

The Broadcast Act

(Act No. 132 of 1950)

As amended last by the Act for Partial Revision of the Broadcast Act
and Other Related Acts (Act No. 65 of 2010)

(Unofficial Translation)

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Chapter I General Provisions

(Purpose)

Article 1

The purpose of this Act is to regulate broadcasting so as to conform to public welfare and to achieve its sound development subject to the following principles:

- (i) To guarantee that broadcasting is disseminated to the greatest extent possible to the general public and that its benefits are achieved;
- (ii) To ensure freedom of expression through broadcasting by guaranteeing the impartiality, truth and autonomy of broadcasting;
- (iii) To enable broadcasting to contribute to the development of sound democracy by clarifying the responsibilities of the persons involved in broadcasting.

(Definition)

Article 2

The interpretation of the provisions of this Act and the orders pursuant to this Act shall be subject to the following definitions:

- (i) The term “broadcasting” shall mean the transmission (including those transmitted using the telecommunications equipment of other persons (meaning the telecommunications equipment provided for in item (ii) of the same paragraph; the same shall apply hereinafter)) of telecommunications (meaning the telecommunications provided for in Article 2, item (i) of the Telecommunications Business Act (Act No. 86 of 1984)) with the aim of direct reception by the public.
- (ii) The term “basic broadcasting” shall mean broadcasting using radio waves of frequencies allocated either exclusively or preferentially to radio stations broadcasting pursuant to the provisions of the Radio Act (Act No. 131 of 1950).
- (iii) The term “general broadcasting” shall mean broadcasting other than basic broadcasting.
- (iv) The term “domestic broadcasting” shall mean broadcasting with the aim of reception within Japan.
- (v) The term “international broadcasting” shall mean broadcasting other than relay international broadcasting and international satellite broadcasting by Japan Broadcasting Corporation (hereinafter referred to as “NHK”) with the aim of reception in a foreign country.
- (vi) The term “broadcasting for overseas Japanese nationals” shall mean out of the broadcasting, the broadcasting of broadcast programs for overseas Japanese nationals.
- (vii) The term “international broadcasting for overseas foreign nationals” shall mean out of the international broadcasting, the broadcasting of broadcast programs for overseas foreign nationals.

- (viii) The term “relay international broadcasting” shall mean broadcasting transmitted using a domestic broadcasting station with the aim of reception in a foreign country via a foreign broadcaster (meaning persons conducting broadcasting operations in a foreign country).
- (ix) The term “international satellite broadcasting by NHK” shall mean broadcasting (limited to that transmitted using a satellite broadcasting station) transmitted using a basic broadcasting station (meaning a radio station which transmits basic broadcasting”; the same shall apply hereinafter) or a foreign broadcasting station with the aim of reception in a foreign country via NHK.
- (x) The term “international satellite broadcasting by NHK for overseas Japanese nationals” shall mean out of the international satellite broadcasting by NHK, the broadcasting of broadcast programs for overseas Japanese nationals.
- (xi) The term “international satellite broadcasting by NHK for overseas foreign nationals” shall mean out of the International satellite broadcasting by NHK, the broadcasting of broadcast programs for overseas foreign nationals.
- (xii) The term “domestic and international broadcasting” shall mean broadcasting with the aim of reception in Japan and in a foreign country.
- (xiii) The term “satellite basic broadcasting” shall mean basic broadcasting transmitted using a satellite broadcasting station.
- (xiv) The term “terrestrial basic broadcasting for mobile equipment” shall mean basic broadcasting other than satellite basic broadcasting with the aim of reception through reception equipment used through installation in automobiles or other vehicles which move on land or for the purpose of mobile use.
- (xv) The term “terrestrial basic broadcasting” shall mean basic broadcasting other than satellite basic broadcasting and terrestrial basic broadcasting for mobile equipment.
- (xvi) The term “AM broadcasting” shall mean broadcasting which transmits voices and other sounds using frequencies from 526.5 kHz to 1,606.5 kHz.
- (xvii) The term “FM broadcasting” shall mean broadcasting which transmits voices and other sounds (including those transmitted together with characters, figures and other images or signals), which do not come under television broadcasting using frequencies that do not exceed 30 MHz, and moreover is not broadcasting transmitted superimposed on other broadcasting radio waves.
- (xviii) The term “television broadcasting” shall mean broadcasting transmitting instantaneous images of stationary or moving things and the voices and other sounds accompanying such (including those sent together with characters, figures and other images (including those accompanying voices and other sounds) or signals).
- (xix) The term “multiple broadcasting” shall mean broadcasting which transmits voices and other sounds, characters, figures and other images or signals superimposed on the radio waves of FM broadcasting or television broadcasting, which does not come under FM broadcasting or television broadcasting.

- (xx) The term “broadcasting station” shall mean radio stations which transmit broadcasts.
- (xxi) The term “approved basic broadcaster” shall mean an entity who has received approval under Article 93, paragraph (2).
- (xxii) The term “specified terrestrial basic broadcaster” shall mean an entity who has obtained the license of a broadcasting station (hereinafter referred to as “specified terrestrial basic broadcasting station”) to be used in its operations of terrestrial basic broadcasting pursuant to the provisions of the Radio Act.
- (xxiii) The term “basic broadcaster” shall mean approved basic broadcaster and specified terrestrial basic broadcaster.
- (xxiv) The term “supplier for basic broadcasting stations” shall mean an entity who has obtained the license of a basic broadcasting station pursuant to the provisions of the Radio Act and who, out of the radio equipment and other telecommunications equipment of such basic broadcasting station, provides an aggregation (hereinafter referred to as “facility for basic broadcasting stations”) of the equipment prescribed in an Ordinance of the Ministry of Internal Affairs and Communications for use in the operations of the basic broadcasting of an approved basic broadcaster.
- (xxv) The term “general broadcaster” shall mean an entity who has obtained the registration set forth in Article 126, paragraph (1) and persons who have given notification pursuant to the provisions of Article 133, paragraph (1).
- (xxvi) The term “broadcaster” shall mean basic broadcaster and general broadcaster.
- (xxvii) The term “broadcast program” shall mean the type, contents, amount and arrangement of the matters to be broadcast.
- (xxviii) The term “educational program” shall mean broadcast programs to be broadcast for the purpose of school education or social education.
- (xxix) The term “cultural program” shall mean broadcast programs other than educational programs, which have the direct aim of enhancing the general culture of the public.

Chapter II General Rules Concerning the Editing and Other Matters of Broadcast Programs

(Editorial Freedom of Broadcast Programs)

Article 3

Broadcast programs shall not be interfered with or regulated by any person except in cases pursuant to the authority provided for in laws.

(Editing and Other Matters of the Broadcast Programs of Domestic Broadcasting, etc.)

Article 4

- (1) The broadcaster shall comply with the matters provided for in the following items when editing the broadcast programs of domestic broadcasting or domestic and international broadcasting (hereinafter referred to as “domestic broadcasting, etc.”):
 - (i) It shall not harm public safety or good morals;
 - (ii) It shall be politically fair.
 - (iii) Its reporting shall not distort the facts;
 - (iv) It shall clarify the points at issue from as many angles as possible where there are conflicting opinions concerning an issue.
- (2) The broadcaster shall establish as many broadcast programs as possible which enable visually impaired persons to listen to voices and other sounds which explain the instantaneous images of stationary or moving things and broadcast programs which enable persons with aural disabilities to see characters or figures which explain voices and other sounds when editing the broadcast programs of domestic broadcasting, etc. through television broadcasting.

(Program Standards)

Article 5

- (1) The broadcaster shall stipulate standards for the editing of the broadcast programs (hereinafter referred to as “program standards”) in accordance with the classification of the broadcast programs (meaning the categories of cultural programs, educational programs, news programs, entertainment programs, etc.; the same shall apply hereinafter) and the target audience of the broadcasts, and shall edit the broadcast programs in compliance with such.
- (2) Where the broadcaster has stipulated program standards pursuant to the provision of the preceding paragraph with regard to domestic broadcasting, etc., it shall publicize such standards pursuant to the provisions of an Ordinance of the Ministry of Internal Affairs and Communications. The same shall apply when making amendments thereto.

(Deliberative Organ for Broadcast Programs)

Article 6

- (1) The broadcaster shall establish a deliberative organ for broadcast programs (hereinafter referred to as “deliberative organ”) in order to ensure the appropriateness of the broadcast programs.
- (2) The deliberative organ may deliberate necessary matters to ensure the appropriateness of the broadcast programs in accordance with consultation with a broadcaster and, in this regard, may express opinions to the broadcaster.
- (3) The broadcaster shall set forth a basic plan relating to the program standards and editing of the broadcast programs and, when it intends to make amendments thereto, shall consult the deliberative organ.
- (4) Where the deliberative organ has drawn up a report in accordance with the consultation pursuant to the provision of paragraph (2) or there is a matter for which an opinion has been expressed, the broadcaster shall respect such and take necessary measures.
- (5) The broadcaster shall report the matters given in the following items to the deliberative organ pursuant to the provisions of an Ordinance of the Ministry of Internal Affairs and Communications:
 - (i) The contents of the measures taken pursuant to the provision of the preceding paragraph;
 - (ii) The status of implementation of the broadcast which has been corrected or revoked pursuant to the provisions of Article 9, paragraph (1);
 - (iii) A summary of the complaint which was made or other opinions relating to broadcast programs.
- (6) The broadcaster shall endeavor to utilize the functions of the deliberative organ in order to reflect the reports or opinions of the deliberative organ in the broadcast programs, and shall also publicize the matters given in the following items pursuant to the provisions of an Ordinance of the Ministry of Internal Affairs and Communications.
 - (i) A summary of the contents of the report drawn up by the deliberative organ in response to the consultation by the broadcaster or the opinions expressed to the broadcaster and other proceedings of the deliberative organ.
 - (ii) The contents of measures taken pursuant to the provision of paragraph (4).

Article 7

- (1) The deliberative organ of the broadcaster shall consist of seven members or more (in the case of the deliberative organ of a broadcaster other than a broadcaster which transmits basic broadcasting through television broadcasting, less than seven members pursuant to the provisions of an Ordinance of the Ministry of Internal Affairs and Communications).
- (2) The members of the deliberative organ of the broadcaster shall be commissioned by such broadcaster from among persons who have relevant knowledge and experience.

(3) Two or more broadcasters may jointly establish a deliberative organ in cases where all of the following requirements have been satisfied. In such a case, the commissioning of the members of the deliberative organ pursuant to the provision of the preceding paragraph shall be jointly conducted by such broadcasters.

(i) There is no subsidiary terrestrial basic broadcaster of an approved broadcasting holding company as provided for in Article 163 among such broadcasters,

(ii) Where there is a basic broadcaster among such broadcasters, there is an overlap in the broadcasting districts (meaning the broadcasting district described in the license of the basic broadcasting station for use in the operations of the basic broadcasting pursuant to the provisions of Article 14, paragraph (3), item (ii) of the Radio Act; hereinafter the same shall apply in this paragraph) or operational districts (meaning the operational districts set forth in Article 126, paragraph (2), item (iv); hereinafter the same shall apply in this paragraph) between any of the basic broadcasters and all of the broadcasters other than such basic broadcaster, which satisfies either of the following requirements:

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

(b) The population within the district of the broadcasting district of the overlapping part of the broadcasting districts or operational districts is two-thirds or more of the total population within the broadcasting district or operational district of any of such broadcasters.

(iii) Where there are two or more general broadcasters among such broadcasters, there is a relationship between any two of the general broadcasters among such general broadcasters, which satisfies any of the following requirements:

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

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

(c) The prefectures of the operational districts of two such general broadcasters are one and the same.

(Exclusions from Application of the Provisions of the Program Standards, etc.)

Article 8

The provisions of the three preceding Articles shall not apply to broadcasters who exclusively transmit broadcasts whose broadcast matters are related to current affairs concerning the market economy, natural events and sports or other matters provided for in an Ordinance of the Ministry of

Internal Affairs and Communications or broadcasts for extraordinary and temporary purposes (limited to those provided for in the provisions of an Ordinance of the Ministry of Internal Affairs and Communications).

(Correction of Broadcasting, etc.)

