

# Radio Law

(Law No. 131 of May 2, 1950)

As amended last by Law No. 21 of 2005 (Law for Amending the Income Tax Law, Etc.)

(Unofficial Translation)

Ministry of Internal Affairs and Communications (MIC),  
JAPAN

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(Law No. 131 of May 2, 1950)

As amended last by Law No. 21 of 2005 (Law for Amending the Income Tax Law, Etc.)

(Unofficial Translation: In case of inconsistency, the original text in Japanese shall prevail.)

Note: For the purposes of this Law, the following rules of construction shall be applied: Except as otherwise clearly indicated by the context:

1. Any word used in the present tense includes the future tense, unless otherwise expressly indicated;
2. Any word used in the singular number includes the plural number, and the plural number includes the singular number, unless otherwise expressly indicated; and
3. Any word used in the male gender includes the female gender, unless otherwise expressly indicated.
4. With respect to effective dates of the provisions, please refer to the relevant provisions of the Supplementary Provisions.
5. Unless otherwise expressly indicated, the term "the Minister" means "the Minister for Internal Affairs and Communications" in this booklet.
6. Unless otherwise expressly indicated, the term "the MIC" means "the Ministry of Internal Affairs and Communications" in this booklet.

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## Chapter I. -- General Provisions --

### *(Purpose)*

#### Article 1.

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

### *(Definitions)*

#### Article 2.

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

- i) "Radio waves" means electromagnetic waves of frequencies up to 3,000,000MHz.
- ii) "Radiotelegraphy" means communications equipment devoted to transmitting or receiving codes by radio waves.
- iii) "Radiotelephony" means communications equipment devoted to transmitting or receiving voices and other sounds by 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 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.

# The Regulations for Enforcement of the Radio Law, Article 5.

### *(Conventions Related to Radio Waves)*

#### Article 3.

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

#### *(Establishment of Radio Stations)*

##### Article 4.

Any person who wishes to establish a radio station shall obtain a license from the Minister. This shall not apply to:

- i) Radio stations operating with extremely low power of emission as specified in the applicable MIC ordinance #.
- ii) Radio stations that operate in the frequency band of 26.9 to 27.2 MHz with antenna power of 0.5 watts or less and are specified in the applicable MIC ordinance #, and which exclusively use radio equipment attached with a mark as stipulated in Article 38-7 paragraph (1) (including the cases where Article 38-7 paragraph (1) shall apply, mutatis mutandis, in Article 38-31 paragraph (4)), Article 38-26 (including the cases where Article 38-26 shall apply, mutatis mutandis, in Article 38-31 paragraph (6)) or Article 38-35 (except one deemed having no mark as stipulated in Article 38-23 paragraph (1) (including the cases where Article 38-23 paragraph (1) shall apply, mutatis mutandis, in Article 38-29, Article 38-31 paragraphs (4) and (6), and Article 38-38); hereinafter referred to as "radio equipment with conformity mark").
- iii) Radio stations with antenna power of 0.01 watts or less as specified in the applicable MIC ordinance, which automatically transmit the call signs or call names designated under the provisions of the following article, or which may operate without causing interference with or disturbance to the operation of other radio stations by being equipped with receiving functions and other functions specified by the applicable MIC ordinance, and which exclusively use Radio Equipment with Conformity Mark.
- iv) Radio stations established by obtaining a registration of Article 27-18 paragraph (1) (hereinafter referred to as a "registered station")

# The Regulations for Enforcement of the Radio Law, Article 6

#### *(Designation, etc. of Call Signs or Call Names)*

##### Article 4-2.

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 the radio station referred to in item iii) or item iv) of the preceding article, the Minister shall designate such a call sign or a call name in accordance with the applicable MIC ordinance #.

# The Regulations for Enforcement of the Radio Law, Article 6

#### *(Disqualification)*

##### Article 5.

(1) No radio station license shall be granted to:

- 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 referred to 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; hereinafter the same shall apply.)
  - ii) Amateur radio stations (referring to radio stations established for conducting radio communications as a hobby; hereinafter the same shall apply.)
  - iii) Radio stations on board ships (referring to radio stations established on board ships (except experimental radio stations and amateur radio stations; hereinafter the same shall apply.) whose purpose is other than conducting telecommunications service (referring to telecommunications service of item vi) of Article 2 of the Telecommunications Business Law (Law No. 86 of 1984); hereinafter the same shall apply), and which are established on board ships stipulated in Article 29-7 of the Law for Safety of Vessels (Law 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; hereinafter the same shall apply.) whose purpose is other than conducting telecommunications service; hereinafter the same shall apply), and which are established on board aircraft to aviate between places within Japanese territory with permission of the proviso in Article 127 of the Civil Aeronautics Law (Law No. 231 of 1952)
  - v) Radio stations (exclusively used for radio communications service 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 which are established on mobile objects including automobiles or for portable use, or fixed radio stations (except those with the purpose of conducting telecommunications service) 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 service
  - viii) Radio stations established on land for the purpose of controlling position and attitude, etc. of an artificial satellite equipped with radio equipment of a radio station for the purpose of conducting telecommunications service
- (3) A radio station license may not be granted to any of the following persons:
- i) Any person who has been sentenced to a fine or severer penalty for a crime stipulated in this Law or the Broadcast Law (Law No. 132 of 1950), if a period of two years has not elapsed since the day the sentence was served out or the suspension of such sentence expired.
  - ii) Any person whose radio station license was revoked, if a period of two years has not elapsed since the day of the revocation.
  - iii) Any person whose radio station license was revoked in accordance with the provisions of Article 75, or Article 76 paragraph (3) (except item iv)) or paragraph (4) (except item v)), if a period of two years has not elapsed since the day of the revocation.
  - iv) Any person whose registration of Article 27-15 paragraph (1) was revoked in accordance with the provisions of Article 76 paragraph (5) (except item iii)), if a period of two years has not elapsed since the day of the revocation.
- (4) With respect to radio stations (except those for the purpose of telecommunications service, the radio stations of relay-broadcasting for preventing reception disturbance and the radio

stations of artificial satellites (hereinafter referred to as "artificial satellite stations") which broadcast their programming directly in accordance with entrustment by other persons) which transmit radio communications aimed at direct reception by the general public (hereinafter referred to as "broadcast"), irrespective of the provisions of paragraph (1) and the preceding paragraph, no radio station license is granted to any of the following persons:

- i) Any person referred to in the paragraph (1) items i) through iii), or in each item of the preceding paragraph.
  - ii) A juridical person or organization, of which any person referred to in paragraph (1) items i) through iii) is an officer executing the business, or in which any person (s) referred to in paragraph (1) items i) through iii) holds one fifth or more of the aggregate of voting rights.
  - iii) A juridical person or organization, whose officer falls under any item in the preceding paragraph.
- (5) Relay broadcasting for preventing reception disturbance stipulated in the preceding paragraph means a television broadcasting 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 Law; hereinafter the same shall apply.) or which receives a multiplex broadcasting multiplexed on the radio waves of the television broadcasting (referring to the multiplex broadcasting referred to in item ii-6) of the same article; hereinafter the same shall apply.) and retransmits all the broadcast programming thereof intact and simultaneously for the reception in the disturbance zone, except the broadcasting originated by a person who has been granted a license for a radio station which transmits the television broadcasting and the multiplex broadcasting multiplexed on the radio waves of the television broadcasting related to the disturbance.

***(Application for a License)***

**Article 6.**

- (1) Any person who wishes to obtain a radio station license shall file with the MIC an application together with a document describing the following items:
  - i) Purpose
  - ii) Reason for the need to establish the radio station
  - iii) Person(s) with whom the radio communications is conducted and communications subjects
  - iv) Location of radio equipment (referring to, of 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 service and of conducting radio communications via satellite stations; hereinafter the same shall apply.), radio stations on board aircraft (except that which conducts 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 of conducting radio communications solely via satellite stations; hereinafter the same shall apply.), the operating area; hereinafter the same shall apply except in Article 18.).
  - v) Type of radio waves, desirable frequency range and antenna power.
  - vi) Desirable operation-permitted hours (referring to hours during which the operation is possible; hereinafter the same shall apply.).
  - vii) Construction type, and scheduled completion date of the construction of the radio equipment (including equipment installed in accordance with 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 of Article 73 paragraph (1), Article 73 paragraph (5) and Article 102-18 paragraph (1)).
- viii) Expected commencement date of operation.
- (2) Any person who wishes to obtain a radio station license for broadcast purpose (except the ones for the purpose of conducting telecommunications service. In paragraph (7) item iv), the following article paragraph (2) item ii) and item iv), paragraph (3), Article 14 paragraph (3) and Article 17 paragraph (1), the same shall apply.) shall, irrespective of the provisions of the preceding paragraph, submit an application to the Minister along with a document, on which the following particulars are entered:
- i) Particulars referred to in the preceding paragraph items i), ii), and iv) through viii).
  - ii) Disbursing methods of 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.
- (3) Any person who wishes to obtain a license for a ship station (meaning radio stations on board ships other than those whose equipment is only an emergency position indicating radio beacon or radar; hereinafter the same shall apply) shall enter the following particulars in the document of paragraph (1), in addition to the particulars referred to in the same paragraph;
- i) The following particulars related to the ship:
    - a) Owner
    - b) Purpose
    - c) Gross tonnage
    - d) Navigation areas
    - e) Principal mooring port
    - f) Identification code signal
    - g) Passenger capacity in case of a passenger ship
    - h) Whether engaged on international voyage
    - j) Whether exempted from installing radiotelegraphy or radiotelephony in accordance with the provisions of the proviso of Article 4 paragraph (1) of the Law for Safety of Vessels
  - ii) Measures to be taken in case of a ship which shall take measures in accordance with the provisions of Article 35
- (4) Any person who wishes to obtain a license for an aircraft station (meaning radio stations on board aircraft other than those equipment is only radar; hereinafter the same shall apply) shall enter the following particulars in the document of paragraph (1), in addition to the particulars referred to in the same paragraph:
- i) Owner
  - ii) Purpose
  - iii) Type
  - iv) Aviation area
  - v) Usual ground location
  - vi) Registered mark
  - vii) Whether it is required to be equipped with radio equipment in accordance with the provisions of Article 60 of the Civil Aeronautics Law.
- (5) Any person who wishes to obtain a license for an aircraft earth station (except those used for the purpose of conducting telecommunications service) shall enter the particulars related to the aircraft of item i) through vi) of the preceding paragraph, in addition to the particulars referred to in the same paragraph.

- (6) Any person who wishes to obtain a license for an artificial satellite station shall enter scheduled launching time, term of normal operation, and area of position enabling its station to fulfill the mission in the document of paragraph (1) or (2), in addition to the particulars referred to in the same paragraphs.
- (7) Any application for radio station (except those specified in the applicable MIC ordinance of the Ministry of Public Management, Home Affairs, Posts and Telecommunic) which falls under any of the following items, and which uses frequency of which the Minister issues a public notice, shall be submitted within the period specified in the public notice of the Minister
  - i) A mobile radio station established on land for the purpose of conducting telecommunications service (limited to service areas which cover the entire area of one or more prefecture(s))
  - ii) A fixed radio station established on land for the purpose of conducting telecommunications service which communicates with the radio station under the preceding item
  - iii) An artificial satellite station established for the purpose of conducting telecommunications service
  - iv) A radio station for broadcasting
- (8) The period under the preceding paragraph shall be one month or longer by each frequency band, and the public notice of the period under the provisions of the same paragraph shall also include the zone area where the applicant for radio station license may install radio equipment of the radio station, or other particulars for convenience of license application.

***(Examination of Applications)***

**Article 7.**

- (1) When receiving an application of paragraph (1) of the preceding article, without delay, the Minister shall examine whether it satisfies all of the following items:
  - i) The conformity of the construction type to the technical regulations specified in Chapter III.
  - ii) The feasibility of frequency assignment.
  - iii) In addition to matters referred to in the preceding two items, the conformity to the essential standards for establishment of radio stations (except the radio stations to broadcast (except radio stations for the purpose of conducting telecommunications service)) specified in the applicable MIC ordinance #.
    - # The Essential Standards for Establishing Radio Stations other than Broadcasting Stations
- (2) When receiving an application of paragraph (2) of the preceding article, without delay, the Minister shall examine whether it satisfies the following items:
  - i) The conformity of the construction type to the technical regulations specified in Chapter III.
  - ii) The feasibility of frequencies assignment based on the Plan for the Available Frequencies Allocated to Broadcasting (referring to a plan which specifies available frequencies able to be used for broadcasting stations and other matters necessary for the use of the frequencies; hereinafter the same shall apply.) established by the Minister.
  - iii) Enough financial basis to maintain the service.
  - iv) In addition to matters referred to in the preceding three items, the conformity to the essential standards for establishment of broadcasting radio stations specified in the applicable MIC ordinance #.
    - # The Essential Standards for Establishing Broadcasting Stations
- (3) The Plan for the Available Frequencies Allocated to Broadcasting shall be established with

due consideration to prevention of interference and other matters necessary for ensuring the equitable and efficient utilization of radio waves, in order to contribute to the target number of the broadcasting systems of Article 2-2 paragraph (2) item iii) as specified in the Basic Plan for Broadcast Dissemination under the Article 2-2 paragraph (1) of the Broadcast Law (referred to as "the target number of the broadcasting systems" in the following paragraph), within the limits of assignable frequencies listed under the "Frequency Assignment Plan" as specified in the provisions of Article 26 paragraph (1) related to radio stations to broadcast (referred to as "the frequencies assignable for broadcasting" in the following paragraph).

- (4) When deemed necessary due to the change in the target number of the broadcasting systems, the frequencies assignable for broadcasting, and the prevention of interference and other matters necessary for ensuring the equitable and efficient utilization of radio waves stipulated 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.

***(Provisional License)***

**Article 8.**

- (1) When determining, as a result of the examination under the provisions of the preceding article, that the application satisfies each item of paragraph (1) or each item of paragraph (2) of the same article, the Minister shall issue a provisional license of 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 in the applicable MIC ordinance # (hereinafter referred to as "identification signal")
  - iv) Antenna power
  - v) Permitted operations hours
 

# The Regulations for Enforcement of the Radio Law, Article 6-4
- (2) When determining appropriate upon receipt of an application submitted by a person who has obtained the provisional license, the Minister may extend the completion date of item i) of the preceding paragraph.

***(Changes in Construction Type, etc.)***

**Article 9.**

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

# The Regulations for Enforcement of the Radio Law, Article 10
- (2) A person who has made changes in the construction type related to the changes of the proviso of the preceding paragraph, shall submit a notification without delay to the Minister.
- (3) Any change of paragraph (1) shall not be related to changes to the frequencies, type of radio waves and antenna power, and shall comply with the technical regulations of Article 7 paragraph (1) item i) or paragraph (2) item i).
- (4) A person who has obtained a provisional license of the preceding article may, with the permission of the Minister, make changes in person with whom radio communications is

conducted, communications subjects, broadcast subjects, service area, and location of the radio equipment.

***(Inspection after Completion of Construction Work)***

**Article 10.**

- (1) A person who has obtained a provisional license of Article 8 shall, when the construction work has been completed, submit a notification to the Minister and obtain the inspection for the radio equipment, the qualifications of radio operators (including that which is related to requirements of radio operators in full charge stipulated in Article 39 paragraph (3), ship station radio operator attestation of Article 48-2 paragraph (1), distress traffic operators stipulated in Article 50 paragraph (1); the same shall apply to Articles 12), the necessary number of radio operators, timepiece and documents (hereinafter referred to as "radio equipment, etc.").
- (2) A part of the inspection of the preceding paragraph may be omitted where a person who wishes to have the inspection of the same paragraph submits to the Minister documents on which the results of an inspection on the radio equipment, etc., conducted by the person registered under Article 24-2 paragraph (1) or Article 24-13 paragraph (1) in accordance with the provisions of the applicable MIC ordinance are entered.

***(Denial of Licensing)***

**Article 11.**

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

***(Licensing)***

**Article 12.**

The Minister shall grant a license to the applicant without delay when determining, as a result of the inspection in accordance with the provisions of Article 10, that the radio equipment satisfies the construction type of Article 6 paragraph (1) item vii) or paragraph (2) item i) of the same article (the construction type when a construction type has been changed in accordance with 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.

***(Validity Period of Licenses)***

**Article 13.**

- (1) The validity period of licenses for radio stations shall be specified in the applicable MIC ordinance # within five years calculated from the day of a license granted. However, renewal may be allowed.  
# The Regulations for Enforcement of the Radio Law, Article 7 through Article 9
- (2) The validity period of licenses shall be ten years, irrespective of the provisions of the main clause of the preceding paragraph, for radio stations which use frequencies from 903 MHz to 905 MHz with an antenna power of five watts or less and use exclusively radio equipment with conformity mark.
- (3) The validity period of licenses shall be indefinite, irrespective of the provisions of paragraph (1), for ship stations on board ships of Article 4 of the Law for Safety of Vessels (including the case which shall apply, mutatis mutandis, to the provisions of cabinet order under the

provisions of Article 29-7 of the same Law; hereinafter the same shall apply.) (hereinafter referred to as "compulsory ship stations") and for aircraft stations on board aircraft which shall be equipped with radio equipment in accordance with the provisions of Article 60 of the Civil Aeronautics Law (hereinafter referred to as "compulsory aircraft stations").

***(Validity of License for Multiplex Broadcasting Radio Stations)***

**Article 13-2.**

When the license for a radio station conducting FM broadcasting (referring to the FM broadcasting under Article 2 item ii-4) of the Broadcast Law) or television broadcasting becomes invalid, the license for a radio station conducting multiplex broadcasting with the radio waves of the broadcasting automatically becomes invalid.

***(Certificates of Radio Station License)***

**Article 14.**

- (1) When granting a license, the Minister shall issue a certificate of radio station license.
- (2) The following matters shall be entered on a certificate of radio station license:
  - i) Date and reference number of the license
  - ii) Name or appellation and address of licensee (referring to a person who has obtained a radio station license; hereinafter the same shall apply.)
  - iii) Classification of the radio station
  - iv) Purpose of the radio station
  - v) Person with whom the radio communications is conducted and communications subjects
  - vi) Location of the radio equipment
  - vii) Valid period of the license
  - viii) Identification signal
  - ix) Type of radio waves and frequencies
  - x) Antenna power
  - xi) Permitted operation hours
- (3) On a certificate of radio station license of a radio station for broadcasting, the following matters shall be entered, irrespective of the provisions of the preceding paragraph:
  - i) Particulars referred to in the preceding paragraph items i) through iv), and vi) through xi)
  - ii) Broadcast subjects
  - iii) Service area

***(Simplified Licensing Procedures)***

**Article 15.**

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

# The Ordinance for Procedures to Be Observed in Licensing Radio Stations, Articles 15 through 20

***(Notification on Commencement or Suspension of Operation)***

**Article 16.**

- (1) The licensee shall, when obtaining a license, notify without delay the Minister of the

commencement date of operation of the radio station. However, this shall not apply to the radio stations specified by the applicable MIC ordinance #.

# The Regulations for Enforcement of the Radio Law, Article 10-2

- (2) When suspending for a period of one month or longer the operation of the radio station on which a licensee has notified in accordance with the provisions of the preceding paragraph, the licensee shall notify the Minister of the suspension period. The same shall apply to the change of the suspension period.

***(Permission for Changes, etc.)***

**Article 16-2.**

When intending to be entrusted with the business of telecommunications from a telecommunications carrier stipulated in Article 2 item v) of the Telecommunications Business Law, 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 is conducted, communications subjects, or location of the radio equipment, or intending to carrying out construction work for changing the radio equipment, a licensee shall obtain the prior permission of the Minister. The same shall apply when a licensee of a radio station for broadcasting intends to change broadcasting subjects or broadcasting service areas.
- (2) The provisions of the proviso of Article 9 paragraph (1), paragraphs (2) and (3) of the same article shall apply, mutatis mutandis, to the case where the construction work is carried out to change the radio equipment in accordance with the provisions of the preceding paragraph.

***(Inspection after Change)***

**Article 18.**

- (1) A licensee who has obtained, in accordance with the provisions of the preceding article paragraph (1), permission for changing the location of the radio equipment or for construction work to change the radio equipment shall not operate that radio equipment, unless after the Minister conducts an inspection thereof and determines that the results of the change or construction work satisfy the matters of the permission of the same paragraph. However, this shall not apply to the case specified in the applicable MIC ordinance #.

# The Regulations for Enforcement of the Radio Law, Article 10-3

- (2) A part of the inspection of the preceding paragraph may be omitted, where a person applying for the inspection of the same paragraph submits to the Minister documents on which the results of an inspection on the radio equipment, etc., conducted by the person registered under Article 24-2 paragraph (1) or Article 24-13 paragraph (1) in accordance with the provisions of the applicable MIC ordinance are entered.

***(Changes of Frequencies, etc. upon Application)***

**Article 19.**

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

***(Succession of a License)***

**Article 20.**

- (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 the case where entire business using radio stations is succeeded to), a juridical person continuing to exist after the merger or a juridical person to be newly established by the merger, or a juridical person which succeeds whole of said business by division may succeed to the status of the licensee with permission of the Minister.
- (3) When a licensee transfers all business operations 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 permission under the preceding two paragraphs.
- (5) When a 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 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 that whose purpose is other than conducting telecommunications service), or to aircraft equipped solely with radar.
- (7) A person who succeeds the status of a licensee in accordance with the provisions of paragraph (1) and the preceding two paragraphs shall, without delay, notify the Minister of the fact along with documents which verify it.
- (8) The provisions of the preceding seven paragraphs shall apply, mutatis mutandis, to a person who has obtained a provisional license of Article 8.

***(Correction to a Certificate of Radio Station License)***

**Article 21.**

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

***(Abolition of a Radio Station)***

**Article 22.**

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 become invalid.

***(Return of a Certificate of Radio Station License)***

**Article 24.**

When a license becomes invalid, the person who holds the certificate of radio station license shall return it within one month.

***(Registration of Inspectors )***

**Article 24-2.**

- (1) A person who performs the business of conducting inspection of radio equipment, etc. may obtain registration from the Minister
- (2) Any person who wishes to obtain such registration under the preceding paragraph shall, in accordance with the applicable MIC ordinance, submit to the Minister an application in which the following matters are described:
  - i) Name and address of the applicant, in the case 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 for 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 therefor as stipulated in paragraph (1) of this article, when such applicant complies with all of the following items:
- i) The inspection of radio equipment, etc. shall be conducted by a person with knowledge and experience which conform to any of the conditions in Table No. 1 attached hereto.
  - ii) The inspection of radio equipment, etc. shall be conducted by using the measuring instruments or other equipment specified in Table No. 2 attached hereto, 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 taken calibration, etc. within one year calculating from the first day of the next month belonging to the day of the calibration, etc.):
    - 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 Law (Law 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 conducted by using measuring instruments and other equipment listed in the right column of Table No. 3 attached hereto, which shall have been given any of calibration, etc. listed above from a) to c)
  - iii) The method for executing the operation necessary to conduct 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 as provided for under this Law, and a period of two years has not elapsed since the day when the sentence was served out or the stay of execution was granted.
  - ii) Any person whose registration was revoked in accordance with the provisions of Article 24-10 or Article 24-13 paragraph (3), and a period of two years has not elapsed since the day of revocation.
  - iii) Where the applicant is a juridical person, any of whose officers falls under any of the preceding two items.
- (6) In addition to the provisions stipulated in the preceding paragraphs, the necessary matters related to registration of paragraph (1) shall be set forth in the applicable MIC ordinance.

**(Registration Book)**

**Article 24-3.**

- (1) The Minister shall prepare the Registration Book of Registered Inspectors and register the following matters pertaining to a person as registered in accordance with paragraph (1) of the preceding article (hereinafter referred to as a "registered inspector") on said Registration Book of Registered Inspectors:
- i) Date and number of registration

- ii) Matters set forth in items i) and ii) of paragraph (2) of the preceding article

***(Registration Certificate)***

**Article 24-4.**

- (1) When the Minister makes registration provided for in Article 24-2 paragraph (1), the Minister shall issue a registration certificate.
- (2) Such registration certificate of the preceding paragraph shall describe the following matters:
  - i) Date and number of registration
  - ii) Name and address of the person who was granted registration
- (3) Any registered inspector shall display the registration certificate at a conspicuous place in the office.

***(Notification of Changes)***

**Article 24-5.**

- (1) When there has been any change in the matters provided for 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, the registered inspector who has experienced any change in the matters entered in its registration certificate shall submit the certificate together with the notification under the same paragraph to receive corrections on the certificate.

***(Succession)***

**Article 24-6.**

- (1) When the registered inspector transfers the entire business pertaining to the registration, or is involved in inheritance, merger or division (limited to the case where entire business pertaining to the registration is succeeded to), the transferee of the entire business or the inheritor thereof, or the surviving juridical person after the merger, the juridical person to be newly established by the merger or a juridical person to succeed to the entire business pertaining to the registration by division may succeed to the status of the registered inspector.
- (2) A person who succeeds to the status of the registered inspector in accordance with 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.

***(Order for Compliance)***

**Article 24-7.**

When the Minister deems 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 necessary measures for compliance with all such provisions.

***(Reports and On-the-Spot Inspection)***

**Article 24-8.**

- (1) When determining it necessary to enforce this Law, the Minister may order the registered inspector to report on the status quo of the operations related to the registration, or the ministerial staffs to enter the office of the registered inspector and inspect the status quo of service, equipment, account books, documents and other articles related to the registration.
- (2) Any ministerial staff who conducts the on-the-spot inspection in accordance with 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-the-spot inspection under the provisions of paragraph (1), shall not be

construed as legitimate for the purpose of criminal investigation.

***(Notification of Abolition)***

**Article 24-9.**

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

***(Revocation of Registration)***

**Article 24-10.**

- (1) If a registered inspector falls under any of the following items, the Minister may revoke the registration:
  - i) When the registered inspector comes 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 provided for under Article 24-7
  - iv) When it has turned out that the registered inspector notified false results of inspection pertaining to its registration to a person who has received the inspection under Article 10 paragraph (1), Article 18 paragraph (1), or Article 73 paragraph (1)
  - v) When the registered inspector conducted the business of inspection pertaining to its registration without using methods of business that pertain to its registration for implementing the business
  - vi) When the registered inspector received registration under Article 24-2 paragraph (1) by a fraudulent means

***(Deletion of Registration)***

**Article 24-11.**

When the registration has become invalid in accordance with the provisions of Article 24-9 paragraph (2) or the Minister has revoked the registration in accordance with the provisions of the preceding article, the Minister shall delete the registration of said registered inspector.

***(Return of Registration Certificate)***

**Article 24-12.**

When the registration becomes invalid in accordance with the provisions of Article 24-9 paragraph (2), or when the registration has been revoked in accordance with the provisions of Article 24-10, the person who was a registered inspector shall return the registration certificate within one month.

***(Registration, etc. of Foreign Inspectors)***

**Article 24-13.**

- (1) Any person who conducts 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 the registration (hereinafter

referred to as "registered foreign inspector") under the preceding article. In these cases, "person as registered in accordance with paragraph (1) of the preceding article (hereinafter referred to as a "registered inspector"))" in Article 24-3 shall be read as "person who obtained"; "Registration Book of Registered Inspectors" in the same article shall be read as "Registration Book of Foreign Registered Inspectors"; "order" in Article 24-7 shall be read as "request"; "the preceding article" in Article 24-11 shall be read as "Article 24-13 paragraph (3); and "Article 24-10" in the preceding article shall be read as "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 comes to fall under any of items (except item ii) in Article 24-2 paragraph (5), which are applied, mutatis mutandis, 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), which are applied, mutatis mutandis, to the preceding paragraph
  - iii) When the registered foreign inspector has failed to meet the request under the provisions of Article 24-7, which shall apply, mutatis mutandis, to the preceding paragraph
  - iv) When it has turned out that the registered foreign inspector notified false results of inspection pertaining to its registration to a person who has received the inspection under Article 10 paragraph (1), Article 18 paragraph (1) or Article 73 paragraph (1)
  - v) When the registered foreign inspector has conducted the business of inspection related to the registration without using methods of business that pertain to its registration for implementing the business
  - vi) When the registered foreign inspector obtained the registration under paragraph (1) of this article by a fraudulent means
  - vii) When a report is not submitted or a false report is submitted, where the Minister makes the registered foreign inspector to report in accordance with Article 24-8 paragraph (1), which shall apply, mutatis mutandis, to the preceding paragraph
  - viii) When the registered foreign inspector refuses, hinders or evades the inspection, where the Minister delegate the ministerial staff to inspect its office in accordance with the provisions of Article 24-8 paragraph (1), which shall apply, mutatis mutandis, to the preceding paragraph.
- (4) In addition to the provisions provided for under the preceding three paragraphs, the necessary matters related to registration under paragraph (1) shall be specified in the applicable MIC ordinance.

***(Publication of Information Concerning Radio Stations)***

**Article 25.**

- (1) Whenever granting licenses or registration of Article 27-18 paragraph (1) (hereinafter referred to as "licenses, etc."), except radio stations specified in the applicable MIC ordinance, the Minister shall publicize items of certificate of radio station license or registration certificate of Article 27-22 paragraph (1) (hereinafter referred to as a "certificate of radio station license, etc.") specified in the applicable MIC ordinance on the Internet or other methods.
- (2) In addition to items to be made public under the preceding paragraph, the Minister may, at the request of the person wishing to conduct interference or traffic congestion examination necessary when the person in question establishes his or her own radio station or change frequencies, or when specified under the applicable MIC ordinance, to the extent necessary

for said examinations, may provide said persons with information specified in the applicable MIC ordinance on the construction design of the radio equipment and other items related to the radio stations.

- (3) Persons who has obtained the information as specified under the preceding paragraph shall not use or provide said information for purposes other than the purpose of conducting the interference examinations under the preceding paragraph.

# The Regulations for Enforcement of the Radio Law, Article 11-2

## The Regulations for Enforcement of the Radio Law, Article 11

***(Frequency Assignment Plan)***

**Article 26.**

- (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 items (as regards frequencies concerning radio stations for broadcasting (except those for the purpose of conducting telecommunications service), matters under 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 radio station
  - ii) Purpose of radio station
  - iii) Requirements for using frequencies, including a validity period for using frequencies
  - iv) Whether the frequency is designated in accordance with the provision in Article 27-13 paragraph (4)

***(Survey, etc. of Actual Radio Spectrum Usage)***

**Article 26-2.**

- (1) The Minister shall, in accordance with the applicable MIC ordinance, conduct a survey on items specified in the applicable MIC ordinance, necessary in assessing actual radio spectrum usage, such as the number of radio stations, traffic of radio communications operated by radio stations, usage modes of radio facilities of radio stations, (hereinafter referred to as "actual usage survey") at approximately three-year interval, in order to establish or change the Frequency Assignment Plan or promote other measures for that contribute to the effective use of the radio spectrum in a comprehensive and well-planned manner.
- (2) The Minister may, if necessary, during the three-year interval under the preceding paragraph, conduct an ad hoc actual usage survey on limited range of spectrum or services, etc.
- (3) The Minister shall assess to what degree the radio spectrum is being used effectively based on the results of the actual usage survey, taking trends in technological innovations, demand related to radio spectrum, international trends concerning the radio spectrum allocation and other matters into consideration.
- (4) The Minister shall, when the actual usage survey and assessment under the preceding paragraph are conducted, in accordance with the applicable MIC ordinance, publicize an outline of results of the actual usage survey and assessment thereof.
- (5) The Minister may, if necessary where establishing or changing the Frequency Assignment Plan, based on results of the assessment under paragraph (3), in accordance with the applicable MIC ordinance, conduct a survey on the technical and economic affects on licensees or registrants of Article 27-23 paragraph (1) (hereinafter referred to as "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 usage survey and survey

under the preceding paragraph, request licensees, etc. to report on necessary items.

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

**Article 27.**

- (1) The Minister may grant a license, not in accordance with the provisions of Articles 6 through 14, to a radio station on board a ship or on board an aircraft which is established on board a ship or an aircraft which has been acquired in a foreign country.
- (2) The license of the provisions of the preceding paragraph shall lose its validity when the ship or aircraft arrives at its destination in Japan.

