
			Radio stations located in Region 3	2,274,100 yen
			Radio stations located in Region 4	1,138,400 yen

		Radio stations using radio waves with a frequency bandwidth exceeding 100 MHz	Radio stations located in Region 1	42,076,500 yen
			Radio stations located in Region 2	21,039,600 yen
			Radio stations located in Region 3	4,210,100 yen
			Radio stations located in Region 4	2,106,400 yen
	Radio stations using radio waves of frequencies exceeding 6,000 MHz			50,200 yen
5. Radio stations established on mobile objects, including automobiles and ships, or for portable use, which conduct radio communications via satellite stations (except the radio stations listed in row 8)				3,300 yen
6. Broadcasting radio stations (except the radio stations listed in row 3, row 7, and row 8, and the radio stations for the purpose of conducting telecommunications services)	Radio stations using radio waves of frequencies not exceeding 6,000 MHz	Radio stations conducting television broadcasting	Newly established specified radio stations	7,400 yen
			Radio stations other than the above	25,700 yen
	Radio stations other than the above	Radio stations using radio waves with a frequency bandwidth not exceeding 100 kHz	Radio stations with antenna power not exceeding 200 W	36,500 yen
			Radio stations with antenna power exceeding 200 W but not exceeding 50 kW	114,200 yen
			Radio stations with antenna power exceeding 50 kW	2,143,400 yen

			Radio stations using radio waves with a frequency bandwidth exceeding 100 kHz	Radio stations with antenna power not exceeding 20 W	36,500 yen
				Radio stations with antenna power exceeding 20 W but not exceeding 5 kW	114,200 yen
				Radio stations with antenna power exceeding 5 kW	2,143,400 yen
	Radio stations using radio waves of frequencies exceeding 6,000 MHz				25,700 yen
7. Radio stations conducting multiplex broadcasting (except the radio stations listed in row 3 and row 8)					900 yen
8. Experimental radio stations and amateur radio stations					500 yen
9. Radio stations other than the above	Radio stations using radio waves of frequencies not exceeding 3,000 MHz	Radio stations using radio waves with a frequency bandwidth not exceeding 3 MHz			18,300 yen
		Radio stations using radio waves with a frequency bandwidth exceeding 3 MHz	Radio stations located in Region 1	964,400 yen	
			Radio stations located in Region 2	487,800 yen	
			Radio stations located in Region 3	106,400 yen	
			Radio stations located in Region 4	58,700 yen	
	Radio stations using radio	Radio stations used for	Radio stations using radio	Radio stations located in Region 1	216,300 yen

waves of frequencies exceeding 3,000 MHz but not exceeding 6,000 MHz	broadcasting services (except radio stations used for multiplex broadcasting service)	waves with a frequency bandwidth not exceeding 400 kHz	Radio stations located in Region 2	113,700 yen	
			Radio stations located in Region 3	31,600 yen	
			Radio stations located in Region 4	21,300 yen	
		Radio stations using radio waves with a frequency bandwidth exceeding 400 kHz but not exceeding 3 MHz	Radio stations located in Region 1	472,800 yen	
			Radio stations located in Region 2	318,900 yen	
			Radio stations located in Region 3	72,600 yen	
			Radio stations located in Region 4	41,900 yen	
		Radio stations using radio waves with a frequency bandwidth exceeding 3 MHz	Radio stations located in Region 1	9,246,500 yen	
			Radio stations located in Region 2	4,628,800 yen	
			Radio stations located in Region 3	934,600 yen	
			Radio stations located in Region 4	472,800 yen	
		Radio stations used for multiplex broadcasting services			18,300 yen