Article 9

- (1) In case of a broadcast being transmitted by the broadcaster of matters contrary to the truth, where a demand is made by an individual who was the subject of the infringement of rights owing to such broadcast or a person directly related to him or her within three months of the day of such broadcast, the broadcaster shall, without delay, investigate as to whether the matters which were broadcast were contrary to the truth and, if it finds that the matters were contrary to the truth, it shall broadcast a correction or a revocation using an appropriate method through the same broadcasting equipment as the broadcasting equipment used in such broadcast within two days of the day of making the finding.
- (2) If the broadcaster discovers matters which are contrary to the truth with regard to its broadcasting, it shall also take the same measures as in the preceding paragraph.
- (3) The provisions of the two preceding paragraphs shall not preclude demands for compensation of damages pursuant to the provisions of the Civil Code (Act No. 89 of 1896).

(Retention of Broadcast Programs)

Article 10

The broadcaster shall retain the broadcast program for a period of three months following the transmission of such broadcast program (with regard to broadcasting for which a demand for a correction or revocation broadcast was made pursuant to the provision of paragraph (1) of the preceding Article, where the case pertaining to such demand continues for more than three months, the period for which such case continues within a period not exceeding six months) so that the deliberative organ or persons related to the broadcast, which was corrected or revoked pursuant to the provision of the same Article, will be able to check the contents of the broadcast program by viewing it or through other methods pursuant to the provisions of an Ordinance of the Ministry of Internal Affairs and Communications after it has been broadcast.

(Re-transmitting)

Article 11

The broadcaster shall not receive a broadcast and re-transmit it without obtaining consent from the other broadcaster.

(Measures for the Identification of Advertisement Broadcasts)

Article 12

The broadcaster shall ensure that the persons receiving the broadcast are clearly able to identify that such broadcast is an advertisement broadcast when transmitting advertisement broadcasts for a fee.

(Candidate Broadcasts)

Article 13

When transmitting a broadcast relating to campaign broadcasts and other election campaigns of candidates for public office through elections, if a request is made by another candidate in such election, the broadcaster shall transmit such candidate's broadcast on the same conditions regardless of whether or not a fee has been collected.

(Editing of Broadcast Programs for domestic and International Broadcasting)

Article 14

In editing broadcast programs for domestic and international broadcasting, the broadcaster shall insofar as possible take into consideration the natural, economic, social and cultural affairs of the foreign country which is the target broadcasting district (meaning the target broadcasting district set forth in Article 91, paragraph (2), item (ii)) or the operational district (meaning the operational district set forth in Article 126, paragraph (2), item (iv) or Article 133, paragraph (1), item (iv)) of such domestic and international broadcasting so as not to harm international goodwill and exchanges with foreign countries.

Chapter III Japan Broadcasting Corporation (NHK)

Section I General Rules

(Purpose)

Article 15

NHK aims to transmit domestic basic broadcasting (meaning basic broadcasting which is domestic broadcasting; hereinafter the same shall apply) through good, rich broadcast programs, which may be received far and wide throughout Japan, to conduct the necessary operations for broadcasting and the advancement and development of reception thereof as well as to transmit international broadcasting and international satellite broadcasting by NHK for the purpose of public welfare.

(Juridical Personality)

Article 16

NHK shall be a juridical person established pursuant to the provisions of this Act in order to achieve the purpose given in the preceding Article.

(Offices)

Article 17

- (1) NHK shall have its principal office in Tokyo.
- (2) NHK may have secondary offices in other places as necessary.

(Articles of Incorporation)

Article 18

- (1) NHK shall stipulate the following matters in its articles of incorporation.
 - (i) Purpose;
 - (ii) Name;
 - (iii) Location of the offices;
 - (iv) Matters concerning assets and accounts;
 - (v) Matters concerning the Board of governors, the Audit Committee, the Council and executive officers;
 - (vi) Matters concerning the operations and execution thereof;
 - (vii) Matters concerning the issuance of broadcasting bonds;
 - (viii) Method of public notices.
- (2) The articles of incorporation may be amended after obtaining authorization from the Minister of Internal Affairs and Communications.

(Registration)

Article 19

- (1) NHK shall register changes in the principal office, the new establishment of secondary offices and other matters prescribed in a Cabinet Order pursuant to the procedures prescribed by the Cabinet Order.
- (2) Matters requiring registration pursuant to the provision of the preceding paragraph may not be asserted against a third party unless after the registration has been made.

Section II Operations

(Operations)

Article 20

- (1) NHK shall conduct the following operations in order to achieve the purpose set forth in Article 15:
 - (i) Transmit domestic basic broadcasting through the following kinds of broadcasting (limited to those that use specified terrestrial basic broadcasting stations):
 - (a) AM broadcasting;
 - (b) FM broadcasting;
 - (c) Television broadcasting.
 - (ii) Transmit domestic basic broadcasting (limited to satellite basic broadcasting transmitted using basic broadcasting stations pertaining to the license received by a person other than NHK pursuant to the provisions of the Radio Act) through television broadcasting.
 - (iii) Conduct investigative research necessary for broadcasting and the advancement and development of reception thereof.
 - (iv) Transmit international broadcasting for overseas Japanese nationals and international broadcasting for overseas foreign nationals.
 - (v) Transmit international satellite broadcasting by NHK for overseas Japanese nationals and international satellite broadcasting by NHK for overseas foreign nationals.
- (2) In addition to the operations set forth in the preceding paragraph, NHK shall conduct the following operations in order to achieve the purpose set forth in Article 15:
 - (i) When deemed necessary in sending transmissions in a foreign country of broadcast programs of the international broadcasting set forth in item (iv) of the preceding paragraph through the use of a broadcasting station related to a foreign broadcaster, a basic broadcasting station pursuant to the agreement with such foreign broadcaster shall be provided for the use of the operations of relay international broadcasting;

- (ii) Provide broadcast programs which were transmitted by NHK and materials necessary for the editing of such programs (including those which have been edited; referred to in the following item as “existing broadcast programs, etc.”) for general use through a telecommunications line;
 - (iii) Supply existing broadcast programs, etc. to persons engaged in the business of providing broadcast programs for general use through a telecommunications line.
 - (iv) Supply the foreign broadcaster with broadcast programs and materials necessary for the editing of such programs (excluding those given in the preceding item);
 - (v) Conduct operations incidental to the operations set forth in the preceding paragraph (excluding those given in the preceding items);
 - (vi) Lease broadcasting equipment to those persons intending to transmit multiple broadcasting;
 - (vii) Through commission, engage in investigative research contributing to broadcasting or the advancement and development of reception thereof, the design of broadcasting equipment, other technical assistance and conduct training for those persons engaged in broadcasting.
 - (viii) In addition to the operations given in the preceding items, conduct operations which are especially necessary for broadcasting and the advancement and development of reception thereof.
- (3) In addition to the operations set forth in the two preceding paragraphs, NHK may conduct the following operations within an extent that does not hinder the smooth running of such operations:
- (i) Provide lease facilities or equipment held by NHK (including those acquired by NHK through termination of a trust with regard to the owned land) for general use.
 - (ii) Through commission, conduct operations to produce broadcast programs, etc., or other operations conducted through utilization of the equipment and technology held by NHK in order to conduct the operations under the two preceding paragraphs, and which are deemed appropriate to be conducted by NHK.
- (4) NHK shall not have the aim of making a profit when conducting the operations under the three preceding paragraphs.
- (5) NHK shall take measures to ensure that either AM broadcasting or FM broadcasting and television broadcasting may be received far and wide throughout the country.
- (6) In conducting the operations under paragraph 1, item (iii), where an opinion is submitted by a person who is related to the broadcasting or a person with relevant knowledge and experience, NHK shall respect such opinion if such contents contribute to broadcasting or the advancement and development of reception thereof, and moreover, do not hinder the performance of the operations set forth in the same paragraph and paragraph (2), and the results of the operations set forth in the same item shall insofar as possible be provided for general use.
- (7) In transmitting international satellite broadcasting by NHK for overseas foreign nationals, NHK shall ensure that all or part of such broadcasting is through television broadcasting.
- (8) The contents of the agreement set forth in paragraph (2), item (i) shall include the broadcasting district pertaining to the AM broadcasting, the broadcasting hours and other matters relating to the

broadcasting equipment provided for in an Ordinance of the Ministry of Internal Affairs and Communications, and if NHK intends to enter into such an agreement or to make amendments thereto, it shall obtain authorization from the Minister of Internal Affairs and Communications.

- (9) NHK shall obtain authorization from the Minister of Internal Affairs and Communications and comply with the prescribed standards when conducting the operations set forth in paragraph (2), item (ii).
- (10) NHK shall obtain authorization from the Minister of Internal Affairs and Communications if it intends to conduct the operations set forth in paragraph (2), item (viii) or paragraph (3).
- (11) NHK shall not certify the reception device of the basic broadcasting or its parts, designate a repair service operator for the reception device of the basic broadcasting, or otherwise regulate the operations conducted by the manufacturer, distributor or repair service operator of the radio wave device for any reason whatsoever, nor shall it conduct any acts to interfere with the aforementioned.

(Method of Operation of International Satellite Broadcasting by NHK for Overseas Foreign Nationals)
Article 21

- (1) NHK shall have only one subsidiary company (meaning a stock company for which NHK holds the majority of voting rights of all of the shareholders and other juridical persons prescribed by an Ordinance of the Ministry of Internal Affairs and Communications whose management is controlled by NHK; hereinafter the same shall apply in this Chapter and Article 191, paragraph (2)) as a company whose principal aim is to conduct the following operations pursuant to the provisions of the income and expenditure budget, business plan and funding plan for the purpose of the smooth performance of the operations of the international satellite broadcasting by NHK for overseas foreign nationals through television broadcasting.
 - (i) Produce broadcast programs for overseas foreign nationals through television broadcasting commissioned by NHK;
 - (ii) As commissioned by NHK, provide its broadcasting station to persons other than NHK, who have obtained the license of a basic broadcasting station pursuant to the provisions of the Radio Act, or to persons managing foreign broadcasting stations for use in the operations of international satellite broadcasting by NHK for overseas foreign nationals through television broadcasting transmitted by NHK.
- (2) In conducting the operations of international satellite broadcasting by NHK for overseas foreign nationals through television broadcasting, NHK shall commission some of the operations to the subsidiary company prescribed in the preceding paragraph in accordance with the standards prescribed by NHK in order to enable the smooth performance of such operations.
- (3) When prescribing the standards under the preceding paragraph, NHK shall notify the Minister of Internal Affairs and Communications of such standards without delay. The same shall apply when making amendments thereto.

(Investment in the Japan Aerospace Exploration Agency and Others)

Article 22

In addition to cases of investing in the subsidiary company provided for in paragraph (1) of the preceding Article, where it is necessary in performing the operations under Article 20, paragraph (1) and paragraph (2), NHK may invest in the Japan Aerospace Exploration Agency, the National Institute of Information and Communications Technology, the designated broadcasters for retransmissions provided for in Article 140, paragraph (2) and other persons conducting business prescribed in an Ordinance of the Ministry of Internal Affairs and Communications which is closely related to the operations under Article 12, paragraph (1) or paragraph (2) in accordance with the stipulations in the income and expenditure budget, business plan and funding plan on obtaining authorization from the Minister of Internal Affairs and Communications.

(Commission of Operations)

Article 23

- (1) In addition to the cases under Article 21, paragraph (2), NHK may commission some of the operations under Article 20, paragraph (1) or its operations conducted pursuant to the provisions of Article 65, paragraph (1) or Article 66, paragraph (1) (referred to in the following paragraph as “operations, etc. set forth in Article 20, paragraph (1)) limited to cases complying with the standards prescribed by NHK.
- (2) The standards under the preceding paragraph shall be such as to ensure that the commissioned operations are efficiently conducted and that obstacles do not arise in the smooth performance of the operations, etc. set forth in Article 20, paragraph (1) based on the commission pursuant to the provisions of the same paragraph.
- (3) If stipulating the standards under paragraph (1), NHK shall notify the Minister of Internal Affairs and Communications of such standards without delay. The same shall apply when making amendments thereto.