***(Special Case of a License for the Specified Radio Station)***

**Article 27-2.**

A person who wishes to operate more than two radio stations which are specified in the applicable MIC ordinance and use only the Radio Equipment with the Mark Indicating Conformity of radio stations emitting only the radio waves of frequencies automatically selected by receiving the radio waves from a radio station with which radio communications is conducted (hereinafter referred to as "specified radio station"), may apply for a blanket license for these specified radio stations in accordance with the provisions of the following article through Article 27-11, where such specified radio stations share the same purpose, same person with whom radio communications is conducted, same type of radio waves and frequency, and same regulations of radio equipment (solely those specified in the applicable MIC ordinance).

***(Application for a License for the Specified Radio Station)***

**Article 27-3.**

- (1) Any person who wishes to obtain the license of the preceding article shall submit an application to the Minister along with a document, on which the following matters entered:
  - i) Purpose
  - ii) Reasons for the necessity to establish the radio stations
  - iii) Person (s) with whom the radio communications is conducted
  - iv) Type of radio waves, 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 radio stations to be operated simultaneously during the period of validity of a license.)
  - vii) Expected commencement date of operation (referring to the earliest expected commencement date of operation of various specified radio stations)
- (2) Any person who wishes to obtain the license of the preceding paragraph, where conducting radio communications with a foreign artificial satellite station, shall enter on the document of the preceding paragraph such matters as the orbit or position of the artificial satellite, the 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 in the applicable MIC ordinance in addition to those matters referred to in the same paragraph.

***(Examination of Application)***

**Article 27-4.**

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

- i) The feasibility of frequencies assignment
- ii) In addition to the matters referred to in the preceding items, the conformity to the

essential standards for the establishment of the specified radio stations specified in the applicable MIC ordinance.

***(Grant of Blanket License)***

**Article 27-5.**

- (1) When determining, as a result of the examination under the provisions of the preceding article, that the application satisfies each item of 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) Number of designated radio stations (referring to the maximum number of specified radio stations operating simultaneously; hereinafter the same shall apply.)
  - iv) Deadline for the commencement date of operation (referring to the earliest commencement date of operation of more than one specified radio stations)
- (2) When granting the license of the preceding paragraph (hereinafter referred to as "blanket license"), the Minister shall issue a certificate of radio station license on which the following matters and designated matters in accordance with 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 a person who has obtained a blanket license; hereinafter the same shall apply.)
  - iii) Classification of the specified radio station
  - iv) Purpose of the specified radio station
  - v) Person with whom the radio communications is conducted
  - vi) Valid period of a blanket license
- (3) The validity period of the blanket license shall be specified in the applicable MIC ordinance within five years from the day the blanket license granted. However, renewal may be allowed.

***(Commencement of Operation of the Specified Radio Station)***

**Article 27-6.**

- (1) The Minister may postpone the deadline of the preceding article paragraph (1) item iv), when appropriate where applied by a blanket licensee.
- (2) When commencing the operation of more than one specified radio station, the blanket licensees, without delay, shall notify the Minister. However, this shall not apply to the case specified in the applicable MIC ordinance.

***(Prohibition to Establish Specified Radio Stations Exceeding the Designated Number of Radio Stations)***

**Article 27-7.**

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

***(Permission for Changes, etc.)***

**Article 27-8.**

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

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

**Article 27-9.**

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

***(Abolition of Specified Radio Station)*****Article 27-10.**

- (1) When abolishing all the specified radio stations covered by the blanket license, a 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 license shall lose its validity.

***(Forbearance, etc. Related to the Specified Radio Station and Blanket Licensee)*****Article 27-11.**

- (1) The specified radio station, whose license of the provisions of Article 27-5 paragraph (1) has been obtained, shall be exempted from the application of the provisions of Article 15 and that blanket licensee shall be exempted from the application of the provisions of Article 16, 17, 19, 22 and 23.
- (2) With regard to the application of Article 20 paragraph (4) related to the succession of the status of the blanket licensee, "Article 7" in the same paragraph shall be read as "Article 27-4."

***(Establishment Guidelines for Specified Base Station)*****Article 27-12.**

- (1) The Minister may, for fixed radio stations established on land that must be established in a large number by one person in order to secure radio communications of mobile radio stations (limited to service areas which cover the entire area of one or more prefecture (s)) established on land for the purpose of conducting telecommunications business in their service area for said telecommunications business, and where the Minister deems to be necessary in promoting their smooth establishment to secure equitable and efficient use of radio waves (hereinafter referred to as "specified base station"), specify guidelines concerning the establishment of specified base stations (hereinafter referred to as "Establishment Guidelines for the specified base stations").
- (2) Establishment Guidelines for the specified base stations shall specify following items:
  - i) Particulars concerning the coverage of specified base stations which are the subject of the guideline
  - ii) Particulars concerning the frequencies allocated to said specified base stations among the available frequencies shown in the Frequency Assignment Plan and the use of the frequencies
  - iii) Particulars concerning the locations and the schedule for commencement of operation of the specified base stations
  - iv) Particulars concerning the introduction of technology to secure efficient use of radio waves concerning radio equipment of said specified base stations
  - v) Particulars concerning the promotion of smooth establishment of said specified base stations and other necessary matters
- (3) The Minister shall, when establishing or amending establishment guidelines for the specified base stations, without delay issue a public notice on the fact.

***(Attestation of Establishment Plan for Specified Base Stations)***

**Article 27-13.**

- (1) Any person who wishes to establish specified base stations may form a plan concerning the establishment of the specified base stations (hereinafter referred to as "establishment plan for the specified base stations") for each communications system (referring to the whole of specified base stations established by one person to communicate with same parties; the same shall apply to the following paragraph item iv) and paragraph (4) item iii)), may submit the plan to the Minister, and be granted the attestation that said establishment plan is appropriate.
- (2) Establishment plan for specified base stations shall contain the following items:
  - i) Reason for making it necessary to establish the specified base stations
  - ii) Service area for the mobile radio stations with whom the specified base stations communicate
  - iii) Range of desirable frequency range
  - iv) Total number of the specified base stations in the communications system, locations of radio equipment of each specified base station, and expected commencement date of operations
  - v) Technology for securing efficient use of radio waves which is planned to be used for radio equipment of the specified base stations
  - vi) Other matters specified in the applicable ministerial ordinance from the MIC
- (3) The application for the attestation under paragraph (1) shall be filed within the period not shorter than one month as fixed in the public notice of the Minister.
- (4) Upon reception of the application under paragraph (1), where the application satisfies any of the following items, the Minister shall assign 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) For all the specified base stations included in the communications system concerning the establishment plan, the frequencies are available
- (5) Notwithstanding the provisions of 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 in the applicable MIC ordinance 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, validity periods of attestation, designated frequencies in accordance with the provisions under paragraph (4), and other matters specified in the applicable MIC ordinance.

***(Changes, etc. of Establishment Plan)*****Article 27-14.**

- (1) When changing the attested establishment plan under paragraph (1) of the preceding article (except the items under paragraph (2) item iii) of the same article), the person who was granted the attestation 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 frequency and grant attestation" in paragraph (4) of the same article shall be read as "the Minister shall grant attestation."
- (3) Where the person who establishes specified base stations of the establishment plan which is granted attestation under paragraph (1) of the preceding article (when attested the change of the establishment plan, the changed plan, hereinafter referred to as "attested plan") (the person

shall be hereinafter referred to as "attested establisher") files with the Minister an application for the change of the designated frequency, when deemed that it is necessary for eliminating interference and other matters, the Minister may change the designation.

- (4) Where the attested establisher applies for the extension of the validity periods of the attestation, when deemed necessary, the Minister may 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 concerning changes specified in the applicable MIC ordinance under paragraph (7) of the preceding article), when changing the designation of frequencies in accordance with paragraph (3), or when extending the validity period of attestation, the Minister shall issue a public notice on the fact.

***(Revocation, etc. of Attestation)***

**Article 27-15.**

- (1) When an attested establisher falls under any of the following items, the Minister may revoke the attestation:
  - i) When the Minister determines that the attested establisher does not establish the specified base stations concerning the attested plan according to said attested plan without due reasons
  - ii) When the attested establisher is granted attestation under Article 27-13 paragraph (1) or paragraph (1) of the preceding article, or having the Minister changed designation in accordance with the provisions of paragraph (3) of the preceding article, through illegal means
  - iii) When the attested establisher falls under Article 5 paragraph (3) item i)
- (2) Upon revocation of attestation in accordance with the provisions of the preceding paragraph (except item iii)), the Minister may revoke the attestation under Article 27-13 paragraph (1) concerning other establishment plans of the revoked attested establisher, or revoke the licenses, etc. of the radio stations.
- (3) Upon revocation in accordance with the preceding two paragraphs, the Minister shall send to the attested establisher a notification with statement of reasons.

***(Application Mutatis Mutandis of the Provisions Concerning Merger, etc.)***

**Article 27-16.**

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

***(Special Cases of License Application Period of Specified Base Stations Pertaining to Attested Plan)***

**Article 27-17.**

With regard to the application for license of specified base stations which an attested establisher establishes pertaining to an attested plan, the provisions of Article 6 paragraph (7) shall not apply.

## Section 2. Registration for Radio Stations

### ***(Registration)***

#### **Article 27-18.**

- (1) Any person who wishes to establish a radio station, being one of radio stations specified in the applicable MIC ordinance which can be, upon emitting radio waves, operated without disturbing and interfering with operations of other radio stations, including radio stations which have functions for ensuring that the radio stations shall not emit their own radio waves for a given period of time by receiving the same radio wave as said radio stations are emitting, having the same standards (limited to those specified in the applicable MIC ordinance; hereinafter the same shall apply.) for radio equipment as the radio stations have, and who wishes to establish the radio stations which use radio equipment with conformity marks within areas specified in the applicable MIC ordinance shall obtain registration from the Minister.
- (2) Any person who wishes to obtain registration of the preceding paragraph shall, as specified in the applicable MIC ordinance, submit an application form describing the following items:
  - i) Name and address of the applicant and, in the 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) Such application under the preceding paragraph shall be accompanied by a document describing the purpose of establishment and any other documents as specified by the applicable MIC ordinance.

### ***(Implementation of Registration)***

#### **Article 27-19.**

The Minister shall, in the cases where an application for registration of paragraph (1) of the preceding article is submitted, except in the cases where registration is denied in accordance with the provisions of the following article, implement the registration of the following items in the Comprehensive Radio Station Management File as stipulated in Article 103-2 paragraph (2) item ii).

- i) Items listed in each item of paragraph (2) of the preceding article
- ii) Date of registration and registration number

### ***(Denial of Registration)***

#### **Article 27-20.**

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

- i) Where the locations of the radio equipment that has already been registered pertaining to the application are other areas than areas specified in 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 on important matters
- (2) The Minister may, in the cases where the application for registration of 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, with respect to radio stations using the same frequency as radio stations pertaining to the application use, such radio stations pertaining to the registration are

prohibited from establishing in accordance with the provisions of Article 76-2-2, or registered stations are restricted upon operation

- iii) Where, in addition to those listed in the preceding two paragraphs, the establishment of radio stations pertaining to the application does not conform to the Frequency Assignment Plan, including the cases where it is deemed that there is a risk of impairing proper use of radio wave

***(Validity Period of Registration)***

**Article 27-21.**

The validity period of registration of Article 27-18 paragraph (1) shall be specified in the applicable MIC ordinance within five years calculated from the day of registration. However, registration renewal may be allowed.

***(Registration Certificate)***

**Article 27-22.**

- (1) When granting registration, the Minister shall issue a registration certificate.
- (2) The matters listed in each item of Article 27-19 shall be entered on the registration certificate.

***(Registration of Change, etc.)***

**Article 27-23.**

- (1) Any registrant (referring to a person who is registered under Article 27-18 paragraph (1); hereinafter the same shall apply.) 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 in the applicable MIC ordinance.
- (2) Any person who wishes to obtain registration of change of the preceding paragraph shall, as specified in 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 of paragraph (1). In this case, "the following article" in Article 27-19 shall be read as "paragraph (1) of the following article"; "the following items" in Article 27-19 shall be read as "the matters pertaining to the change"; and "the application form or documents attached thereto" in Article 27-20 paragraph (1) shall be read as "the application form".
- (4) Any registrant shall, when having changed matters listed in Article 27-18 paragraph (2) item i), or when having implemented minor changes specified in the applicable MIC ordinance under paragraph (1) proviso, without delay, submit a notification to that effect to the Minister. Upon receiving the notification, the Minister shall, without delay, change said registration.

***(Succession)***

**Article 27-24.**

- (1) Where transfer of all of the operations of business using registered stations, or inheritance, merger or break-up (limited to those succeeding to all of the operations of business using registered stations) with respect to a registrant has been completed, the transferee who has taken over all of the operations of that business, or the inheritor, the juridical person who continues to exist after merger or who has been established as a result of merger, or the juridical person who has succeeded to all of the operations of said business using registered stations after break-up, shall succeed to the status of the registrant. Provided, however, that where the transferee who has taken over all of the operations of said business, or the inheritor, the juridical person who continues to exist after merger or who has been established as a result

- of merger, or the juridical person who has succeeded to all of the operations of said business after break-up falls under any of each item of Article 27-20 paragraph (2), this shall not apply.
- (2) Any person who has succeeded to the status of the registrant in accordance with the provisions of the preceding paragraph shall submit without delay a notification certifying the fact to the Minister to that effect.

***(Correction of Registration Certificate)***

**Article 27-25.**

Any registrant shall, when having changed matters entered in a registration certificate, submit the registration certificate to the Minister to make correction of the entry.

***(Notification of Abolition of Radio Stations)***

**Article 27-26.**

- (1) When abolishing a registered station, any registrant shall, without delay, submit a notification to that effect to the Minister.
- (2) When having submitted the notification in accordance with the provisions of the preceding paragraph, the registration of Article 27-18 paragraph (1) shall lose its validity.

***(Deletion of Registration Record)***

**Article 27-27.**

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

***(Return of Registration Certificate)***

**Article 27-28.**

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

***(Special Cases of Registration)***

**Article 27-29.**

- (1) A person who intends to establish two or more radio stations to be registered under Article 27-18 paragraph (1) within areas specified in the applicable MIC ordinance under the same paragraph may, insofar as the radio stations have the same frequencies and standards for radio equipment, as stipulated in this article through Article 27-34, obtain registration of the same paragraph governing a blanket registration for such radio stations.
- (2) Any person who wishes to obtain registration of the preceding paragraph shall, as specified in the applicable MIC ordinance, submit an application form describing the following matters to the Minister:
- i) Name and address of the applicant and, in the 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 cases of mobile radio stations,

- areas within moving range thereof)
- iv) Frequencies and antenna power
- (3) Such application under the preceding paragraph shall be accompanied by a document describing the purpose of establishment and any other documents as specified by the applicable MIC ordinance.

***(Registration of Changes, etc. Concerning Blanket Registrant)***

**Article 27-30.**

- (1) Any person who has obtained registration in accordance with 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 in the applicable MIC ordinance.
- (2) Any person who wishes to obtain registration of change of the preceding paragraph shall, as specified in 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 of paragraph (1). In this case, "the following article" in Article 27-19 shall be read as "paragraph (1) of the following article"; "the following items" in Article 27-19 shall be read as "the matters pertaining to the change"; "the locations of" in Article 27-20 paragraph (1) shall be read as "areas in which the radio equipment is to be installed (in the cases of mobile radio stations, areas within moving range thereof)"; and "the application form or documents attached thereto" in Article 27-20 paragraph (1) shall be read as "the application form".
- (4) Any blanket registrant shall, when having changed matters listed in paragraph (2) item i) of the preceding article, or when having implemented minor changes specified in the applicable MIC ordinance under paragraph (1) proviso, without delay, submit a notification to that effect to the Minister. Upon receiving the notification, the Minister shall, without delay, change said registration.

***(Notification of Establishment of Radio Stations)***

**Article 27-31.**

Any blanket registrant shall, when having established radio stations pertaining to its registration (except when continuing to establish said radio stations upon renewal of registration), according to each of said radio stations, within a given period not exceeding fifteen days specified in the applicable MIC ordinance, submit a notification describing matters, including the date of commencement of operation pertaining to said radio stations and the locations of the radio equipment, specified in the applicable MIC ordinance to the Minister.

***(Notification of Change)***

**Article 27-32.**

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

***(Loss of Validity of Registration)***

**Article 27-33.**

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

***(Forbearance, etc. Concerning Blanket Registrants)***

**Article 27-34.**

- (1) The provisions of Article 27-23 and Article 27-26 paragraph (2) shall not apply to blanket registrants.
- (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 in accordance with the provisions of Article 27-29 paragraph (1), "of paragraph (1)" in Article 27-19 shall be read as "in accordance with the provisions of Article 27-29 paragraph (1)"; "the following article" in Article 27-19 shall be read as "the following article that shall be read as otherwise applied in Article 27-34 paragraph (2)"; "each item of paragraph (2) of the preceding article" in Article 27-19 shall be read as "each item of Article 27-29 paragraph (2)"; "registration of Article 27-18 paragraph (1)" in Article 27-20 shall be read as "registration of Article 27-29 paragraph (1)"; "the locations of" in paragraph (1) item i) of the same article shall be read as "areas in which the radio equipment is to be installed (in the cases of mobile radio stations, areas within moving range thereof)"; "are other areas than areas" in paragraph (1) item i) of the same article shall be read as "include areas other areas than areas"; "each item of Article 27-19" in Article 27-22 paragraph (2) shall be read as "each item of Article 27-19 that shall be read as otherwise applied in Article 27-34 paragraph (2)"; "each item of Article 27-20 paragraph (2)" in Article 27-24 paragraph (1) shall be read as "each item of Article 27-20 paragraph (2) that shall be read as otherwise applied in Article 27-34 paragraph (2)"; "the preceding paragraph" in paragraph (2) of the same article shall be read as "the same paragraph that shall be read as otherwise 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 read as "Article 27-33".

## Chapter III. -- Radio Equipment --

### ***(Quality of Radio Waves)***

#### **Article 28.**

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

# The Ordinance for Regulating Radio Equipment, Articles 5 through 7

### ***(Requirements for Receiving Equipment)***

#### **Article 29.**

Receiving equipment shall not disturb the function of other radio equipment by its incidentally produced radiation or its high frequency current in excess of the limits specified in the applicable MIC ordinance #.

# The Rules for Regulating Radio Equipment, Article 24.

### ***(Safety Installation)***

#### **Article 30.**

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

# The Regulations for Enforcement of the Radio Law, Articles 22 through 27

### ***(Installation of a Frequency Measuring Instrument)***

#### **Article 31.**

Any transmitting equipment specified in the applicable MIC ordinance # shall be installed with a frequency measuring instrument with a workable error of one half or less of the tolerance for the emitting frequencies.

# The Regulations for Enforcement of the Radio Law, Article 11-3

### ***(Installation of Meters and Spare Components)***

#### **Article 32.**

Radio equipment of a ship station shall be installed with meters and spare components required for operating equipment which is specified in the applicable MIC ordinance #.

# The Regulations for Enforcement of the Radio Law, Articles 30 through 31

### ***(Apparatus for Radio Equipment of Compulsory Ship Stations)***

#### **Article 33.**

Radio equipment of a compulsory ship station shall be installed with, according to categories of ships and navigating areas specified by the applicable MIC ordinance, 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 in the applicable MIC ordinance #.

# The Regulations for Enforcement of the Radio Law, Article 28

### ***(Requirements for Radio Equipment of Compulsory Ship Stations, etc.)***

#### **Article 34.**

Radio equipment of a compulsory ship station and a ship earth station specified in the applicable MIC ordinance which is established on a ship with a compulsory ship station

(hereinafter referred to as "compulsory ship station, etc.") shall be installed at a place which satisfies the requirement of the following items. However, this shall not apply to the radio equipment specified in the applicable MIC ordinance.

- i) A place where the function of the radio equipment is not interfered with by mechanical, electrical and other causes.
- ii) A place on the ship as high as is practically possible to ensure its safety.
- iii) A place where the function of the radio equipment is not affected by water, temperature and other environmental conditions.

**Article 35.**

Radio equipment of a compulsory ship station, etc. shall take one or two following measures with respect to the applicable MIC ordinance. However this shall not apply to the radio equipment specified in 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 when in navigation

***(Requirements for Compulsory Aircraft Stations)***

**Article 36.**

Transmitting equipment of compulsory aircraft stations shall have an effective coverage specified in the applicable MIC ordinance #.

# The Regulations for Enforcement of the Radio Law, Article 31-3

***(Requirements for Artificial Satellite Stations)***

**Article 36-2.**

- (1) Radio equipment of artificial satellite stations shall be capable of ceasing emissions immediately by remote control.
- (2) The radio equipment of artificial satellite stations shall be capable of being remotely controlled to change their location. However, this shall not apply to the artificial satellite stations specified in the applicable MIC ordinance #.

# The Regulations for Enforcement of the Radio Law, Article 32-5

***(Approval of Apparatus for Radio Equipment)***

**Article 37.**

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

- i) Frequency measuring instruments to be installed in accordance with the provisions of Article 31.
- ii) Radar to be installed on ships in accordance with the order based on the provisions of Article 2 of the Law for Safety of Vessels (including the cases where Article 2 of the Law for Safety of Vessels shall apply, mutatis mutandis, in the cabinet order based on the provisions of Article 29-7 of the same law)
- iii) Apparatus for life-saving radio equipment installed on ships which is specified in the applicable MIC ordinance ##.
- iv) Radio equipment to be installed in accordance with the provisions of Article 33 (except

radio equipment referred to in the preceding item).

- v) Apparatus for radio equipment of a ship earth station referred to in the main clause of Article 34.
- vi) Apparatus for radio equipment installed on aircraft which is specified in the applicable MIC ordinance ###.

  - # The Regulations for Enforcement of the Radio Law, Article 11-5
  - ## The Regulations for Enforcement of the Radio Law, Article 11-4 paragraph (1)
  - ### The Regulations for Enforcement of the Radio Law, Article 11-4 paragraphs (2) and (3)
  - #### The Regulations for Enforcement of the Radio Law, Article 11-4 paragraph (4)

***(Other Technical Regulations)***

**Article 38.**

Radio equipment (except that which is used exclusively for broadcasting receiving purpose) shall satisfy the technical regulations specified in the applicable MIC ordinances # in addition to those specified in this Chapter.

- # The Rules for Regulating Radio Equipment; The Ordinance Providing the Regulation System on Transmission for Broadcast Using Microwaves; The Ordinance Providing the Regulation System on Transmission for Television Broadcast; The Ordinance Providing the Regulation System on Transmission for Television Sound Multiplex Broadcast; and The Ordinance Providing the Regulation System on Transmission for Television Character Multiplex Broadcast

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

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

#### ***(Registration of Registered Certification Bodies)***

##### **Article 38-2.**

- (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 with the technical regulations specified in the preceding Chapter (hereinafter referred to as "certification of conformity with technical regulations") may obtain registration from the Minister according to the following categories of business (in the following paragraph, Article 38-5 paragraph (1), Article 38-10, Article 38-31 paragraph (1) and Table No. 3 attached hereto, referred to as "classification of business").
  - i) Business to conduct the technical regulations conformity certification service for specified radio equipment pertaining to a radio station as stipulated 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 other specified radio equipment than those specified in the preceding two items
- (2) A person who wishes to obtain the registration under the preceding paragraph shall, in accordance with the applicable MIC ordinance, submit to the Minister an application in which the following matters are described:
  - i) Name and address of the applicant, 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 technical regulations conformity certification
  - v) Particulars regarding 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 technical regulations conformity certification service and other documents specified by the applicable MIC ordinance.
- (4) When establishing the MIC ordinance under paragraph (4), or changing or abolishing it, the Minister shall consult with the Minister for Economy, Trade and Industry.

#### ***(Criteria for Registration)***

##### **Article 38-3.**

- (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 "applicant for registration"), if the registration applicant falls under all of the following items:

- i) The technical regulations conformity certification service is to be conducted by a person with knowledge and experience that conform to any of the conditions in Table No. 4 attached hereto.
  - 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 Table No. 3 attached hereto according to the classification of business in the left column thereof, and which have taken any of calibration, etc. described in Article 24-2 paragraph (4) item ii) a) through d) (limited to those taken calibration, etc. within one year calculating from the first day of the next month belonging to the day of the calibration, etc.).
  - iii) The applicant for registration shall not fall under any of the following sub-items that indicate that said applicant is controlled by a manufacturer, importer or seller of specified radio equipment (hereinafter in this item referred to as "specified manufacturer, etc.):
    - a) In the cases where the applicant for registration is a joint stock company or a limited liability corporation, a specified manufacturer, etc. is the parent company (referring to a "parent company" under Article 211-2 paragraph (1) of the Commercial Code (Law No. 48 of 1899). The same shall apply in Article 71-3-2 paragraph (4) item iv) a)) of said applicant.
    - b) The ratio of board members or officers of a specified manufacturer, etc. (including those who were board members or officers of manufacturer, etc. in the past two years) to board members or officers of the applicant for registration (in cases where said applicant is a partnership corporation or limited partnership company, partners administering the affairs) exceeds one half.
    - c) The applicant for registration (in cases where said applicant is a juridical person, its representative director) is a board member or officer of a manufacturer, etc. (including those who were board members or officers of said 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 read as "Article 38-17 paragraph (1) or (2) (including Article 38-24 paragraph (3) to which Article 38-17 paragraph (1) or (2) shall apply, mutatis mutandis)"; and "the preceding paragraphs" in paragraph (6) of the same article shall be read as "the preceding paragraph, Article 38-2 paragraphs (1) through (3) and Article 38-3 paragraph (1)".

### ***(Renewal of Registration)***

#### **Article 38-4.**

- (1) The registration under Article 38-2 paragraph (1) shall, if the person concerned does not renew the registration during every five to ten years' period as specified in the applicable cabinet order, lose validity by 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 read as "Article 38-17 paragraph (1) or (2) (including Article 38-24 paragraph (3) to which Article 38-17 paragraph (1) or (2) shall apply, mutatis mutandis)", and "the preceding paragraphs" in paragraph (6) of the same article shall be read as "the preceding paragraph, Article 38-2 paragraphs (1) through (3) and Article 38-3 paragraph (1)".

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

- (1) The Minister shall, upon granting registration under Article 38-2 paragraph (1), issue a public notice of the name and address of the person who has obtained registration under the same paragraph (hereinafter referred to as “registered certification body”), as well as the classification of business pertaining to its registration, address of the office where the technical regulations conformity certification service is conducted, and the commencement date of technical regulations conformity certification service.
- (2) A registered certification body shall, when changing the matters listed in Article 38-2 paragraph (2) item i) or iii), notify to that effect the Minister at least two weeks prior to the date of the change.
- (3) The Minister shall, when receiving a notification in accordance with the provisions of the preceding paragraph, issue the public notice to the fact.

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

- (1) A registered certification body shall, when requested by a person who wishes to obtain the certification of conformity with technical regulations pertaining to its registration, conduct examinations in accordance with 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 set forth in the preceding chapter.
- (2) A registered certification body shall, upon granting the certification of conformity with technical regulations regarding its registration, notify the Minister of the classification of the specified radio equipment which received the certification of conformity with technical regulations and other matters specified in the applicable MIC ordinance.
- (3) The Minister shall, when receiving such notification under the preceding paragraph, issue a public notice to that effect in accordance with the applicable MIC ordinance.
- (4) The Minister shall, when establishing, changing or abolishing such ministerial ordinance as specified in paragraph (1) of this article, consult with the Minister for Economy, Trade and Industry.

***(Mark)*****Article 38-7.**

- (1) The registered certification body shall, upon giving the certification of conformity with technical regulations pertaining to its registration, attach the mark indicating the certification of conformity with technical regulations to the specified radio equipment.
- (2) Except the cases of attaching the mark pursuant to the provisions of the preceding paragraph (including Article 38-31 paragraph (4) to which the preceding paragraph shall apply, mutatis mutandis), Article 38-26 (including Article 38-31 paragraph (6) to which Article 38-26 shall apply, mutatis mutandis), or Article 38-35, any person shall not attach the mark or a misleadingly similar mark to radio equipment in Japan.
- (3) Any person who has changed the specified radio equipment attached with the mark as provided for in paragraph (1) of this article (including Article 38-31 paragraph (4) to which paragraph (1) of this article shall apply, mutatis mutandis), Article 38-26 (including Article 38-31 paragraph (6) to which Article 38-26 shall apply, mutatis mutandis), or Article 38-35 shall remove the mark by means stipulated in the applicable MIC ordinance.

***(Obligation, etc. Related to Technical Regulations Conformity Certificate)***

**Article 38-8.**

- (1) A registered certification body shall, when requested to grant certification of conformity with technical regulations pertaining to its registration, conduct without delay examinations for certification of conformity with technical regulations 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 Table No. 3 attached hereto and which have taken any of the calibration, etc. described in Article 24-2 paragraph (4) item ii) a) through d) (limited to those that had their calibration, etc. taken within one year calculating from the first day of the next month belonging to the day of the calibration, etc.) and instruct a person who has knowledge and experience conforming to the conditions listed in Table No. 4 attached hereto (hereinafter referred to as "certification examiner") to conduct the examination.

***(Appointment and Dismissal of Officers, etc.)***

**Article 38-9.**

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

***(Operational Rules and Procedures)***

**Article 38-10.**

Any registered certification body shall establish its operational rules and procedures related to the classification of business pertaining to its registration, the methods of carrying out the technical regulations conformity certification service and other matters specified in the applicable MIC ordinance, and shall notify the Minister of the operational rules and procedures prior to the commencement of said service. The same shall apply when such rules are to be revised.

***(Preparation of Financial Statements, etc. and Access, etc. Thereto)***

**Article 38-11.**

- (1) A registered certification body shall, within three months after the end of said business year, prepare a list of property, a balance sheet and a profit and loss statement or income and expenditure account statement, and a business report or operating statement (including an electromagnetic record (any record which is produced by electronic, magnetic, or any other means unrecognizable by natural perceptive function, and is used for data-processing by a computer. Hereinafter in this article the same shall apply.) in cases where electromagnetic records are produced instead of those paper documents. In the following paragraph and Article 116 item xvi), referred to as "financial statements, etc.". ) and retain thereof for a five-year period at its office.
- (2) Parties concerned including a person who performs a 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 of item ii) or item iv), fees set forth by the registered approval agency shall be paid.
  - i) Where financial statements, etc. are written documents, a request for access to said documents or copy thereof
  - ii) A request for certified copy or 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 copy of matters recorded on said electromagnetic records which are displayed in a manner stipulated in the applicable MIC ordinance
  - iv) A request for the matters recorded on said electromagnetic records under the preceding

item in an electromagnetic manner stipulated in the applicable MIC ordinance or a request for delivery of written documents containing said matters

***(Preparation, etc. of Record Book)***

**Article 38-12.**

A registered certification body shall, in accordance with the applicable MIC ordinance #, prepare and maintain a record book, on which matters related to the technical regulations conformity certification service and specified in the applicable MIC ordinance #, are entered.

# The Ordinance for State Examinations for Radio Operators' Qualifications and Radio Operator Licenses, Article 20-10 and the Ordinance Concerning Technical Regulations Conformity Certification of Specified Radio Equipment, Article 18.

***(Order, etc. to Improve Business Activities toward Registered Certification Body)***

**Article 38-13.**

- (1) The Minister may, when a registered certification body is deemed not to fall under any of items in Article 38-3 paragraph (1), order said registered certification body to take measures necessary for complying with such items.
- (2) The Minister may, when a registered certification body is deemed to have violated the provisions of Article 38-6 paragraph (1) or Article 38-8, order to conduct examinations for the certification of conformity with technical regulations or to take necessary actions for improving the method of examinations for the certification of conformity with technical regulations and other methods of business.

***(Application regarding Technical Regulations Conformity Certification and Order of the Minister)***

**Article 38-14.**

- (1) A person who has requested the certification of conformity with technical regulations pursuant to the provisions of Article 38-6 paragraph (1) may, when a registered certification body does not conduct examinations for the certification of conformity with technical regulations or when the person has objections about the results of certification of conformity with technical regulations conducted by the registered certification body with regard to the relevant specified radio equipment pertaining to its request, submit an application to the Minister to order that such registered certification body conduct examinations for the certification of conformity with technical regulations or that the registered certification body again carry out the examinations for the certification of conformity with technical regulations.
- (2) The Minister shall, in the case where an application under the preceding paragraph is filed and when a registered certification body pertaining to said application is deemed to have violated the provisions of Article 38-6 paragraph (1) or Article 38-8, give 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 having decided to give or not to give 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.