		Radio stations used for other than broadcasting services	Radio stations using radio waves with a frequency bandwidth not exceeding 3 MHz	18,300 yen
			Radio stations using radio waves with a frequency bandwidth exceeding 3 MHz but not exceeding 30 MHz	964,400 yen
			Radio stations located in Region 1	487,800 yen
			Radio stations located in Region 2	106,400 yen
			Radio stations located in Region 3	58,700 yen
			Radio stations located in Region 4	31,090,500 yen
			Radio stations using radio waves with a frequency bandwidth exceeding 30 MHz but not exceeding 300 MHz	15,550,800 yen
			Radio stations located in Region 1	3,109,500 yen
			Radio stations located in Region 2	1,584,100 yen
			Radio stations located in Region 3	76,851,700 yen
			Radio stations located in Region 4	38,431,400 yen



			bandwidth exceeding 300 MHz	Radio stations located in Region 3	7,685,600 yen
				Radio stations located in Region 4	3,872,200 yen
		Radio stations using radio waves of frequencies exceeding 6,000 MHz			18,300 yen

Remarks

(i) The term "located in" as used in this table refers to the location in which the radio equipment for a radio station is installed.

(ii) The term "Region 1" as used in this table shall mean the area of the Tokyo Metropolis (except Region 4).

(iii) The term "Region 2" as used in this table shall mean the area of Osaka Prefecture and Kanagawa Prefecture (except Region 4).

(vi) The term "Region 3" as used in this table shall mean the area of Hokkaido and all prefectures other than Osaka Prefecture and Kanagawa Prefecture (except Region 4).

(v) The term "Region 4" as used in this table shall mean the regions of municipalities publicly notified by the Minister; including the region, where remote islands development measures are to be implemented, designated pursuant to the provisions of Article 2 paragraph (1) of the Remote Islands Development Act (Act No. 72 of 1953); the Amami Islands prescribed in Article 1 of the Act on Special Measures for the Promotion and Development of the Amami Islands (Act No. 189 of 1954); the Ogasawara Islands prescribed in Article 2 paragraph (1) of the Act on Special Measures for the Promotion and Development of the Ogasawara Islands (Act No. 79 of 1969); the underpopulated areas prescribed in Article 2 paragraph (1) of the Act on Special Measures for Promotion for Independence for Underpopulated Areas (Act No. 15 of 2000); and the remote islands prescribed in Article 3 item (iii) of the Act on Special Measures for the Promotion and Development of Okinawa (Act No. 14 of 2002).

(vi) With regard to the application of this table to a radio station using both radio waves of frequencies not exceeding 6,000 MHz and those exceeding 6,000 MHz, said radio station shall be deemed to be a radio station using only the radio waves of frequencies not exceeding 6,000 MHz.

(vii) With regard to the application of this table to a radio station using both radio waves of frequencies not exceeding 3,000 MHz and those exceeding 3,000 MHz but not exceeding 6,000 MHz, said radio station shall be deemed to be a radio station using only the radio waves of frequencies not exceeding 3,000 MHz. In this case, the amount listed in the right column of said table pertaining to the radio stations listed in (a) to (d) below shall, irrespective of the amount listed in said column, be the amount obtained by deducting the amount prescribed in

said (a) to (d) from the amount totaling said amount and the amount in the case where the radio station is deemed to be a radio station using only the radio waves of frequencies exceeding 3,000 MHz but not exceeding 6,000 MHz.

(a) Radio stations listed in row 1: 600 yen

(b) Radio stations listed in row 3: 11,700 yen

(c) Radio stations listed in row 4: 2,700 yen

(d) Radio stations listed in row 9: 11,100 yen

(viii) The amount listed in the right column pertaining to the radio stations listed in (a) to (d) below, which use radio waves exclusively for a wide area as prescribed in Article 103-2 paragraph (2), shall, irrespective of the amount listed in said column, be the amount prescribed in said (a) to (d) below.