(Special Measures on the Approval of Basic Broadcasting Operations)

Article 24

With regard to the application of the provisions of Article 93, paragraph (1) in cases of the Minister of Internal Affairs and Communications conducting an examination on approval pursuant to the provisions of the same paragraph with regard to NHK, the term “the following requirements” in the same paragraph shall be replaced with “the following requirements (excluding item (iv), item (v) and item (vi) (limited to those parts pertaining to sub-items (a) to (c))).”

(Implementation of International Satellite Broadcasting by NHK)

Article 25

Where NHK has commenced international satellite broadcasting by NHK using a foreign broadcasting station, it shall notify the Minister of Internal Affairs and Communications without delay of the broadcasting district, broadcasting matters and other matters prescribed in an Ordinance of the Ministry of Internal Affairs and Communications. The same shall apply when making amendments to these matters.

Article 26

- (1) In conducting international satellite broadcasting by NHK for overseas foreign nationals (including commissioning of the production of broadcast programs to the subsidiary company pursuant to the provisions of Article 21, paragraph (2)) through television broadcasting pursuant to the provisions of Article 20, paragraph (7), if it is deemed especially necessary in implementing such broadcast, NHK may seek the provision of materials necessary in the editing of broadcast programs or other necessary cooperation in accordance with the standards and methods stipulated by NHK from basic broadcasters other than NHK (excluding the Open University of Japan (hereinafter referred to as “Open University”) provided for in Article 3 of the Act on the Open University of Japan (Act No. 156 of 2002); hereinafter the same shall apply in paragraph (3)).
- (2) If NHK intends to stipulate the standards and methods prescribed under the preceding paragraph or to make amendments thereto, it shall consult the International Broadcast Programs Council provided for in Article 82, paragraph (1).
- (3) When consulted under the provisions of the same paragraph, the International Broadcast Programs Council set forth in the preceding paragraph shall hear the opinions of a basic broadcaster other than NHK.
- (4) If NHK stipulates the standards and methods prescribed under paragraph (1), it shall notify the Minister of Internal Affairs and Communications of such standards and methods without delay. The same shall apply when making amendments thereto.

(Handling of Complaints)

Article 27

NHK shall appropriately and promptly handle complaints and other opinions which are received relating to its operations.

Section III Board of Governors

(Establishment of a Board of governors)

Article 28

NHK shall establish a Board of governors.

(Authority, etc. of the Board of governors)

Article 29

(1) The Board of governors shall perform the following duties:

(i) Resolutions on the following matters:

- (a) The basic policy relating to the management of NHK.
- (b) Matters prescribed in an Ordinance of the Ministry of Internal Affairs and Communications as necessary in executing the duties of the Audit Committee.
- (c) Development of the following systems as necessary in ensuring the appropriateness of the operations of NHK.

[1] A system to ensure that the performance of the duties of the President, Vice-president and the Directors comply with the laws and regulations and the articles of incorporation.

[2] A system for the preservation and management of information relating to the duties of the President, Vice-president and Directors.

[3] A system for managing the risk of loss.

[4] A system to ensure that the duties of the President, Vice-president and Directors are performed efficiently.

[5] A system to ensure that the duties of the officials are performed in compliance with laws and regulations and the articles of incorporation.

[6] A system to ensure the appropriateness of the operations in the group forming NHK and its subsidiary company.

[7] A system relating to the secretariat of the Board of governors.

(d) An income and expenditure budget, business plan and funding plan.

(e) The business report set forth in Article 72, paragraph (1) and the financial statements provided for in Article 74, paragraph (1).

(f) The installation plan of the broadcasting station and the establishment, suspension and abolition of the broadcasting station (excluding those matters deemed to be minor by the Board of governors).

(g) The commencement, suspension and abolition of the domestic basic broadcasting (limited to satellite basic broadcasting transmitted using a basic broadcasting station pertaining to the license obtained by a person other than NHK pursuant to the provisions of the Radio Act) and international satellite broadcasting by NHK.

(h) The basic plan for the program standards and for the editing of broadcast programs.

(i) Amendments to the articles of incorporation.

(j) The terms of the reception contract set forth in Article 64 and the standards for exemption of the reception fees.

- (k) The issuance of broadcasting bonds and borrowing of loans.
 - (l) Land trusts.
 - (m) The standards provided for in Article 20, paragraph 9.
 - (n) The standards provided for in Article 21, paragraph (2) and Article 23, paragraph (1).
 - (o) The standards and methods provided for in Article 26, paragraph (1).
 - (p) The payment standards for salaries, etc. provided for in Article 61 and the service rules provided for in Article 62.
 - (q) The compensation, retirement benefits and social expenses (including those which are similar regardless of the reason) of the executive officers.
 - (r) Matters requiring a resolution pursuant to the income and expenditure budget.
 - (s) Basic matters relating to the acquisition and disposition of important real property.
 - (t) Basic matters relating to cooperating with foreign broadcasters and their groups.
 - (u) Conclusion of an agreement after receiving the authorization from the Minister of Internal Affairs and Communications set forth in Article 20, paragraph (8) and amendments thereto.
 - (v) Conducting of operations after receiving the authorization from the Minister of Internal Affairs and Communications set forth in Article 20, paragraph (10).
 - (w) Investment after receiving the authorization from the Minister of Internal Affairs and Communications set forth in Article 22.
 - (X) Assignment, etc. of broadcasting equipment after receiving the authorization of the Minister of Internal Affairs and Communications set forth in Article 85, paragraph (1).
 - (y) Commissioning of the members of the organization established by NHK in order to conduct deliberations pertaining to information disclosure and the protection of personal information.
 - (z) In addition to those matters given in (a) to (y), matters deemed to be similar by the Board of governors.
- (ii) Supervision of the performance of duties of the executive officers.
- (2) The Board of governors may not entrust the performance of its duties to the members.
 - (3) The Board of governors shall hear the opinions of persons who are required to conclude a contract with NHK concerning the reception of its broadcasts pursuant to the provisions of Article 64, paragraph (1) in accordance with the provisions of an Ordinance of the Ministry of Internal Affairs and Communications in order to contribute to the appropriate exercise of the authority prescribed in paragraph (1).

(Organization of the Board of governors)

Article 30

- (1) The Board of governors shall be composed of 12 members.
- (2) The Board of governors shall have a President appointed by the members from among themselves.
- (3) The President shall preside over the affairs of the Committee.

(4) The Board of governors shall appoint a person from among the members designated in advance to act for the President in his or her duties in the event of the President being unable to perform his or her duties.

(Appointment of the Committee Members)

Article 31

- (1) The members shall be appointed by the Prime Minister, with the consent of both Houses of the National Diet, from among persons capable of making a fair judgment on public welfare and who have extensive knowledge and experience. In such a case, when making such appointment, consideration shall be given to the fields of education, culture, science and technology, industry and other fields and to ensure that all regions across the country are fairly represented.
- (2) The Prime Minister may appoint a member without the consent of both Houses of the National Diet notwithstanding the provision of the preceding paragraph, if the consent of both Houses of the National Diet cannot be obtained due to the closing of the National Diet or the dissolution of the House of Representatives, in cases where the term of office of a member has expired or a position has become vacant. In such a case, the consent of both Houses of the National Diet shall be obtained at the first Diet session after the appointment.
- (3) Any person who falls under any of the following items may not become a member:
 - (i) A person who has been sentenced to imprisonment without work or a greater punishment.
 - (ii) A person who has been sentenced to a disposition of disciplinary dismissal as a national public officer and two years have not yet elapsed since the day of such disposition.
 - (iii) A national public officer (excluding members of councils, assemblies or persons in a similar position who are part-time).
 - (iv) An officer of a political party (including those persons who came under this category within one year prior to the date of appointment).
 - (v) Where the manufacturer or the distributor of the broadcast transmitter or broadcast reception receiver or a person under the aforementioned is a juridical person, its executive officer (including those persons who have the same level of authority or control or more regardless of the title of such person; hereinafter the same shall apply in this Article) or a person who holds one-tenth or more of the voting rights of such juridical person (including those persons who came under such category within one year prior to the date of appointment).
 - (vi) Where the broadcaster, the paid broadcasting administration operator provided for in Article 152, paragraph (2), the certified broadcasting holding company provided for in Article 160 or the newspaper publisher, communications agency or other operator who distributes news or information or the operator of the aforementioned is a juridical person, its executive officer or official or a person who holds one-tenth or more of the voting rights of such juridical person.
 - (vii) An executive officer of the group of operators provided for in the two preceding items.

(4) With regard to the appointment of the members, five persons or more shall not belong to the same political party.

(Authority, etc. of the Committee)

Article 32

(1) The members may not edit individual broadcast programs or otherwise execute the operations of NHK except where otherwise provided for in this Act or orders pursuant to this Act.

(2) The members shall not commit acts which contradict the provisions of Article 3 with regard to individual broadcast programs.

(Term of Office)

Article 33

(1) The term of office of the members shall be for three years, provided, however, that the term of office of a member appointed to fill a vacancy shall be for the remaining period of the office of the predecessor.

(2) The members may be re-appointed.

(3) Even if the term of office has expired, the member shall remain in office notwithstanding the provision of paragraph (1) until a member is newly appointed.

(Leaving)

Article 34

The member shall automatically leave if the consent of both Houses of the National Diet is not granted pursuant to the provision of the latter half of Article 31, paragraph (2).

(Dismissal)

Article 35

The Prime Minister shall dismiss the member if the member comes to fall under any one of the items of Article 31, paragraph (3).

Article 36

(1) If the Prime Minister deems that a member is unable to perform his or her duties owing to a mental or physical disorder or deems that the member has breached an obligation in his or her duties or the member has committed some other inappropriate act, he or she may dismiss the member with the consent of both Houses of the National Diet. In such a case, each House shall give the member an opportunity to offer an explanation in accordance with the stipulations of such House.

- (2) If five members or more among the members come to belong to the same political party, the Prime Minister shall dismiss the applicable number of members with the consent of both Houses of the National Diet so that the number of members belonging to the same political party becomes four.

Article 37

Aside from those cases under the two preceding paragraphs, the members shall not be dismissed against their will.

(Prohibition of Members Holding Concurrent Positions)

Article 38

Full-time members shall not become members of for-profit organizations or engage in commercial business themselves.

(Administration of the Board of governors)

Article 39

- (1) The Board of governors shall be convened by the President.
- (2) The President shall regularly convene the Board of governors pursuant to the provisions of an Ordinance of the Ministry of Internal Affairs and Communications.
- (3) The President shall report on the status of his or her duties, the complaints and other opinions set forth in Article 27 and a summary of the results of handling thereof to the Board of governors at least once every three months.
- (4) If a request is made by the Board of governors, the President shall attend the Board of governors meeting and shall explain the matters requested by the Board of governors.
- (5) The audit member who has been appointed by the Audit Committee shall report on the status of the performance of duties of the Audit Committee to the Board of governors.

(Method of Passing Resolutions, etc.)

Article 40

- (1) The Board of governors may not open a meeting and pass a resolution unless the President or the person acting for the President in his or her duties provided for in Article 30, paragraph (4) and six or more members are present.
- (2) A decision on the business of the Board of governors shall be made through a majority of the members who are present unless otherwise provided for in other provisions. In the event of a tie, the President shall decide.
- (3) The President may attend the Board of governors meeting and give an opinion.

(Publication of the Minutes)

Article 41

The President shall prepare the minutes and publish them without delay as prescribed by the Board of governors following the end of the Board of governors meeting.

Section IV Audit Committee

(Establishment, etc. of the Audit Committee)

Article 42

- (1) The Audit Committee shall be established in NHK.
- (2) The Audit Committee shall be composed of three audit members or more.
- (3) The audit members shall be appointed by the Board of governors from among the members of the Board of governors and at least one member or more shall be full-time.

(Authority of the Audit Committee)

Article 43

The Audit Committee shall audit the performance of duties of the executive officers.