***(On-Site Inspection on Registered Certification Body)***

**Article 38-15.**

- (1) When determining that it is necessary to enforce this Law, the Minister may order a registered certification body to report on the situation of the technical regulations conformity certification service pertaining to its registration, or delegate the ministerial staff to enter the office

of said registered certification body to inspect the situation of the technical regulations conformity certification service pertaining to its registration, 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 under the provisions of the preceding paragraph.

***(Suspension and Discontinuation of Service)***

**Article 38-16.**

- (1) A registered certification body shall, when intending to suspend or discontinue the technical regulations conformity certification service pertaining to its registration, notify the Minister to that effect in advance, in accordance with the applicable MIC ordinance.
- (2) When a registered certification body discontinues the whole of the technical regulations conformity certification service, the registration of said registered certification body shall become invalid.
- (3) When notified as provided for in paragraph (1) of this article, the Minister shall issue a public notice to that effect.

***(Revocation, etc. of Registration)***

**Article 38-17.**

- (1) When a registered certification body has come to fall under any of the items (except item ii)) of Article 24-2 paragraph (5) which shall apply, mutatis mutandis, 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 designation or order the suspension in whole or in part of its technical regulations conformity certification service for a period specified by the minister:
  - i) When contravening the provisions of this Section.
  - ii) When contravening the orders under the provisions of Article 38-13 paragraph (1) or (2).
  - iii) When obtaining the registration or renewal thereof under Article 38-2 paragraph (1) by dishonest means
- (3) When revoking the registration in accordance with the provisions of paragraph (1) or the preceding paragraph, or ordering to suspend part or all of technical regulations conformity certification service in accordance with the provisions of the preceding paragraph, the Minister shall issue a public notice to that effect.

***(Execution of Technical Regulations Conformity Certification Service by the Minister)***

**Article 38-18.**

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

conformity certification service in accordance with the provisions of the same paragraph, the Minister shall issues a public notice to that effect.

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

***(Application, Mutatis Mutandis)***

**Article 38-19.**

The provisions of Article 24-3 and Article 24-11 shall apply, mutatis mutandis, to the registration of registered certification agencies. In this case, “person as registered in accordance with paragraph (1) of the preceding article (hereinafter referred to as a “registered inspector)” in Article 24-3 shall be read as “the person obtained the registration”; “Registration Book of Registered Inspectors” in the same article shall be read as “Registration Book of Registered Certification Bodies”; “Date and number of registration” in the same article shall be read as “Date and number of registration and the date of renewal, and”; “items i) and ii) of paragraph (2) of the preceding article” in the same article shall be read as “Article 38-2 paragraph (2) item i) through iii)”; “Article 24-9 paragraph (2)” in Article 24-11 shall be read as “Article 38-4 paragraph (1) or Article 38-16 paragraph (2)”; and “the preceding article” in the same article shall be read as “Article 38-17 paragraph (1) or (2).

***(On-site Inspection, etc. on Those Who Were Given Technical Regulations Conformity Certification)***

**Article 38-20.**

- (1) When deemed necessary for the enforcement of this Law, the Minister may order those who have been given the certification of conformity with technical regulations by a registered certification body to report on the specified radio equipment pertaining to said certification of conformity with technical regulations, or delegate ministerial staffs to enter the office of those who have been given the certification of conformity with technical regulations 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 under the provisions of the preceding paragraph.

***(Submission of Specified Radio Equipment, etc.)***

**Article 38-21.**

- (1) When the Minister has ordered delegated ministerial staff to conduct inspection as provided for in paragraph (1) of the preceding article, and where there is specified radio equipment which on-site inspection is deemed extremely difficult or where particular articles are necessary for inspecting such specified radio equipment, the Minister may order a person who received a technical conditions compliance approval from a registered certification body to submit said terminal equipment or said articles within a period specified by the Minister.
- (2) The government shall indemnify said person who received a certification of conformity with technical regulations for damages caused by the order issued by the provisions of the preceding paragraph.
- (3) The damages to be indemnified in accordance with the provisions of the preceding paragraph shall be ordinary damages occurred by the order under paragraph (1) of this article.

***(Order for Prevention of Jamming, etc.)***

**Article 38-22.**

- (1) Where the Minister deems that specified radio equipment given a certification of conformity with technical regulations by a registered certification body and attached with the mark as provided for under Article 38-7 paragraph (1) does not comply with the technical regulations stipulated in the preceding Chapter and that the use of said specified radio equipment threatens to induce interference and other disturbance that jam other radio stations' operation or cause harm to human bodies, and if the Minister deems it necessary in particular for preventing said disturbance or harm from escalation, the Minister may order said person who was given said certification of conformity with technical regulations to take measures necessary for preventing said disturbance or harm caused by said specified radio equipment from further escalation.
- (2) The Minister shall, when ordering in accordance with the provisions of the preceding paragraph, consult with the Minister for Economy, Trade and Industry.

***(Case Where Mark Is Deemed Not to Be Affixed)***

**Article 38-23.**

- (1) Where the specified radio equipment given the technical regulations conformity certification by a registered certification body and affixed with the mark as provided for in Article 38-7 paragraph (1) does not satisfy the technical regulations stipulated in the preceding Chapter, and if the Minister deems it necessary in particular for preventing the occurrence of interference and other disturbance that jam other radio stations' operation or of harm to human bodies, said specified radio equipment shall be deemed not attached with the mark under the provisions of the same paragraph.
- (2) The Minister shall, when the specified radio equipment is deemed not affixed with the mark in accordance with the provisions of the preceding paragraph, issue a public notice to that effect.

***(Certification of Construction Type of Specified Radio Equipment)***

**Article 38-24.**

- (1) A registered certification body, upon request from a person who conducts business of dealing in specified radio equipment, shall certify that the construction type of said specified radio equipment (including the method to verify each equipment conforms to the type) (hereinafter referred to as "certification of construction type") conforms to the technical regulations specified in the preceding Chapter.
- (2) A registered certification body shall, upon receipt of request for certification of construction type pertaining to its registration, conduct an examination in accordance with the provisions of the applicable MIC ordinance, and shall perform the certification of construction type only when it is deemed that the construction type satisfies the technical regulations specified 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 a case where a registered certification body conducts the certification of construction type; 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 a case where a registered certification body conducts the services of technical regulations conformity certification and certification of construction type. In these cases, "which received" in Article 38-6 paragraph (2) shall be read as "based on a construction type pertaining to"; "such service" in Article 38-10 shall be read as "these services"; "Article 38-6 paragraph (1) or Article 38-8" in Article 38-13 paragraph (2) shall be read as "Article 38-8 or Article 38-24 paragraph (2)"; "Article 38-6

paragraph (1)" in Article 38-14 paragraph (1) shall be read as "Article 38-24 paragraph (2)"; "specified radio equipment" in Article 38-14 paragraph (1) shall be read as "construction type of the specified radio equipment (including the method to verify each equipment conforms to said construction type)"; and "Article 38-6 paragraph (1) or Article 38-8" in Article 38-14 paragraph (2) shall be read as "Article 38-8 or Article 38-24 paragraph (2)".

***(Obligations to Conform to Construction Types)***

**Article 38-25.**

- (1) A person who received the certification of construction type (hereinafter referred to as "certified dealer") from a registered certification body shall, when dealing specified radio equipment based on the construction type pertaining to said certification of construction type (hereinafter referred to as "certified construction type") ensure that said specified radio equipment conforms to said certified construction type.
- (2) A certified dealer shall conduct an examination on specified radio equipment provided for under the preceding paragraph that it deals, in accordance with the method to verify the certification of construction type, and prepare and maintain the examination records in accordance with the applicable MIC ordinance.

***(Mark of Specified Radio Equipment Based on Certified Construction Type)***

**Article 38-26.**

A certified dealer may, upon performing the obligations under paragraph (2) of the preceding article regarding specified radio equipment based on a certified construction type, affix to said specified radio equipment the mark stipulated in the applicable MIC ordinance.

***(Order for Certified Dealers to Take Measures)***

**Article 38-27.**

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

***(Prohibition of Affixing the Mark)***

**Article 38-28.**

- (1) The Minister may, in each case of the following items, prohibit a certified dealer from affixing the mark of Article 38-26, for a specified period not exceeding two years, to the specified radio equipment based on the certified construction type or construction type as stipulated in the following items:
  - i) Where specified radio equipment based on the certified construction type does not conform to the technical regulations stipulated in the preceding Chapter, and if the Minister deems it necessary in particular for preventing the occurrence of interference and other disturbance that jam other radio stations' operation or of harm to human bodies (except 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 contravention
  - iii) When a certified dealer has violated the order under the provisions of the preceding article: Certified construction type of the specified radio equipment pertaining to said contravention
  - iv) If a certified dealer has received the certification of construction type from a registered

- certification body through dishonest means: Construction type pertaining to said certification of construction type
- v) When a registered certification body has conducted the certification of construction type in violation of the provisions of Article 38-24 paragraph (2), or of Article 38-8 paragraph (2) which shall apply, mutatis mutandis, to Article 38-24 paragraph (3): Construction type pertaining to said certification of construction type
  - vi) Where the technical regulations stipulated in the preceding Chapter are revised, and when it is deemed that the construction type which received the certification of construction type 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 as stipulated in the preceding paragraph, issue a public notice to that effect.

***(Application, Mutatis Mutandis)***

**Article 38-29.**

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 read as “certification of construction type which a certified dealer received”; “given the technical regulations conformity certification from a registered certification body” in Article 38-22 paragraph (1) shall be read as “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 read as “Article 38-26”; “such” in Article 38-22 paragraph (1) shall be read as “pertaining to said certified construction type”; and “the same paragraph” in Article 38-23 paragraph (1) shall be read as “the same article”.

***(Foreign Dealers)***

**Article 38-30.**

- (1) In cases where a person who obtained technical regulations conformity certification from a registered certification body is a foreign dealer (referring to a person who deals in foreign countries with 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 foreign dealer, “order” in Article 38-21 paragraph (1) and Article 38-22 paragraph (1) shall be read as “request”, and “order” in Article 38-21 paragraphs (2) and (3) and Article 38-22 paragraph (2) shall be read as “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 those of Article 38-21 and Article 38-22 which are applied, mutatis mutandis, to the preceding article, “order” in Article 38-21 paragraph (1) and Article 38-22 paragraph (1) which shall apply, mutatis mutandis, to Article 38-27 and the preceding article shall be read as “request”; “has violated the order” in Article 38-28 paragraph (1) item iii) shall be read as “has neglected the request”; and “said contravention” in the same paragraph and item shall be read as “said request”; and “order” in Article 38-21 paragraphs (2) and (3) as well as Article 38-22 paragraph (2) which shall apply, mutatis mutandis, to the preceding article shall be read as “request”.
- (3) In addition to the case of Article 38-28 paragraph (1), the Minister may, in each case of the following items, prohibit a foreign dealer who obtained certification of construction type conducted by a registered certification body from affixing the mark of Article 38-26, for a period not exceeding two years specified by the Minister, to said specified radio equipment based on the certified construction type as stipulated in the following items:

- i) When a report is not submitted or a false report is submitted, where the Minister requests said foreign dealer to report in accordance with the provisions of Article 38-20 paragraph (1) which shall apply, mutatis mutandis, to the preceding article: Certified construction type of the specified radio equipment pertaining to said report
  - ii) Where the Minister delegates ministerial staffs to inspect the office of the foreign dealer in accordance with the provisions of Article 38-20 paragraph (1) which shall apply, mutatis mutandis, to the preceding article, when the foreign dealer refuses, obstructs 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 under Article 38-21 paragraph (1) which shall apply, mutatis mutandis, to the preceding article, where “request” shall be read as otherwise as stipulated in 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 as stipulated in the preceding paragraph, issue a public notice to that effect.

***(Recognized Certification Body)***

**Article 38-31.**

- (1) When receiving an application of any person who conducts inspection and testing of radio equipment in foreign countries based on a radio inspection system under foreign statute which is similar to the technical regulations conformity certification system, and who wishes to conduct the technical regulations conformity certification specified 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 recognize it according to classification of business.
- (2) A person who was recognized under the preceding paragraph (hereinafter referred to as “recognized certification body”) shall notify to that effect without delay to the Minister when suspending or discontinuing the technical regulations conformity certification service pertaining to its recognition.
- (3) The Minister shall issue a public notice to that effect upon receipt of the notification under 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 recognition of paragraph (1) by the Minister; 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 a recognized certification body; the provisions of Article 38-20 through Article 38-22 shall apply, mutatis mutandis, to a person who obtained the technical regulations conformity certification by a recognized certification body. In these cases, “Article 24-10 or Article 24-13 paragraph (3)” in Article 24-2 paragraph (5) item ii) shall be read as “Article 38-32 paragraph (1) or (2)”; “each of the preceding paragraphs” in paragraph (6) of the same article shall be read as “the preceding article, 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 read as “applicant for certification”; “falls under” in the same article and paragraph shall be read as “does not fall under”; “shall” in the same article and paragraph shall be read as “shall not”; “Commercial Code” in the same paragraph item iii) a) shall be read as “Commercial Code in the foreign country”; “parent company” in the same paragraph and item a) shall be read as “an equivalent of parent company”; “the person who has obtained the registration under the same paragraph (hereinafter referred to as “registered certification body”)” in Article 38-5 paragraph (1) and “registered certification body” in Article 38-22

paragraph (1) shall be read as "recognized 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 read as "recognition"; "order" in Article 38-13, Article 38-21 paragraph (1) and Article 38-22 paragraph (1) shall be read as "request"; "to order" in Article 38-14 paragraph (1) shall be read as "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 read as "request".

- (5) A recognized certification body may, upon request of a foreign dealer, conduct the certification of construction type 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 certification of construction type by a recognized 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 certification of construction type by a recognized 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 certification of construction type by a recognized 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 read as "recognition"; "received" in Article 38-6 paragraph (2) and Article 38-23 paragraph (1) shall be read as "based on the construction type pertaining to"; "such service" in Article 38-10 shall be read as "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 read as "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 read as "request"; "Article 38-6 paragraph (1)" in Article 38-14 paragraph (1) shall be read as "Article 38-24 paragraph (2)"; "specified radio equipment" in the same article and paragraph shall be read as "construction type (including the methods to verify the conformity to said construction type)"; "to order" in the same article and paragraph shall be read as "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 read as "request"; "technical regulations conformity certification" in Article 38-20 paragraph (1) shall be read as "certification of construction type"; "obtained the technical regulations conformity certification from a registered certification body" in Article 38-22 paragraph (1) shall be read as "based on the certified construction type"; "Article 38-7 paragraph (1)" in the same article and Article 38-23 paragraph (1) shall be read as "Article 38-26"; "said" in Article 38-22 paragraph (1) shall be read as "pertaining to certified construction type"; "the same paragraph" in Article 38-23 paragraph (1) shall be read as "the same article"; "has violated the order" in Article 38-28 paragraph (1) item iii) shall be read as "has neglected the request"; "contravention" in the same article and paragraph shall be read as "request"; "registered certification body" in item iv) of the same paragraph shall be read as "recognized certification body"; "registered certification body has conducted the certification of construction type in violation of the provisions of Article 38-24 paragraph (2), or of Article 38-8 paragraph (2) which shall apply, *mutatis mutandis*, to Article 38-24 paragraph (3)" in the same paragraph item v) shall be read as "registered certification body has conducted the certification of construction type 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 "request" shall be read as otherwise as stipulated in the preceding paragraph" in the same paragraph item iii) shall be read as "paragraph (6) of the following article".

***(Revocation of Recognition)*****Article 38-32.**

- (1) The Minister shall revoke a recognition when the recognized certification body has lost the status in its own country, which is provided for under paragraph (1) of the preceding article, or when it falls under any of the items (except item ii)) of Article 24-2 paragraph (5) which shall apply, mutatis mutandis, to paragraph (4) of the same article.
- (2) The Minister may revoke the recognition when the recognized certification body falls under any of the following items:
  - i) When contravening the provisions of paragraph (2) of the preceding article (including cases applied, mutatis mutandis, 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, which shall apply, mutatis mutandis, 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, which shall apply, mutatis mutandis, to paragraph (6) of Article 38-31.
  - ii) When not responding to the order under the provisions of Article 38-13 paragraph (1) or (2), which shall apply, mutatis mutandis, to paragraph (4) of the preceding article, or the provisions of Article 38-13 paragraph (2), which shall apply, mutatis mutandis, to paragraph (6) of Article 38-31.
  - iii) When obtaining the certification through dishonest means.
  - iv) When a report is not submitted or a false report is submitted, where the Minister requests the recognized certification body to report in accordance with the provisions of Article 38-15 paragraph (1) which shall apply, mutatis mutandis, to paragraph (4) or (6) of the preceding article.
  - v) When the recognized certification body refuses, obstructs or evades the inspection, where the Minister orders the ministerial staff to inspect the office of the recognized certification body in accordance with the provisions of Article 38-15 paragraph (1) which applies, mutatis mutandis, to paragraph (4) or (6) of the preceding article.
- (3) The Minister shall, when revoking the recognition in accordance with 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

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

- (1) A manufacturer or an importer of the specified radio equipment, which is defined in the applicable MIC ordinance, from the viewpoints of the technical regulations, usage modes, etc. of radio equipment, as the one which severely causes interference or other disturbance extremely damaging the operation of other radio stations (hereinafter referred to as “special specified radio equipment”) may confirm by 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 set forth in the preceding Chapter.
- (2) Any manufacturer or importer shall conduct verification, as specified in the applicable MIC ordinance, and shall then conduct the confirmation in accordance with the provisions of the preceding paragraph (hereinafter referred to as “self-confirmation of technical regulations conformity”; The same shall apply in the following paragraph.), only when the construction type of the special specified radio equipment conforms to the technical regulations specified in the preceding chapter and when it can be ensured that any of the special specified radio

- equipment based on such type will coincide with such type.
- (3) Upon conducting the self-confirmation of technical regulations conformity, a manufacturer or an importer may, in accordance with the applicable MIC ordinance, notify the Minister of the following items:
    - i) Name and address of the manufacturer or importer, 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 the self-confirmation of technical regulations conformity was conducted
    - iii) Outline of the verification results under the preceding paragraph
    - iv) Method to verify that any of special specified radio equipment based on the construction type of item ii) conforms to said construction type
    - v) Other matters concerning the methods, etc. of self-confirmation of technical regulations conformity, which are stipulated in the applicable MIC ordinance
  - (4) A person who was notified under the provisions of the preceding paragraph (hereinafter referred to as “notified supplier”) shall prepare and keep record books of the verification under paragraph (2) of this article, in accordance with the applicable MIC ordinance.
  - (5) A notified supplier shall, in case of any change in the matters stipulated in the items (except items ii) and iii)) of paragraph (3) of this article, notify the Minister to that effect, without delay, in accordance with the applicable MIC ordinance.
  - (6) The Minister shall, when received a notification under paragraph (3) of this article, issue a public notice to that effect pursuant to the applicable MIC ordinance. The same shall apply when a notification was filed under the preceding paragraph and there was any change in the matters included in the public notice.
  - (7) The Minister shall, when establishing, changing or abolishing such ministerial ordinance as specified in paragraph (1) of this article, consult with the Minister for Economy, Trade and Industry.

***(Obligation to Conform to Construction Type, etc.)***

**Article 38-34.**

- (1) A notified supplier shall, when manufacturing or importing the special specified radio equipment based on the construction type pertaining to the notification under the provisions of paragraph (3) of the preceding article (hereinafter simply referred to as “notified construction type”), make such special specified radio equipment conform to said notified construction type.
- (2) A notified supplier shall inspect the special specified radio equipment pertaining to the manufacture or import as set forth in the preceding paragraph in accordance with the confirmation methods pertaining to the notification under the provisions of paragraph (3) of the preceding article, and prepare and keep the inspection records pursuant to the applicable MIC ordinance.

***(Mark)***

**Article 38-35.**

A notified supplier may, upon performing the obligation under 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 set forth in the applicable MIC ordinance.

***(Prohibition of Affixing Mark)*****Article 38-36.**

- (1) The Minister may, in each case of the following items, prohibit a notified supplier from affixing the mark under the preceding article, for a period not exceeding two years specified by the Minister, to said special specified radio equipment based on the notified construction type or construction type as stipulated in each of the following items:
- i) Where the special specified radio equipment based on the notified construction type does not conform to the technical regulations stipulated in the preceding Chapter, and if the Minister deems it necessary in particular for preventing the occurrence of interference and other disturbance that jam other radio stations' operation or of harm to human bodies (except item v) of this paragraph): Notified construction type of said special specified radio equipment
  - ii) When a notified supplier made 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 notified 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 contravention
  - iv) When a notified supplier has violated the order under provisions of Article 38-27 which shall apply, *mutatis mutandis*, to Article 38-38: Notified construction type of the special specified radio equipment pertaining to said contravention
  - v) Where the technical regulations stipulated in the preceding Chapter are revised, and when it is deemed that the construction type notified prior to such revision pursuant to the provisions of Article 38-33 paragraph (3) does not conform to the revised technical regulations: Said construction type
- (2) The Minister shall, when prohibiting the affixing of the mark as stipulated in the preceding paragraph, issue a public notice to that effect.

**Article 38-37.**

- (1) Where a notified supplier has fallen under any of paragraph (1) items ii) through iv) of the preceding article and when the Minister deems that the notified supplier threatens to fall again under any of items ii) through iv) of the same paragraph, the Minister may prohibit said notified supplier from affixing the mark under Article 38-35 to the special specified radio equipment for a period not exceeding two years specified by the Minister.
- (2) The Minister shall, when prohibiting the affixing of the mark as stipulated in the preceding paragraph, issue a public notice to that effect.

***(Application, Mutatis Mutandis)*****Article 38-38.**

The provisions of Article 38-20 through Article 38-22 and Article 38-27 shall apply, *mutatis mutandis*, to a notified 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, "said technical regulations conformity certification" in Article 38-20 paragraph (1) shall be read as "its notification"; "given the technical regulations conformity certification from a registered certification body" in Article 38-22 paragraph (1) shall be read as "based on the notified construction type"; "Article 38-7 paragraph (1)" in the same article and Article 38-23 paragraph (1) shall be read as "Article 38-35"; "said" in Article 38-22 paragraph (1) shall be read as "pertaining to said notified construction type"; "the same paragraph" in Article 38-23 paragraph (1) shall be read as "the same article"; "Article 38-25 paragraph (1)" in Article 38-27 shall be read as "Article 38-34 paragraph (1)"; and "certification

of construction type” in the same article shall be read as “notification under the provisions of Article 38-33 paragraph (3)”.

## Chapter IV. -- Radio Operators --

### *(Operation of Radio Equipment)*

#### Article 39.

- (1) No other person than the radio operator who is allowed to engage in the operation of radio equipment in accordance with the provisions of Article 40 (referring to radio operators who hold the ship radio operator attestation of Article 48-2 paragraph (1), with respect to the operation of radio equipment of a compulsory ship station, etc. which is specified in the applicable MIC ordinance; the same shall apply in this article) may operate radio equipment (except easy-to-operate radio equipment specified in the applicable MIC ordinance) unless the person is under the control of anyone who is appointed as a supervisor (hereinafter referred to as "radio operator in full charge") to operate radio equipment of a radio station (except amateur radio station; the same shall apply in this article) and has notified the appointment in accordance with the provisions of paragraph (4). However, this shall not apply to the case where a ship or aircraft is unable to supplement any radio operator due to being in navigation, or which is specified in the applicable MIC ordinance.
- (2) The operation of radio telegraphy by transmitting and receiving Morse code signals and the operation of radio equipment specified in the applicable MIC ordinance shall be conducted by a radio operator in accordance with the provisions of Article 40, irrespective of the main clause of the preceding paragraph.
- (3) The radio operator in charge shall be a radio operator who is capable of supervising the operation of radio equipment in accordance with the provisions of Article 40, with no reference to matters specified in the applicable MIC ordinance.
- (4) Any licensee, etc. of a radio station shall, without delay, notify the Minister to that effect when the licensee, etc. appoints a radio operator in full charge. The same shall apply to the cases where the licensee, etc. discharges a radio operator in full charge.
- (5) Any radio operator in charge for whom an appointment has been notified of in accordance with the provisions of the preceding paragraph shall perform with integrity the duties specified in the applicable MIC ordinance, with respect to supervising the operation of radio equipment.
- (6) Anyone who is engaged in operating radio equipment under the supervision of a radio operator in charge, for whom an appointment has been notified of in accordance with the provisions of paragraph (4) shall observe any instruction of the radio operator in charge which is granted considering its necessity for performing the duties of the preceding paragraph.
- (7) Any licensee, etc. of radio station (except that specified in the applicable MIC ordinance) shall order a radio operator in full charge, for whom an appointment has been notified of in accordance with the provisions of paragraph (4) to take a training course, every certain period specified in the applicable MIC ordinance, which the Minister organizes for supervision of operation of the radio equipment.

### *(Designation of Designated Training Agency)*

#### Article 39-2.

- (1) The Minister may designate a person (hereinafter referred to as "designated training agency") to hold the training courses of paragraph (7) of the preceding article (hereinafter referred to simply as "training courses").
- (2) The designation of a person as a designated training agency shall be made upon an application

by the person who wishes to hold the training courses, according to categories specified in the applicable MIC ordinance.

- (3) When appointing a designated training agency, the Minister shall not organize the training courses related to the classification, for which the designation was made.
- (4) The Minister shall not designate a designated training agency unless the Minister recognizes application of paragraph (2) satisfies all of the following items:
  - i) Plans to execute training business on staff, equipment, methods for executing training business and other issues are adequate for proper and sure execution of training business.
  - ii) The applicant has sufficient financial base for proper and sure execution of plans to execute training business of the preceding item.
  - iii) In the case where the applicant is conducting business other than training business, there is no fear that the business does not have unfair influence on the training.
  - iv) There is no fear that the designation impairs proper and sure execution of training business of classification concerning the application.
- (5) The Minister shall not designate a designated training agency for those who filed application of paragraph (2) falls under any of the following items:
  - i) Any person other than a juridical person established under the provisions of Article 34 of the Civil Code (Law No. 89 of 1896)
  - ii) Any person who has been sentenced to a penalty in accordance with this Law, if a period of two years has not yet elapsed since the day on which the sentence was fulfilled or exempted from the execution.
  - iii) Any person whose designation was revoked in accordance with the provisions of Article 39-11 paragraph (1) or paragraph (2), if a period of two years has not yet elapsed since the day on which the revocation was made.
  - iv) Any person, any of whose officers fall under item ii)

***(Public Notice, etc. of Designation)***

**Article 39-3.**

- (1) The Minister shall, upon designating a designated training agency, issue a public notice of the name and address of the designated training agency, the classification pertaining to its designation, the address of the office where the training courses are conducted, and the date of commencing the training course service.
- (2) A designated training agency shall, when changing its name, address or the address of the office where the training courses are conducted, notify to that effect the Minister at least two weeks prior to the date of the change.
- (3) The Minister shall, when receiving a notification in accordance with the provisions of the preceding paragraph, issue a public notice to that effect.

***(Officer and Staff's Status as Public Official)***

**Article 39-4.**

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

***(Operational Rules and Procedures)***

**Article 39-5.**

- (1) A designated training agency shall establish operational rules and procedures for the matters related to the implementation of the training course service as stipulated in the applicable MIC

ordinance, and shall obtain authorization of such rules and procedures from the Minister. The same shall apply when a designated training agency is changing such rules and procedures.

- (2) The Minister may, when the Minister deems the operational rules and procedures which received authorization under the preceding paragraph became inappropriate, order a designated training agency to change the operational rules and procedures.

***(Business Plan, etc. of Designated Training Agency)***

**Article 39-6.**

- (1) A designated training agency shall formulate its business plan and revenues and expenses 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 designated training agency is designated, without delay after the designation). The same shall apply to the case where they are to be revised.
- (2) A designated training agency shall formulate its annual report and financial settlement for each business year, and shall submit them to the Minister within three months after the end of said business year.

***(Preparation, etc. of Record Book)***

**Article 39-7.**

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

***(Supervisory Orders)***

**Article 39-8.**

When determining that it is necessary to enforce this Law, the Minister may give a designated training agency orders necessary for the supervision with respect to the training course service.

***(Reporting and On-site Inspection)***

**Article 39-9.**

- (1) When determining that it is necessary to enforce this Law, the Minister may order a designated training agency to report on the state of the training course service, or delegate ministerial staff to enter the office of the designated training agency to inspect the state of the service, or equipment, record books, documents and other articles.
- (2) Any ministerial staff who conducts the on-site inspection in accordance with 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 under the provisions of paragraph (1) shall not be construed as legitimate for the purpose of criminal investigation.

***(Suspension and Discontinuation of Service)***

**Article 39-10.**

- (1) A designated training agency shall not suspend or discontinue part or the whole of its training course service unless obtaining the permission of the Minister.
- (2) When granting the permission of the preceding paragraph, the Minister shall issue a public notice to that effect.

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

- (1) When a designated training agency has come to fall under any of the items (except item iii) of Article 39-2 paragraph (5), the Minister 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 part or the whole of the training course service for a specified period:
  - i) When contravening 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 determined not to satisfy any of respective items (except item iv)) of Article 39-2 paragraph (4)
  - iii) When contravening the order under the provisions of Article 39-5 paragraph (2) or Article 39-8
  - iv) When conducting the training course service, without following the operational rules and procedures authorized in accordance with the provisions of Article 39-5 paragraph (1)
  - v) When obtaining the designation through dishonest means
- (3) When revoking the designation in accordance with the provisions of paragraph (1) or the preceding paragraph, or ordering to suspend part or the whole of the training course service in accordance with the provisions of the preceding paragraph, the Minister shall issue a public notice to that effect.

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

- (1) Where a designated training agency has suspended part or the whole of the training course service in accordance with the provisions of Article 39-10 paragraph (1), or the Minister has ordered a designated training agency to suspend part or the whole of the training course service in accordance with the provisions of paragraph (2) of the preceding article, or a designated training agency has fallen into difficulties in conducting part or the whole of the training course service due to a natural disaster or any other reason, and when the Minister deems necessary, the Minister shall conduct by himself or herself part or the whole of the training course service, notwithstanding the provisions of Article 39-2 paragraph (3).
- (2) When the Minister has decided to conduct the training course service in accordance with the provisions of the preceding paragraph or to discontinue such service being conducted in accordance with the provisions of the same paragraph, the Minister shall issues a public notice to that effect.
- (3) Where the Minister has determined to perform the training course service in accordance with the provisions of paragraph (1), or the Minister has permitted a designated training agency to discontinue the training course service in accordance with the provisions of Article 39-10 paragraph (1), or the Minister has revoked the designation in accordance with the provisions of paragraph (1) or (2) of the preceding article, matters regarding the succession of the training course service and other necessary matters shall be stipulated in the applicable MIC ordinance.

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

The operation of radio equipment at amateur radio stations shall be conducted by a radio operator in accordance with the provisions of the following article. However, this shall not apply to the case where the operation of radio equipment of an amateur radio station is conducted in

accordance with the provisions of the applicable MIC ordinance by anyone who holds a qualification, in a foreign country, which is specified in the applicable MIC ordinance as equivalent qualification to those qualifications specified under paragraph (1) item v) of the same article, and which is specified in the applicable MIC ordinance.

***(Qualifications of Radio Operators)***

**Article 40.**

- (1) The qualifications of radio operators shall be those referred to in the following items corresponding to categories in the following items.
  - i) Qualifications of Radio Operators for General Service:
    - a) First-Class Radio Operator for General Service
    - b) Second-Class Radio Operator for General Service
    - c) Third-Class Radio Operator for General Service
  - ii) Qualifications of Radio Operators for Maritime Service:
    - 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 in the applicable cabinet order
  - iii) Qualifications of Radio Operators for Aeronautical Service:
    - a) Aeronautical Radio Operator
    - b) Aeronautical Special Radio Operators specified in the applicable cabinet order
  - iv) Qualifications of Technical Radio Operators for On-the-Ground Service:
    - a) First-Class Technical Radio Operator for On-the-Ground Service
    - b) Second-Class Technical Radio Operator for On-the-Ground Service
    - c) On-the-Ground Special Radio Operators specified in the applicable cabinet order
  - v) Qualifications of Radio Operators for Amateur Service
    - 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 act of a radio operator with the qualifications referred to in items i) through iv) of the preceding paragraph, or the scope of conducting supervision of operation of radio equipment by the radio operator, or the scope of operation of radio equipment by a radio operator with the qualification referred to in item v) of the same paragraph, are specified in the cabinet order according to the qualifications.