(a) Radio stations listed in row 1: 500 yen

(b) Radio stations listed in row 2: 4,100 yen

(c) Radio stations listed in row 4: 2,700 yen

(d) Radio stations listed in row 5: 1,800 yen

(ix) With regard to a radio station in a specific radio station classification, a radio station for which the condition for granting the license or the condition for using the frequencies in the Frequency Assignment Plan permits interference and other disturbances caused by equipment utilizing high frequency current, or a radio stations specified by the applicable MIC Ordinance as a radio station that is deemed to be significantly out of balance with other radio stations having the equivalent function if this table is applied as is; in applying said table the frequency bandwidth of the radio waves used by said radio station shall be deemed to be equivalent to half the bandwidth thereof.

Table No. 7 (related to Article 103-2)

Area	Coefficient
1. Hokkaido	0.0305
2. Aomori Prefecture, Iwate Prefecture, Miyagi Prefecture, Akita Prefecture, Yamagata Prefecture, and Fukushima Prefecture	0.0527
3. Ibaraki Prefecture, Tochigi Prefecture, Gunma Prefecture, Saitama Prefecture, Chiba Prefecture, Tokyo Metropolis, Kanagawa Prefecture, and Yamanashi Prefecture	0.4455
4. Niigata Prefecture and Nagano Prefecture	0.0251
5. Toyama Prefecture, Ishikawa Prefecture, and Fukui Prefecture	0.0168
6. Gifu Prefecture, Shizuoka Prefecture, Aichi Prefecture, and Mie Prefecture	0.1190
7. Shiga Prefecture, Kyoto Prefecture, Osaka Prefecture, Hyogo Prefecture, Nara Prefecture, and Wakayama Prefecture	0.1667

8. Tottori Prefecture, Shimane Prefecture, Okayama Prefecture, Hiroshima Prefecture, and Yamaguchi Prefecture	0.0416
9. Tokushima Prefecture, Kagawa Prefecture, Ehime Prefecture, and Kochi Prefecture	0.0225
10. Fukuoka Prefecture, Saga Prefecture, Nagasaki Prefecture, Kumamoto Prefecture, Oita Prefecture, Miyazaki Prefecture, and Kagoshima Prefecture	0.0724
11. Okinawa Prefecture	0.0073
12. Areas listed in row 1 to row 4 combined	0.5538
13. Areas listed in row 5 to row 11 combined	0.4463
14. Areas listed in row 1 to row 11 combined	1.0000
15. Respective areas when the area listed in row 3 is divided into two areas specified by the applicable MIC Ordinance taking various natural and economic conditions into consideration	0.2228
16. Respective areas when the area listed in row 7 is divided into two areas specified by the applicable MIC Ordinance taking various natural and economic conditions into consideration	0.0834
Remarks: The coefficient listed in the right column of this table, pertaining to radio waves exclusively for a wide area as prescribed in Article 103-2 paragraph (2) intended to be used only by radio stations established in Region 4 prescribed in item (v) of the Remarks to Appended Table No. 6 and in regions specified by the applicable MIC Ordinance as regions in which the degree of utilization of radio waves is determined to be equivalent to that of Region 4 prescribed in the same item, shall be a value equivalent to one tenth of the value listed in the same column.	

Table No. 8 (related to Article 103-2)

Radio Station Classification		Amount
1. Radio stations using radio waves of frequencies not exceeding 3,000 MHz, where the frequency bandwidth of the radio waves used exceeds 6 MHz	Radio stations located in Region 1	2,720 yen
	Radio stations located in Region 2	2,500 yen
	Radio stations located in Region 3	2,320 yen
	Radio stations located in Region 4	2,300 yen
2. Radio stations other than radio stations listed in row 1		2,500 yen

**Remarks**

(i) The terms "located in," "Region 1," "Region 2," "Region 3," or "Region 4" as used in this table shall have the meanings prescribed in item (i) through item (v) of the Remarks to Appended Table No. 6.

(ii) The amount listed in the right column of this table pertaining to radio stations established on land which use only radio waves of the same frequencies as those used by an artificial satellite station operated by the licensee of said artificial satellite station, shall be 2,280 yen.