(Investigations by the Audit Committee)

Article 44

- (1) The audit members appointed by the Audit Committee may, at any time, make a request to the executive officers or officials for a report on the matters relating to the performance of duties or investigate the status of the operations or the assets of NHK.
- (2) If necessary for auditing the performance of duties of the executive officers, the audit members appointed by the Audit Committee may make a request to the subsidiary company of NHK for a report on the business or investigate the status of the operations or the assets of such subsidiary company.
- (3) The subsidiary company set forth in the preceding paragraph may refuse to give the report or to comply with the investigation if it has justifiable grounds for doing so.
- (4) If a resolution is passed by the Audit Committee on matters relating to the collection of the report or to the investigation under paragraph (1) and paragraph (2), the audit members set forth in such paragraphs shall comply with the resolution.

(Obligation of Reporting to the Board of governors)

Article 45

If an audit member deems that an executive officer has committed or is likely to commit an unlawful act or deems that there is the fact of a violation of laws and regulations or the articles of incorporation or a grossly improper fact, he or she shall report such matter to the Board of governors.

(Injunction by an Audit Member against the Acts of Executive Officers)

Article 46

Where an executive officer has committed or is likely to commit an act which is outside the scope of the purpose of NHK or an act otherwise in violation of laws and regulations or the articles of incorporation, and if NHK is likely to suffer substantial harm through such act, the audit member may demand that such executive officer cease such act.

(Convocation of the Audit Committee)

Article 47

The Audit Committee shall be convened by any of the audit members.

(Method of Passing Resolutions, etc. of the Audit Committee)

Article 48

- (1) The Audit Committee may not open a meeting and pass a resolution unless a majority of the audit members is present.
- (2) Decisions on the business of the Audit Committee shall be made through a majority of the members who are present.
- (3) If so requested by the Audit Committee, executive officers shall attend the Audit Committee meeting and explain the matters requested by the Audit Committee.
- (4) Aside from those matters provided for in this Act, business procedures and other necessary matters relating to the management of the Audit Committee shall be determined by the Audit Committee.

Section V Executive Officers and Officials

(Executive Officers)

Article 49

In addition to the members of the Board of governors, one President, one Vice President and seven to ten Directors shall be appointed as executive officers in NHK.

(Council)

Article 50

- (1) The Council shall be composed of a President, Vice President and Directors.

(2) The Council shall discuss the performance of the important operations of NHK pursuant to the provisions of the articles of incorporation.

(President)

Article 51

(1) The President shall represent NHK and preside over its operations in accordance with the decisions of the Board of governors.

(2) The Vice President shall represent NHK in accordance with the decisions of the President, administer the operations of NHK assisting the President, act for the President if the President is unable to perform his or her duties and perform the President's duties if there is a vacancy in such position.

(3) The Directors shall represent NHK in accordance with the decisions of the President, administer the operations of NHK assisting the President and Vice President, act for the President and the Vice President if they are unable to perform their duties and perform the President and Vice President's duties if there is a vacancy in such positions.

(4) If the President, Vice President or a Director discovers a fact which is likely to cause substantial harm to NHK, he or she shall immediately report such fact to the Audit Committee.

Article 52

(1) The President shall be appointed by the Board of governors.

(2) In making the appointment set forth in the preceding paragraph, the resolution of the Board of governors shall be passed by a majority vote of nine members or more.

(3) The Vice President and the Directors shall be appointed by the President with the consent of the Board of governors.

(4) The provisions of Article 31, paragraph (3) shall apply mutatis mutandis to the appointment of the President, Vice President and Directors. In such a case, the term "the broadcaster, the paid broadcasting administration operator provided for in Article 152, paragraph (2), the certified broadcasting holding company provided for in Article 160 or the newspaper publisher" in item (vi) of the same paragraph shall be replaced with "newspaper publisher," the term "a person who holds one-tenth or more" shall be replaced with "a person who holds one-tenth or more (including those persons who came under such category within one year prior to the date of appointment)" and the term "executive officer" in item (vii) of the same paragraph shall be replaced with "executive officer (including those persons who came under such category within one year prior to the date of appointment)."

Article 53

- (1) The term of office of the President and the Vice President shall be three years and the term of office of Directors shall be two years.
- (2) The President, Vice President and Directors may be re-appointed.
- (3) Even if the term of office has expired, the President shall remain in office notwithstanding the provision of paragraph (1) until a President has been newly appointed.

Article 54

If an executive officer who was appointed pursuant to any of the provisions of Article 52, paragraph (1) to paragraph (3) inclusive comes to fall under any of the items of Article 31, paragraph (3) as applied mutatis mutandis pursuant to paragraph (4) of the same Article, the Board of governors or the President shall dismiss such executive officer, except in cases where the executive officer came to fall under item (vi) or item (vii) of the same paragraph through becoming an officer of the operator under item (vi) of the same paragraph or of a group of which NHK is a constituent member.

Article 55

- (1) If the Board of governors deems the President, an audit member or accounting auditor to be unsuitable for the performance of duties or deems the President, audit member or accounting auditor to have violated an obligation in his or her duties or deems otherwise that the President, audit member or accounting auditor has committed an inappropriate act, it shall dismiss such person.
- (2) If the President deems the Vice President or a Director to be unsuitable for the performance of duties or deems the Vice President or Director to have violated an obligation in his or her duties or deems otherwise that the Vice President or Director has committed an inappropriate act, he or she shall dismiss such person with the permission of the Board of governors.

(Restrictions on the Right of Representation of the President, etc.)

Article 56

Restrictions on the right of representation of the President, Vice President and Directors may not be asserted against a third party in good faith.

(Provisional Directors)

Article 57

Where there is a vacancy in the position of President, Vice President or Director and it is likely that damage will be caused if there is a delay in business, the court shall appoint a provisional director upon the request of an interested party or a public prosecutor.

(Acts of Conflict of Interest)

Article 58

The President, Vice President and Directors shall not have the right of representation with regard to matters where there is a conflict of interest between NHK and the President, Vice President or Director. In such a case, the court shall appoint a special representative upon the request of an interested party or a public prosecutor.

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

Article 59

Cases relating to the appointment of a provisional director or a special representative shall come under the jurisdiction of the district court which has jurisdiction over the location of the principal office of NHK.

(Prohibition on the President, etc. Holding Concurrent Positions)

Article 60

- (1) The President, Vice President and Directors shall not become members of for-profit organizations or engage in commercial business themselves.
- (2) The President, Vice President and Directors shall not invest in the business of broadcasting operations or the business of conducting paid broadcasting administration operations provided for in Article 152, paragraph (1) or hold the shares of a certified broadcasting holding company provided for in Article 160.

(Standards for the Payment of Salaries, etc.)

Article 61

NHK shall stipulate and publicize the standards for the payment of compensation and retirement benefits of its executive officers and the salaries and retirement benefits of its officials. The same shall apply when making amendments thereto.

(Rules Concerning Service)

Article 62

NHK shall prescribe and publicize rules concerning the obligations of the executive officers and officials to give undivided attention to their duties and other forms of service in order to ensure the appropriate performance of the duties of the executive officers and officials. The same shall apply when making amendments thereto.

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

Article 63

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

Section VI Reception Fees, etc.

(Reception Contract and Reception Fees)

Article 64

- (1) Persons installing reception equipment capable of receiving the broadcasts of NHK shall conclude a contract with NHK for the reception of the broadcasts; provided, however, that this shall not apply to those persons who have installed reception equipment not intended for the reception of broadcasts or reception equipment only capable of receiving broadcasting limited to radio broadcasting (meaning broadcasting which transmits voices and other sounds and does not come under television broadcasting or multiple broadcasting; the same shall apply in Article 126, paragraph (1)) or multiple broadcasting.
- (2) NHK shall not exempt the reception fees to be collected from persons who have concluded a contract pursuant to the provision of the main text of the preceding paragraph unless the exemption is pursuant to the standards which have been approved by the Minister of Internal Affairs and Communications in advance.
- (3) NHK shall obtain authorization from the Minister of Internal Affairs and Communications in advance with regard to the terms of the contract set forth in paragraph (1). The same shall apply when making amendments thereto.
- (4) Broadcasting which receives the broadcasts of NHK and is re-transmit simultaneously without changes being made to the contents shall be deemed to be the broadcasts of NHK and the three preceding paragraphs shall so apply.

(Requests, etc. for the Implementation of International Broadcasting)

Article 65

- (1) The Minister of Internal Affairs and Communications may make a request to NHK that international broadcasting or international satellite broadcasting by NHK be transmitted having designated the broadcasting district, broadcasting matters (matters relating to the protection of the life, body and property of overseas Japanese nationals, matters pertaining to important State policies, important matters pertaining to the culture, traditions, society and economy of Japan) or other important matters.
- (2) The Minister of Internal Affairs and Communications shall give consideration to NHK's freedom to edit the broadcast programs when making the request under the preceding paragraph.
- (3) In the event of the Minister of Internal Affairs and Communications making the request set forth in paragraph (1), NHK shall endeavor to comply.

- (4) Where the international broadcasting under paragraph (1) is to be transmitted using the broadcasting station of a foreign broadcaster, if NHK deems it to be necessary, it may provide a basic broadcasting station for use for the operations of relay international broadcasting to such operator pursuant to an agreement concluded with the foreign broadcaster.
- (5) The provisions of Article 20, paragraph (8) shall apply mutatis mutandis to the agreement under the preceding paragraph. In such a case, the term “or to make amendments thereto” in paragraph (8) of the same Article shall be replaced with “or to make amendments thereto or abolish it.”

(Research Relating to Broadcasting)

Article 66

- (1) If the Minister of Internal Affairs and Communications deems it to be necessary to achieve the broadcasting and advancement and development of reception thereof, he or she may prescribe matters and order NHK to conduct research on such matters.
- (2) The results of the research conducted pursuant to the provision of the preceding paragraph, shall be used for the advancement and development of broadcasting operations and for other public interests.

(Bearing of the Costs of International Broadcasting, etc.)

Article 67

- (1) The costs required for the international broadcasting or international satellite broadcasting by NHK to be transmitted by NHK in accordance with the request under Article 65, paragraph (1) and the costs required for the research to be conducted by NHK on receiving the order under paragraph (1) of the preceding Article shall be borne by the national government.
- (2) The request under Article 65, paragraph (1) and the order under paragraph (1) of the preceding Article shall be within an extent not exceeding the amount to be borne by the national government under the provision of the preceding paragraph as the amount of the budget passed by a resolution of the National Diet.

Section VII Finance and Accounting

(Business Year)

Article 68

The business year of NHK shall commence in April of each year and end in March of the following year.

(Enterprise Accounting Rules)

Article 69

The accounts of NHK shall, in principle, be in accordance with the Enterprise Accounting Rules as prescribed in the provisions of an Ordinance of the Ministry of Internal Affairs and Communications.

(Income and Expenditure Budget, Business Plan and Funding Plan)

Article 70

- (1) NHK shall prepare an income and expenditure budget, business plan and funding plan for each year and submit them to the Minister of Internal Affairs and Communications. The same shall apply when making amendments thereto.
- (2) When the Minister of Internal Affairs and Communications has received the income and expenditure budget, business plan and funding plan set forth in the preceding paragraph, he or she shall review it and attach an opinion, submit it to the National Diet through the Cabinet and shall obtain its approval.
- (3) If an opinion has been attached to the effect that amendments should be made pursuant to the provisions of the preceding paragraph to the income and expenditure budget, business plan and funding plan set forth in the same paragraph, a committee of the National Diet shall ask for the opinion of NHK.
- (4) The monthly reception fees to be collected from those persons who have concluded a contract pursuant to the provision of the main text of Article 64, paragraph (1) shall be established through the National Diet approving the income and expenditure budget set forth in paragraph (1).

Article 71

- (1) If NHK is unable to obtain approval of the income and expenditure budget, business plan and funding plan of such business year due to the closing of the National Diet or other unavoidable reason by the date of commencement of such business year, it may prepare an income and expenditure budget, business plan and funding plan within the extent necessary for the economic administration of the operations and the work of construction or repair of the facilities (limited to those pertaining to the continuation of construction to be implemented pursuant to the business plan of the preceding business year which has been approved by the National Diet) for a limited period within three months and may implement them having obtained authorization from the Minister of Internal Affairs and Communications. In such a case, the monthly reception fees provided for in paragraph (4) of the preceding Article shall be the monthly reception fees of the month belonging to the end of the preceding business year notwithstanding the provision of the preceding paragraph.
- (2) If the income and expenditure budget, business plan and funding plan of such business year is approved by the National Diet, the income and expenditure budget, business plan and funding plan pursuant to the provision of the preceding paragraph shall lose their effect and the income, expenditure, implementation of business and procurement and repayment of the funds based on the income and expenditure budget, business plan and funding plan pursuant to the provisions of the

same paragraph shall be deemed to be based on the income and expenditure budget, business plan and funding plan of such year.