***(Licensing)***

**Article 41.**

- (1) Any person who wishes to be a radio operator shall obtain a license from the Minister.
- (2) A license of radio operator shall be granted to a person who falls under any of the following items (in the case where a person falls under items ii) through iv), except those who are prohibited to take an examination for the period specified in the latter part of the provisions of Article 48 paragraph (1) and yet are within the periods):
  - i) One who has passed the state examinations for radio operator which are executed according to the qualifications of paragraph (1) of the preceding article.
  - ii) One who has completed the training course of radio operators with the qualifications (that which is only specified in the applicable MIC ordinance) of paragraph (1) of the preceding article, which is attested by the Minister that it satisfies the regulations

- specified in the applicable MIC ordinance.
- iii) One who has graduated from school as having mastered subjects related to radio communications specified in the applicable MIC ordinance, corresponding to the categories of schools referred to in the following items based on the School Education Law (Law No. 26 of 1947), with respect to the qualification (that which only specified in the applicable MIC ordinance) of paragraph (1) of the preceding article:
    - a) A university or college (except a junior college)
    - b) A junior college or technical college
    - c) A senior high school or a junior high school
  - iv) Any person who holds qualifications of paragraph (1) of the preceding article, career in service and other requirements which are specified in the applicable MIC ordinance, as possessing knowledge and ability equivalent to, or more than, those specified in the preceding three items, according to the qualifications of paragraph (1) of the preceding article (that which specified in the applicable MIC ordinance).

***(Cases Not to Grant Licenses)***

**Article 42.**

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 a crime of Chapter IX, if a period of two years has not elapsed since the day when the sentence was served out or the stay of execution was expired.
- ii) A person whose radio operator license has been revoked in accordance with the provisions of Article 79 paragraph (1) or item iii), if a period of two years has not elapsed since the day of the revocation.
- iii) A person who is not suitable for a radio operator due to any serious physical or mental deficiency.

***(Original Register of Radio Operators)***

**Article 43.**

The Minister shall maintain the original register of radio operators and enter therein matters related to licenses.

***(State Examinations for Radio Operators)***

**Article 44.**

State examinations for radio operator shall be executed with regard to knowledge and technical proficiency necessary for the operation of radio equipment.

**Article 45.**

The Minister shall execute state examinations for radio operators at least once a year for each qualification classification of Article 40.

***(Designation of Examination Executing Agencies)***

**Article 46.**

- (1) The Minister may designate a person (hereinafter referred to as "designated examinations executing agency") and order the person to conduct all or part of operations related to the execution of state examinations for radio operators (hereinafter referred to as "examination service").
- (2) The designation of a person to a designated examination executing agency shall be made upon

an application by a person who wishes to conduct the examination service, to only one agency according to each classification specified in the applicable MIC ordinance.

- (3) When designating a designated examination executing agency, the Minister shall not conduct the examination service related to the classification, for which the designation was made.
- (4) The Minister shall not designate a designated examination executing agency for those who filed application of paragraph (2) fall under any of the following items:
  - i) Any person other than a juridical person established based on the provisions of Article 34 of the Civil Code (Law No. 89 of 1896)
  - ii) Any person who has been sentenced to a penalty in accordance with this Law, if a period of two years has not yet elapsed since the day on which the sentence was fulfilled or exempted from execution.
  - iii) Any person whose designation was revoked in accordance with the provisions of Article 39-11 paragraph (1) or (2) which shall apply, mutatis mutandis, to Article 47-5, if a period of two years has not yet elapsed since the day on which the revocation was made.
  - iv) Any person, any of whose officers fall under any of following items:
    - a) Any person who falls under item ii)
    - b) Any person who was dismissed by an order based on the provisions of Article 47-2 paragraph (3), if a period of two years has not yet elapsed since the day of the dismissal.

***(Execution of Examination Business)***

**Article 47.**

In conducting the examination service, the designated examinations executing agency shall order a person who satisfies the requirements specified in the applicable MIC ordinance (hereinafter referred to as "examination executor") to conduct service to determine examinees' knowledge and ability required for radio operators.

***(Selection and Dismissal of Officers, Etc)***

**Article 47-2.**

- (1) Selection and dismissal of officers of a designated examination executing agency shall not be valid without receiving approval of the Minister.
- (2) A designated examination executing agency shall, upon selection or dismissal of examination executors, notify the fact to the Minister.
- (3) In the case where officers or executors of a designated examination executing agency violate this Law, orders based on this Law or administrative dispositions based thereon, or operational rules under Article 39-5 paragraph (1), which applies, mutatis mutandis, to Article 47-5, the Minister may order the designated examination executing agency to dismiss those officers or executors.

***(Confidentiality, etc.)***

**Article 47-3.**

- (1) Any officer or staff (including examination executor; the same shall apply to the following paragraph) of a designated examination executing agency, or any person who was in such position, shall not divulge any confidential information which came to his or her knowledge in connection with the examination service.
- (2) All officers and staff of a designated examination executing agency who are engaged in the examination service shall be deemed to be those engaged in public service pursuant to laws and ordinances with respect to the application of the Criminal Code and other penal provisions.

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

A designated examination executing agency shall, in each business year, compile a business plan and a revenues and expenditures budget, and obtain approval of the Minister before the start of said business year (in a business year which the day of the designation belongs to, after the designation without delay). The same shall apply to the case when the designated examination executing agency changes a business plan or a revenues and expenditures budget.

***(Application, Mutatis Mutandis)*****Article 47-5.**

The provisions of Article 39-2 paragraph (4) (except item iv)), Article 39-3, Article 39-5, Article 39-6 paragraph (2) and Article 39-7 through Article 39-12 shall apply, mutatis mutandis, to designated examination executing agencies. In these cases, “paragraph (2)” in Article 39-2 paragraph (4) shall be read as “Article 46 paragraph (2)”; “training business” 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 read as “examination service under Article 46 paragraph (1)”; “training courses” in Article 39-2 paragraph (4) item iii) shall be read as “examination service under Article 46 paragraph (1)”; “Article 39-2 paragraph (5)” in Article 39-11 paragraph (1) shall be read as “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 read as “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 read as “Article 39-8 or Article 47-2 paragraph (3)”; and “Article 39-2 paragraph (3)” in Article 39-12 paragraph (1) shall be read as “Article 46 paragraph (3)”.

***(Suspension of Taking Examinations, etc.)*****Article 48.**

- (1) When 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 these examinations as void. In this case, the Minister may prohibit the examinee from taking further examinations for a specified period.
- (2) The designated examinations executing agency may execute the authority of the Minister stipulated in the former part of the preceding paragraphs with respect to executing the examination service.

***(Ship Station Radio Operator Attestation)*****Article 48-2.**

- (1) Anyone who wishes to operate or conduct supervision of radio equipment in compulsory ship stations, etc. which is specified in the applicable MIC ordinance of the main clause of Article 39 paragraph (1), may receive a ship station radio operator attestation, upon an application to the Minister.
- (2) The Minister shall designate ship station radio operator attestation when anyone who applies for ship station radio operator attestation holds an appropriate qualification of radio operator specified in the applicable MIC ordinance and falls under any of the following items:
  - i) When the applicant has completed the training course for operation, or supervision of operation, of radio equipment in compulsory ship stations, etc., which the Minister organizes for applicants.

- ii) The applicant has completed a training course which has been attested by the Minister and has contents equivalent to those of the training course of the preceding item, if a period of five years has not elapsed since the day of completion.
- (3) The provisions of Article 42 (except item iii)) shall apply, mutatis mutandis, to the ship station radio operator attestation. In this case, "Article 79 paragraph (1) item i)" in item ii) of the same article shall be read as "Article 79 paragraph (1) item i) which shall apply, mutatis mutandis, in Article 79 paragraph (2)".

***(Losing Validity of Ship Station Radio Operator Attestation)***

**Article 48-3.**

The ship station radio operator attestation shall lose its validity when anyone who has obtained the ship station radio operator attestation 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 the operation of radio equipment in compulsory ship stations, etc. which is specified in the applicable MIC ordinance of the main clause of Article 39 paragraph (1), or in radio stations specified in the applicable MIC ordinance during a period of five years starting on the completion day of the training course for compulsory ship station, etc. and does not complete either the training course which the Minister organizes for operation, or supervision of operation, of radio equipment in ship stations for people having ship station radio operator attestation, or the training course which the Minister attests that it has contents equivalent during that period.
- ii) A person who has not been engaged in the operation of the preceding item during an uninterrupted period of five years and has not completed any of the training courses of the preceding item during that period.
- iii) A person who no longer holds the qualifications of radio operator of paragraph (2) of the preceding article.
- iv) A person whose ship station radio operator attestation has been suspended for a period of more than five years in accordance with the provisions of Article 79-2 paragraph (1).

***(Commission to the Ordinances of the MIC)***

**Article 49.**

In addition to matters stipulated in Articles 39 and 41 through the preceding article, matters related to subjects of training courses and other matters related to holding training courses, procedural matters related to applications for a license, issue, reissue, and return, of licenses, and other matters related to radio operators license, and matters related to recognition of Article 41 paragraph (2) item ii), matters related to examination subjects, procedures for examinations, and other detailed matters for executing state examinations for radio operator, applications for ship station radio operator attestation and issue, reissue, and return, of certificates of ship station radio operator attestation, training courses which the Minister organizes in accordance with the provisions of Article 48-2 paragraph (2) item i), and item i) of the preceding article, and attestation of Article 48-2 paragraph (2) item ii), and item i) of the preceding article, and other matters related to executing ship station radio operator attestation shall be specified in the applicable MIC ordinance.

***(Station of a Distress Traffic Operator in Charge, etc.)***

**Article 50.**

- (1) Compulsory ship stations on board passenger ships or ships of 300 gross tons or more engaged on international voyages shall station distress traffic operator in charge (referring to a person

who manages the matters related to communications on board referred to in Article 52 item i) through item iii)), who is the radio operators specified in the applicable MIC ordinance and who holds a ship station radio operator attestation.

- (2) In addition to the requirements stipulated in the preceding paragraph, when determining necessary, the Minister may specify, in accordance with the provisions of the applicable MIC ordinance #, the number of radio operators by qualification categories (including qualifications of radio operators in charge and the ship station radio operator attestation) to be stationed at radio stations.

# The Regulations for Enforcement of the Radio Law, Article 36

***(Notification on Appointment and Discharge)***

**Article 51.**

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

## Chapter V. -- Operations --

### Section 1. General

#### *(Prohibition of Utilizing Radio Stations beyond Their Purposes, etc.)*

##### Article 52.

No radio station shall be operated beyond the scope of purposes, persons with whom to communicate or communications subjects (or broadcasting matters for broadcasting radio stations (except those for the purpose of conducting telecommunications service)) which are entered on the certificate of radio station license. However, this shall not apply to the following communications:

- i) Distress traffic (referring to radio communications conducted by the methods preceded by the distress signal or specified in the applicable MIC ordinance, at the time when a ship or an aircraft is threatened by grave and imminent danger; hereinafter the same shall apply.)
- ii) Urgency traffic (referring to radio communications conducted by the methods preceded by the urgent signal or specified in the applicable MIC ordinance, at the time when a ship or an aircraft is expected to run into grave and imminent danger, or at the time of urgency; hereinafter the same shall apply.)
- iii) Safety traffic (referring to radio communications conducted by the methods preceded by the safety signal or specified in the applicable MIC ordinance, for the purpose of prevention of serious danger to the navigation of a ship or an aircraft; hereinafter the same shall apply.)
- iv) Emergency traffic (referring to radio communications conducted for saving lives, relieving from disaster, securing transportation telecommunications or maintaining public order, when impossible or extremely difficult to rely upon wired communications, where earthquake, typhoon, flood, tidal wave, snow damage, conflagration, riot or any other emergency occurred or anticipated to occur; hereinafter the same shall apply.)
- v) Receiving broadcast.
- vi) Other communications specified in the applicable MIC ordinance #.  
# The Regulations for Enforcement of the Radio Law, Article 37

##### Article 53.

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

##### Article 54.

For operating a radio station, its antenna power shall satisfy each of the following items. However, this shall not apply to distress traffic:

- i) The range of antenna power is within terms of the certificate of radio station license, etc.
- ii) The antenna power is as small as possible for conducting communications.

##### Article 55.

A radio station shall not be operated beyond the permitted operations hours entered on the certificate of radio station license. However, this shall not apply to the case where conducting

communications referred to in each item of Article 52 or which is specified in the applicable MIC ordinance.

***(Prevention of Radio Interference, etc.)***

**Article 56.**

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

# The Regulations for Enforcement of the Radio Law, Article 50-2

(2) The designation stipulated in the preceding paragraph shall be made upon application by a person who installs the receiving equipment related to that designation.

(3) When making a designation in accordance with the provisions of paragraph (1), the Minister shall issue a public notice of matters, which are specified in the applicable MIC ordinance #, of the receiving equipment related to said designation.

# The Regulations for Enforcement of the Radio Law, Article 50-6.

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

# The Regulations for Enforcement of the Radio Law, Articles 50-3 through Article 50-9

***(Use of Dummy Antenna Circuits)***

**Article 57.**

Where falling under the following items, a radio station shall use dummy antennae circuit to the practicable extent:

- i) When testing or adjusting radio equipment.
- ii) When operating an experimental radio station.

***(Communications of Experimental Radio Stations, etc.)***

**Article 58.**

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

***(Protection of Secrecy)***

**Article 59.**

Unless specified by law, no one shall intercept, divulge or take advantage of the existence or contents of radio communications that is conducted for any specified person (except ones being communications of Article 4 paragraph (1) or Article 164 paragraph (2) of the Telecommunications Business Law; the same shall apply to Article 109, and Article 109-2 paragraph (2) and paragraph (3)).

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

**Article 60.**

A radio station shall install an accurate timepiece, a radio inspection book, a radio service log and other documents which are specified in the applicable MIC ordinance #. However, all or part of this installation may be omitted for radio stations which are specified in the applicable MIC ordinance ##.

- # The Regulations for Enforcement of the Radio Law, Article 38 paragraph (1)
- ## The Regulations for Enforcement of the Radio Law, Article 38-2 and Article 38-3

***(Methods of Communications, etc.)***

**Article 61.**

Calling, answering and other communications methods, collation of timepieces, adjustment of radio equipment on lifeboats and direction-finding apparatus, and other matters necessary for maintaining the functions of radio equipment are specified in the applicable MIC ordinance. #

- # The Ordinance for Regulating the Operation of Radio Stations

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

***(Operation of Ship Stations)***

**Article 62.**

- (1) The operation of a ship station is only allowed when at sea. However, this shall not apply to the case where only operating receiving equipment, or conducting communications referred to in each item of Article 52, or which is specified in the applicable MIC ordinance. #
  - # The Ordinance for Regulating the Operation of Radio Stations, Article 40
- (2) When a coast station (referring to a radio station established on land to communicate with ship stations; hereinafter the same shall apply.) receives any disturbance to its operation from a ship station, the coast station may request the ship station causing such disturbance to take measures necessary for eliminating it.
- (3) When a ship station receives, where conducting communications with a coast station, instructions related to communications order or time, or type of radio waves, or frequencies from the coast station, the ship station shall observe those instructions.

***(Operation of Coast Stations, etc.)***

**Article 63.**

Coast stations and coast earth stations (referring to radio stations which are established on land for the purposes of telecommunications service and communicates with ship earth stations via relay of satellite stations; hereinafter the same shall apply.) shall operate all the time. However, this shall not apply to the coast stations and the coast earth stations specified in the applicable MIC ordinance.

**Article 64.**

(Deleted)

***(Watchkeeping Obligation)***

**Article 65.**

The radio stations referred to in the left column of the following table and specified in the applicable MIC ordinance shall keep watch on the frequencies referred to in the right column, consecutively for those referred to in paragraphs i) and ii) in the Table, during hours specified in the applicable MIC ordinance for those referred to in paragraph iii), and during obligated operations hours (referring to the hours during which radio stations are obliged to operate; hereinafter the same shall apply.) for those referred to in paragraph iv). However, this shall not apply to where specified in the applicable MIC ordinance.

Radio Station	Frequency
i) Ship station and coast station equipped with digital selective-calling system	Frequency specified in the applicable MIC ordinance
ii) Ship earth station and coast earth station	Frequency specified in the applicable MIC ordinance
iii) Ship station	156.65MHz, 156.8MHz and frequency specified in the applicable MIC ordinance
vi) Coast station	Frequency specified in the applicable MIC ordinance

***(Distress Traffic)*****Article 66.**

- (1) Any coast station, coast earth station, ship station and ship earth station (to be referred to as "coast station, etc." in the following article and Article 68), when receiving distress traffic, shall reply thereto immediately, with absolute priority over all other radio communications, and take the best measures for communications related to the rescue such as informing the radio station at the most convenient position to help save the ship or aircraft in distress, in accordance with the provisions of the applicable MIC ordinance.
- (2) All radio stations, when receiving distress traffic or radio communications conducted by the methods specified in the applicable MIC ordinance of Article 52 item i), shall immediately stop emission of radio waves which could interfere with the distress traffic.

***(Urgency Traffic)*****Article 67.**

- (1) Any coast station, etc. shall deal with urgency traffic with the second highest priority next to distress traffic.
- (2) Any coast station, etc., when receiving urgency signals or radio communications conducted by the methods specified by the applicable MIC ordinance of Article 52 item ii), shall receive the urgency traffic consecutively until determining that those communications have no relation to itself (at least for three minutes in the case which is specified in the applicable MIC ordinance), unless when conducting distress traffic.

***(Safety Traffic)*****Article 68.**

- (1) Any coast station, etc. shall deal with safety traffic expeditiously and assuredly.
- (2) Any coast station, etc., when receiving safety signals or the radio communications conducted by the methods specified in the applicable MIC ordinance of Article 52 item iii), shall receive the safety traffic until determining that those communications have no relation to itself.

***(Communications to Tune up Ship Station Equipment)*****Article 69.**

Any coast or ship station requested from a ship station to communicate for tuning up radio equipment shall accept such a request to the practicable extent.

Article 70.  
(Deleted)

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

#### *(Operation of Aircraft Stations)*

##### Article 70-2

- (1) The operation of aircraft radio station is only allowed during its flight or preparations before take-off. However, this shall not apply to the case where using only receiving equipment, or conducting communications referred to in each item of Article 52, or which is specified in the applicable MIC ordinance. #  
# The Ordinance for Regulating the Operation of Radio Stations, Article 142
- (2) When an aeronautical station (referring to a radio station established on land to communicate with aircraft stations; hereinafter the same shall apply.) or a coast station receives any disturbance to its operation from an aircraft station, the aeronautical station or the coast station may request the aircraft station causing such disturbance to take measures necessary for eliminating it.
- (3) Whenever an aircraft station receives, when conducting communications with an aeronautical station, instructions related to communications order or time, or type of radio waves, or frequencies from the aeronautical station, the aircraft station shall observe those instructions.

#### *(Obligated Operations Hours)*

##### Article 70-3.

- (1) Compulsory aircraft stations and compulsory aircraft earth stations shall operate during the hours which are specified by the applicable MIC ordinance. #
- (2) Aeronautical stations and aeronautical earth stations (referring to radio stations which are established on land and communicate with aircraft earth stations via relay of satellite stations; the same shall apply to the following article.) shall operate all the time. However, this shall not apply to the case where specified by the applicable MIC ordinance. ##  
# The Ordinance for Regulating the Operation of Radio Stations, Article 143  
## The Ordinance for Regulating the Operation of Radio Stations, Article 144

#### *(Watchkeeping Obligation)*

##### Article 70-4.

Aeronautical stations, aeronautical earth stations, aircraft stations and aircraft earth stations (to be referred to as "aeronautical station, etc." in Article 70-6 paragraph (2)) shall keep watch during obligated operations hours on the frequencies which are specified in the applicable MIC ordinance. # However, this shall not apply to the case where specified in the applicable MIC ordinance. ##

# The Ordinance for Regulating the Operation of Radio Stations, Article 146

## The Ordinance for Regulating the Operation of Radio Stations, Article 147

#### *(Communications Report of Aircraft Stations)*

##### Article 70-5.

When in the air, an aircraft station shall report by methods specified in the applicable MIC ordinance # to an aeronautical station specified in the applicable MIC ordinance. #

# The Ordinance for Regulating the Operation of Radio Stations, Article 149

***(Application, Mutatis Mutandis)***

**Article 70-6.**

- (1) The provisions of Article 69 (Communications to Tune up Ship Station 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.

## Chapter VI. -- Supervision --

### *(Changes of Frequencies, etc.)*

#### Article 71.

- (1) When deemed necessary for the purpose of regulating radio waves or securing public interest, the Minister may order to change designation for frequency or antenna power of radio stations (except registered stations), or frequency or antenna power of registered stations or the location of radio equipment of artificial satellite stations, only within the scope of not disturbing the fulfillment of the purposes of said radio stations.
- (2) The Government shall compensate said licensee, etc. for the loss resulting from ordering change, in accordance with the provisions of the preceding paragraph, in the designation for frequency or antenna power, or frequency or antenna power of registered stations or the location of radio equipment of artificial satellite stations.
- (3) The loss to be compensated under the preceding paragraph shall be the loss, which normally results from the measures taken in accordance with the same paragraph.
  - (4) Any person who is dissatisfied with the amount of compensation of paragraph (2) may bring in an action in an ordinary court to demand the increase of the compensation amount within three months from the day of obtaining the notification on the compensation amount.
- (5) The Government shall be a defendant for a suit filed under the preceding paragraph.
- (6) When taking measures related to the order, the licensee who received an order to change the location of radio equipment of the artificial satellite station shall notify without delay the Minister of it.

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

#### Article 71-2.

- (1) The Minister may, where the Minister changes the Frequency Assignment Plan or the Plan for the Available Frequencies Allocated to Broadcasting (hereinafter referred to as "Frequency Assignment Plan, etc.") that fall under the following items, when the Minister deems it necessary for ensuring adequate use of radio waves, toward licensee or other establishers of radio equipment who will conduct construction work for changing radio equipment concerning change of frequency or antenna power stipulated in item iii), compensate said construction costs and other necessary support (hereinafter referred to as "specific frequency change support service") within the extent of available budget.
  - i) The Minister provides time limits of frequency use not exceeding ten years counting from the day of public notice of change of the Frequency Assignment Plan, etc. as conditions concerning the use of specific classification of radio stations (referring to "classification of radio stations" stipulated in the applicable MIC ordinance in line with technical requirements stipulated in Chapter III concerning modes of radio communications, purposes of radio stations and radio facilities. The same shall apply hereinafter.) and assigns assignable frequencies (hereinafter referred to as "frequencies to be assigned to a new classification" in this article) in said classification of radio stations (hereinafter referred to as "old classification of assignment" in this article) to a classification of radio stations other than the old classification of assignment.
  - ii) In the case where there are classifications of radio stations having the same radio communications mode and the same purpose of radio stations (hereinafter referred to as "classification of the same purpose" in this item) as the old classification of assignment

in classifications of radio stations, in which frequencies to be assigned to a new classification can be assigned, other than old classifications of assignment (referred to as "new classification of assignment" in the following item), the ratio of frequencies, that can be assigned to a classification of the same purpose, in the frequencies to be assigned to a new classification is equal to or less than three fourths.

- iii) Toward applications for radio station licenses (hereinafter referred to as "specified newly established radio station") in a new classification of assignment concerning the Minister's public notice of radio stations accompanying the Minister's public notice of change of the Frequency Assignment Plan, etc., frequencies to be assigned to a new classification shall be enabled to be assigned within five years counting from the day of public notice of said change of said Frequency Assignment Plan, etc. In this case, frequencies or antenna power of established radio stations shall be enabled to be changed beforehand (limited to the extent that the change does not hinder the purpose of established stations; in the case of the change of frequencies, limited to the extent that the change is within the range of frequencies to be assigned to a new classification), in order for those radio stations in an old classification of assignment, which actually assigned frequencies to be assigned to a new classification upon the public notice of said change of said Frequency Assignment Plan, etc. (hereinafter referred to as "established radio station"), not to hinder specified newly established radio stations from operating thereof such as interference.
- (2) The Minister may, in order to facilitate establishment of radio stations notified by the minister (hereinafter referred to as "specified notified stations"), where the Minister changes the Frequency Assignment Plan based on the evaluation results of Article 26-2 paragraph (3), and where the Minister specifies periods for using part or all of frequencies (hereinafter referred to as an "previous assignable period") that are assignable to radio station classifications other than radio station classifications pertaining to specified notified stations within a period not exceeding five years (ten years where it is deemed especially necessary in consideration of financial impacts on licensees caused by said change of the Frequency Assignment Plan; hereinafter in this paragraph referred to as a "standard period") calculating from the day of public notice on said change of the Frequency Assignment Plan (except the cases fall under cases stipulated in other part than those listed in each item of the preceding paragraph), compensate licensees, who are to apply for change in designation of frequencies until the day of expiration of a previous assignable period due to setting forth of said previous assignable period or to abolish radio stations, for ordinary costs arising from the setting forth of said previous assignable period shorter than the standard period and other necessary support (hereinafter referred to as "specific frequency termination support service") within the extent of available budget.

***(Designated Frequency Change Support Agency)***

**Article 71-3.**

- (1) The Minister may have a person who is designated by the Minister conduct specific frequency change support service.
- (2) The designation of a person to a designated frequency change support agency shall be made upon an application by a person who wishes to conduct the specific frequency change support service, to only one agency according to each change of the Frequency Assignment Plan, etc. accompanying specific frequency change support service.
- (3) When designating a designated frequency change support agency, the Minister shall not conduct the specific frequency change support service related to said designation.
- (4) Standards concerning payments of compensations related to specific frequency change

- support service a designated frequency change support agency conducts in accordance with paragraph (1) shall be provided under the applicable MIC ordinance.
- (5) A designated frequency change support agency may, in accordance with the applicable MIC ordinance, when approved by the Minister, commission other parties to conduct part of specific frequency change support service (except decision of giving compensations).
  - (6) A designated frequency change support agency may, when deemed necessary in relation with specific frequency change support service, require a person who is decided upon to be given compensations to make reports relating to necessary matters.
  - (7) A designated frequency change support agency shall, in every business year, make a business report, balance sheet, financial statement and list of property, submit them to the Minister, within three months after the end of said business year, and obtain approval from the Minister.
  - (8) Where a designated frequency change support agency conducts services other than specific frequency change support service, the designated frequency change support agency shall separate the account concerning said services from the account concerning the specific frequency change support service.
  - (9) The Minister may, within the extent of available budget, provide a designated frequency change support agency with full amount or any part of money necessary for conducting specific frequency change support service.
  - (10) In addition to matters provided for in this article, matters necessary for financial affairs and the account of a designated frequency change support agency shall be stipulated under 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 be applied, mutatis mutandis, to the designated frequency change support agency. In these cases, "application under paragraph (2)" in Article 39-2 paragraph (4) and Article 46 paragraph (4) shall be read as "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 read as "specific frequency change support service"; "training courses" in Article 39-2 paragraph (4) item iii) shall be read as "specific frequency change support service"; "classification pertaining to the designation, the address of the office where the training courses are conducted, and the commencement date of training course service." in Article 39-3 shall be read as "address of the office where the specific frequency change support service is conducted, and the commencement date of specific frequency change support service"; "Article 39-2 paragraph (5)" in Article 39-11 paragraph (1) shall be read as "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 read as "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 read as "Article 39-8 or Article 47-2 paragraph (3)"; "Article 39-2 paragraph (3)" in Article 39-12 paragraph (1) shall be read as "Article 71-3 paragraph (3)"; "Article 47-5" in Article 46 paragraph (4) item iii) and Article 47-2 paragraph (3) shall be read as "Article 71-3 paragraph (11)"; "officer or examination executor" in the same paragraphs shall be read as "officer"; and "staff (including examination executor; the same shall apply to the following paragraph)" in Article 47-3 shall be read as "staff".

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

- (1) The Minister may have a person who is registered by the Minister (hereinafter referred to as a "registered frequency termination support agency") conduct all or part of the specific frequency termination support service.
- (2) When having decided to have a registered frequency termination support agency conduct the specific frequency termination support service in accordance with the provisions of the preceding paragraph, the Minister shall not conduct said specific frequency termination support service.
- (3) The registration of paragraph (1) shall be, as specified in the applicable MIC ordinance, made upon an application by a person who wishes to conduct the specific frequency termination support service.
- (4) The Minister shall, when a person who has submitted an application for registration in accordance with the provisions of the preceding paragraph (hereinafter in this paragraph referred to as an "applicant for registration") conforms to any of the following items, register the person:
  - i) The staff of the applicant for registration having knowledge and experiences that meet any of the conditions listed under Table No. 5 shall conduct work pertaining to decisions for delivering compensations pertaining to the specific frequency termination support service
  - ii) Debts of the applicant for registration shall not exceed its assets.
  - iii) The applicant for registration shall not be a person who is establishing radio stations using radio frequencies pertaining to the previous assignable period.
  - iv) The applicant for registration shall not fall under any of the following sub-items that indicate that said applicant is controlled by a specified person:
    - a) Where the applicant for registration is a joint-stock company or a limited liability company, a joint-stock company or a limited liability company is the parent company of said applicant
    - b) The ratio of officers or staff of a specified person (including those who were officers or staff of said specified person in the past two years) to officers of the applicant for registration (in the cases where said applicant is an unlimited partnership or a limited partnership, partners who have right to administer the affairs) exceeds one half.
- (5) The provisions of Article 24-2 paragraphs (5) and (6) shall apply, mutatis mutandis, to the registration of 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 read as "Article 38-17 paragraph (1) or (2) applied, mutatis mutandis, in Article 71-3-2 paragraph (11)"; and "preceding paragraphs" in paragraph (6) of the same article shall be read as "preceding paragraphs, and Article 71-3-2 paragraphs (1) through (4) and paragraph (6)".
- (6) The registration of paragraph (1) shall be made by entering the following matters in the registration book of registered frequency termination support agencies:
  - i) Date of registration and registration number
  - ii) Name and address of the person who has obtained registration and, in the cases where the person is a juridical person, name of the representative
  - iii) Name and address of the office where the person who has obtained registration conduct the specified registered frequency termination support service
- (7) The registration of paragraph (1) shall, if the person concerned does not renew the registration during every three years' or shorter period specified in the applicable cabinet order, lose validity by passage of the period.
- (8) The provisions of paragraphs (3) through (6) shall apply, mutatis mutandis, to the renewal

- of registration of the preceding paragraph.
- (9) Any registered frequency termination support agency shall, when the Minister has requested the registered frequency termination support agency to conduct its specific frequency termination support service, except well-grounded cases, without delay, conduct its specific frequency termination support service.
- (10) The Minister may, when it is deemed that a registered frequency termination support agency violates the provisions of the preceding paragraph, including the cases when it is deemed necessary to ensure proper implementation of its specific frequency termination support service, order said registered frequency termination support agency to conduct its specific frequency termination support service or take necessary measures for improving the operations method of its specific frequency termination support service, including other operations methods.
- (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), paragraphs (8) and (9) of the preceding article shall apply, mutatis mutandis, to a registered frequency termination support agency. In these cases, the words and phrases listed in the middle column of the following table in the provisions listed in the left column in the same table shall be read as the words and phrases listed in the right column of the same table.