- (3) When the Minister of Internal Affairs and Communications has given the authorization under paragraph (1), he or she shall report as such to the National Diet after the fact.

(Submission, etc. of Business Reports)

Article 72

- (1) NHK shall prepare a business report for each business year, attach it to the written opinion of the Audit Committee and shall submit it to the Minister of Internal Affairs and Communications within three months of the end of the business year.
- (2) Upon receiving the business report set forth in the preceding paragraph, the Minister of Internal Affairs and Communications shall add his or her opinion, attach the written opinion of the Audit Committee set forth in the preceding paragraph, and shall give a report to the National Diet through the Cabinet.
- (3) When NHK has made the submission pursuant to the provision of paragraph (1), it shall furnish each office with the documents under the same paragraph without delay and shall make them available for public inspection for the period stipulated in an Ordinance of the Ministry of Internal Affairs and Communications.

(Restrictions, etc. on Expenditure)

Article 73

- (1) The income of NHK shall not be spent on a purpose other than the execution of the operations from Article 20, paragraph (1) to paragraph (3) inclusive.
- (2) NHK shall separate the accounting pertaining to the operations under Article 20, paragraph (2), item (ii) and item (iii) from other accounting and shall organize them by establishing separate accounts for each pursuant to the provisions of an Ordinance of the Ministry of Internal Affairs and Communications.

(Submission, etc. of Financial Statements)

Article 74

- (1) NHK shall prepare an inventory of assets, balance sheet, profit and loss statement and other documents prescribed by an Ordinance of the Ministry of Internal Affairs and Communications and a written explanation for the aforementioned (hereinafter referred to as “financial statements”) for such business year, shall attach the written opinions of the Audit Committee and the accounting auditors thereto, and shall submit them to the Minister of Internal Affairs and Communications within three months of the end of such business year.

- (2) Where the Minister of Internal Affairs and Communications has received the documents set forth in the preceding paragraph, he or she shall submit them to the Cabinet.
- (3) The Cabinet shall submit the documents under the preceding paragraph to the National Diet after they have been audited by the Board of Audit.
- (4) Where NHK has made the submission pursuant to the provision of paragraph (1), it shall give public notice of the balance sheet and the profit and loss statement in the Official Gazette, and moreover, shall furnish each office with the documents set forth in the same paragraph and make them available for public inspection for the period stipulated in an Ordinance of the Ministry of Internal Affairs and Communications.

(Audit of the Accounting Auditors)

Article 75

In addition to the audit of the Audit Committee, with regard to the financial statements, NHK shall undergo an audit from accounting auditors.

(Appointment of Accounting Auditors)

Article 76

- (1) The accounting auditors shall be appointed by the Board of governors.
- (2) The accounting auditors shall be certified public accountants (including the foreign certified public accountants provided for in Article 16-2, paragraph (5) of the Certified Public Accountants Act (Act No. 103 of July 6, 1948)) or an auditing firm.
- (3) The following persons may not become accounting auditors:
 - (i) A person unable to audit financial statements pursuant to the provisions of the Certified Public Accountants Act.
 - (ii) A person or his or her spouse who is receiving ongoing compensation from the subsidiary company of NHK or its director, accounting advisor, auditor or executive officer owing to operations other than the operations of a certified public accountant or accounting firm.
 - (iii) An accounting firm for whom half or more of its employees are the persons given in the preceding items.

(Authority, etc. of the Accounting Auditors)

Article 77

- (1) The accounting auditors may inspect and copy the accounting books or the materials relating to such at any time or may request a report relating to the accounting from the executive officers and officials.

- (2) If it is necessary in the performance of their duties, the accounting auditors may request a report relating to the accounting from the subsidiary company of NHK or may investigate the state of the operations and assets of NHK or its subsidiary company.
- (3) If there are justifiable grounds, the subsidiary company under the preceding paragraph may refuse the investigation or report under the same paragraph.
- (4) If accounting auditors discover at the time of conducting their duties a serious fact of misconduct relating to the performance of the duties of an executive officer or a violation of laws and regulations or the articles of incorporation, they shall notify the Audit Committee of such without delay.
- (5) When necessary in order to audit the performance of the duties of the executive officers, the members of the Audit Committee, who have been appointed by the Audit Committee, may request a report relating to the accounting audit from the accounting auditors.

(Term of Office of the Accounting Auditors)

Article 78

The term of office of the accounting auditors shall be until the time of submission to the Minister of Internal Affairs and Communications of the financial statements of the first business year ending after the date of their appointment pursuant to the provisions of Article 74, paragraph (1).

(Audit by the Board of Audit)

Article 79

The accounts of NHK shall be audited by the Board of Audit.

(Broadcasting Bonds)

Article 80

- (1) NHK may issue broadcasting bonds in order to allocate funds to the construction or repair of broadcasting equipment.
- (2) The issued amount of broadcasting bonds set forth in the preceding paragraph may not exceed three times the amount of the net assets of NHK according to the balance sheet of the most recent business year which has been audited by the Board of Audit.
- (3) NHK may temporarily issue broadcasting bonds in excess of the limit prescribed in the provision of the preceding paragraph in order to refinance the issued broadcasting bonds. In such a case, it shall redeem issued broadcasting bonds of an amount equivalent to their issued amount within six months of the deadline for the payment of the issued broadcasting bonds (if payment is to be made in installments, the deadline for the first payment).

- (4) If NHK has issued broadcasting bonds pursuant to the provision of paragraph (1), it shall reserve an amount equivalent to one-tenth of the present unredeemed issued bonds at the end of the business year as a redemption reserve.
- (5) NHK may appropriate funds from the redemption reserve prescribed in the preceding paragraph limited to cases of redeeming broadcasting bonds.
- (6) The creditors of the NHK broadcasting bonds have the right to receive payment of their own claims ahead of other creditors with regard to the assets of NHK.
- (7) The order of the statutory lien as set forth in the preceding paragraph shall follow the first subordinate position of priority to a general statutory lien pursuant to the provisions of the Civil Code.
- (8) In addition to those matters provided for in each of the preceding paragraphs, the provisions relating to bonds of the Companies Act (Act No. 86 of 2005) and the Act on Book-Entry Transfer of Company Bonds, Shares, etc. (Act No. 75 of 2001; hereinafter referred to as “Company Bonds, etc. Book-Entry Transfer Act”) shall apply mutatis mutandis to the necessary matters relating to broadcasting bonds pursuant to the provisions of a Cabinet Order.

Section VIII Special Measures Relating to the Editing, etc. of Broadcast Programs

(Editing, etc. of Broadcast Programs)

Article 81

- (1) In addition to those matters provided for in Article 4, paragraph (1), NHK shall comply with the provisions in each of the following items in the editing and broadcasting of the broadcast programs of domestic basic broadcasting:
 - (i) Make maximum efforts so as to satisfy the needs of the public and to contribute to the improvement of cultural standards by broadcasting good, rich broadcast programs.
 - (ii) In addition to broadcast programs aimed at the entire country, have broadcast programs aimed at regions.
 - (iii) Assist the preservation of past Japanese distinguished culture and cultivate and disseminate new culture.
- (2) NHK shall conduct scientific public opinion polls on a regular basis in order to identify the needs of the public and shall publicize such results.
- (3) The provisions of Article 106, paragraph (1) shall apply mutatis mutandis to the editing of the broadcast programs of AM broadcasting and FM broadcasting of NHK and the provisions of Article 107 shall apply mutatis mutandis to NHK in cases of transmitting AM broadcasting and FM broadcasting.

- (4) In transmitting or editing broadcast programs of international broadcasting for overseas Japanese nationals or international satellite broadcasting by NHK for overseas Japanese nationals or editing broadcast programs for overseas Japanese nationals provided to foreign broadcasters, NHK shall have appropriate news programs and entertainment programs aimed at fellow overseas citizens.
- (5) In editing and transmitting broadcast programs of international broadcasting for overseas foreign nationals or international satellite broadcasting by NHK for overseas foreign nationals or the editing of broadcast programs for overseas foreign nationals provided to foreign broadcasters, NHK shall contribute to the enhancement of international goodwill and the development of economic exchange with foreign countries by cultivating and disseminating correct knowledge of Japan through introducing the culture, industry and other circumstances of Japan.
- (6) The provisions of Article 5, paragraph (1), Article 6, Article (8) to Article (11) inclusive, Article 13, Article 110, Article 174 and Article 175 shall apply mutatis mutandis to cases of NHK transmitting international broadcasting or international satellite broadcasting by NHK using a foreign broadcasting station.

(Broadcast Programs Council)

Article 82

- (1) NHK shall establish a Central Broadcast Programs Council (hereinafter referred to as “Central Council”) and a Regional Broadcast Programs Council (hereinafter referred to as “Regional Council”) pertaining to domestic basic broadcasting and an International Broadcast Programs Council (hereinafter referred to as “International Council”) pertaining to the international broadcasting and international satellite broadcasting by NHK as the council bodies under Article 6, paragraph (1) (including cases to which this provision applies mutatis mutandis pursuant to paragraph (6) of the preceding Article).
- (2) A Regional Council shall be established in each region provided for by a Cabinet Order.
- (3) The Central Council shall be composed of 15 members or more, the Regional Council shall be composed of 7 members or more and the International Council shall be composed of 10 members or more.
- (4) The President shall commission the members of the Central Council and the International Council from persons with relevant knowledge and experience after obtaining the consent of the Board of governors.
- (5) The President shall commission the members of the Regional Council from persons with relevant knowledge and experience who have an address in the region provided for in paragraph (2) pertaining to such Regional Council.
- (6) The matters to be deliberated in accordance with consultation with NHK pursuant to the provisions of Article 6, paragraph (2) (including cases to which this provision applies mutatis mutandis pursuant to paragraph (6) of the preceding Article; the same shall apply in paragraph (8)) shall be

those matters provided for in Article 6, paragraph (3) pertaining to domestic basic broadcasting and those matters pertaining to broadcast programs aimed at the entire country with regard to the Central Council, those matters pertaining to broadcast programs aimed at regions provided for in paragraph (2) with regard to the Regional Council and those matters provided for in paragraph (3) of the same Article pertaining to international broadcasting, etc. and those matters pertaining to the broadcast programs of international broadcasting, etc. with regard to the International Council.

(7) If NHK intends to establish a plan for the editing and broadcasting of broadcast programs aimed at regions pursuant to the provisions of paragraph (2) or to make amendments thereto, it shall consult with the Regional Council.

(8) Matters for which an opinion may be given to NHK pursuant to the provisions of Article 6, paragraph (2) shall be those matters pertaining to the broadcast programs of domestic basic broadcasting with regard to the Central Council and the Regional Council and those matters pertaining to the broadcast programs of international broadcasting, etc. with regard to the International Council.

(Prohibition of Advertisement broadcasts)

Article 83

(1) NHK shall not broadcast advertisements relating to the sales of other persons.

(2) Where deemed necessary in terms of editing a broadcast program and it is not for the purpose of an advertisement relating to the sales of other persons, the provision of the preceding paragraph shall not preclude the broadcasting of the name or other details of authors or business operators.

(Application of General Rules Regarding the Editing, etc. of Broadcast Programs)

Article 84

The provisions of Article 7, Article 12, Article 14, Article 95, paragraph (2), Article 98, Article 100 and Article 109 shall not apply to NHK.

Section IX Miscellaneous Provisions

(Restrictions on the Assignment, etc. of Broadcasting Equipment)

Article 85

(1) Unless authorization has been given by the Minister of Internal Affairs and Communications, NHK may not assign, lease, provide as security, or entrust for operation all or part of the broadcasting equipment and may not put it under the control of another person in any manner whatsoever.

(2) If the Minister of Internal Affairs and Communications intends to give the authorization set forth in the preceding paragraph, he or she shall obtain the consent of both Houses of the National Diet;

provided, however, that this shall not apply when NHK conducts the operations set forth in Article 20, paragraph (2), item (vi) or paragraph (3), item (i).

(Suspension and Abolition of Broadcasting)

Article 86

- (1) If authorization is not given by the Minister of Internal Affairs and Communications, NHK may not abolish its basic broadcasting station or the operations of its broadcasting, or suspend its broadcasting for 12 hours or more (in the case of international satellite broadcasting by NHK, 24 hours or more); provided, however, that this shall not apply in cases due to force majeure.
- (2) If NHK suspends its broadcasting, it shall notify the Minister of Internal Affairs and Communications to such effect without delay except in cases where the authorization set forth in the preceding paragraph has been given or a report is required pursuant to the provisions of Article 113.
- (3) Where the Minister of Internal Affairs and Communications has given the authorization for the abolition set forth in paragraph (1) with regard to the broadcasting operations of NHK which have been approved pursuant to the provisions of Article 93, paragraph (1), the term “has received a notification of abolition of the operations pursuant to the provisions of Article 100” in the text of Article 105 shall be replaced with “has given the authorization for abolition set forth in Article 86, paragraph (1)” and “such notification” shall be replaced with “such authorization,” and the provisions of the same Article shall apply.

(Dissolution)

Article 87

- (1) The dissolution of NHK shall be separately provided for in other laws.
- (2) Where NHK has been dissolved, the residual assets of NHK shall belong to the State.

Chapter IV The Open University of Japan

(Application of General Rules Relating to the Editing, etc. of Broadcast Programs)

Article 88

The provisions of Article 5 through Article 8 inclusive, Article 12, Article 13, Article 93, paragraph (1), item (vi) (limited to the part pertaining to (a) through (c) inclusive), Article 95, paragraph (2), Article 98, paragraph (1), Article 100, Article 106, paragraph (1) and Article 107 through Article 109 inclusive shall not apply to the Open University.

(Suspension and Abolition of Broadcasting)

Article 89

- (1) If authorization is not given by the Minister of Internal Affairs and Communications, the Open University may not abolish its basic broadcasting station or the operations of its broadcasting, or suspend its broadcasting for 12 hours or more; provided, however, that this shall not apply in cases due to force majeure.
- (2) If the Open University suspends its broadcasting, it shall notify the Minister of Internal Affairs and Communications to such effect without delay except in cases where the authorization set forth in the preceding paragraph has been given or a report is required pursuant to the provisions of Article 113.
- (3) Where the Minister of Internal Affairs and Communications has given the authorization for abolition set forth in paragraph (1) with regard to the broadcasting operations of the Open University which have been approved pursuant to the provisions of Article 93, paragraph (1), the term “has received a notification of abolition of the operations pursuant to the provisions of Article 100” in the text of Article 105 shall be replaced with “has given the authorization for abolition set forth in Article 89, paragraph (1)” and “such notification” shall be replaced with “such authorization,” and the provisions of the same Article shall apply.

(Prohibition of Advertisement broadcasts)

Article 90

- (1) The Open University shall not broadcast advertisements relating to the sales of other persons.
- (2) Where deemed necessary in terms of editing a broadcast program and it is not for the purpose of an advertisement relating to the sales of other persons, the provision of the preceding paragraph shall not preclude the broadcasting of the name or other details of authors or business operators.

Chapter V Basic Broadcasting

Section I General Rules

(Plan to Disseminate Basic Broadcasting)

Article 91

- (1) The Minister of Internal Affairs and Communications shall establish a dissemination plan for basic broadcasting in order to achieve the systematic spread and sound development of basic broadcasting, and shall take necessary measures based on such.
- (2) Dissemination plan for basic broadcasting shall stipulate the following matters:
 - (i) Guidelines to disseminate basic broadcasting to the greatest extent possible to the general public, guidelines for the purpose of enabling as many people as possible to enjoy freedom of expression through basic broadcasting by ensuring that as many people as possible are given opportunities to transmit basic broadcasting and other basic matters for the purpose of achieving the systematic spread and sound development of basic broadcasting.
 - (ii) Certain zones (hereinafter referred to as “broadcasting target region”) deemed to be appropriate for simultaneous reception of the same broadcast program for each category of broadcasting of the Open University or other broadcasting category, each category of domestic broadcasting, international broadcasting, relay international broadcasting, international satellite broadcasting by NHK or domestic and international broadcasting, each category of AM broadcasting, FM broadcasting, television broadcasting and other types of broadcasting and each category of the basic broadcasting provided for in an Ordinance of the Ministry of Internal Affairs and Communications.
 - (iii) Goals for the number (the number of broadcast programs capable of being broadcast through broadcasting ranges in cases of the broadcasting target regions pertaining to satellite basic broadcasting and terrestrial basic broadcasting for mobile equipment) of broadcasting ranges (meaning the aggregate of basic broadcasting stations capable of simultaneously broadcasting the same broadcast program; hereinafter the same shall apply in this item) for each broadcasting target region.
- (3) Dissemination plan for basic broadcasting shall be stipulated taking into consideration the matters provided for in Article 20, paragraph (1), paragraph (2), item (i) and paragraph (5), assignable frequencies for basic broadcasting set forth in Article 5, paragraph (4) of the Radio Act, the development of technology and trends in demand relating to broadcasting, the natural, economic, social and cultural circumstances of the region and other circumstances.

- (4) If the Minister of Internal Affairs and Communications deems it to be necessary owing to changes in the circumstances set forth in the preceding paragraph, he or she may amend dissemination plan for basic broadcasting.
- (5) If the Minister of Internal Affairs and Communications has stipulated or made amendments to dissemination plan for basic broadcasting, he or she shall make this public without delay.

(Responsibilities of the Operator Pertaining to the Reception of Basic Broadcasting)

Article 92

The specified terrestrial basic broadcaster and the supplier for basic broadcasting stations (excluding those persons who have obtained the license of a basic broadcasting station for use in the operations of satellite basic broadcasting pursuant to the provisions of the Radio Act) shall endeavor to ensure that such basic broadcasting may be received far and wide in the broadcasting target regions pertaining to the basic broadcasting to be transmitted using such basic broadcasting stations.

Section II Basic Broadcaster

Subsection I Approval, etc.

(Approval)

Article 93

- (1) Persons intending to conduct the operations of basic broadcasting (excluding those persons intending to receive or who have already received the license of a specified terrestrial basic broadcasting stations for use in the operations of such basic broadcasting pursuant to the provisions of the Radio Act) shall obtain the approval of the Minister of Internal Affairs and Communications with regard to coming under all of the following requirements:
 - (i) It is possible to secure the facility for basic broadcasting stations to be used in the operations.
 - (ii) There is a sufficient financial base and technical capability to maintain the operations.
 - (iii) The telecommunications equipment (excluding facility for basic broadcasting stations; hereinafter referred to as “facility for basic broadcasting”) to be used in the operations conforms to the technical standards prescribed in the Ordinance of the Ministry of Internal Affairs and Communications set forth in Article 111, paragraph (1).
 - (iv) The person who intends to conduct such operations does not come under any of the following, provided, however, that this shall not apply in cases provided for in an Ordinance of the Ministry of Internal Affairs and Communications as those cases deemed not to preclude the enjoyment of freedom of expression through basic broadcasting by as many people as possible in light of the type, broadcasting target areas and other matters pertaining to such operations.

- (a) A basic broadcaster.
- (b) A person who has a relationship of control over the person given in sub-item (a).
- (c) In cases where the person given in sub-item (a) or (b) has a relationship of control over a certain person, such person.
- (v) Giving such approval conforms to dissemination plan for basic broadcasting and is otherwise appropriate for the spread and sound development of broadcasting.
- (vi) The person intending to conduct such operations does not come under any of the following of sub-items (a) to (k) inclusive (excluding sub-item (e) in cases of conducting the operations of satellite basic broadcasting or terrestrial basic broadcasting for mobile equipment):
 - (a) A person who does not have Japanese nationality.
 - (b) A foreign government or its representative.
 - (c) A foreign juridical person or organization.
 - (d) A juridical person or organization where a person given in sub-item (a) through (c) inclusive is an executive officer who executes operations or where such person holds one-fifth or more of the voting rights.
 - (e) A juridical person or organization where the ratio obtained by adding the ratio of the voting rights directly held by the person given in [1] and the ratio provided for in an Ordinance of the Ministry of Internal Affairs and Communications as the ratio of the voting rights indirectly held by the person given in [2] through such person accounts for one-fifth or more of such voting rights (excluding cases coming under (d)).
 - [1] The person given in (a) to (c) inclusive.
 - [2] A juridical person or organization where the ratio of the voting rights held directly by the person given in [1] is the same as or more than the ratio stipulated in an Ordinance of the Ministry of Internal Affairs and Communications.
- (f) A person who committed a crime stipulated in this Act or the Radio Act and who was sentenced to a punishment of a fine or greater punishment and for whom two years have not elapsed since the day on which the execution of the sentence was completed or the sentence no longer applied.
- (g) A person who is subject to a revocation of the approval pursuant to the provisions of Article 103, paragraph (1) or Article 104 (excluding item (v)) and two years have not elapsed since the day of such revocation.
- (h) A person who is subject to a revocation of the registration pursuant to the provisions of Article 131 and two years have not elapsed since the day of such revocation.
- (i) A person who is subject to a revocation of the license of a basic broadcasting station pursuant to the provisions of Article 75, paragraph (1) or Article 76, paragraph (4) (excluding item (iv)) of the Radio Act, and two years have not elapsed since the day of such revocation.

- (j) A person who is subject to a revocation of the approval of the establishment plan set forth in Article 27-13, paragraph (1) of the Radio Act pertaining to the radio station transmitting terrestrial basic broadcasting for mobile equipment pursuant to the provisions of Article 27-15, paragraph (1) or paragraph (2) (excluding item (iii)) of the same Act, and for whom two years have not elapsed since the day of such revocation.
 - (k) A juridical person or organization whose executive officer is a person who comes under any of sub-items (f) to (j) inclusive.
- (2) The relationship of control set forth in item (iv) (b) and (c) of the preceding paragraph refers to the relationship coming under any of the following items:
- (i) The relationship of a person and a juridical person or organization in cases where the ratio of the number of voting rights of the juridical person or organization held by a person and a person who is in a stock ownership relationship with such person or any other special relationship provided for by an Ordinance of the Ministry of Internal Affairs and Communications to the total number of voting rights of such juridical person or organization is within the range of one-tenth or more but less than one-third and exceeds the ratio provided for in an Ordinance of the Ministry of Internal Affairs and Communications.
 - (ii) The relationship between a juridical person or organization and other juridical person or organization in cases where an executive officer who has the power of representation of a juridical person or organization concurrently holds the position of an executive officer with the right of representation or a full-time executive officer who executes operations of some other juridical person or organization.
 - (iii) The relationship between a juridical person or organization and other juridical person or organization in cases where the ratio of persons who are executive officers of a juridical person or organization and concurrently hold the position of an executive officer executing operations of some other juridical person or company to the total number of executive officers of such other juridical person or organization is within the range of one-fifth or more but less than one-third and exceeds the ratio provided for in an Ordinance of the Ministry of Internal Affairs and Communications.
- (3) A person who intends to receive the approval under paragraph (1) shall submit an application form which describes the following matters (the following matters and the trajectory or position of the satellite pertaining to the operations of satellite basic broadcasting in cases of satellite basic broadcasting) to the Minister of Internal Affairs and Communications pursuant to the provisions of an Ordinance of the Ministry of Internal Affairs and Communications:
- (i) Name and address and in the case of a juridical person, the name of its representative.
 - (ii) The type of basic broadcasting.