Article 24-7	each item of Article 24-2 paragraph (4)	each item of Article 71-3-2 paragraph (4)
Article 24-11	Article 24-9 paragraph (2)	Article 71-3-2 paragraph (7)
	has become invalid in accordance with the provisions of Article 24-9 paragraph (2),	has become invalid in accordance with 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 in accordance with the provisions of Article 39-10 paragraph (1) applied, mutatis mutandis, in Article 71-3-2 paragraph (11),
	the preceding article	Article 38-17 paragraph (1) or (2) applied, mutatis mutandis, in Article 71-3-2 paragraph (11)
Article 38-5 paragraph (1)	Article 38-2 paragraph (1)	Article 71-3-2 paragraph (1)
	person who has obtained registration under the same paragraph (hereinafter referred to as “registered certification body”)	person who has obtained registration under the same paragraph

	the classification of business pertaining to its registration, address of the office where the technical regulations conformity certification service	the specific frequency termination support service pertaining to its registration, address of the office where the specific frequency termination support service
	technical regulations conformity certification service	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 which conform to the conditions in Table No. 5
Article 38-11 paragraph (2)	person who performs a business of dealing in specified radio equipment	licensee who has applied for payment of compensations 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), the part other than listed items of Article 38-17 paragraph (2) and paragraph (3), and Article 38-18 paragraph (2) and paragraph (3)	technical regulations conformity certification service	specific frequency termination support service
Article 38-17 paragraph (1)	Article 38-3 paragraph (2)	Article 71-3-2 paragraph (5)
Article 38-17 paragraph (2) item 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) 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) applied, mutatis mutandis, in 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 wishes to obtain the registration under Article 38-2 paragraph (1), or when a registered certification body has suspended or discontinued its technical regulations conformity certification service in accordance with the provisions of Article 38-16 paragraph (1) or when the Minister has revoked the registration in accordance with the provisions of paragraph (1) or (2) of the preceding article, or when the Minister has ordered a registered certification body to suspend part or the all of technical regulations conformity certification service in accordance with the provisions of the same paragraph or when the Minister deems it necessary where a registered certification body has fallen into difficulties in executing part or all of technical regulations conformity certification service pertaining to its registration due to a natural disaster or any other reason, the Minister	When a registered certification body has suspended or discontinued its technical regulations conformity certification service in accordance with the provisions of Article 38-16 paragraph (1) or when the Minister has revoked the registration in accordance with the provisions of paragraph (1) or (2) of the preceding article, or when the Minister has ordered a registered certification body to suspend part or the all of technical regulations conformity certification service in accordance with the provisions of the same paragraph or when the Minister deems it necessary where a registered certification body has fallen into difficulties in executing part or all of technical regulations conformity certification service pertaining to its registration due to a natural disaster or any other reason, the Minister
	Article 38-16 paragraph (1)	Article 39-10 paragraph (1) applied, mutatis mutandis, in 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 business	specific frequency termination support service
Article 47-3 paragraph (1)	staff (including examination executor; the same shall apply to the following paragraph)	staff

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

***(Obligation, etc. of Licensees, etc. who Are Decided to Be Given Compensations)***

**Article 71-4.**

- (1) A licensee who are decided to be given compensations pertaining to specific frequency change support service shall, without delay, apply for change of designation of frequency or antenna power.
- (2) Any licensee, etc. who are decided to be given compensations pertaining to its specific frequency termination support service shall, without delay, apply for change of designation of frequency (in the cases where a registrant, registration for change of frequency) or abolish radio stations.
- (3) The provisions of the preceding three articles shall not hinder the Minister from changing of designation of frequency or antenna power of established radio stations in accordance with the provisions of Article 71 paragraph (1); or in accordance with the provisions of Article 76-3 paragraph (1), from changing of designation of frequency of radio stations using radio frequencies pertaining to the previous assignable period of Article 71-2 paragraph (2), ordering change of frequencies of registered stations using said radio frequencies, or revoking licenses, etc. of radio stations using said radio frequencies.

***(Cessation of Emission of Radio Waves)***

**Article 72.**

- (1) Where determining that the quality of radio waves emitted by a radio station does not satisfy the requirements specified in the applicable MIC ordinance # of Article 28, the Minister may order the radio station to cease temporarily emission of the radio waves.
- (2) When receiving a notification from the radio station which has received an order of the preceding paragraph that its radio waves come to satisfy the requirements specified in the applicable MIC ordinance # of Article 28, the Minister shall order the radio station to experimentally emit radio waves.
- (3) Where the radio waves emitted in accordance with the provisions of the preceding paragraph satisfy the requirements specified in the applicable MIC ordinance # of Article 28, the Minister shall immediately remove the cessation order of paragraph (1).

# The Ordinance for Regulating Radio Equipment, Articles 5 through 7

***(Inspection)*****Article 73.**

- (1) The Minister shall dispatch the ministerial staffs to radio stations (except those specified in the applicable MIC ordinance) and order them to inspect the radio equipment, etc. on the day notified in advance at regular intervals specified in the applicable MIC ordinance. However, with respect to radio stations for which the Minister determines it unnecessary to inspect matters other than radio equipment related to quality of emitted radio waves or antenna power, the quality of emitted radio waves or antenna power of the radio stations shall be inspected by instructing them to emit radio waves.
- (2) The inspection of the preceding paragraph may, irrespective of the provisions of the same paragraph, be delayed or omitted where inspection of radio stations is deemed unnecessary at the time specified in the applicable MIC ordinance of the same paragraph or where the radio stations are installed on board ships or aircraft on a voyage between foreign countries.
- (3) A part of the inspection of paragraph (1) may be omitted, irrespective of the provisions of paragraph (1), when a licensee of the radio station submits the documents on which the results of an inspection pertaining to the registration on the radio equipment, etc., conducted by a person registered under the provisions of Article 24-2 paragraph (1) or Article 24-13 paragraph (1) in accordance with the applicable MIC ordinance, are entered.
- (4) When ordering to cease emission of radio waves of paragraph (1) under the preceding article, or receiving a notification of paragraph (2) under the same article, or being notified of the fact that a ship or aircraft with a radio station is leaving, or determining particularly necessary for the enforcement of this Law, the Minister may dispatch the ministerial staffs to those radio stations to inspect the radio equipment, etc.
- (5) When determining it necessary to only inspect matters of the radio equipment related to the quality of radio waves or antenna power, where a ship or aircraft installed with a radio station is leaving for a foreign country or inspection is particularly necessary for the enforcement of this Law, the Minister may conduct the inspection of the quality of radio waves or antenna power by instructing the radio station to emit radio waves.
- (6) The provisions of Article 39-9 paragraphs (2) and (3) shall apply, mutatis mutandis, to the inspection under the main clause of paragraph (1) or the provisions of paragraph (4).

***(Radio Communications in Case of Emergencies)*****Article 74.**

- (1) Where earthquakes, typhoons, floods, tidal waves, snow damage, conflagration, disturbance or any other emergency situations occur or threaten to occur, the Minister may order any radio station to conduct radio communications necessary for the saving of lives, relief from disasters, securing of transportation and telecommunications or maintenance of public order.
- (2) When the Minister orders a radio station to conduct radio communications in accordance with the provisions of the preceding paragraph, the Government shall compensate the radio station for the actual expense needed for the radio communications.

***(Development of Telecommunications Systems in Case of Emergencies)*****Article 74-2.**

- (1) The Minister shall develop emergency telecommunications plans, conduct telecommunications training, and take other necessary measures, in order to maintain and improve systems necessary for securing good communications specified in paragraph (1) of the preceding article.
- (2) The Minister may request the cooperation of licensees, etc. when taking measures stipulated in the preceding paragraph.

***(Revocation of a Radio Station License, etc.)*****Article 75.**

The Minister shall revoke the license, when a licensee is no longer qualified to hold a radio station license in accordance with Article 5 paragraph (1), (2) or (4).

**Article 76.**

- (1) When a licensee, etc. has violated the provisions of this Law or the Broadcast Law, or any orders or administrative dispositions thereunder, the Minister may order the licensee, etc. to cease the operation of the radio station for a specified period not exceeding three months or suspend all or part of validity of the registration of Article 27-18 paragraph (1), or impose a limitation to the permitted operations hours, frequencies, or antenna power for a specified period.
- (2) In addition to the provisions of the preceding paragraph, the Minister may, where there is a risk that a registrant would cause interference or any other disturbance harmful to the operation of other registered stations by using radio equipment not conforming to the technical regulations specified in Chapter III, including the cases where there is a serious risk of hindering efficient use of radio waves due to the inappropriate operation of registered stations, suspend all or part of validity of the registration for a specified period not exceeding three months.
- (3) The Minister may revoke a license, when a licensee (except a blanket licensee) falls under any of the following items:
  - i) When ceasing the operation of the radio station for a period of six months or longer consecutively without due reasons
  - ii) When obtaining the radio station license, or receiving the permission of Article 17, or changing the designated matters in accordance with the provisions of Article 19, through illegal means
  - iii) When failing to observe any order or limitation of the provisions of paragraph (1)
  - iv) When falling under Article 5 paragraph (3) item i)
- (4) The Minister may revoke a blanket license when a blanket licensee falls under any of the following items:
  - i) When failing to commence the operation of specified radio station by the deadline of the Article 27-5 paragraph (1) item iv) (or the deadline as postponed in accordance with the provisions of Article 27-6 paragraph (1))
  - ii) When ceasing the operation of all the specified radio stations under the blanket license for a period of six months or longer consecutively without due reasons
  - iii) When obtaining the blanket license, or receiving the permission of Article 27-8, or changing the designated matters in accordance with the provisions of Article 27-9, through illegal means
  - iv) When failing to observe any order or limitation of the provisions of paragraph (1)
  - v) When falling under Article 5 paragraph (3) item i)
- (5) The Minister may revoke the registration when a registrant falls under any of the following items:
  - i) When obtaining the registration of Article 27-18 paragraph (1), or receiving the change of registration of Article 27-23 paragraph (1) or Article 27-30 paragraph (1), through illegal means
  - ii) When failing to observe any order of paragraph (1) or (2)
  - iii) When the registrant has fallen under Article 5 paragraph (3) item i)

- (6) When revoking a license in accordance with the provisions of the paragraph (3) (except item iv)) and paragraph (4) (except item v)) and a registration in accordance with the provisions of the preceding paragraph (except item iii)), the Minister may revoke other licenses, etc. granted to the licensee, etc., or the attestation of the establishment plan under Article 13 paragraph (1).

#### Article 76-2.

The Minister may reduce the number of designated radio stations when sufficient reasons are found to determine that the maximum number of specified radio stations operated simultaneously during the validity of the blanket license is most likely to fall far below the number of designated radio stations under the blanket license. In this case, the Minister shall change the designation of frequency of the blanket license.

#### Article 76-2-2.

The Minister may, where it is deemed necessary in the cases specified in the applicable MIC ordinance as the cases where there are extremely many registered stations among registered stations using a specific radio frequency and there is a risk that a registrant would cause serious effects on the operation of other radios stations by through a further increase in the number of registered stations using said specific radio frequency, prohibit the registrant from establishing radio stations pertaining to its registration anew to the extent necessary for preventing such effects, or limit the operation of registered stations established by said registrant.

#### Article 76-3.

- (1) In addition to the cases of changing designation of frequency or the cases of ordering the change of frequency in accordance with the provisions of Article 71 paragraph (1), the Minister may, when having specified a period for using part or all of frequencies assignable to a specific classification of radio stations by changing the Frequency Assignment Plan based on results of the assessment of Article 26-2 paragraph (3), after expiration of said period, change designation of frequencies for radio stations (except registered stations) using radio frequencies pertaining to said period, order the registrant to change frequencies of registered stations using said radio frequencies, or revoke licenses, etc. of radio stations using said radio frequencies.
- (2) The Government shall compensate the licensees, etc. for the loss resulting from ordering change in designation for frequencies of radio stations, in frequencies of registered stations or revocation of licenses, etc. of radio stations, in accordance with the provisions of the preceding paragraph.
- (3) The provisions of Article 71 paragraphs (3) through (5) shall apply, *mutatis mutandis*, to the compensation for loss in accordance with the provisions of the preceding paragraph.

#### Article 77.

The Minister shall, when administrative dispositions have been taken in accordance with the provisions of Articles 75 through the preceding article, send the licensee, etc. a notification with the statement of reasons entered thereon.

#### *(Dismantling of Antennas)*

#### Article 78.

When a radio station license, etc. becomes invalid, the person who has been the licensee, etc. of that radio station shall dismantle the antenna system without delay.

***(Revocation of Radio Operator Licenses, etc.)***

**Article 79.**

- (1) The Minister may revoke a radio operator license, or order a radio operator to cease to be engaged in such service for a specified period not exceeding three months, when the radio operator falls under any of the following items:
  - i) When contravening the provisions of this Law or any orders or administrative dispositions thereunder
  - ii) When obtaining the radio operator license through illegal means
  - iii) Where falling under Article 42 item iii)
- (2) The provisions of the preceding paragraph (except item iii)) shall apply, mutatis mutandis, to a ship station radio operator attestation. In this case, "radio operator license" in that paragraph shall be read as "ship station radio operator attestation."
- (3) The provisions of Article 77 shall apply, mutatis mutandis, to revocation and suspension in accordance with the provisions of paragraph (1) (including the case which applies, mutatis mutandis, in the preceding paragraph).

***(Suspension of Ship Station Radio Operator Attestation)***

**Article 79-2.**

- (1) When a person who has been required to submit a document in accordance with the provisions of Article 81-2 paragraph (2) fails to submit, the Minister may suspend the validity of the ship station radio operator attestation.
- (2) Where the Minister receives the document of the preceding paragraph after the validity of a ship station radio operator attestation has been suspended in accordance with the preceding paragraph, the suspension shall be cancelled without delay.
- (3) The provisions of Article 77 shall apply, mutatis mutandis, to suspension under the provisions of paragraph (1)

***(Report, etc.)***

**Article 80.**

Any licensee, etc. of a radio station shall report to the Minister by the procedures specified in the applicable MIC ordinance in the following cases:

# The Regulations for Enforcement of the Radio Law, Article 42

- i) When conducting distress, urgency, safety or emergency traffic
- ii) When recognizing any other radio station operating in violation of the provisions of this Law or any orders thereunder
- iii) When restricted to operate a radio station in a foreign country, beyond the public notice issued in advance by the MIC

**Article 81.**

When the Minister determines necessary for the purpose of maintaining the order of radio communications or ensuring the proper operation of radio stations, a licensee may be requested to report on the radio station.

**Article 81-2.**

- (1) Where determining necessary for the enforcement of this Law, the Minister may request a person who holds a ship station radio operator attestation to report on the ship station radio operator attestation.
- (2) When suspecting that a person holding a ship station radio operator attestation falls under Article 48-3 item i) or ii), the Minister may request, in accordance with the applicable MIC

ordinance #, the person to submit documents specified in the applicable MIC ordinance # to determine the validity of the ship station radio operator attestation.

# The Regulations for Enforcement of the Radio Law, Article 43-5

***(Supervision over Radio Stations Requiring No License, etc. and Receiving Equipment)***

**Article 82.**

- (1) When emissions from radio equipment of radio stations listed in Article 4 items i) through iii) (hereinafter referred to as "radio stations requiring no license, etc."), or spurious emission or radio frequency currents from receiving equipment causes successive and serious interference 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 interference.
- (2) When determining necessary in particular, after issuing an order to take measures of the preceding paragraph for radio equipment of any radio station requiring no license, etc. or for receiving equipment other than receiving equipment for the purpose of receiving broadcast, the Minister may dispatch the ministerial staffs to the place where the equipment is located and have them inspect the equipment.
- (3) The provisions of Article 39-9 paragraphs (2) and (3) shall apply, mutatis mutandis, to inspection specified in the preceding paragraph.

## Chapter VII. -- Protests and Lawsuits --

### *(Way of Protesting)*

#### Article 83.

- (1) Any person who protests against an administrative disposition taken by the Minister under the provisions of this Law or any orders thereunder shall submit a statement of objection in the original and the copy thereof.
- (2) Notwithstanding the provisions of the preceding paragraph, in accordance with the provisions of paragraph (1) of Article 3 of the "Law Concerning the Use of Information and Communications Technologies for Administrative Procedures, etc." (Law No. 151 of 2002), in the case where an objection is filed by utilizing the electronic data processing system, it shall be deemed to have been filed in duplicate format (original and copy thereof).

### *(Exemption of Restrictions on Protesting)*

#### Article 84.

The provisions of Article 27 paragraph (2) of the Administrative Procedures Law (Law No. 88 of 1993) shall not apply to administrative dispositions by the Minister under the provisions of this Law and the order thereunder after going through the hearings specified in the Administrative Procedures Law.

### *(Reference to the Radio Regulatory Council)*

#### Article 85.

Where a protest is made in accordance with the provisions of Article 83, the Minister shall, unless rejecting it, refer it without delay to the Radio Regulatory Council.

### *(Commencement of Hearings)*

#### Article 86.

The Radio Regulatory Council shall, within thirty days from the day of receiving the protest, hold a hearing on the matter referred to the Council in accordance with the provisions of the preceding article.

#### Article 87.

The hearing shall be presided over by a hearing examiner whom the Radio Regulatory Council nominates by specifying a matter to deal with. However, this shall not apply to the case where the Council nominates one of its members to preside over the hearing when the matter is particularly important.

#### Article 88.

- (1) The hearing shall commence with the delivery of a hearing commencement notice to the protestant in the name of the hearing examiner (or the member of the Radio Regulatory Council, in case of the proviso of the preceding article; hereinafter the same shall apply), indicating the purpose, date and place of the hearing, and requesting the appearance of the protestant.
- (2) When a hearing commencement notice has been sent out, the Minister shall issue a public notice related to the purport of the matter and the date and place of the hearing, and notify interested parties whose names and whereabouts are known.

***(Participants)***

**Article 89.**

- (1) The interested parties may, with permission of the hearing examiner, participate in the proceedings of the hearing as participants.
- (2) The examiner may, when determining necessary, request the interested parties to participate in the proceedings of the hearing as participants.

***(Proxy and Designated Officers)***

**Article 90.**

- (1) The interested parties may appoint lawyers and other appropriate persons as their proxies.
- (2) The Minister may appoint the ministerial staffs (hereinafter referred to as "appointed officer") to participate in the proceedings of the hearing.
- (3) Any proxy of paragraph (1) may fully act on behalf of the protestant, participants, or appointed officers, for the hearing.

***(Expression of Opinions)***

**Article 91.**

- (1) The protestant, participants or appointed officers may attend the hearing and express the opinions.
- (2) Where in the preceding paragraph, the protestant and participants may, with permission of the hearing examiner, attend the hearing accompanied by their assistants.
- (3) The hearing examiner may, where determining necessary for the hearing, request the protestant, participants, or appointed officers, to state the opinions.

***(Submission of Evidences, etc.)***

**Article 92.**

The protestant, participants or appointed officers may submit documentary or real evidence at the hearing. However, when the hearing examiner specifies a reasonable period for submission of documentary or real evidence, such evidence shall be submitted within that specified period.

***(Request of Statement and Analysis from Witness)***

**Article 92-2.**

The hearing examiner may force, upon request of the protestant, participants or appointed officers, or ex officio, any person deemed to be appropriate to attend the hearing as a witness, and state the known fact, and make an analysis. In this case, the protestant, participants and appointed officers may also request the witness to state.

***(Request of Submission of Article)***

**Article 92-3.**

The hearing examiner may, upon request of the protestant, participants or appointed officers, or ex officio, request a possessor of any relevant document or other article to submit it and may retain it.

***(Investigation)***

**Article 92-4.**

- (1) The hearing examiner may conduct a necessary on-the-spot investigation, upon request of the protestant, participants or appointed officers, or ex officio.

- (2) Where conducting an on-the-spot investigation upon request of the protestant, participants or appointed officers, the hearing examiner shall notify in advance the person requesting the investigation of the date and place of investigation to give an opportunity to attend the investigation.

***(Scrutiny of the Protestant or Participants)***

**Article 92-5.**

The hearing examiner may, upon request of the protestant, participants or appointed officers, or ex officio, scrutinize the protestant or any of participants. In this case, the provisions of the latter part of Article 92-2 shall apply, mutatis mutandis.

***(Protocol and Written Opinion)***

**Article 93.**

- (1) The hearing examiner shall make a protocol related to the hearing.
- (2) The hearing examiner shall prepare a written opinion based on the protocol of the preceding paragraph, and submit the written opinion along with the protocol to the Radio Regulatory Council.
- (3) The Radio Regulatory Council shall offer the copies of the protocol of paragraph (1) and of the written opinions of the preceding paragraph for public perusal.

***(Return of Evidence, etc.)***

**Article 93-2.**

The examiner shall, when submitting the written opinion under paragraph (2) of the preceding article, return without delay the documentary or real evidence which has been submitted in accordance with the provisions of Article 92 and the documents or other material which have been submitted in response to the request under Article 92-3, to the person who has submitted them.

***(Limitation of Complaining)***

**Article 93-3.**

No one may submit a complaint in accordance with the Administrative Complaint Examination Law (Law No. 160 of 1962) against the administrative disposition which the hearing examiner has made in the proceedings of the hearing.

***(Draft Decision)***

**Article 93-4.**

The Radio Regulatory Council shall prepare a draft decision on the matter based on the protocol and written opinion of Article 93.

***(Suspension for the Execution of Administrative Disposition)***

**Article 93-5.**

Where a complaint is submitted in accordance with the provisions of Article 34 paragraph (2) of the Administrative Complaint Examination Law (Law No. 160 of 1962) which shall apply, mutatis mutandis, to Article 48 of the same Law, with respect to disposition related to the matter referred to the Radio Regulatory Council in accordance with the provisions of Article 85, the Minister shall consider opinions of the Radio Regulatory Council.

***(Decision)***

**Article 94.**

- (1) When a draft decision of Article 93-4 is prepared, the Minister shall make, based on the draft

decision, a final decision to the protest, within seven days from the day on which the draft decision was prepared.

- (2) The fact authorized by the Radio Regulatory Council through the proceedings of a hearing shall be entered on the written decision.
- (3) When making a decision, the Minister shall observe the provisions of Article 42 of the Administrative Complaint Examination Law, which shall apply, mutatis mutandis, to Article 48 of said Law, and send to each of the participants of Article 89 a copy of the decision.

***(Traveling and Other Expenses for Witness)***

**Article 95.**

A witness requested to attend a hearing in accordance with the provisions of Article 92-2 receives the amounts of traveling expenses, daily allowances and lodging charges specified in the cabinet order #.

- # The Cabinet Order of Fixing the Amounts of Traveling and Other Expenses under the Radio Law

***(Commission to the Ministerial Ordinances of the MIC)***

**Article 96.**

In addition to the provisions in this Chapter, other procedure for hearings shall be specified in the applicable MIC ordinance #.

- # The Ordinance Specifying the Hearing Procedures of the Radio Regulatory Council

***(Action of Litigation)***

**Article 96-2.**

Any person who is dissatisfied with an administrative disposition by the Minister in accordance with the provisions of this Law or orders thereunder, may bring in an action for reversing the decision made on complaint against the administrative proposition.

***(Exclusive Jurisdiction)***

**Article 97.**

Action (except actions against decisions to reject complaints) of the preceding article shall fall under the exclusive jurisdiction of the Tokyo High Court.

***(Submission of Records)***

**Article 98.**

Where an action has been brought in under the preceding article, the court shall request without delay the Minister to submit records related to the case.

***(Binding Force of Fact Recognition)***

**Article 99.**

- (1) With respect to the litigation of Article 97, the fact which the Radio Regulatory Council has lawfully authorized shall be binding on the court when any substantial evidence enough to prove that the fact exists.
- (2) The evaluation of substantial evidence stipulated in the preceding paragraph shall be left to the discretion of the court.

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

### *(Establishment)*

#### Article 99-2.

The Radio Regulatory Council shall be established in the MIC for the purpose of equitable and efficient administrative regulation of radio waves, broadcasting (including entrustment of broadcasting; the same shall apply in, Article 102-2 paragraph (1) item ii) and Article 108-2 paragraph (1)) and broadcasting using telecommunications service stipulated in Article 2 paragraph (1) of the Law Concerning Broadcast on Telecommunications Services (Law No. 85 of 2001) in order to deal with the items which are attributed to the authority of the council in accordance with the provisions of this Law, the Broadcast Law and the Law Concerning Broadcast on Telecommunications Services and in order to examine and adopt resolutions on complaints submitted against administrative dispositions made by the Minister under the Cable Television Broadcast Law (Law No. 114 of 1972) or the Law to Regulate the Operation of Cable Sound Broadcasting Service (Law No. 135 of 1951).

### *(Organization)*

#### Article 99-2-2.

- (1) The Radio Regulatory Council shall be composed of five members.
- (2) The Radio Regulatory Council shall set up the post of the chairperson, who is elected from these members by means of their mutual votes.
- (3) The chairperson of the Radio Regulatory Council 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 where the chairperson is incapable of fulfilling the duties.

### *(Appointment of the Members)*

#### Article 99-3.

- (1) The members of the Radio Regulatory Council shall be appointed from persons capable of making fair judgment by the Minister with the consent of both the Houses of Representatives and Councillors from a standpoint of public welfare with rich experience and knowledge.
- (2) Where a member of the Radio Regulatory Council has served out the full period or where the necessity has arisen to fill up a vacancy of the members, the Minister may, irrespective of the provisions of the preceding paragraph, appoint a person to a member without the consent of both the Houses of Representatives and Councillors when impossible due to the Diet being in the closed period or due to the House of Representatives dissolved, to obtain the consent of both the Houses of Representatives and Councillors for the appointment of the member. In this case, in the first Parliament session after the appointment, the Minister shall gain the consent of both the Houses of Representatives and Councillors.
- (3) Any person who falls under any of the following items shall not become a member of the Radio Regulatory Council:
  - i) Any person who has been sentenced to imprisonment or severer penalty.
  - ii) Any person who has lost the position of a government worker due to disciplinary discharge, if a period of two years has not elapsed since the day of discharge.
  - iii) Any person who is a broadcaster, a broadcaster using telecommunications service

stipulated in Article 2 paragraph (3) of the Law Concerning Broadcast on Telecommunications Services, a telecommunications carrier specified in Article 2 item v) of the Telecommunications Business Law (limited to a person who installs telecommunications network facilities (transmission circuit facilities connecting transmitting points with receiving points, switching facilities installed as inseparable units therefrom, and other facilities accessory to such facilities)), a manufacturer or a dealer of radio equipment, or an officer of a juridical person, when the person is a juridical person (referring to a person, whatever the title may be, who has official competence or managing power equal to or above that of the officer, the same shall apply in this article), or a holder of a 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 the appointment).

- iv) Any person who is an officer in any of the entities referred to in the preceding item (including any person who fell under any of the above persons within a year prior to the day of the appointment).

***(Service Regulations)***

**Article 99-4.**

The provisions of Articles 96, Articles 98 through 102 and Article 105 of the Government Workers Law (Law No. 120 of 1947) shall apply, mutatis mutandis, to the members of the Radio Regulatory Council.

***(Term of Office)***

**Article 99-5.**

- (1) The member's term of office shall be three years. However, a member who has been appointed to fill up a vacancy shall hold the office for the remainder of the predecessor's term.
- (2) Any of the members may be reappointed.

***(Retirement)***

**Article 99-6.**

Any member of the Radio Regulatory Council shall naturally lose the membership when the appointment fails to gain the consent from both the Houses of Representatives and Councillors in accordance with the provisions of the latter part of Article 99-3 paragraph (2).

***(Discharge)***

**Article 99-7.**

When any member of the Radio Regulatory Council falls under any of the items of Article 99-3 paragraph (3), the Minister shall discharge the member.

**Article 99-8.**

When determining that a member is incapable of performing the official duties due to mental or physical deficiency or that a member has committed nonfeasance against the official duties or any other misconduct not befitting membership of the Council, the Minister may discharge the member with the approval of both the Houses of Representatives and Councillors.

***(Restrictions of Employment Following Retirement)***

**Article 99-9.**

Any person who has been a member of the Radio Regulatory Council shall not obtain any post referred to in Article 99-3 paragraph (3) items iii) and iv), if a period of one year has not yet elapsed

from the day of the retirement.

***(Meeting and Procedures)***

**Article 99-10.**

- (1) The Radio Regulatory Council shall not open a meeting and make a decision, unless three or more members, including the chairperson, attend the meeting.
- (2) The Council shall decide on a matter by a majority of the members present. When in a tie, the presiding chairperson shall decide on the matter.
- (3) In addition to the provisions of the preceding two paragraphs, the procedures of proceedings of the Council shall be specified in the applicable MIC ordinance #.

# The Ordinance Providing the Proceedings of the Radio Regulatory Council

***(Mandatory Inquiry)***

**Article 99-11.**

- (1) The Minister shall inquire of the Radio Regulatory Council in any of the following cases:
  - i) When the Minister establishes, changes or abolishes any of the applicable MIC ordinance in accordance with Article 4 items i), ii) and iii) (Radio Station Requiring No License, etc.), Article 4-2 (Designation of Call Sign or Call Name), Article 6 paragraph (7) (Application Period of Radio Station License), Article 7 paragraph (1) item iii) and paragraph (2) item iv) (Essential Standards for Establishment of Radio Stations), Article 8 paragraph (1) item iii) (Identification Signal), the proviso of Article 9 paragraph (1) (Changes in Construction Types Not Requiring Permission), Article 13 paragraph (1) (Validity Period of Radio Station Licenses), Article 15 (Simplified Licensing Procedures), Article 26-2 paragraph (1) (Survey, etc. of Actual Radio Spectrum Usage), 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 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 Requiring No Change of Registration), Article 27-30 paragraph (1) (Minor Changes Requiring No Change of Registration Concerning Blanket Registrant), Article 27-31 (Notification on Establishment of Radio Stations), Article 28 (including the cases where Article 28 shall apply, mutatis mutandis, in Article 100 paragraph (5)) (Quality of Radio Waves), Article 29 (Requirement for Receiving Equipment), Article 30 (including the cases where Article 30 shall apply, mutatis mutandis, in Article 100 paragraph (5)) (Safety Installation), Article 31 (Installation of Frequency Measuring Devices), Article 32 (Installation of Meters and Spare Components), Article 33 (Apparatus for Radio Equipment for Compulsory Ship Stations), Article 35 (Requirements for Radio Equipment of Compulsory Ship Stations, etc.), Article 36 (Requirements for Compulsory Aircraft Stations), Article 37 (Approval of Apparatus for Radio Equipment), Article 38 (including the cases where Article 38 shall apply, mutatis mutandis, in 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 of Article 39-13 (Operation of Radio Equipment in Amateur Radio Stations), Article 41 paragraph (2) items ii), iii) and iv) (Standards to Attestation Related to Training Courses for Radio Operators, etc.), Article 47 (Execution of Examination Business), Article 48-3 item i) (Invalidation of Ship Station Radio Operator Attestation), Article 49 (Particulars on State Examinations, etc.), Article 50 (Station of Distress Traffic Operators, etc.), Article 52 items i), ii), iii)

and vi) (Utilization beyond Purpose), Article 55 (Operation beyond Permitted Operations Hours), Article 61 (Radio Communications Methods, etc.), Article 65 (Watchkeeping Obligation), Article 66 paragraph (1) (Distress Traffic), Article 67 paragraph (2) (Urgency Traffic), Article 70-4 (Watchkeeping Obligation), Article 70-5 (Communications Report of Aircraft Stations), Article 71-3 paragraph (4) (including the cases applied, *mutatis mutandis*, in Article 71-3-2 paragraph (11)) (Standards Concerning Payments of Compensations), Article 73 paragraph (1) (Inspection), Article 100 paragraph (1) item ii) (Industrial Facilities Emitting HF Radio Waves), 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 (Method to Use Information Technology Instead of Paper Documentation), Article 102-18 paragraph (1) (Measuring Instrument, etc.), paragraph (9) of the same article (Conducting Calibration Service), and Article 103-2 paragraph (7) (Collection of the Spectrum User Fee, etc.).