- (iii) The name of the person who intends to receive or has already received a license pursuant to the provisions of the Radio Act with regard to the basic broadcasting station for use in the operations of the basic broadcasting.
 - (iv) The desired broadcasting target region.
 - (v) The desired frequency relating to the basic broadcasting.
 - (vi) The scheduled commencement date of the operations.
 - (vii) Broadcasting matters.
 - (viii) An outline of the telecommunications equipment to be used in the operations of the basic broadcasting.
- (4) A business plan, an estimate of the business income and expenditure and other documents stipulated in an Ordinance of the Ministry of Internal Affairs and Communications shall be attached to the application form set forth in the preceding paragraph.
- (5) The application for the approval set forth in paragraph (1) (excluding that pertaining to the operations of the basic broadcasting of NHK or the Open University and other operations of special basic broadcasting provided for in an Ordinance of the Ministry of Internal Affairs and Communications) shall be made within the period publicly notified by the Minister of Internal Affairs and Communications. The same shall apply to the application for renewal (limited to that pertaining to the operations of terrestrial basic broadcasting) of the approval set forth in Article 96, paragraph (1).
- (6) The period under the preceding paragraph shall be the period stipulated for each frequency (the same period as the period of public notice set forth in Article 6, paragraph (7) of the Radio Act pertaining to basic broadcasting stations using such frequency in cases of the frequency to be used in terrestrial basic broadcasting) to be used in the basic broadcasting pertaining to the application within an extent of not less than one month, and the public notice of the period stipulated in the preceding paragraph shall be in conjunction with the public notice of the type of basic broadcasting, broadcasting target region and other matters contributing to the application for approval.

(Designation Matters and Certificate of Approval)

Article 94

- (1) The approval set forth in paragraph (1) of the preceding Article shall be carried out designating the following matters (the following matters and the trajectory and position of the satellite pertaining to the operations of satellite basic broadcasting in cases of satellite basic broadcasting):
- (i) The name of the person who received the license of the basic broadcasting station for use in the operations of the basic broadcasting pursuant to the provisions of the Radio Act.
 - (ii) The broadcasting target region.
 - (iii) The frequency pertaining to the basic broadcasting.

- (2) The Minister of Internal Affairs and Communication shall issue a certificate of approval when he or she gives the approval set forth in paragraph (1) of the preceding Article.
- (3) The certificate of approval shall describe the following matters (the following matters and trajectory and position of the satellite pertaining to the operations of satellite basic broadcasting in cases of satellite basic broadcasting):
 - (i) The date of the approval and number of the approval.
 - (ii) The name of the person who received the approval.
 - (iii) The type of basic broadcasting.
 - (iv) The name of the person who received the license of the basic broadcasting station for use in the operations of the basic broadcasting pursuant to the provisions of the Radio Act.
 - (v) The broadcasting target region.
 - (vi) The frequency pertaining to the basic broadcasting.
 - (vii) Broadcasting matters.

(Notification of Commencement and Suspension of Operations)

Article 95

- (1) If the approved basic broadcaster has received the approval set forth in Article 93, paragraph (1), it shall notify the Minister of Internal Affairs and Communications of the date of commencement of such operations without delay.
- (2) If the operations of the basic broadcasting are to be suspended for one month or more, the approved basic broadcaster shall notify the Minister of Internal Affairs and Communications of the suspension period. The same shall apply when making amendments to the suspension period.

(Renewal of Approval)

Article 96

- (1) Unless the approval set forth in Article 93, paragraph (1) is renewed every five years (the same period as the valid period of the license of the basic broadcasting station for use in the operations of the terrestrial basic broadcasting pursuant to the provisions of the Radio Act in cases of approval of the operations of terrestrial basic broadcasting), it shall lose its effect.
- (2) If an application for the renewal set forth in the preceding paragraph has been made with regard to approval of the operations of satellite basic broadcasting or terrestrial basic broadcasting for mobile equipment, the Minister of Internal Affairs and Communications shall grant the renewal except in cases deemed not to conform to the provisions of Article 93, paragraph (1), item (iv).

(Amendments to Broadcasting Matters, etc.)

Article 97

- (1) If the approved basic broadcaster intends to make amendments to the matters given in Article 93, paragraph (3), item (vii) or item (viii), it shall obtain permission from the Minister of Internal Affairs and Communications in advance; provided, however, that this shall not apply when making the minor amendments provided for in an Ordinance of the Ministry of Internal Affairs and Communications.
- (2) If the approved basic broadcaster intends to make amendments coming under the minor amendments provided for in the Ordinance of the Ministry of Internal Affairs and Communications set forth in the proviso of the preceding paragraph, it shall notify the Minister of Internal Affairs and Communications to such effect without delay.
- (3) When coming under any of the following items, the Minister of Internal Affairs and Communications shall make amendments to the designation of the matters given in each of the items of Article 94, paragraph (1) upon application by an approved basic broadcaster.
 - (i) In cases of transmitting satellite basic broadcasting, a person other than the person who received the license of a basic broadcasting station for use in the operations of such satellite basic broadcasting pursuant to the provisions of the Radio Act, has received a license of a basic broadcasting station in which the trajectory or position of the satellite and the frequency pertaining to such satellite basic broadcasting must be described in such license or a person, who received the license of a basic broadcasting station for use in the operations of such satellite basic broadcasting, has received amendments to the designation with regard to the permission for amendments to the trajectory or position of the satellite pertaining to such satellite basic broadcasting or with regard to the frequency pertaining to such satellite basic broadcasting.
 - (ii) In cases of transmitting terrestrial basic broadcasting for mobile equipment, a person other than the person who received the license of a basic broadcasting station for use in the operations of such terrestrial basic broadcasting for mobile equipment pursuant to the provisions of the Radio Act, has received a license of a basic broadcasting station in which the broadcasting district and the frequency within the broadcasting target region pertaining to such terrestrial basic broadcasting for mobile equipment must be described in such license or a person who received a license of a basic broadcasting station for use in the operations of such terrestrial basic broadcasting for mobile equipment, has received amendments to the designation with regard to the frequency pertaining to such terrestrial basic broadcasting for mobile equipment or amendments have been made with regard to the broadcasting target region pertaining to such terrestrial basic broadcasting for mobile equipment in cases of the Minister of Internal Affairs and Communications making amendments to dissemination plan for basic broadcasting pursuant to the provisions of Article 91, paragraph (4).
 - (iii) Those matters stipulated in an Ordinance of the Ministry of Internal Affairs and Communications as equivalent to the two preceding items.

(Succession)

Article 98

- (1) If there has been a succession with regard to the approved basic broadcaster, such successor shall succeed to the position of the approved basic broadcaster. In such a case, such successor shall attach a document proving such fact without delay and shall notify the Minister of Internal Affairs and Communications to such effect.
- (2) Where the approved basic broadcaster assigns the business of conducting the operations of basic broadcasting or where the juridical person, which is the approved basic broadcaster, has merged or been split (limited to where the business of conducting the operations of basic broadcasting is inherited), the person who has been assigned such operations or the juridical person, which continues to exist after the merger or the juridical person, which was formed through the merger or the juridical person, which has inherited such business through a split, may succeed to the position of an approved basic broadcaster on receiving authorization from the Minister of Internal Affairs and Communications.
- (3) In cases of application of the provisions of the latter part of Article 20, paragraph (4) of the Radio Act, a juridical person, which has inherited the business of conducting the operations of terrestrial basic broadcasting owing to a split and which has received authorization from the Minister of Internal Affairs and Communications, shall be deemed to have received authorization pertaining to such operations. When applying the provisions of the latter part of the same paragraph, the same shall apply to the assigner in cases of the licensee of a specified terrestrial basic broadcasting stations assigning such basic broadcasting station and the assignee conducting operations, providing its basic broadcasting station for the use of the operations of terrestrial basic broadcasting of such assigner or to the assignee in cases of the licensee of the specified terrestrial basic broadcasting stations assigning the business of conducting the operations of terrestrial basic broadcasting and such assigner intending to conduct operations, providing its basic broadcasting station for the use of the operations of the terrestrial basic broadcasting of such assignee.
- (4) The valid period of the approval deemed to have been received pursuant to the provisions of the preceding paragraph shall be the same period as the remainder of the valid period of the license of the basic broadcasting station for use in the operations of the terrestrial basic broadcasting pertaining to such approval.
- (5) Where the juridical person, which continues to exist after a merger or the juridical person formed through a merger or the assignee, succeeds to the position of the licensee of the specified terrestrial basic broadcasting stations for use in the operations of the terrestrial basic broadcasting pertaining to the merger or the assignment of business pursuant to the provisions of Article 20, paragraph (5) of the Radio Act, the approval of Article 93, paragraph (1) with regard to the operations of such terrestrial basic broadcasting shall lose its effect.

(6) The provisions of Article 93, paragraph (1) shall apply mutatis mutandis to the approval set forth in paragraph (2) and paragraph (3).

(Correction of the Certificate of Approval)

Article 99

If an amendment has arisen in the matters described in the certificate of approval, the approved basic broadcaster shall submit such certificate of approval to the Minister of Internal Affairs and Communications and shall receive a correction.

(Abolition of Operations)

Article 100

If the approved basic broadcaster intends to abolish its operations, it shall notify the Minister of Internal Affairs and Communications to such effect.

Article 101

If the approved basic broadcaster is to abolish the operations of its basic broadcasting, the approval set forth in Article 93, paragraph (1) shall lose its effect.

(Return of the Certificate of Approval)

Article 102

If the approval under Article 93, paragraph (1) has lost its effect, the person who was an approved basic broadcaster shall return its certificate of approval within one month.

(Revocation, etc. of Approval)

Article 103

(1) If the approved basic broadcaster comes not to fulfill the requirements given in Article 93, paragraph (1), item (vi) (excluding sub-item (g) or the license of the basic broadcasting station for use in the operations of the terrestrial basic broadcasting conducted by the approved basic broadcaster loses its effect), the Minister of Internal Affairs and Communications shall revoke such approval.

(2) Notwithstanding the provisions of the preceding paragraph, where the approved basic broadcaster comes to fall under the provisions of Article 93, paragraph (1), item (vi) (e), if it is deemed necessary taking into account the circumstances which led to the operator coming to fall under sub-item (e) of the same item and other circumstances, the Minister of Internal Affairs and Communications may set a period and not revoke such approval limited to within the remainder of the valid period of the approval of such approved basic broadcaster.

Article 104

If the approved basic broadcaster falls under any of the following items, the Minister of Internal Affairs and Communications may revoke the approval:

- (i) It has continuously suspended the operations of basic broadcasting for six months or more without justifiable grounds.
- (ii) It has received the approval set forth in Article 93, paragraph (1) or the permission set forth in Article 97, paragraph (1) through unfair means.
- (iii) It no longer meets the requirements given in Article 93, paragraph (1), item (iv).
- (iv) It has not complied with an order pursuant to the provisions of Article 174.
- (v) The license of the basic broadcasting station for use in the operations of the satellite basic broadcasting or the terrestrial basic broadcasting for mobile equipment has lost its effect.

(Notification)

Article 105

If the Minister of Internal Affairs and Communications has received a notification of abolishment of the operations pursuant to the provisions of Article 100 or has revoked the approval pursuant to the provisions of Article 103, paragraph (1) or the provisions of the preceding Article or given an order for suspension of operations pursuant to the provisions of Article 174, he or she shall notify the person who received the license of the basic broadcasting station for use in the operations pertaining to such notification, revocation or order to such effect.

Subsection II Operations

(Editing, etc. of Broadcast Programs of Domestic Basic Broadcasting, etc.)

Article 106

- (1) In editing the broadcast programs of domestic basic broadcasting and domestic and international broadcasting through television broadcasting (meaning the basic broadcasting which is domestic and international broadcasting) (hereinafter referred to as “domestic basic broadcasting, etc.”), excluding those based on special business plans, the basic broadcaster shall establish cultural programs or educational programs and news programs, and entertainment programs and shall maintain mutual consistency between the broadcast programs.
- (2) In editing or broadcasting the educational programs of domestic basic broadcasting, etc., the basic broadcaster shall ensure that the target audience of such broadcasting is clear, that the contents are appropriate and beneficial for such audience and that the broadcasting is systematic and continuous, and shall also ensure that the public is aware of the plans and contents for such broadcasting in advance. In such a case, if such broadcast programs are aimed at schools, it shall ensure that such

contents conform to the standards of the courses of study prescribed in the laws and regulations relating to school education.