- ii) When the Minister establishes or changes the Plan for the Available Frequencies Allocated to Broadcasting in accordance with the provisions of Article 7 paragraph (3) or paragraph (4), establishes or changes the Frequency Assignment Plan under Article 26 paragraph (1) (except the part pertaining to paragraph (2) item iv) of the same article), assesses to what degree the radio spectrum is being used effectively in accordance with the provisions of Article 26-2 paragraph (3), specify or change the Establishment Guidelines for the specified base stations under Article 27-12 paragraph (1), and specify or change specified notified stations of Article 71-2 paragraph (2).
- iii) When the Minister takes administrative dispositions for revoking attestation of the establishment plan in accordance with the provisions of Article 27-15 paragraph (1) or (2), or revokes a license, etc. of radio station in accordance with the same paragraph, or takes administrative dispositions for revoking a designation of a designated certification agency, a designated training agency, a designated examination executing agency, a designated frequency change support agency, the center or a designated calibration agency in accordance with the provisions of Article 39-11 paragraph (2) (including the cases where Article 39-11 paragraph (2) shall apply, *mutatis mutandis*, in Article 47-5, Article 71-3 paragraph (11), Article 102-17 paragraph (5) and Article 102-18 paragraph (13)); or orders a designated examination executing agency or a designated frequency change support agency to discharge its officers, or a designated examination executing agency to discharge its examination executors or a designated calibration agency to discharge its calibrators in accordance with Article 47-2 paragraph (3) (including the cases where Article 71-3 paragraph (11) and Article 102-18 paragraph (13) shall apply, *mutatis mutandis*) or takes administrative dispositions for revoking a radio station license in accordance with the provisions of Article 76 paragraphs (3), (4) or (6), or for revoking attestation of the establishment plan in accordance with the provisions of the same paragraphs; or takes administrative dispositions for revoking the registration of Article 27-18 paragraph (1) in accordance with the provisions of paragraph (5) or (6) of the same paragraphs; or takes administrative dispositions for reducing the number of designated radio stations and changing the designation of frequencies in accordance with the provisions of Article 76-2, or for prohibiting from establishing radio stations pertaining to registration or for limiting the operation of registered stations in accordance with the provisions of Article 76-2-2; or for changing the designation of frequencies for radio stations in accordance with the provisions of Article 76-3 paragraph (1); or for ordering change of frequencies for registered stations or revoking radio station licenses, etc.; or for revoking a radio operator license or ship station radio operator attestation in

- accordance with the provisions of Article 79 paragraph (1) (including the cases where Article 79 paragraph (1) shall apply, mutatis mutandis, in Article 79 paragraph (2)).
- iv) When the Minister grants a provisional license of a radio station in accordance with the provisions of Article 8; or permits changes in construction types in accordance with the provisions of Article 9 paragraph (1); or permits changes in broadcasting subjects in accordance with the provisions of Article 9 paragraph (4) or the latter part of Article 17 paragraph (1); or grants a blanket license in accordance with the provisions of Article 27-5 paragraph (1); or grants establishment plan attestation in accordance with the provisions of Article 27-13 paragraph (1); or designates a designated training agency in accordance with Article 39-2 paragraph (1); or designates a designated examinations executing agency in accordance with Article 46 paragraph (1); or orders changes in the designation of frequencies, etc. of radio stations or frequencies, etc. for registered stations or transfer of the locations of radio facilities of an artificial satellite station in accordance with the provisions of Article 71 paragraph (1); or designates a designated frequency change support agency with Article 71 paragraph (3); or designates a radio propagation blockage prevented area in accordance with the provisions of Article 102-2 paragraph (1); or designates the center in accordance with the provisions of Article 102-17 paragraph (1); or designates a designated calibration agency in accordance with the provisions of Article 102-18 paragraph (1).
- (2) Of the matters referred to in the preceding paragraph, the Minister may take administrative dispositions without referring to the Radio Regulatory Council to matters which the Council determines to be less important.

***(Hearing)***

**Article 99-12.**

- (1) Where a matter has been referred to in accordance with 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 case in the preceding paragraph, the Radio Regulatory Council may hold a hearing whenever determining necessary where the Council is requested from the Minister in accordance with the provisions of paragraph (1) item i) and item iv) of the preceding article.
- (3) The hearing of the preceding two paragraphs shall be commenced with a public notice granted in the name of the hearing examiner (or the member of the Council where in the proviso of Article 87, which shall apply, mutatis mutandis, to paragraph (6); hereinafter the same shall apply.) of the purport thereof, and date and place of the hearing. However, where the matter is involved in an administrative disposition made to a particular person, the hearing shall be held, when sending to the person a hearing commencement notification indicating the purport, and date and place thereof, as well as requesting the appearance.
- (4) Where in the proviso of the preceding paragraph, a public notice shall be issued indicating the purport thereof, and the date and place of the hearing.
- (5) At the hearing of paragraphs (1) and (2), (except matters related to disadvantageous measures stipulated in Article 2 item iv) of the Administrative Procedures Law (referred to as simply "disadvantageous measures" in paragraphs (6) and (8)), any person interested in the particular matter may attend the hearing on the day of the hearing and express opinions, upon receipt of the permit of the hearing examiner.
- (6) The provisions of Article 87, Articles 90 through 93-3 and Article 96 shall apply, mutatis mutandis, to the hearing of paragraphs (1) and (2), and Article 89 and the Administrative Procedures Law Article 18 shall apply, mutatis mutandis, to the hearing of paragraphs (1) and (2) related to the disadvantageous measures. In these cases, "the protestant" in Article 90 paragraph (3) shall be read as "the persons who received a hearing commencement notifica-

tion of the proviso of Article 99-12 paragraph (3) (where at the hearing pertaining to dispositions to order a designated examination executing agency to discharge its officers or examination executors, or a designated frequency change support agency to discharge its officers or a designated calibration agency to discharge its calibrators in accordance with the provisions of Article 47-2 paragraph (3) (including the case where such provisions shall apply, mutatis mutandis, to Article 71-3 paragraph (11) and Article 102-18 paragraph (13)), persons who have received a hearing commencement notification under the proviso of Article 99-12 paragraph (3), and said officers, said examination executors or said calibrators. Such people are referred to as "the party" hereinafter through Article 92-5.); "the protestant" in Article 91 through 92-5 shall be read as "the party"; "this Chapter" in Article 96 shall be read as "Article 99-12"; "the party" in Article 18 paragraph (1) of the Administrative Procedures Law shall be read as "the party of Article 90 paragraph (3) of the Radio Law which shall apply, mutatis mutandis, to Article 99-12 paragraph (6) of the same Law"; "the participants" shall be read as "the participants of Article 89 paragraph (1) or (2) of the same law which shall apply, mutatis mutandis, to Article 99-12 paragraph (6) of the same law"; and "the hearing notification" shall be read as "sending to a person a hearing commencement notification stipulated in the proviso of Article 99-12 paragraph (3) of the same law."

- (7) The Radio Regulatory Council shall make reply notes to matters for which the Council has held a hearing in accordance with the provisions of paragraph (1) or (2) based upon the protocol and written opinions of Article 93, which shall apply, mutatis mutandis, to the preceding paragraph.
- (8) The provisions of the Chapter III (except Articles 12 and 14) of the Administrative Procedures Law shall not apply to the administrative disposition related to the disadvantageous measures, made after going through the hearings of the provisions of paragraph (1) or (2).

***(Recommendations)***

**Article 99-13.**

- (1) The Radio Regulatory Council may grant necessary recommendations to the Minister with respect to matters referred to in Article 99-11.
- (2) Upon receipt of recommendations of the preceding paragraph, the Minister shall make public its contents.

***(Hearing Examiners)***

**Article 99-14.**

- (1) The Radio Regulatory Council shall appoint no more than five hearing examiners.
- (2) The examiners shall preside over the hearings stipulated in the preceding Chapter (including the cases where the preceding Chapter shall apply, mutatis mutandis, in Article 53-13 of the Broadcast Law, Article 28 of the Cable Television Broadcast Law, Article 9 of the Law to Regulate the Operation of the Cable Sound Broadcasting Service and Article 21 of the Law Concerning Broadcast on Telecommunications Service), or the procedures of the hearings stipulated in Article 99-12 of this Law, Article 53-11 of the Broadcast Law or Article 19 of the Law Concerning Broadcast on Telecommunications Service.
- (3) The examiners shall be appointed by the Minister with a decision made by the Radio Regulatory Council.

## Chapter VIII. -- Miscellaneous Provisions --

### *(Industrial Facilities Emitting Radio Waves)*

#### Article 100.

- (1) Any person who wishes to install the following facilities shall obtain permission from the Minister:
  - i) Telegraphy, telephony or other telecommunications facilities which apply radio frequency currents 10 kHz or above to the wired system (except power carrying cable facilities, two-bare-wire balanced type power carrying facilities or other communications facilities which are specified in the applicable MIC ordinance #).

# The Regulations for Enforcement of the Radio Law, Article 44 paragraph (1)
  - ii) Radio facilities and facilities other than those of the preceding items, which use radio frequency currents 10 kHz or above and are specified in the applicable MIC ordinance #.

# The Regulations for Enforcement of the Radio Law, Article 45
- (2) Upon receipt of an application for permission under the preceding paragraph, the Minister shall permit the construction in the application where determining that the application satisfies the technical regulations of Article 28, 30 or 38 which shall apply to paragraph (5) and the use of frequencies related to the application causes no interference with other communications (including monitoring service at places specified in public notices made by the Minister).
- (3) When a person who has obtained permission under paragraph (1) transfers the facilities to another person, or effects a succession, merger or division (limited to the case where said equipment is succeeded to), the transferee who takes over such facilities, or the successor, the juridical person who is the surviving juridical person, the juridical person who is newly established after the merger or the juridical person who succeeds said equipment by division shall succeed to the status of the person who has obtained permission of the same paragraph.
- (4) A person who succeeds in accordance with the provisions of the preceding paragraph the status of the person who has obtained permission under paragraph (1) shall without delay notify the Minister with a document to prove that fact.
- (5) The provisions of Article 14 paragraphs (1) and (2) (Certificates of Radio Station License), Article 17 (Permission for Changes), Article 21 (Correction to a Certificate of Radio Station License), Articles 22 and 23 (Abolition of a Radio Station), Article 24 (Return of a Certificate of Radio Station License), Article 28 (Quality of Radio Waves), Article 30 (Safety Installation), Article 38 (Technical Regulations), Article 72 (Cessation of Emission of Radio Waves), Article 73 paragraphs (4) and (6) (Inspection), Articles 76 and 77 (Revocation of a Radio Station License, etc.), and Article 81 (Report) shall apply, mutatis mutandis, to the facilities which has obtained permission in accordance with the provisions of paragraph (1).

### *(Protection of the Functions of Radio Equipment)*

#### Article 101.

The provisions of Article 82 paragraph (1) shall apply, mutatis mutandis, to when the radio waves or high frequency currents emitted spuriously by any facilities other than radio equipment (except the equipment of the preceding article) cause successive and serious hindrances to the functions of radio equipment.

Article 102.

- (1) Any person who wishes to construct any buildings or structures which may cause disturbances in the electromagnetic field and are specified in the applicable MIC ordinance # at a place within one kilometer from the site of radio direction finding equipment installed by the Minister shall notify the Minister of such construction in advance.  
# The Regulations for Enforcement of the Radio Law, Article 51
- (2) The Minister shall issue a public notice of the sites of radio direction finding equipment of the preceding paragraph.

***(Designation of Radio Propagation Blockage Prevented Areas)***

Article 102-2.

- (1) When determining necessary for the purpose of preventing hindrances to the radio propagation related to radio communications to be executed on frequencies above 890 MHz or above between specific fixed points which falls under any of the following items (hereinafter referred to as "the important radio communications") in the routes of the important radio communications, to secure such radio communications, the Minister may designate within the area necessary the zones in one hundred meter width at the most on each side from the estimated center of the plane on the ground along the radio propagation route to a radio propagation blockage prevented area:
  - i) Radio communications by means of radio equipment in a radio station devoted to telecommunications service.
  - ii) Radio communications by means of radio equipment in a radio station devoted to broadcast service.
  - iii) Radio communications by means of radio equipment devoted to service for the purpose of protecting lives or properties or of maintaining public peace and order.
  - iv) Radio communications by means of radio equipment devoted to meteorological service.
  - v) Radio communications by means of radio equipment devoted to electric power supply activities for the electricity business.
  - vi) Radio communications by means of radio equipment devoted to the operation of trains for the railway business.
- (2) The designation to a radio propagation blockage prevented area in accordance with the provisions of the preceding paragraph shall become valid with a notice issued as specified in the applicable cabinet order.
- (3) The Minister shall, as specified in the applicable cabinet order, provide the offices of the MIC and of pertinent local public entities with charts showing radio propagation blockage prevented areas pertaining to the notice for public perusal under the preceding paragraph.
- (4) The Minister shall, where a radio propagation blockage prevented area of which a notice was issued under paragraph (2) has become extinct to maintain the designation of such an area under paragraph (1), remove the designation without delay.

# The Cabinet Order Concerning Radio Propagation Blockage Prevented Area under the Radio Law

***(Notification of Construction of Tall Buildings and Structures within Radio Propagation Blockage Prevented Areas)***

Article 102-3.

- (1) Any person who orders with a contract to execute or executes by himself/herself without a contract the construction work (hereinafter referred to simply as a "building owner"), which falls under any of the following items, within a radio propagation blockage prevented area of which a notification under the preceding article paragraph (2) (including where the work

involves not only in one area but also in another area, hereinafter referred to as "specified construction") shall notify in writing the Minister, prior to initiating or getting the contractor (including the subcontractors; hereinafter the same shall apply.) to initiate the work for the specified construction, of the matters of the structure, including the location, height, form, structural property, and major materials of its upper part (referring to the whole or part of the structure higher than thirty-one meters above the ground surface; hereinafter the same shall apply.), and further when ordering with a contract the work for the specified construction, the name, address and other necessary items of the contractor of the work:

- i) The new construction of a building or structure taller than thirty-one meters above the ground surface (including one or more additional structure (s) to be erected on the top of a structure on the ground where its height exceeds thirty-one meters above the ground surface as a result of the erection; hereinafter referred to as "tall building, etc.>").
  - ii) The enlargement or transfer of a building other than tall buildings, etc. which makes it a tall building, etc. as a result of such enlargement or transfer.
  - iii) The enlargement, transfer, remodeling, repair or alteration of tall building, etc. (such remodeling, repair or alteration shall be confined within the extent specified in the applicable MIC ordinance).
- (2) When a building owner who has notified in accordance with the provisions of the preceding paragraph intends to make any change in the notified matters, the building owner shall, as specified in the applicable MIC ordinance #, further notify in writing the Minister of such change.
  - (3) When determining it difficult to decide, based solely on the entries in the documents submitted under the provisions of any of the preceding two paragraphs, whether the upper part of which a notification has been submitted constitutes a cause of hindrances in the radio propagation route over the radio propagation blockage prevented area of important radio communications (hereinafter referred to as "important radio communications hindrance cause"), the Minister may request the building owner within the extent necessary for making such decision on the matters to submit any additional necessary information.
  - (4) When a radio propagation blockage prevented area is newly designated under the provisions of the preceding article paragraph (1), no provisions of paragraph (1) shall apply where the specified construction work has already been progressed (including the case where its preparation has proceeded up to such extent as stipulated in the applicable MIC ordinance #) in that area (including the case where work involves not only in that area but also in another area).
  - (5) A building owner who has been proceeding the specified construction work which falls under the preceding paragraph shall, as stipulated in the applicable MIC ordinance #, notify without delay the Minister of the projection for the specified construction work after designation to a radio propagation blockage prevented area.
  - (6) The provisions of paragraphs (2) and (3) shall apply, mutatis mutandis, to the case where a building owner who has been proceeding the specified construction work which falls under paragraph (4) intends to make a change, at the time of designation to a radio propagation blockage prevented area in which the work is involved, in the projection for the work as to such matters as specified in the applicable MIC ordinance # (where a projection related to the notification under this paragraph was changed, the new projection.).

#### Article 102-4.

- (1) When determining that a building owner has initiated or has made a contractor initiate, without notifying when the building owner is required to do so under the provisions of the preceding article paragraph (1) or (2) (and the preceding article paragraph (6) and the

following paragraph, to both of which the provisions of the preceding article paragraph (1) or (2) shall apply, mutatis mutandis), the specified construction work or the work related to any matters which have been changed (except those specified in the applicable MIC ordinance), the Minister shall immediately order the building owner to notify in writing, within a specified period, of the items which are required to do so under the same article paragraph (1) or (2) (and the preceding article paragraph (6) and the following paragraph, to both of which the provisions of the preceding article paragraph (1) or (2) shall apply, mutatis mutandis)

- (2) The provisions of the preceding article paragraph (2) shall apply, mutatis mutandis, to a person who has observed the order under the provisions of the preceding paragraph related to a notification required under the provisions of the preceding article paragraph (1).
- (3) The provisions of the preceding article paragraph (3) shall apply, mutatis mutandis, to a notification based on the order under the provisions of paragraph (1) or a notification submitted under the provisions of the preceding article paragraph (2).

***(Notification of Possibility of Radio Propagation Blockage)***

**Article 102-5.**

- (1) When a building owner has notified in accordance with the provisions of Article 102-3 paragraph (1) or (2) (including the cases where Article 102-3 paragraph (1) or (2) shall apply, mutatis mutandis, in paragraph (2) of the preceding article) or in observance of the order under the provisions of the preceding article paragraph (1), the Minister shall inquire into what has been notified, and if the Minister determines that the upper part of the building, etc. of which notification has been submitted (or the upper part of the building, etc. after changes if a notification has been submitted for making changes; hereinafter the same shall apply.) causes an important radio communications hindrance over a radio propagation blockage prevented area, the Minister shall grant a notice to the building owner to that effect with a document indicating the part causing important radio communications hindrance (hereinafter referred to as "hindrance causing part") and the reason thereof, or if the Minister determines that the upper part causes no important radio communications hindrance over said area, the Minister grant a notice to the building owner with a document showing the results of the inquiry.
- (2) The notice under the provisions of the preceding paragraph shall be granted within three weeks from the day on which the notification is received from the building owner (or the day on which a report is received if the report is required under the provisions of Article 102-3 paragraph (3) (including the same article paragraph (6) and the preceding article paragraph (3), to both of which the provisions of Article 102-3 paragraph (3) shall apply, mutatis mutandis)).
- (3) In the case of paragraph (1), when the Minister has granted notice, in accordance with the provisions of the preceding two paragraphs, that the upper part of a building, etc. causes an important radio communications hindrance over the radio propagation blockage prevented area, the Minister shall, immediately after such notice, notify in writing the licensee of the radio station conducting important radio communications over the radio propagation blockage prevented area of the name and address of the owner of the tall building, etc., its location and height, form, structural property and major materials of its upper part, its hindrance causing part, and other necessary information, and shall also notify in writing the contractor who fulfills the work of which a notification has been submitted by the building owner, if any, of the part of building causing hindrance and other necessary information.

***(Restriction on Work of Upper Part to Cause Important Radio Communications Hindrance)***

**Article 102-6.**

A building owner who has been notified under the provisions of the preceding article paragraphs (1) and (2) that the upper part related to the notification causes an important radio communications hindrance over the radio propagation blockage prevented area shall not initiate or make a contract or initiate the specified construction work related to the part causing hindrance for a period of two years from the day of being notified, unless the building owner falls under any of the following items:

- i) When a building owner has changed the plan of the specified construction work and has notified under the provisions of Article 102-3 paragraph (2) (including paragraph (6) of the same article and Article 102-4 paragraph (2), to both of which the provisions of Article 102-3 paragraph (2) shall apply, mutatis mutandis) of the change, and has been notified under the provisions of paragraphs (1) and (2) of the preceding article that the upper part causes no important radio communications hindrance over the radio propagation blockage prevented area.
- ii) When a building owner has come to an agreement, in accordance with the provisions of paragraph (1) of the following article, with the licensee of a radio station fulfilling the important radio communications over the radio propagation blockage prevented area.
- iii) The case specified in the applicable MIC ordinance #.  
# The Ordinance Concerning Prevention of Radio Propagation Blockage under the Radio Law, Article 10

***(Consultation for Preventing Hindrances to Important Radio Communications)***

**Article 102-7.**

- (1) A building owner stipulated in the preceding article or a licensee of a radio station conducting important radio communications over a radio propagation blockage prevented area may request the other party to negotiate measures necessary for changing either the radio propagation route of the important radio communications or the projected work involved in the upper part, or for coordinating the ensuring of the important radio communications and the protection of the property rights of the tall building, etc.
- (2) The Minister shall, when requested by any one or both of the parties, grant the good offices necessary for negotiation under the provisions of the preceding paragraph.

***(Measures to Be Taken in Case of Contravention)***

**Article 102-8.**

- (1) When determining necessary in the case where a building owner falls under any of the following items, the Minister may order the building owner to discontinue or to make a contractor discontinue the work which the building owner has executed personally or has made the contractor execute, or to suspend execution or making the contractor execute the work for a specified reasonable period:
  - i) When a building owner who has failed to submit a notification under the provisions of Article 102-3 paragraph (1) or (2) (including the cases where Article 102-3 paragraph (1) or (2) shall apply, mutatis mutandis, in paragraph (6) of the same article and Article 102-4 paragraph (2)) has already initiated or has made a contractor initiate, or is believed to initiate or make a contractor initiate in the near future, the specified construction work involved in the upper part of a building, etc. (except the cases where the building owner has notified based on the order under the provisions of Article 102-4 paragraph (1) and has been notified under the provisions of Article 102-5 paragraphs (1) and (2), in

response to that notification.

- ii) When a building owner who has failed to report within the specified period in spite of the request by the Minister under the provisions of Article 102-3 paragraph (3) (including the cases where Article 102-3 paragraph (3) shall apply, mutatis mutandis, in paragraph (6) of the same article and Article 102-4 paragraph (3)) has already initiated or has made a contractor initiate, or is believed to initiate or make a contractor initiate in the near future, the specified construction work involved in the upper part of a building, etc.
- (2) Such specified reasonable periods of the preceding paragraph shall be specified, on the basis of the period stipulated in Article 102-6 and taking into account an extent to which the upper part concerned causes an important radio communications hindrance over the radio propagation blockage prevented area, or an expected period to be taken generally to transfer, if such transfer is possible, the radio propagation route of the important radio communications concerned, or any other circumstances.
- (3) When the Minister has ordered, in accordance with the provisions of paragraph (1), a building owner to suspend execution or making a contractor execute the work involved in the upper part concerned for a fixed period, the Minister shall withdraw without delay that order, if an agreement is concluded within such a period between the building owner and the licensee of a radio station conducting important radio communications over the radio propagation blockage prevented area, or the situation comes under Article 102-6 item i) or iii), or the necessity of that order has become void.

***(Demand for a Report)***

**Article 102-9.**

When the Minister determines necessary in particular for the purpose of enforcing the provisions of the preceding seven Articles, within the extent necessary, a building owner may be requested to report on the necessary information related to the plan or execution of the specified construction work.

***(Cooperation of the Minister and the Minister for Land, Infrastructure and Transport)***

**Article 102-10.**

The Minister for Internal Affairs and Communications and the Minister for Land, Infrastructure and Transport shall cooperate with each other to enforce the provisions of Articles 102-2 through 102-8.

***(Recommendations, etc. on Regulation Non-Compliance Equipment)***

**Article 102-11.**

- (1) When determining, where a radio station causes interference or any other disturbance seriously harmful to the operation of other radio stations, that such disturbance is caused by radio equipment built or rebuilt on the basis of a design not satisfying the technical regulations specified in Chapter III, and such radio equipment built or rebuilt on the basis of the same design (hereinafter in this paragraph and the following article referred to as "regulation non-compliance equipment") is so widely marketed that radio stations using such regulation non-compliance equipment are likely to cause serious adverse effects on the operation of other radio stations if no appropriate measures are taken, the Minister may recommend the manufacturer or the seller of the regulation non-compliance equipment, to an extent necessary for maintaining the order of radio communications, to take necessary measures to correct the situation.
- (2) When any person who has been recommended under the provisions of the preceding paragraph fails to satisfy the recommendation, the Minister may make it public.

- (3) The Minister shall, before making recommendation referred to in the provisions of paragraph (1), obtain the consent of the Minister for Economy, Trade and Industry.

***(Request for a Report)***

**Article 102-12.**

The Minister may request, to an extent necessary for enforcing the provisions of the preceding article, the manufacturer or seller of regulation non-compliance equipment to submit a report on its activities.

***(Designation of Radio Equipment Using Specified Frequencies)***

**Article 102-13.**

- (1) When determining, where there are quite a 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 "specified unlicensed radio stations"), radio equipment using radio waves within the specified frequency range (except radio equipment used for radio stations requiring no license, etc. and radio equipment that it is deemed that there is a small risk of being used for said specified unlicensed radio stations; hereinafter referred to as "specified frequency radio equipment") is so widely marketed that it is not easy to decrease the number of specified unlicensed radio stations, the Minister may designate the specified frequency radio equipment as radio equipment which shall be prevented from being used for specified unlicensed radio stations in the applicable MIC ordinance.
- (2) The Minister shall, when determining that it is no longer necessary to maintain the designation under the preceding paragraph, remove the designation.
- (3) When establishing the applicable MIC ordinance referred to in paragraph (1), or changing or abolishing it, the Minister shall consult with the Minister for Economy, Trade and Industry.

***(Notification in Sales of Designated Radio Equipment, etc.)***

**Article 102-14.**

- (1) When retailing specified frequency radio equipment designated in accordance with the provisions of paragraph (1) of the preceding article (hereinafter referred to as "designated radio equipment"), any retailer of designated radio equipment (hereinafter referred to as "designated radio equipment retailer") shall notify or indicate to the purchaser by the method specified in the applicable MIC ordinance, prior to the conclusion of the sales contract, that any person who wishes to establish a radio station using designated radio equipment shall obtain a radio station license, etc.
- (2) The designated radio equipment retailer, when concluding a sales contract for designated radio equipment, shall, without delay, hand the purchaser a document describing the following matters by the method specified in the applicable MIC ordinance:
  - i) The matters that shall be notified or indicated in accordance with 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 a penalty specified in this Law
  - iii) The name and address of the government office with which a person who wishes to establish a radio station using designated radio equipment shall submit an application for a license, etc.

***(Use of Information Technology Instead of Paper Documentation)***

**Article 102-14-2.**

The designated radio equipment retailer may, in accordance with the applicable cabinet order,

provide the purchaser, under consent, with information including matters instead of a document describing those matters specified under the preceding article paragraph (2), using the method utilizing databases or other information technology specified in the applicable MIC ordinance. In this case, it is deemed that said designated radio equipment retailer had handed the purchaser said document.

***(Instruction)***

**Article 102-15.**

- (1) When the Minister determines, where a designated radio equipment retailer violated the provisions of the Article 102-14, that the contravention would result in incitement of establishment of specified unlicensed radio stations and prevention from maintaining the order of radio communications, the designated radio equipment retailer may be instructed to take necessary measures.
- (2) The Minister shall, before giving the instruction referred to in the provisions of the preceding paragraph, obtain the consent of the Minister for Economy, Trade and Industry.

***(Reporting and On-site Inspection)***

**Article 102-16.**

- (1) The Minister may, to the extent necessary for the enforcement of the provisions of the preceding article, order a designated radio equipment retailer to submit a report on its activities, or delegate any of ministerial staff to enter the business office of the designated radio equipment retailer to inspect 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 under the provisions of the preceding paragraph.

***(Center for Promotion of Efficient Use of Radio Spectrum)***

**Article 102-17.**

- (1) When determining that a juridical person established under Article 34 of the Civil Code with the objective of contributing to efficient and proper use of radio wave is capable of properly and securely conducting the service specified in the following paragraph, the Minister may, on application from such a juridical person, designate the person as a center for promoting efficient use of 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 designations of frequencies, etc.
  - ii) conduct collection and offer of information on matters related to changing designations of frequencies of radio stations conducted to properly enforce treaties on radio waves, matters related to equipment which greatly contribute to efficient use of radio waves or other matters which contribute to efficient and proper use of radio waves.
  - iii) conduct studies and research on use of radio waves.
  - iv) conduct educational activities on effective and proper use of radio waves.
  - v) be engaged in activities incidental to those referred to in the preceding items.
- (3) Where an officer of the Center fails to satisfy this Law, or orders issued hereunder, or administrative dispositions made by on the strength of these Law and orders, or the procedural rules referred to in Article 39-5 paragraph (1) which shall apply, mutatis mutandis, to paragraph (5) thereof, the Minister may recommend the Center to discharge such an officer.
- (4) The Minister may provide the Center with information, or instructions and advice on radio stations, which are necessary for conducting the service referred to 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 read as "application under Article 102-17 paragraph (1)"; "classification pertaining to the designation, the address of the office where the training courses are conducted, and the date of commencing the training course service" in Article 39-3 paragraph (1) shall be read as "address of the office where the service stipulated in Article 102-17 paragraph (2) is conducted, and the commencement date set forth 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 read as "service stipulated in Article 102-17 paragraph (2)"; "training course service" in Article 39-5 shall be read as "service listed in Article 102-17 paragraph (2) items i) and ii)"; "order a designated training agency to report on the state of the training course service" in Article 39-9 paragraph (1) shall be read as "order a designated training agency to report on the service stipulated in Article 102-17 paragraph (2)"; "to enter the office of the designated training agency to inspect the state of the service" in 39-9 paragraph (1) shall be read as "to enter the office of the designated training agency to inspect the state of the service set forth 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 read as "or Article 39-6"; "When determined not to satisfy any of respective items (except item iv)) of Article 39-2 paragraph (4)" in Article 39-11 paragraph (2) item ii) shall be read as "When unable to conduct the service stipulated in Article 102-17 paragraph (2) properly and surely"; "training course service" in Article 39-11 paragraph (2) item iv) shall be read as "the service listed in Article 102-17 paragraph (2) item i) or ii)"; "examination service" in Article 47-3 shall be read as "the service listed in Article 102-17 paragraph (2) item i)"; and "staff (including examination executors; the same shall apply to the following paragraph" in Article 47-3 paragraph (1) shall be read as "staff".

***(Calibration of Measuring Instruments, etc.)***

**Article 102-18.**

- (1) The NICT shall calibrate the measuring instruments and other equipment to be used for the inspection of radio equipment and specified in the applicable MIC ordinance (hereinafter referred to as "measuring instruments, etc." in this article), or the Minister may require a person (hereinafter referred to as "designated calibration agency") to conduct calibration service.
- (2) The designation of designated calibration agency shall be made upon application of a person who conducts the calibration service of the preceding paragraph.
- (3) Upon completion of calibration under the preceding paragraph, the NICT or designated calibration agency shall affix the mark to the measuring instruments, etc. that the calibration service has been duly completed.
- (4) The measuring instruments, etc. other than those calibrated by the NICT or designated calibration agency shall be prevented from carrying the indication of the preceding paragraph or the one misleadingly indistinguishable therefrom.
- (5) The Minister shall not designate a designated calibration agency unless the Minister recognizes application of paragraph (2) satisfies all of the following items:
  - i) Calibration service plans, which describe matters related to the staff, equipment, the calibration service methods and other matters, are adequate for executing the service properly and surely.
  - ii) The applicant has a financial base sufficient for implementing properly and surely the calibration service plans under the preceding item.

- iii) In the case where the applicant is a juridical person, the configuration of its officers or members as stipulated according to the type of juridical persons in the applicable MIC ordinance does not cause any adverse effect on fair execution of calibration.
  - iv) In addition to the case in the preceding item, such application is not deemed to cause any unfair practice of calibration, and satisfies the criteria stipulated in the applicable MIC ordinance.
  - v) The designation causes no hindrance to proper and sure execution of the calibration service.
- (6) The Minister shall not designate an applicant as a designated calibration agency, when 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 to a crime provided for under this Law, if a period of two years has not elapsed since the day on which the sentence was served out or the stay of execution was granted.
  - ii) Any person whose designation was revoked in accordance with the provisions of Article 39-11 paragraph (1) or (2) which shall apply, *mutatis mutandis*, to paragraph (13) of this article, if a period of two years has not elapsed 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 designated calibration agency shall, if the agency is not granted renewal thereof during every five to ten years' period as specified in the applicable cabinet order, lose validity by passage of the period.
- (8) The provisions of paragraphs (2), (5) and (6) of this article shall apply, *mutatis mutandis*, to a renewal of designation under the preceding paragraph.
- (9) A designated calibration agency shall, when conducting calibration, use measuring instruments and other equipment stipulated in the applicable MIC ordinance and have such calibration conducted by a person who satisfies requirements set forth in the applicable MIC ordinance (hereinafter referred to as "calibrator").
- (10) Officers (where a designated calibration agency which is not a juridical person, a person who is designated as a designated calibration agency; the same shall apply, *mutatis mutandis*, to Article 110- 2 and Article 113-2.) and staff (including calibrators) of a designated calibration agency who conducts calibration service are deemed to be staff engaged in public service by law, where penalties including the Criminal Code are applied.
- (11) When a designated calibration agency intends to suspend entire or part of its calibration service, or terminate its calibration service, in accordance with the applicable MIC ordinance, the designated calibration agency shall, in advance, notify the Minister to that effect.
- (12) The Minister, when notification of the preceding item is filed, shall make 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 address of the office where the training courses are conducted, and the date of commencing the training course service" in Article 39-3 paragraph (1) shall be read as "the address of the office where the calibration service is conducted, and the date of commencing the calibration service"; "training courses" 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 read as "calibration"; "any of the items (except item iii)) of Article 39-2 paragraph (5)" in Article 39-11 paragraph (1) shall be read as "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 read as ", Article 47-2 paragraph (2) or Article 102-18 paragraph (9) or (11)"; "any of the items (except item iv)) in Article 39-2 paragraph (4)" in Article 39-11 paragraph (2) item ii) shall be read as "any of the items (except item v) in Article 102-18 paragraph (5)"; "or Article 39-8" in Article 39-11 paragraph (2) item iii) shall be read as ", Article 39-8 or Article 47-2 paragraph (3)"; "examination executors" in Article 47-2 paragraph (2) shall be read as "officers or calibrators"; "officers or examination executors"; and "Article 47-5" in Article 47-2 paragraph (3) shall be read as "calibrators" and "Article 102-18 paragraph (13)", respectively.

### ***(Collection of Fees)***

#### **Article 103.**

- (1) Any person who falls under any of the following items shall pay, in accordance with the provisions of the cabinet order, the amount of fees which shall be specified in the cabinet order taking actual expenses into account to the Government (for a person who undergoes the training courses conducted by a designated training agency, to said designated training agency; for a person who undergoes the state examinations for radio operators qualifications which a designated examinations executing agency executes in place of the Government, to said designated examinations executing agency; or for a person who undergoes the calibration conducted by the NICT, to the NICT).
- i) A person who applies for a license in accordance with the provisions of Article 6
  - ii) A person who is to be inspected in accordance with the provisions of Article 10
  - iii) A person who is to be inspected in accordance with the provisions of Article 18 (except a person who has obtained permission of 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 obtains information in accordance with the provisions of Article 25 paragraph (2)
  - v) A person who applies for a license in accordance with the provisions of Article 27-3
  - vi) A person who applies for an attestation in accordance with the provisions of Article 27-13 paragraph (11)
  - vii) A person who applies for registration in accordance with the provisions of Article 27-18 paragraph (1)
  - viii) A person who applies for registration in accordance with the provisions of Article 27-29 paragraph (1)
  - ix) A person who is to be inspected in accordance with the provisions of the provisions of Article 37
  - x) A person who applies for renewal of registration in accordance with the provisions of Article 38-4 paragraph (1)
  - xi) A person who wishes to obtain the technical regulations conformity certification in accordance with the provisions of Article 38-18 paragraph (1)
  - xii) A person who wishes to obtain the certification of construction type in accordance with the provisions of Article 38-18 paragraph (1), which shall apply, mutatis mutandis, to Article 38-24 paragraph (3)
  - xiii) A person who takes the training courses in accordance with the provisions of Article 39 paragraph (7)
  - xiv) A person who takes a state examinations for a radio operator's qualification in accordance with the provisions of Article 41

- xv) A person who applies for a license in accordance with the provisions of Article 41
  - xvi) A person who applies for a ship station radio operator's certificate in accordance with the provisions of Article 48-2 paragraph (1)
  - xvii) A person who takes a training course which the Minister organizes in accordance with the provisions of Article 48-2 paragraph (2) item i)
  - xviii) A person who takes a training course which the Minister organizes in accordance with the provisions of Article 48-3 item i)
  - xix) A person who applies for re-issuance of a radio station license, certificate of radio station license, registration certificate, radio operator's license, or ship station radio operator's certificate
  - xx) A person who is to be inspected in accordance with the provisions of Article 73 paragraph (1)
  - xxi) A person who receives calibration service in accordance with the provisions of Article 102-18 paragraph (1) (except calibration by a designated calibration agency)
- (2) Fees to be paid to a designated training agency, a designated examinations executing agency or the Research Laboratory in accordance with the provisions of the preceding paragraph, shall be the revenues of said designated training agency, said designated examinations executing agency or the Research Laboratory.

***(Collection of the Spectrum User Fee, etc.)***

**Article 103-2.**

- (1) Licensees, etc. shall pay to the Government the amount of money specified under the right column of the following table corresponding to the classification of radio stations in the left column of the same table, as the Spectrum User Fee, within 30 days calculated from the day of license, etc. or within 30 days calculated from the day corresponding to the license, etc. in each subsequent year (substituted for by the day following to that day, where there is no day corresponding to it; referred to as the "corresponding day" hereinafter in this article). The amount of money shown in the following table is for the one-year period beginning from the day of license, etc. of the radio station or the corresponding day (referred to as "initial day of reckoning" in this paragraph), although where this period begins from March 1 of the preceding year to leap year under the condition that the day of license, etc. is February 29, the period shall be substituted for by the period from March 1 to February 28 of the following year; and in the cases where the period from the initial day of reckoning to the day on which the license of the radio station expires is less than a year, the period shall be substituted for by that period. In the latter cases, the amount of money shall be the product of the amount of money in the table multiplied by the number, which is obtained by dividing the number of the months of this period by 12.

Classification of Radio Station	Fee (yen)
i) Mobile radio stations (except those referred to in items iii), iv), v) and viii). The same shall apply to item ii)):	600
ii) Fixed radio stations installed on land with the purpose to communicate with mobile radio stations or receiving equipment for portable use (except those referred to in item viii)):	5,500
iii) Satellite stations (except those referred to in item viii)):	24,100
iv) Radio stations whose communications is relayed by transponders installed on satellites (except those referred to in items v) and viii) and those for the purpose of conducting telecommunications service):	10,500
v) Radio stations installed on mobile objects including automobiles, ships, or installed for portable use whose communications is relayed by transponders installed on satellites (except those referred to in item viii)):	2,200
vi) Broadcasting stations (except those referred to in items iii) and vii)) and those for the purpose of telecommunications service):	23,800
vii) Multiplex broadcasting stations (except those referred to in item iii):	900
viii) Radio stations for experimental use and amateur radio stations:	500
ix) Other radio stations:	16,30

(2) "Spectrum User Fee" in this article and the following article means the money which licensees, etc., a person who has established specified radio stations not requiring license, etc. of paragraph (8) or a person affixing marks of paragraph (9) shall bear in order to fund the expenses (referred to as "the outlay for spectrum users common benefit use" in the following article) of administrative work, including the following administrative work, of the Minister with the direct objective of benefiting all radio stations as a whole concerning the assurance of the sound use of radio waves.

- i) Monitoring and correction of radio waves, and search of illegally installed radio stations
- ii) Establishment and management of the Integrated Radio Stations Database (referring to a computerized database which registers matters which that shall be entered on documents and applications of 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 certificate of radio station licenses, etc. and other matters related to licenses, etc. of all radio stations)
- iii) Examination for establishing the technical regulations of radio equipment using technologies that contribute to efficient use of radio waves and analysis of the results thereof
- iv) Specific frequency change support service (including payment of compensation to a

- designated frequency change support agency in accordance with the provisions of Article 71-3 paragraph (9))
- v) Specific frequency termination support service (including delivery of compensations to a registered frequency termination support agency in accordance with the provisions of Article 71-3 paragraph (9) applied, mutatis mutandis, in Article 71-3-2 paragraph (11); the same shall apply in paragraphs (8) and (9))
- (3) Notwithstanding the provisions of paragraph (1), with respect to a blanket licensee or blanket registrant (hereinafter in this article referred to as a "blanket licensee, etc."); in the cases of a blanket licensee, the blanket licensee shall notify the Minister of the number of specified radio stations established (hereinafter referred to as "established radio stations" in this paragraph and the following paragraph) at the last day of the month to which the day of a blanket license or the day corresponding to the day of a blanket license in each following year belongs (the previous day in the absence of corresponding day) by the fifteenth day of the following month, and pay, as the Spectrum User Fee and within thirty days calculating from the day of acceptance of said notification; and in the case of a blanket registrant, the blanket registrant shall, within forty-five days calculating from the last day of the month to which the day of registration in accordance with the provisions of Article 27-29 paragraph (1) belongs or the day corresponding to the day of the blanket registration in each following year belongs (the previous day in the absence of corresponding day) pay, as the Spectrum User Fee; to the Government the amount obtained by multiplying 540 yen for the blanket licensee, or 580 yen (3,040 yen for radio stations that do not move) for the blanket registrant, for each one-year period commencing from the day of the blanket license or the day of registration in accordance with the provisions of the same paragraph (hereinafter referred to as a "blanket license, etc."), or the day corresponding to the day of the blanket license, etc. (the following day in the absence of the corresponding day) in each following year (where this period begins from March 1 of the preceding year to a leap year under the condition that the day of a blanket license, etc. is February 29, the period shall be substituted for by the period from March 1 to February 28 of the following year; and where the period from the day of said blanket license, etc. or the day corresponding to the day of said blanket license, etc. (the following day in the absence of the corresponding day) to the expiration day of validity of said blanket license, etc. is less than one year, the period shall be substituted for by that period; hereinafter the same shall apply in this paragraph and the following paragraph.), by the number of established radio stations or established registered stations (referring to the number of established registered stations at 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 following year belongs (the previous day in the absence of corresponding day) during said period of one year (in the cases where the period from the day of said blanket license, etc. or the day corresponding to the day of said blanket license, etc. (the following day in the absence of the corresponding day) to the expiration day of validity of said blanket license, etc. is less than one year, the amount shall be the equivalent multiplied by the number, which is obtained by dividing the number of the months of said period by 12.).
- (4) In addition to the provisions of the preceding paragraph and for the one-year period commencing from the day of blanket license, etc. or the day corresponding thereto (the following day in the absence of corresponding day), the blanket licensee, etc. shall notify the Minister of the number of established specified radio stations or established registered stations, where the number of specified radio stations or registered stations established at the last day of the month subsequent to the month to which the day of said blanket license, etc. or the day corresponding thereto (the previous day in the absence of corresponding day) belongs exceeds the number of established radio stations (where a notification has already

submitted in accordance with the provisions of this paragraph, the number of specified radio stations pertaining to the notification after the day of the notification) or registered stations (where there is a month when the number of registered stations has exceeded the number of established registered stations, with respect to the month subsequent to such month, the number of registered radio stations established at the last day of each month) for said one-year period; in the case of the blanket licensee, it shall notify the Minister of the number of said established specified radio stations by the 15th day of the month subsequent to said month of the excess, and pay as the Spectrum User Fee within thirty days calculating from the day of acceptance of said notification; and in the case of the blanket registrant, it shall pay as the Spectrum User Fee within forty-five days calculating from the last day of said month of the excess; to the Government the amount obtained by respectively multiplying 540 yen for the blanket licensee, or 580 yen (3,040 yen for radio stations that do not move) for the blanket registrant, by said excess number of specified radio stations or said excess number of registered stations and the number obtained by dividing the number of months of 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 subsequent blanket license, etc. (the previous day in the absence of corresponding day) belongs, or to the month prior to the month to which the day subsequent to the expiration day of said blanket license belongs.

- (5) Where licensees are licensees of established radio stations, with respect to the application of the provisions of paragraph (1) pertaining to said established radio stations, during the period not exceeding ten years from the day of a public notice on changes of the Frequency Assignment Plan, etc. to be specified in the applicable cabinet order to the day subsequent to the period, "the amount of money shall be the product of the amount of money in the table multiplied by the number, which is obtained by dividing the number of the months of this period by 12" in the same paragraph shall be read as "considering the amount multiplying the amount equivalent to half the estimated costs to be required for a specific frequency change support service (including delivery of compensations to a designated frequency change support agency in accordance with the provisions of Article 71-3 paragraph (9)) pertaining to said licensee, etc. by the ratio of an average period of periods during which each licensee of established radio stations pertaining to said specific frequency change support service establishes specified new radio stations in addition to said established radio stations to a period from the day of a public notice on changes of the Frequency Assignment Plan, etc. (limited to those pertaining to the time limit on the use of frequencies in the classification pertaining to said established radio stations) pertaining to said established radio stations to the time limit on the use of said frequency, the amount adding the amount specified in the applicable cabinet order according to a frequency and antenna power for said established radio stations to the amount of money shall be the product of the amount of money in the table multiplied by the number, which is obtained by dividing the number of the months of this period by 12".
- (6) Where licensees, etc. are licensees, etc. of specified notified stations, with respect to the application of the provisions of paragraphs (1), (3) and (4) pertaining to said specified notified stations, during the period not exceeding ten years calculating from the day of expiration of the previous assignable period (hereinafter referred to as the "day of expiration") pertaining to said specified notified stations to be specified in the applicable cabinet order to the day subsequent to the period, "the amount of money shall be the product of the amount of money in the table multiplied by the number, which is obtained by dividing the number of the months of this period by 12" in paragraph (1) shall be read as "considering the amount equivalent to half the estimated costs (including costs to be required for compensations in the cases of delivering said compensations to licensees, etc. of radio stations using radio frequencies with

the previous assignable period pertaining to a specific frequency termination support service in accordance with 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 compensations to a specific frequency termination support agency in accordance with the provisions of Article 71-3 paragraph (9) applied, mutatis mutandis, in Article 71-3-2 paragraph (11)) pertaining to said licensee, etc. and the number of specified notified stations pertaining to said specific frequency termination support service that are estimated to be established during the period specified in the applicable cabinet order under paragraph (6), the amount adding the amount specified in the applicable cabinet order according to a type, frequency and antenna power of radio stations to the amount of money shall be the product of the amount of money in the table multiplied by the number, which is obtained by dividing the number of the months of this period by 12"; and "the amount obtained by respectively multiplying 540 yen for the blanket licensee, or 580 yen (3,040 yen for radio stations that do not move)" in paragraphs (3) and (4) shall be read as "considering the amount equivalent to half the estimated costs (including costs to be required for compensations in the cases of delivering said compensations to licensees, etc. of radio stations using radio frequencies with the previous assignable period pertaining to a specific frequency termination support service in accordance with 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 compensations to a specific frequency termination support agency in accordance with the provisions of Article 71-3 paragraph (9) applied, mutatis mutandis, in Article 71-3-2 paragraph (11)) pertaining to said licensee, etc. and the number of specified notified stations pertaining to said specific frequency termination support service that are estimated to be established during the period specified in the applicable cabinet order under paragraph (6), the amount adding the amount specified in the applicable cabinet order according to a type, frequency and antenna power of radio stations to the amount obtained by respectively multiplying 540 yen for the blanket licensee, or 580 yen (3,040 yen for radio stations that do not move)".

- (7) Notwithstanding the provisions of the preceding paragraph, where licensees are licensees of specified notified 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 an authorized plan, during the period not exceeding five years calculating from the day of expiration pertaining to said specified notified stations to be specified in the applicable cabinet order to the day subsequent to the period, "the amount of money shall be the product of the amount of money in the table multiplied by the number, which is obtained by dividing the number of the months of this period by 12" in the same paragraph shall be read as "the total amount adding the amount specified in the applicable cabinet order according to frequencies and areas using thereof to be used by specified base stations considering the amount equivalent to half the estimated costs (including costs to be required for compensations in the cases of delivering said compensations to licensees, etc. of radio stations using radio frequencies with the previous assignable period pertaining to a specific frequency termination support service in accordance with 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 compensations to a specific frequency termination support agency in accordance with the provisions of Article 71-3 paragraph (9) applied, mutatis mutandis, in Article 71-3-2 paragraph (11)) pertaining to said licensee, etc. and the amount, which is less than the amount specified in said cabinet order, obtained through a calculation method specified in the applicable MIC ordinance considering the extent that said authorized plan including the validity period of

authorization and the total number of specified base stations pertaining to said authorized plan contributes to smooth establishment of specified base stations to the amount of money shall be the product of the amount of money in the table multiplied by the number, which is obtained by dividing the number of the months of this period by 12". In this case, the provisions of the preceding paragraph shall not apply to specified base stations other than said specified base stations to be established for the first time in accordance with said authorized plan and mobile radio stations with whom specified base stations to be established in accordance with said authorized plan communicate.

- (8) Any person who established specified radio stations not requiring license, etc. (limited to those using radio equipment specified in 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 to be specified in the applicable cabinet order not exceeding ten years calculating from the day subsequent to the day of expiration pertaining to said specified notified stations (hereinafter referred to as a "specified radio station not requiring license, etc.") (hereinafter referred to as a "covered period"), where all specified notified stations pertaining to said specific frequency termination support service are radio stations of Article 4 item iii), shall notify the Minister of the name of the person (in the case of a juridical person, the name and the name of its representative; the same shall apply in the following paragraph.) and address thereof, and the number of said specified radio station not requiring license, etc. (hereinafter in this paragraph referred to as the "number of established specified radio station not requiring license, etc.") established at the corresponding day (the previous day in the absence of corresponding day) to the day of expiration pertaining to said specified radio station not requiring license, etc. in each year during the covered period, according to functions of radio stations specified in the applicable cabinet order, by the fifteenth day of the month subsequent to the month to which the day belongs, and pay within thirty days calculating from the day of acceptance of said notification, as the Spectrum User Fee for one-year period to said corresponding day, to the Government the total amount multiplying the amount equivalent to half the estimated costs (including costs to be required for compensations in the cases of delivering said compensations to licensees, etc. of radio stations using radio frequencies with the previous assignable period pertaining to a specific frequency termination support service in accordance with the provisions of Article 71 paragraph (2) or Article 76-3 paragraph (2); hereinafter in the following paragraph the same shall apply.) to be required for said specific frequency termination support service pertaining to said specified radio stations not requiring license, etc. and the amount specified in the applicable cabinet order according to functions of radio stations specified in said applicable cabinet order considering the number of specified radio stations not requiring license, etc. pertaining to said specific frequency termination support service expected to be established within the covered period, by the number of specified radio stations not requiring license, etc. established within said one-year period.
- (9) In the cases stipulated in the preceding paragraph, any person who has affixed marks (referring to the mark in accordance with the provisions of Article 38-7 paragraph (1), Article 38-26 (except the cases applied to foreign dealers) or Article 38-35; the same shall apply in paragraph (16).) to radio equipment (except those specified in the applicable MIC ordinance under the preceding paragraph) that may be used for a specified radio station not requiring 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 said radio equipment to which the person has affixed the marks during one-year period before the corresponding day (the previous day in the absence of corresponding day) to the day of expiration in each year within the covered period, and other matters specified in the applicable

MIC ordinance, according to functions of radio stations specified in the applicable cabinet order, by the fifteenth day of the month subsequent to the month to which the day belongs, and pay within thirty days calculating from the day of acceptance of said notification, as the Spectrum User Fee for one-year period to said corresponding day, to the Government the total amount multiplying the amount considering the amount equivalent to half the estimated costs to be required for the specific frequency termination support service pertaining to said specified radio stations not requiring license, etc. using said radio equipment, the number of specified radio stations not requiring license, etc. pertaining to said specific frequency termination support service expected to be established during the covered period and the amount specified in the applicable cabinet order according to functions of radio stations specified in said applicable cabinet order considering an average period of periods during which said radio equipment is expected to be used, by the number (of said radio equipment, where there is radio equipment considered not to be used for reasons that radio equipment is expected to be exclusively used in foreign countries and functional faults in transit or storage, and similar reasons, as specified in the applicable MIC ordinance, referring to the number after deduction of the number of such radio equipment; the same shall apply in the latter part of paragraph (16)) of radio equipment to which the marks have been affixed within said one-year period.

- (10) The provisions of paragraphs (1) and (2) through (8) shall not apply to the licensees, etc. of the following radio stations or persons who have established specified stations requiring no license, etc.:
  - i) Radio stations licensed in accordance with the provisions of Article 27 paragraph (1)
  - ii) Radio stations established by local public bodies and used for the purpose of fire control by prefectural governors or organizations for fire control set up under the provisions of Article 9 (including the cases where Article 9 shall apply, *mutatis mutandis*, in Article 18 of the Law) of the Organization of Fire Control Law (Law No. 226 of 1947)
  - iii) Radio stations established by local public bodies or flood control and management bodies under the provisions of Article 2 paragraph (1) of the Flood Control Law (Law No. 193 of 1949) and used for the purpose of flood control by prefectural governors, flood control managers in accordance with the provisions of paragraph (2) of the same article or flood control bodies
- (11) The amount of the Spectrum User Fee which licensees, etc. of radio stations established by local public bodies for the purpose of providing the necessary communications for disaster prevention (except those specified under item ii) and iii) of the preceding paragraph) under the provision of the Local Disaster Prevention Plan set forth in Article 2 paragraph (10) of the Disaster Control Fundamental Law (Law No. 223 of 1961) or persons who have established specified radio station not requiring license, etc. shall pay corresponds, notwithstanding the provisions of paragraphs (1) and (3) through (8), to half of that amount of money specified in accordance with the provisions of said respective paragraph.
- (12) The number of months in paragraphs (1) and (3) shall be reckoned according to the calendar, and the fractions less than one month shall be appraised as one month.
- (13) Licensees, etc. (except blanket licensees, etc.) in paying the Spectrum User Fee in accordance with the provisions of paragraph (1) shall be allowed to pay in advance the Spectrum User Fee for the period after the corresponding day of the following year.
- (14) The portion of the Spectrum User Fee paid in advance under the provisions of the preceding paragraph which relates to the period after the first corresponding date following the request of the payer is to be refunded provided the payer has requested such refund.
- (15) A person affixing marks may, notwithstanding the provisions of paragraph (9), after approval from the Minister, in accordance with the provisions of the same paragraph, pay

- an estimated total amount of the Spectrum User Fee that said person affixing marks is to pay during a period specified in the applicable MIC ordinance (hereinafter in this article, referred to as a "prepayment period") within the covered period in accordance with the provisions of the same paragraph. In this case, said person affixing marks may not be required to submit a notification in accordance with the provisions of the same paragraph during the prepayment period.
- (16) A person affixing marks who has prepaid in accordance with the provisions of the preceding paragraph shall, on or before the fifteenth day of the month subsequent to the month to which the day when the prepayment period has elapsed belongs (in the cases when said person affixing marks has suspended or discontinued its service pertaining to marks and on the occurrence of reasons specified in the applicable MIC ordinance; the day when such reasons have occurred), submit a notification on the number of radio equipment of paragraph (9) to which marks have affixed during the prepaid period to the Minister. In this case, said person affixing marks shall, when the amount of prepaid Spectrum User Fee does not reach the amount obtained by multiplying the amount specified in the applicable MIC ordinance by the number of radio equipment of the same paragraph to which marks have affixed during the prepaid period (referred to as the "amount to be paid" in the following paragraph), pay the Government such difference within thirty days calculating from the day when said notification has accepted.
  - (17) Where the amount of the Spectrum User Fee prepaid by the person affixing marks in accordance with the provisions of paragraph (15) surpasses the amount to be paid, the amount of the difference shall be, upon request, refunded to said person affixing marks.
  - (18) The Minister may, upon receipt of a proposal from a licensee, etc., a person who has established specified radio station not requiring license, etc. or a person affixing marks that the licensee, etc., the person who has established specified radio station not requiring license, etc. or the person affixing marks expects to entrust withdrawal of its deposits or postal savings and payment of the Spectrum User Fee by the withdrawn money to a financial institution with which the licensee, etc., the person who has established specified radio station not requiring license, etc. or the person affixing marks has a bank account or a postal savings account, approve the proposal only when determining that the payment is certain and the approval of the proposal is advantageous for the levy of the Spectrum User Fee.
  - (19) When the Spectrum User Fee related to the approval of the preceding paragraph is paid by the date specified in the applicable MIC ordinance as the deadline of payment of the Spectrum Fee by the financial institution of the same paragraph, the payment shall be deemed to be made by the original deadline, even though the date of payment is after the original deadline.
  - (20) The Minister shall, by setting a deadline, press for payment by sending a reminder to the licensees who have not paid their due Spectrum User Fee.
  - (21) The Minister shall dispose of licensees who have not paid by the deadline the Spectrum User Fee pressed for payment and arrears under the provision of the following paragraph, in the manner of disposition for failure to pay national taxes. In this case, the ranking in the right of priority of the Spectrum User Fee and its arrears comes next to that of national taxes and local taxes.
  - (22) The Minister shall, when pressing for payment in accordance with the provisions of paragraph (20), levy arrears on an overdue Spectrum User Fee, reckoned according to the number of days from the day following the deadline to the preceding day of its payment or of seizure of property, with the rate being set at 14.5% per year. However this shall not apply to where it is deemed to have occurred under unavoidable conditions, or other cases specified in the applicable MIC ordinance.

- (23) In addition to matters stipulated in paragraph (13) through the preceding paragraph, matters necessary for payment of the Spectrum User Fee, including procedures for payment of the Spectrum User Fee, shall be specified in the applicable MIC ordinance.

#### **Article 103-3.**

- (1) The Government shall fund every fiscal year the outlays for spectrum users' common benefit by the amount of money corresponding to the estimated revenue of the Spectrum User Fee of that year under the provisions of the national budget. However, where the amount of money is estimated to exceed the estimated expense of the outlay for spectrum users' common benefit of that year, this shall not apply to the amount of money in excess.
- (2) The Government shall fund, where it is deemed to be necessary to do so taking into account of the needed common benefit costs for radio waves use in that year, in addition to the estimated revenue of the Spectrum User Fee of that year, all or part of the amount of money reckoned by subtracting the total amount of the settled account (estimated account, as for the year preceding that year) of the outlay for spectrum users' common benefit of each year from 1993 to the year preceding that year, from the total amount of the settled account (estimated account, as for the year preceding that year) of the revenue of the Spectrum User Fee of each year from 1993 to the year preceding that year.

#### ***(Foreign Radio Stations Established on Board Ships or Aircraft)***

##### **Article 103-4.**

- (1) No provisions of Chapters II and IV shall apply to foreign radio stations established on board ships or aircraft.
- (2) Radio stations of the preceding paragraph are allowed to operate only where conducting communications falls under the following items:
  - i) Communications of any of the items of Article 52.
  - ii) Communications with radio stations which conduct telecommunications service
  - iii) Communications for the purpose of safe navigation (except those of the preceding item).

#### ***(Foreign Radio Stations Sharing the Same Person (s) with Whom the Specified Radio Stations Conduct Radio Communications)***

##### **Article 103-5.**

- (1) Irrespective of the provisions of Chapter II, Chapter III and Chapter IV, a blanket licensee may operate, with the permission of the Minister, foreign radio stations sharing the same person (s) with whom the specified radio stations under the blanket license conduct radio communications and emitting only the radio waves of frequency automatically selected by receiving the radio waves from the radio station with which the radio communications is conducted in this country.
- (2) Upon receipt of application for the permission under the preceding paragraph, the Minister shall grant the permission when the radio equipment of radio station under the application satisfies the technical regulations specified in Chapter III.
- (3) Where the blanket license held by the blanket licensee loses its validity, the permission of paragraph (1), which is granted to the blanket licensee shall lose its validity.
- (4) When the blanket licensee has been granted the permission of paragraph (1), the radio stations under the aforementioned permission shall be deemed as specified radio stations under the blanket license of the aforementioned blanket licensee, and the provisions of Chapter V and Chapter VI shall be applied thereto. However, the provisions of Article 71 paragraph (2), Article 76 paragraph (3) items i) and ii), Article 76-2 and Article 76-3 paragraph (2) shall not apply.

***(Exemption of Application to the Government, etc.)***

**Article 104.**

- (1) No provisions of Article 103, Article 103-2 nor those of Chapter IX shall apply to the Government, and no provisions of Article 103 nor Article 103-2 shall apply to the independent administrative institutions (limited to those institutions specified in the applicable cabinet order, considering said independent administrative institutions' activities, etc.) under Article 2 paragraph (1) of the Independent Administrative Institution General Law (Law 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 under other Laws.
- (2) Where the provisions of this Law apply to the Government, "license" or "permission" shall be replaced with "authorization".

***(Conditions, etc. of Prpvisional Licenses, etc.)***

**Article 104-2.**

- (1) Any conditions or a period may be affixed to a provisional license, license or permission.
- (2) Such conditions or terms of the preceding paragraph shall be limited to a minimum extent necessary for promoting the public interest or ensuring the attainment of the matters pertaining to a provisional license, license, permission or registration of Article 27-18 paragraph (1), without undue obligations upon the persons who suffer such administrative dispositions.

***(Entrustment of Authority)***

**Article 104-3.**

- (1) The authority of the Minister stipulated in this Law may partially be entrusted, in accordance with the applicable MIC ordinance #, to the Director-General of each Regional Telecommunications Bureau and to the Director-General of the Okinawa Office of Posts and Telecommunications.

# The Regulations for Enforcement of the Radio Law, Article 51-7

- (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 each Regional Bureau of Telecommunications or the Director-General of the Okinawa Office of Posts and Telecommunications has made with the authority entrusted under the preceding paragraph. In this case, "the Minister" in Article 96-2 shall be read as "the Director-General of Regional Bureau of Telecommunications or the Director-General of the Okinawa Office of Posts and Telecommunications " and "the decision given to the protest" in the same article shall be read as "the judgment on the request for examination."

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

**Article 104-4.**

- (1) A person who is dissatisfied with administrative dispositions which a designated examination executing agency, has made under the provisions of this Law may request the examination of the Minister.
- (2) The provisions of Articles 85 through 96 shall apply, mutatis mutandis, to a request for examination under the preceding paragraph; and the provisions of Articles 96-2 through 99, to a lawsuit against administrative dispositions made under the preceding paragraph. In this case, "the Minister" in Article 90 paragraph (2) and Article 96-2 shall be read as "the designated examinations executing agency," "the ministerial staffs" in Article 90 paragraph

(2) shall be read as "the officer or staff" and "the decision made to the protest" in Article 96-2 shall be read as "the judgment on the request for examination".

***(Transitional Measures)***

**Article 104-5.**

When any order is established, amended or abolished under the provisions of this Law, necessary transitional measures (including those related to penal provisions) may be specified in that order as deemed to be reasonably necessary in establishing, amending or abolishing that order.

## Chapter IX. -- Penal Provisions --

### Article 105.

- (1) Any person who is engaged in radio communications service shall, when failing or delaying to treat distress traffic of the provisions of Article 66 paragraph (1) (including the cases where Article 66 paragraph (1) shall apply, mutatis mutandis, in Article 70-6), be guilty of an offense and liable to penal servitude for a specified period of one year or longer.
- (2) The provisions of the preceding paragraph shall also apply to any person who causes hindrances in the way of distress traffic.
- (3) Any attempted offense of 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 facilities of Article 100 paragraph (1) item i), with an aim at bringing advantage to oneself or other person or inflicting damage to other person, shall be guilty of an offense and liable to penal servitude for a period not exceeding three years or to a fine not exceeding one million and five hundred thousand yen.
- (2) Any person who transmit a 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 penal servitude for a period of three months to ten years.

### Article 107.

Any person who uses radio equipment or other telecommunications facilities of Article 100 paragraph (1) item i), to advocate destruction through use of violence of the Constitution of Japan or the Government which has been established under that Constitution shall be guilty of an offense and liable to penal servitude or imprisonment for a period not exceeding five years.

### Article 108.

Any person who transmits a message of indecent contents by means of radio equipment or communications facilities of Article 100 paragraph (1) item i) shall be guilty of an offense and liable to penal servitude 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 fulfilling telecommunications or broadcast activities or radio equipment used for the protection of life or property, for the maintenance of public peace, for meteorological service, for supply of electric power under the electric business, or for operation of railway business, in order to cause thereby hindrances in the way of radio communications shall be guilty of an offense and liable to penal servitude for a period not exceeding five years or to a fine not exceeding two million and five hundred thousand yen.
- (2) An attempted offense of the preceding paragraph shall be punished.

### Article 109.

- (1) Any person who divulges or takes advantage of a secret of other person's radio communications being handled by a radio station shall be guilty of an offense and liable to penal servitude

for a period not exceeding one year or to a fine not exceeding five hundred thousand yen.

- (2) Any person who is engaged in radio communications and divulges or takes advantage of such a secret known in the course of radio communications of the preceding paragraph shall be guilty of an offense and liable to penal servitude 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 intermediate cipher communications and has received said cipher communications, has decoded its content for the purposes of divulging or taking advantage of a secret of said cipher communications, the person shall be guilty of an offense and liable to penal servitude 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 commits a crime of the preceding paragraph (limited to the cases of interception or reception of cipher communications in the course of radio communications services) shall be guilty of an offense and liable to penal servitude 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 is processed for preventing content from decoding by persons other than parties of communications (including a person who intermediate said communications and is authorized to decode its content).
- (4) Any attempted offense of paragraphs (1) and (2) shall be punished.
- (5) The crimes of paragraphs (1) and (2) and the preceding paragraph shall follow the case of Article 4-2 of the Criminal Code.

#### Article 109-3.

Any person who divulges, in violation of the provisions of Article 47-3 paragraph (1) (including the cases where Article 47-3 paragraph (1) shall apply, mutatis mutandis, in Article 47-3 paragraph (11), Article 71-3-2 paragraph (11) and Article 102-17 paragraph (5)), a secret known in the course of fulfilling the duties shall be guilty of an offense and liable to penal servitude 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 penal servitude for a period not exceeding one year or to a fine not exceeding one million yen.

- i) Any person who establishes or operates a radio station without a license of the provisions of Article 4 or registration of Article 27-18 paragraph (1)
- ii) Any person who establishes specified radio stations in violation of the provisions of Article 27-7
- iii) Any person who operates facilities of the provisions under Article 100 paragraph (1) without permission under the provisions of the same paragraph
- iv) Any person who operates a radio station in violation of the provisions of Article 52, Article 53, Article 54 item i), or Article 55
- v) Any person who operates radio equipment in violation of the provisions of Article 18 paragraph (1)
- vi) Any person who operates radio stations or facilities of Article 100 paragraph (1), irrespective of emissions therefrom or operation thereof being suspended under the provisions of Article 72 paragraph (1) or Article 76 paragraph (1) (including the cases where the provisions of Article 72 paragraph (1) or Article 76 paragraph (1) shall apply,

- mutatis mutandis, in Article 100 paragraph (5))
- vii) Any person who fails to observe administrative dispositions made under the provisions of Article 74 paragraph (1)
  - viii) Any person who violates an order under the provisions of Article 38-22 paragraph (1) (including the cases where Article 38-22 paragraph (1) shall apply, mutatis mutandis, in Article 38-29 and Article 38-38)
  - ix) Any person who violates the prohibition under 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 penal servitude for a period not exceeding one year or to a fine not exceeding five hundred thousand yen:

- i) Any person who violates an order under the provisions of Article 38-17 paragraph (2) (including the cases Article 38-17 paragraph (2) shall apply, mutatis mutandis, in Article 38-24 paragraph (3) and Article 71-3-2 paragraph (11))
- ii) Any person who conducts by himself or herself or makes a contractor conduct the work involving a portion causing faults in violation of the provisions of Article 102-6
- iii) Any person who fails to stop or to make a contractor stop conducting the work involving the upper part of a tall building, etc., or who conducts such work by himself or herself or have a contractor conduct such work, in violation of an order issued under the provisions of Article 102-8 paragraph (1)

#### *(Service Regulations)*

#### Article 110-3.

Any officer or staff of a designated training agency, a designated examination executing agency, a designated frequency change support agency, the Center or a designated calibration agency who fails to observe an order relating to suspension of activities under the provisions of Article 39-11 paragraph (2) (including Article 47-5, Article 71-3 paragraph (11), Article 102-17 paragraph (5) and Article 102-18 paragraph (13), to which the provisions of Article 38-14 paragraph (2) shall apply, mutatis mutandis) shall be guilty of an offense and liable to penal servitude 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 penal servitude 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 under the provisions of Article 73 paragraph (1), (4) (including the cases where Article 73 paragraph (4) shall apply, mutatis mutandis, in Article 100 paragraph (5)) or (5), or Article 82 paragraph (2) shall be guilty of an offense and liable to penal servitude 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 under the provisions of Article 76 paragraph (1) (including the cases where Article 76 paragraph (1) shall apply, mutatis mutandis, in Article 100 paragraph (5))
- v) Any person who fails to notify or makes a false notification in violation of an order under 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 under the provisions of Article 24-8 paragraph (1), or refuses, obstructs or evades an inspection under the provisions of the same paragraph
- ii) Any person who fails to submit a report or makes a false report under 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 under the provisions of Article 38-6 paragraph (2) (including the case of Article 38-24 paragraph (3) to which Article 38-6 paragraph (2) shall apply, mutatis mutandis)
- viii) Any person who fails to prepare a record book, who fails to enter or who makes a false entry therein, or who fails to keep such record book in violation of the provisions of Article 38-12 (including the cases of Article 38-24 paragraph (3) and Article 71-3-2 paragraph (11) to which Article 38-12 shall apply, mutatis mutandis)
- ix) Any person who fails to submit a report or makes a false report under the provisions of Article 38-15 paragraph (1) (including the cases where Article 38-15 paragraph (1) shall apply, mutatis mutandis, in Article 38-24 paragraph (3) and Article 71-3-2 paragraph (11)), or who refuses, obstructs or evades an inspection conducted under the provisions of Article 38-15 paragraph (1)
- x) Any person who discontinues the service without notification under the provisions of Article 38-16 paragraph (1) (including the cases where Article 38-16 paragraph (1) shall apply, mutatis mutandis, in 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 under the provisions of Article 38-20 paragraph (1) (including the cases of Article 38-29 and Article 38-38 to which Article 38-20 paragraph (1) shall apply, mutatis mutandis), or who refuses, obstructs or evades the inspection under the provisions of the same paragraph
- xii) Any person who violates an order under the provisions of Article 38-21 paragraph (1) (including the cases of Article 38-29 and Article 38-38 to which Article 38-21 paragraph (1) shall apply, mutatis mutandis)

- 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 make a record book, or who makes a false entry therein, or who fails to keep such 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)
- xvii) Any person who fails to make a report or makes any false report in violation of the provisions of Article 71-3 paragraph (6) (including the case of Article 71-3-2 paragraph (11) to which Article 71-3 paragraph (6) shall apply, mutatis mutandis)
- 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 prohibited under the provisions of Article 79 paragraph (1) (including the cases where Article 79 paragraph (1) shall apply, mutatis mutandis, in Article 79 paragraph (2))
- xx) Any person who operates radio equipment of a ship station specified in the applicable MIC ordinance specified in 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 under the provisions of Article 79-2 paragraph (1)
- xxi) Any person who fails to observe an order issued under the provisions of Article 82 paragraph (1) (including the cases where Article 82 paragraph (1) apply, mutatis mutandis, in 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 the cases where Article 102-3 paragraph (1) or (2) shall apply, mutatis mutandis, in Article 102-3 paragraph (6) and Article 102-4 paragraph (2))
- xxiii) Any person who fails to make a report under the provisions of Article 102-9 or makes any false report
- xxiv) Any person who fails to make a report under the provisions of Article 102-12 or makes any false report
- xxv) Any person who violates the instruction given under the provisions of Article 102-15 paragraph (1)
- xxvi) Any person who fails to make a report or makes any false report under the provisions of Article 102-16 paragraph (1), or refuses, obstructs or evades an inspection to be executed under the provisions of the same paragraph

#### Article 113-2.

Any officer or staff of a designated training agency, a designated examinations executing agency, a designated frequency change support agency, a registered frequency termination support agency, the Center or 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 neglects to provide a record book, fails to enter or makes any false entry therein, or fails to preserve the record book in violation of the provisions of Article 39-7 (including the cases where Article 39-7 shall apply, mutatis mutandis, in 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 any false report under the provisions of Article 39-9 paragraph (1) (including the cases where Article 39-9 paragraph (1) shall

apply, mutatis mutandis, in 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, obstructs or evades an inspection to be conducted under the provisions of Article 39-9 paragraph (1)

- iii) When a person has discontinued all of training service, all of examination service, all of specific frequency change support service or all of specific frequency termination support service without permission of Article 39-10 paragraph (1) (including the cases of Article 47-5, Article 71-3 paragraph (11) and Article 71-3-2 paragraph (11), to which Article 39-10 paragraph (1) shall apply, mutatis mutandis)
- iv) When a person has discontinued all of service without notification or submits a false notification in accordance with 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 commits a violating act referred to in the following items with respect to the business activities of either the person or juridical person, not only the violator shall be punished but also the juridical person shall be punished with the fine under the provisions of the following items, and the person shall be punished with the fine under the provisions of this article.

- i) Article 110 (limited to the provisions pertaining to items viii) and ix)): Fine not exceeding one hundred million yen
- ii) Article 110 (except the provisions pertaining to items viii) and ix)), Article 110-2, or Articles 111 through 113: Fine under this article

#### Article 115.

Any person who fails to attend, does not make a statement or make any false statement, or does not give legal advice or affords any false advice in violation of an administrative disposition made by the hearing examiner in accordance with the provisions of Article 92-2 shall be guilty of an offense and liable to a 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 submit a notification under the provisions of Article 20 paragraph (7) (including the cases where Article 20 paragraph (7) shall apply, mutatis mutandis, in Article 20 paragraph (8) and Article 27-16)
- ii) Any person who fails to notify in violation of the provisions of Article 22 (including the cases where Article 22 shall apply, mutatis mutandis, in Article 100 paragraph (5))
- iii) Any person who fails to return the certificate of radio station license in violation of the provisions of Article 24 (including Article 100 paragraph (5) to which the provisions of Article 24 shall apply, mutatis mutandis)
- 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 a registration certificate in violation of the provisions of Article 24-12
- viii) Any person who uses 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 neglects 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 the case of Article 27-24 paragraph (2) applied as read otherwise 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 the case of Article 27-28 applied as read otherwise 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 27-34 paragraph (4)
  - xv) Any person who fails to notify or who submits a false notification in violation of the provisions of Article 38-5 paragraph (2) (including the case of Article 38-5 paragraph (2) applied, mutatis mutandis, in Article 71-3-2 paragraph (11))
  - xvi) Any person who fails to prepare financial statements, etc., who fails to enter or who makes a false entry therein in violation of the provisions of Article 38-11 paragraph (2) (including the case of Article 38-11 paragraph (2) applied, mutatis mutandis, in Article 71-3-2 paragraph (11)), or who, without due reason, refuses a request in accordance with the provisions of Article 38-11 paragraph (2) (including the case of Article 38-11 paragraph (2) applied, mutatis mutandis, in Article 71-3-2 paragraph (11))
  - xvii) Any person who fails to notify or who submits a false notification in violation of the provisions of Article 38-33 paragraph (5)
  - xviii) Any person who fails to notify in violation of the provisions of Article 100 paragraph (4)
  - xix) Any person who fails to notify in violation of the provisions of Article 102-3 paragraph (5)
  - xx) Any person who fails to notify or submits a false notification in violation of the provisions of Article 103-2 paragraph (4) or (5)

## Tables

### Table No. 1 (related to Article 24-2)

- i) The person shall hold a qualification of First-Class Radio Operator for General Service, Second-Class Radio Operator for General Service, Third-Class Radio Operator for General Service, 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 Service, Second-Class Technical Radio Operator for On-the-Ground Service, On-the-Ground Special Radio Operators specified in 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) provided for in the School Education Law as having mastered subjects related to radio communications, and shall have two years or longer of experiences in the service of testing, tuning or 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 Law as having mastered subjects related to radio communications, and shall have two years or longer of experiences in the service of testing, tuning or 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) Volt-ampere meter
- vi) Standard signal transmitter

Table No. 3 (related to Article 24-2, Article 38-3, and Article 38-8)

Classification of Services	Measuring instruments and other equipment
(1) Service under Article 38-2 paragraph (1) item i)	i) Frequency meter ii) Spectrum analyzer iii) Band meter iv) Field intensity meter v) Oscilloscope vi) High-frequency power meter vii) Receiver for measuring power viii) Spurious power meter ix) Volt-ampere meter x) Low-frequency oscillator xi) Artificial voice generator xii) Signal generator
(2) Service under Article 38-2 paragraph (1) item ii)	i) Those listed in the right column of (1) ii) Modulation meter iii) Specific absorption rate measuring instrument iv) Linear detector v) Distortion rate noise meter
(3) Service under Article 38-2 paragraph (1) item iii)	i) Those listed in the right column of (2) ii) Level meter iii) Standard signal transmitter

Table No. 4 (related to Article 38-3, Article 38-8)

- i) The person shall have graduated from a university or college (except a junior college; the same shall apply to item iv)) provided for under the School Education Law, or a university or college under the old University Ordinance (Imperial Ordinance No. 388 of 1918) as having a degree related to radio communications or shall hold a qualification of First-Class Technical Radio Operator for On-the-Ground Service, and shall have three years or longer of experiences in the service of testing, tuning or maintenance of radio equipment.
- ii) The person shall have graduated from a junior college or a college of technology provided for under the School Education Law, or a vocational college under the old Imperial Ordinance for Technical College (Imperial Ordinance No. 61 of 1903) as having mastered subjects related to radio communications or shall hold a qualification of First-Class Radio Operator for General Service, Maritime First-Class Radio Operator or Second-Class Technical Radio Operator for On-the-Ground Service, and shall have five years or longer of experience in the service of testing, tuning or 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 one of the qualifications listed in the preceding item, and shall have five years or longer of experience in the service of testing, tuning or

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 Law as having mastered a degree related to radio communications, and shall have three years or longer of experience in the service of testing, tuning or 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 Law as having mastered subjects related to radio communications, and shall have five years or longer of experience in the service of testing, tuning or maintenance of radio equipment.

### Table No. 5 (related to Article 71-3-2)

- i). A person who has graduated from a university, under the School Education Law (except junior colleges; the same shall apply in item iv)) or a university under the old Imperial Ordinance for University, with a degree in radio communications, or a person having a qualification of the First-Class Technical Radio Operator for On-the-Ground Service, and who has a one-year or longer experience in the work of services for testing, tuning or maintenance of radio equipment
- ii). A person who has graduated from a junior college or a college of technology under the School Education Law, or a under the old Imperial Ordinance for Technical College, with a degree in radio communications, or a person having a qualification of the First-Class Radio Operator for General Service, Maritime First-Class Radio Operator or Second-Class Technical Radio Operator for On-the-Ground Service, and who has a three-year or longer experience in the work of services for testing, tuning or maintenance of radio equipment
- iii). A person who has a certificate of qualification equivalent to those listed in the preceding items issued by a foreign government and who has a three-year or longer experience in the work of services for testing, tuning or maintenance of radio equipment
- iv) A person who has graduated from a foreign school equivalent to a university under the School Education Law with a degree in radio communications and who has a one-year or longer experience in the work of services for testing, tuning or maintenance of radio equipment
- v) A person who has graduated from a foreign school equivalent to a junior college or college of technology under the School Education Law with a degree in radio communications and who has a three-year or longer experience in the work of services for testing, tuning or maintenance of radio equipment

## Supplementary Provisions

### *Supplementary Provisions (Law No. 44 of 2004) (Excerpts)*

#### *(Effective Date)*

##### Article 1.

This Law shall come into force from the day not exceeding three months from the day of promulgation specified in the applicable cabinet order calculating. However, the provisions listed in the following items shall come into force from the day specified in each item, respectively:

- i) In Article 1, the amendment provisions of Article 99-11 paragraph (1) item ii) of the Radio Law and the provisions of Article 5 of the Supplementary Provisions: the day of promulgation
- ii) In Article 1, the amendment provisions of Article 59 of the Radio Law, the amendment provision changing Article 109-2 of the Law to Article 109-3 of the Law, and the amendment provisions adding an article after Article 109 of the Law (except the part pertaining to Article 109-2 paragraph (5) of the Law): the 20th day as calculated from the day of promulgation
- iii) The provisions of Article 2 (except the amendment provisions of Article 99-11 paragraph (1) item i) of the Radio Law) and the provisions of Article 6 and Articles 8 through 12 of the Supplementary Provisions: the day specified in the applicable cabinet order not exceeding one year calculating from the day of promulgation.
- iv) In Article 1, the amendment provisions adding an article after Article 109 of the Radio Law (limited to the part pertaining to Article 109-2 paragraph (5) of the Law), and the provisions of Article 3, and Article 4 of the Supplementary Provisions: the day when the Convention on Cybercrime comes into effect in Japan

### *Supplementary Provisions (Law No. 134 of December 6, 2002) (Excerpts)*

#### *(Effective Date)*

##### Article 1.

This Law shall come into force as from April 1, 2004.

### *Supplementary Provisions (Law No. 152 of December 13, 2002) (Excerpts)*

#### *(Effective Date)*

##### Article 1.

This Law shall come into force as from the day of enforcement of the Law Concerning the Use of Information and Communications Technologies for Administrative Procedures, etc. (Law No. 151 of 2002)

#### *(Transitional Measures Concerning the Penal Provisions)*

##### Article 4.

The application of the Penal Provisions to the acts committed prior to the enforcement of this Law shall still be dealt with as cases in the past.

***(Entrustment of Other Transitional Measures to the Cabinet Order)*****Article 5.**

In addition to the ones specified in the preceding three articles, transitional measures as required in enforcing this Law shall be specified in the applicable cabinet order.

***Supplementary Provisions (Law No. 68 of June 6, 2003) (Excerpts)******(Effective Date)*****Article 1.**

This Law shall come into force as from the day specified in the applicable cabinet order that shall fall within nine months from the day of promulgation. However, the provisions listed in the following items shall come into force from the days specified in the items:

- i) The amendment provisions of Article 26 paragraph (1) and the amendment provisions of Article 99-11 paragraph (1) item i) (limited to the part amending "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 adding ", Article 38-33 paragraph (1) (special specified radio equipment)" after "obligations, etc." ∴ the day of promulgation
- ii) The amendment provisions of Article 71-2, Article 103-2, and Article 106 item xiv), and the provisions of Articles 6 and 10 of the Supplementary Provisions: the day specified in the applicable cabinet order that shall fall within three months from the day of promulgation

***(Transitional Measures Concerning Attested Inspector, etc.)*****Article 2.**

- (1) The person who, at the time of the enforcement of this Law, had actually received attestation in accordance with the provisions of Article 24-2 paragraph (1) or Article 24-9 paragraph (1) of the Radio Law before amendment by this Law (hereinafter referred to as the "Old Law") shall be regarded as a person who was registered in accordance with Article 24-2 paragraph (1) or Article 24-13 paragraph (1) of the Radio Law after amendment by this Law (hereinafter referred to as the "New Law") at the day of enforcement of this Law.
- (2) The application for attestation in accordance with Article 24-2 paragraph (1) or Article 24-9 paragraph (1) of the Old Law that had already filed at the time of the enforcement of this Law shall be regarded as an application for registration in accordance with the provisions of Article 24-2 paragraph (1) or Article 24-3 paragraph (1) of the New Law.
- (3) The inspection pertaining to attestation that was made by the person who was attested in accordance with Article 24-2 paragraph (1) or Article 24-9 paragraph (1) of the Old Law prior to the enforcement of this Law shall be regarded as an inspection pertaining to said registration that was made by the person who was registered in accordance with the provisions of Article 24-2 paragraph (1) or Article 24-13 paragraph (1) of the New Law.
- (4) The certificate of attestation that had actually been delivered in accordance with the provisions of Article 24-3 paragraph (1) of the Old Law (including the case of Article 24-9 paragraph (2) of the Old Law to which 24-3 paragraph (1) of the Old Law apply mutatis mutandis) at the time of the enforcement of this Law shall be regarded as a certificate of registration that was delivered in accordance with the provisions of Article 24-4 paragraph (1) of the New Law (including the cases where Article 24-4 paragraph (1) of the New Law apply mutatis mutandis, in Article 24-13 paragraph (2) of the New Law).

***(Transitional Measures Concerning Designated Certification Agency)*****Article 3.**

- (1) The person who received designation in accordance with the provisions of Article 38-2 paragraph (1) of the Old Law prior to the enforcement of this Law shall be regarded as a person who was registered in accordance with the provisions of Article 38-2 paragraph (1) of the New Law on the day of enforcement of this Law. In this case, the period as stipulated in Article 38-4 paragraph (1) of the New Law shall be reckoned from the day of designation or renewal of designation in accordance with the Old Law.
- (2) The person who had actually received approval in accordance with the provisions of Article 38-17 paragraph (1) of the Old Law at the time of enforcement of this Law shall be regarded as approved on the day of enforcement of this Law in accordance with the provisions of Article 38-31 paragraph (1) of the New Law.
- (3) The application for designation in accordance with the provisions of Article 38-2 paragraph (2) of the Old Law, the application for renewal of designation in accordance with the provisions of Article 38-3-2 paragraph (1) of the Old Law, or the application for approval in accordance with the provisions of Article 38-17 paragraph (1) of the Old Law shall be regarded as an application for registration in accordance with the provisions of Article 38-2 paragraph (1) of the New Law, an application for renewal of registration in accordance with the provisions of Article 38-4 paragraph (1) of the New Law, or an application for approval in accordance with the provisions of Article 38-31 paragraph (1) of the New Law.

***(Transitional Measures Concerning Technical Regulations Conformity Certification, etc.)*****Article 4.**

- (1) The application for a technical regulations conformity certification in accordance with the provisions of Article 38-2 paragraph (4) of the Old Law, the application for certification in accordance with the provisions of Article 38-2 paragraph (4) of the Old Law applied, mutatis mutandis, in the provisions of Article 38-17 paragraph (5) of the Old Law, or the application for certification in accordance with the provisions of Article 38-16 paragraph (1) or Article 38-17 paragraph (6), which had actually been filed at the time of enforcement of this Law, shall be regarded as either a request for technical regulations conformity certification in accordance with the provisions of Article 38-6 paragraph (1) of the New Law (including cases of Article 38-6 paragraph (1) of the New Law applied, mutatis mutandis, in Article 38-31 paragraph (4) of the New Law) or a request for construction type certification in accordance with the provisions of Article 38-24 paragraph (1) or Article 31 paragraph (5), respectively.
- (2) The radio equipment as certified for technical regulations conformity in accordance with the provisions of Article 38-2 paragraph (4) of the Old Law prior to the enforcement of this Law, or radio equipment as certified in accordance with the provisions of Article 38-2 paragraph (4) of the Old Law applied, mutatis mutandis, in Article 38-17 paragraph (5) of the Old Law shall be regarded as the radio equipment that had been certified for its technical regulations conformity in accordance with the provisions of Article 38-6 paragraph (4) of the New Law (including the cases of Article 38-6 paragraph (4) of the New Law applied, mutatis mutandis, in Article 38-31 paragraph (4) of the New Law) and also regarded as having the mark in accordance with the provisions of Article 38-7 paragraph (1) of the New Law (including the cases of Article 38-7 paragraph (1) of the New Law applied, mutatis mutandis, in Article 38-31 paragraph (4) of the New Law).
- (3) The construction type that was certified in accordance with the provisions of Article 38-16 paragraph (1) or Article 38-17 paragraph (6) of the Old Law prior to the enforcement of this Law shall be regarded as a construction type that received a construction type certification in

- accordance with the provisions of Article 38-24 paragraph (2) of the New Law (including the cases of Article 38-24 paragraph (2) of the New Law applied, mutatis mutandis, in Article 37-31 paragraph (6)).
- (4) The person who received certification in accordance with the provisions of Article 38-16 paragraph (1) of the Old Law or Article 38-17 paragraph (6) of the Old Law prior to the enforcement of this Law shall be regarded as the one who received a construction type certification in accordance with the provisions of Article 38-24 paragraph (2) of the New Law (including the cases of Article 38-24 paragraph (2) of the New Law applied, mutatis mutandis, in Article 38-31 paragraph (6) of the New Law). In these cases, the person who received certification in accordance with the provisions of Article 38-16 paragraph (1) of the Old Law or Article 38-17 paragraph (6) of the Old Law shall be regarded as the one who fulfilled its obligations in accordance with the provisions of Article 38-25 paragraph (2) of the New Law (including the cases of Article 38-25 paragraph (2) of the New Law applied, mutatis mutandis, in Article 38-31 paragraph (6) of the New Law).
- (5) The specified radio equipment that conforms to the construction type as certified in accordance with the provisions of Article 38-16 paragraph (1) of the Old Law or Article 38-17 paragraph (6) of the Old Law prior to the enforcement of this Law and affixes a mark in accordance with the provisions of Article 38-16 paragraph (5) of the Old Law (including the cases of Article 38-16 paragraph (5) of the Old Law applied, mutatis mutandis, in Article 38-17 paragraph (8) of the Old Law) shall be regarded as a specified radio equipment that conforms to the construction type as certified in accordance with the provisions of Article 38-24 paragraph (2) of the New Law (including the cases where Article 38-24 paragraph (2) of the New Law shall apply, mutatis mutandis, in Article 38-31 paragraph (6) of the New Law) and affixes a mark in accordance with the provisions of Article 38-26 of the New Law (including the cases of Article 38-26 of the New Law applied, mutatis mutandis, in Article 31 paragraph (6) of the New Law).
- (6) The provisions of Article 38-22 of the New Law (including the cases of Article 38-22 of the New Law applied, mutatis mutandis, in Article 38-29 and Article 38-31 paragraphs (4) and (6) of the New Law) shall not apply to radio equipment that was certified for technical regulations conformity in accordance with the provisions of Article 38-2 paragraph (4) of the Old Law prior to the enforcement of this Law, radio equipment that received certification in accordance with the provisions of Article 38-2 paragraph (4) of the Old Law applied, mutatis mutandis, in Article 38-17 paragraph (5) of the Old Law, and specified radio equipment that conforms to the construction type as certified in accordance with the provisions of Article 38-16 paragraph (3) of the Old Law (including the cases of Article 38-16 paragraph (3) of the Old Law applied, mutatis mutandis, in Article 38-17 paragraph (8) of the Old Law) that affixes a mark in accordance with the provisions of Article 38-16 paragraph (5) of the Old Law (including the cases of Article 38-16 paragraph (5) of the Old Law applied, mutatis mutandis, in Article 38-17 paragraph (8) of the Old Law).

***(Dispositions and Procedures in Accordance with the Old Law)***

**Article 5.**

Except the matters stipulated in the preceding three articles, all dispositions, procedures, and other acts as executed in accordance with the provisions of the Old Law prior to the enforcement of this Law shall be regarded as executed in accordance with the provisions of the New Law, if the New Law includes provisions relevant thereto.

***(Transitional Measures Concerning Spectrum User Fee)***

**Article 6.**

The provisions of Article 103-2 paragraph (2) of the New Law shall apply to the Spectrum User Fee pertaining to the period after the corresponding day as stipulated in Article 103-2 paragraph (1) of the New Law that comes first after the day of enforcement of amendment provisions of Article 1 item ii) of the Supplementary Provisions (hereinafter in this article simply referred to as the "corresponding day"), and the Spectrum User Fee pertaining to the period before the corresponding day shall still be dealt with as cases in the past.

***(Transitional Measures Concerning the Penal Provisions)***

**Article 7.**

The application of the Penal Provisions for the acts committed prior to the enforcement of this Law shall still be dealt with as cases in the past.

***(Entrustment of Other Transitional Measures to the Applicable Cabinet Order)***

**Article 8.**

In addition to those stipulated in the Supplementary Provisions, the transitional measures as required in enforcing this Law shall be specified in the applicable cabinet order.

***(Consideration)***

**Article 9.**

The Government shall, after a lapse of ten years after enforcement of this Law, consider the implementation status of the provisions of Article 24-2 through Article 24-13 of the New Law and Article 38-2 through Article 38-38 of the New Law, from the viewpoint of radio regulatory, and when it is deemed necessary, it shall take necessary measures based on the results from the consideration.

***Supplementary Provisions (Law No. 125 of July 24, 2003) (Excerpts)***

***(Effective Date)***

**Article 1.**

This Law shall come into force from the day as specified in the applicable cabinet order that shall fall within nine months from the day of promulgation. However, the provisions listed in the following items shall come into force from the days specified in the items:

- iii) The provisions of Article 2; in the provisions of Article 3, amendment provisions of Article 11 paragraph (2) of the Nippon Telegraph and Telephone Corporation Law, as well as the provisions of Article 6 through Article 15 of the Supplementary Provisions, Article 21 through Article 31 of the Supplementary Provisions, Article 31 through Article 41 of the Supplementary Provisions, and Article 44 through Article 48 of the Supplementary Provisions: the day as specified in the applicable cabinet order which shall fall within one year from the day of promulgation

***Supplementary Provisions (Law No. 47 of May 19, 2004) (Excerpts)***

***(Effective Date)***

**Article 1.**

This Law shall come into force as of the day specified in the applicable cabinet order which shall fall within three months from the day of promulgation. However, the provisions listed in

the following items shall come into force as from the days as specified in the following items:

- i) In Article 1, the amendment provisions of Article 99-11 paragraph (1) item i) of the Radio Law and Article 5 of the Supplementary Provisions: the day of promulgation
- ii) In Article 1, the amendment provisions of Article 59 of the Radio Law, the amendment provisions changing Article 109-2 of the same law to Article 109-3 of the same law, and the amendment provisions adding one article after Article 109 of the same law (except the part pertaining to Article 109-2 paragraph (5) of the same law): the 20th day as calculated from the day of promulgation
- iii) The provisions of Article 2 (except the amendment provisions of Article 99-11 paragraph (1) item i) of the Radio Law) and the provisions of Article 6 and Articles 8 through 12 of the Supplementary Provisions: the day specified in the applicable cabinet order that shall fall within one year from the day of promulgation.
- iv) In Article 1, the amendment provisions adding one article after Article 109 of the Radio Law (limited to the part pertaining to Article 109-2 paragraph (5) of the Radio Law) and the provisions of Article 3, and Article 4 of the Supplementary Provisions: the day when the Convention on Cybercrime comes into force in Japan

***(Transitional Measures Concerning the Operational Rules and Procedures for Registered Certification Bodies)***

**Article 2.**

- (1) The operational rules and procedures that had actually been approved in accordance with the provisions of Article 38-10 (including the cases of Article 38-10 of the Radio Law applied, mutatis mutandis, in Article 38-24 paragraph (3) and Article 38-31 paragraphs (4) and (6) of the Old Radio Law; the same shall apply in the following paragraph.) of the Radio Law (hereinafter referred to as the "Old Radio Law" in this and the following articles) before amendment by this Law as of the day of enforcement of this Law shall be regarded as the operational rules and procedures as notified in accordance with the provisions of Article 38-10 of the Radio Law after amendment by this Law (hereinafter referred to as the "New Radio Law" in this article and Article 6) (including the cases of Article 38-10 of the Radio Law applied, mutatis mutandis, in Article 38-24 paragraph (3) and Article 38-31 paragraphs (4) and (6) of the New Radio Law; the same applies to the following paragraph.).
- (2) The application for authorization in accordance with the provisions of Article 38-10 of the Old Radio Law that had actually been filed as of the day of enforcement of this Law shall be regarded as the notification in accordance with the provisions of Article 38-10 of the New Radio Law.

***(Transitional Measures as Relevant to the Radio Propagation Blockage Prevention System)***

**Article 3.**

The limits on the work for upper parts that cause a hindrance in important radio communication pertaining to the notification in accordance with the provisions of Article 102-3 paragraph (1) or (2) of the Old Radio Law that was made prior to the enforcement of this Law (including the cases of Article 102-3 paragraph (1) or (2) of the Old Radio Law applied, mutatis mutandis, in paragraph (6) of the same article or of Article 102-4 paragraph (2) of the Old Radio Law) shall be dealt with as cases in the past.

***(Transitional Measures Concerning the Application by Convention to Criminals Located Abroad)***

**Article 4.**

The provisions of Article 109-2 paragraph (5) of the Radio Law after amendment and the

provisions of Article 14 paragraph (4) of the Wire Telecommunications Law in accordance with the provisions listed in Article 1 item iv) of the Supplementary Provisions, shall apply to the crimes specified by the convention that comes into force on or after the day of enforcement of said provisions, as legislated for punishment even when committed outside of Japan.

*(Entrustment of Other Transitional Measures to the Applicable Cabinet Orders)*

Article 5.

In addition to the matters as stipulated in the preceding three articles, the transitional measures as required to enforce this Law shall be stipulated in the applicable cabinet order.

*(Consideration)*

Article 6.

The Government shall, in the cases where ten years have elapsed after the provisions listed in Article 1 paragraph (3) of the Supplementary Provisions came into force, consider the implementation status of the amended provisions in accordance with the provisions of Article 71-3-2 and Article 2 of the New Radio Law from the viewpoints of radio regulatory, and, when it is deemed necessary, it shall take necessary measures based on the results of the consideration.

**Ministry of Internal Affairs and Communications (MIC)**

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