Article 107

With regard to applying the provisions of Article 6 to the basic broadcaster transmitting the television broadcasting to which paragraph (1) of the preceding Article is to be applied, the term “a basic plan relating to the [program standards and] editing of the broadcast programs” in paragraph (3) of the same Article shall be replaced with “, a basic plan relating to the editing of broadcast programs and the standards for the types of broadcast programs” and the term “the matters given in the following items” in paragraph (5) and paragraph (6) of the same Article shall be replaced with “the matters given in the following items and the types of broadcast programs and the broadcasting hours for each type of broadcast program.”

(Broadcasting in Cases of Disasters)

Article 108

In conducting the domestic basic broadcasting, etc., if a windstorm, heavy rain, flood, earthquake, large-scale fire or other disaster occurs or is likely to occur, the basic broadcaster shall transmit broadcasting which will serve to prevent such occurrence or mitigate such damage thereto.

(Restrictions on Advertisements in Broadcasting Aimed at Schools)

Article 109

In cases of broadcasting educational programs aimed at schools, the basic broadcaster shall not include advertisements in the broadcast programs which it is deemed would impede school education.

(Restrictions on Agreements Relating to the Supply of Broadcast Programs)

Article 110

The basic broadcaster shall not conclude agreements relating to the supply of broadcast programs which include terms of only receiving the supply of broadcast programs from specific persons.

(Maintenance of Equipment)

Article 111

- (1) The approved basic broadcaster shall maintain facility for basic broadcasting which conforms to the technical standards stipulated in an Ordinance of the Ministry of Internal Affairs and Communications.
- (2) The technical standards set forth in the preceding paragraph shall be prescribed so as to secure the following matters:

- (i) They shall ensure that the operations of the basic broadcasting do not suffer substantial detriment through damage or malfunction in the facility for basic broadcasting.
- (ii) They shall ensure that the quality of the basic broadcasting transmitted by using the facility for basic broadcasting is appropriate.

Article 112

The specified terrestrial basic broadcaster shall maintain the telecommunications equipment to be used in the operations of its own terrestrial basic broadcasting (hereinafter referred to as “facility for specified terrestrial basic broadcasting stations”) so as to conform to the technical standards provided for by the Ministry of Internal Affairs and Communications set forth in paragraph (1) of the preceding Article and the technical standards provided for by the Ministry of Internal Affairs and Communications set forth in Article 121, paragraph (1).

(Reporting of Major Accidents)

Article 113

- (1) If the suspension of broadcasting caused by the facility for basic broadcasting or other major accident which is stipulated in the provisions of an Ordinance of the Ministry of Internal Affairs and Communications occurs, the approved basic broadcaster shall report such matter as well as the reason or cause without delay to the Minister of Internal Affairs and Communications.
- (2) If the suspension of broadcasting caused by the facility for specified terrestrial basic broadcasting stations or other major accident which is stipulated in the provisions of an Ordinance of the Ministry of Internal Affairs and Communications occurs, the specified terrestrial basic broadcaster shall report such matter as well as the reason or cause without delay to the Minister of Internal Affairs and Communications.

(Order for Improvement of Equipment)

Article 114

- (1) If the Minister of Internal Affairs and Communications deems that the facility for basic broadcasting does not conform to the technical standards prescribed in the Ordinance of the Ministry of Internal Affairs and Communications set forth in Article 111, paragraph (1), he or she may order the approved basic broadcaster to improve such facility for basic broadcasting so as to conform to such technical standards.
- (2) If the Minister of Internal Affairs and Communications deems that the facility for specified terrestrial basic broadcasting stations does not conform to the technical standards prescribed in the Ordinance of the Ministry of Internal Affairs and Communications set forth in Article 111, paragraph (1) or the technical standards prescribed in the Ordinance of the Ministry of Internal Affairs and Communications set forth in Article 121, paragraph (1), he or she may order the

specified terrestrial basic broadcaster to improve such facility for specified terrestrial basic broadcasting stations so as to conform to such technical standards.

(Reporting and Inspection Relating to Equipment)

Article 115

- (1) The Minister of Internal Affairs and Communications may request a report on the status of the facility for basic broadcasting from the approved basic broadcaster or have its official enter the location where such facility for basic broadcasting is installed in order to inspect such facility for basic broadcasting within the extent necessary to implement the provisions of Article 111, paragraph (1), Article 113, paragraph (1) and paragraph (1) of the preceding Article.
- (2) The Minister of Internal Affairs and Communications may request a report on the status of the facility for specified terrestrial basic broadcasting stations from the specified terrestrial basic broadcaster or have its official enter the location where such facility for specified terrestrial basic broadcasting stations is installed in order to inspect such facility for specified terrestrial basic broadcasting stations within the extent necessary to implement the provisions of Article 112, Article 113, paragraph (2) and paragraph (2) of the preceding Article.
- (3) The official who enters and conducts the inspection pursuant to the provisions of the two preceding paragraphs shall carry a certificate proving his or her identity and shall present it to the relevant persons.
- (4) The authority to enter and conduct the inspection pursuant to the provisions of paragraph (1) and paragraph (2) shall not be interpreted as being allowed for the purpose of a criminal investigation.

(Treatment of Shares Acquired by Foreign Nationals, etc.)

Article 116

- (1) A basic broadcaster, which is a company that has issued shares which are listed on a financial instruments exchange (meaning the financial instruments exchange provided for in Article 2, paragraph (16) of the Financial Instruments and Exchange Act (Act No. 25 of 1948); the same shall apply in Article 125, paragraph (1) and Article 161, paragraph (1)) or shares which are provided for in an Ordinance of the Ministry of Internal Affairs and Communications as being equivalent to such, which has received a request from the person given in Article 93, paragraph (1), item (vi) (a) to (c) or the person given in (e) [2] of the same item (the person given in Article 5, paragraph (1), item (i) to item (iii) inclusive or the person given in paragraph (4), item (iii) (b) of the same Article of the Radio Act in cases of specified terrestrial basic broadcasters; hereinafter referred to as “foreign nationals, etc.” in this Article) who acquired its shares that his or her name and address be listed or recorded in the shareholder registry, if by complying with such request, this comes under the categories set forth in the cases given in the following items and comes under the grounds provided

for in such items (referred to in the following paragraph as “grounds for disqualification”), it may refuse to list or record such name and address in the shareholder registry.

- (i) The grounds provided for in Article 93, paragraph (1), item (vi) (d) in cases where such basic broadcaster is a approved basic broadcaster transmitting satellite basic broadcasting or terrestrial basic broadcasting for mobile equipment.
 - (ii) The grounds provided for in Article 93, paragraph (1), item (vi) (d) or (e) in cases where such basic broadcaster is an approved basic broadcaster transmitting terrestrial basic broadcasting.
 - (iii) The grounds provided for in Article 5, paragraph (4) item (ii) or item (iii) of the Radio Act in cases where such basic broadcaster is a specified terrestrial basic broadcaster.
- (2) Of the shareholders pertaining to the notification pursuant to the provisions of Article 151, paragraph (1) or paragraph (8) of the Company Bonds, Etc. Book-Entry Transfer Act, if by listing or recording all of the shares held by a foreign national, etc. in the shareholder registry pursuant to the provisions of Article 152, paragraph (1) of the Company Bonds, Etc. Book-Entry Transfer Act, this will come under the grounds for disqualification, notwithstanding the provisions of the same paragraph, the basic broadcaster under the preceding paragraph may refuse to list or record the designated foreign shares (meaning shares other than the shares that may be listed or recorded in accordance with the method provided for in an Ordinance of the Ministry of Internal Affairs and Communications as the method for listing or recording in the shareholder registry limited to some of the shares so as not to come under the grounds for disqualification) in the shareholder registry.
- (3) Except for cases where listing or recording in the shareholder registry may be refused pursuant to the provisions of the two preceding paragraphs, if through the ratio of voting rights held indirectly by the person given in Article 93, paragraph (1), item (vi) (e) [1] via the person given in [2] of the same item increasing, the approved basic broadcaster transmitting the terrestrial basic broadcasting, which is a stock company, comes to fall under the grounds stipulated in sub-item (e) of the same item in cases of voting rights being held for all of the shares held by the person given in [2] of the same item listed or recorded in the shareholder registry, the designated foreign shareholder (meaning a shareholder who holds shares other than the shares which have voting rights pursuant to the provisions of an Ordinance of the Ministry of Internal Affairs and Communications so as not to come under the grounds stipulated in sub-item (e) of the same item out of the shares held by the person given in sub-item (e) [1] or [2] listed or recorded in the shareholder registry) shall not hold voting rights with regard to such shares.
- (4) Except for cases where listing or recording in the shareholder registry may be refused pursuant to the provisions of paragraph (1) or paragraph (2), if through the ratio of voting rights held indirectly by the person given in Article 5, paragraph (4), item (iii) (a) via the person given in sub-item (b) of the same item increasing, the specified terrestrial basic broadcaster, which is a stock company, comes to fall under the grounds stipulated in the same item in cases of voting rights being held for all of the shares held by the person given in sub-item (b) of the same item listed or recorded in the

shareholder registry, the designated foreign shareholder (meaning a shareholder who holds shares other than the shares which have voting rights pursuant to the provisions of an Ordinance of the Ministry of Internal Affairs and Communications so as not to come under the grounds stipulated in the same item out of the shares held by the person given in sub-item (a) and (b) of the same item listed or recorded in the shareholder registry) shall not hold voting rights with regard to such shares.

(5) The basic broadcaster set forth in paragraph (1) shall make public the ratio of its voting rights held by the foreign national, etc. pursuant to the provisions of an Ordinance of the Ministry of Internal Affairs and Communications; provided, however, that this shall not apply when such ratio does not reach the ratio prescribed by the Ordinance of the Ministry of Internal Affairs and Communications.

Section III Supplier for Basic Broadcasting Stations

(Obligation of Provision, etc.)

Article 117

- (1) Where the supplier for basic broadcasting stations has received an offer from an approved basic broadcaster for a contract relating to the provision of facility for basic broadcasting stations (hereinafter referred to as “agreement of supplying facilities for broadcasting stations”) in accordance with the matters (including the trajectory and the position of the satellite pertaining to the operations of the satellite basic broadcasting in cases pertaining to the satellite basic broadcasting; hereinafter referred to as “matters described in the certificate of approval” in the following paragraph) given in Article 94, paragraph (3), item (iii) described in the certificate of approval set forth in paragraph (2) of the same Article pertaining to such approved basic broadcaster, it shall not refuse such offer unless there are justifiable grounds for doing so.
- (2) Where the supplier for basic broadcasting stations has received an offer for an agreement of supplying facilities for broadcasting stations from a person other than an approved basic broadcaster or has received an offer for an agreement of supplying facilities for broadcasting stations from an approved basic broadcaster which is not in accordance with the matters described in the certificate of approval, it shall not accept it.

(Terms of the Provision of Services)

Article 118

- (1) The supplier for basic broadcasting stations shall stipulate the fees for the services to provide facility for basic broadcasting stations (hereinafter referred to as “service supplying facilities for broadcasting stations”) for the use of the operations of basic broadcasting of an approved basic broadcaster and the other terms of provision provided for in an Ordinance of the Ministry of Internal

Affairs and Communications, and shall notify the Minister of Internal Affairs and Communications before its implementation. The same shall apply when making amendments thereto.

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

(Accounting)

Article 119

A supplier for basic broadcasting stations, which concurrently acts as an approved basic broadcaster or a specified terrestrial basic broadcaster, pursuant to the provisions of an Ordinance of the Ministry of Internal Affairs and Communications, shall keep accounts relating to the operations of providing the facility for basic broadcasting stations or the facility for specified terrestrial basic broadcasting stations (hereinafter referred to as “facility for basic broadcasting stations, etc.” in item (iv) of the following Article) for the use of the operations of basic broadcasting and shall make public the status of the income and expenditure relating to such operations based on such matters and other matters provided for in an Ordinance of the Ministry of Internal Affairs and Communications.

(Order for Amendments)

Article 120

Where the Minister of Internal Affairs and Communications deems that, owing to the fact of the terms of provision notified by the supplier for basic broadcasting stations pursuant to the provisions of Article 118, paragraph (1) coming under any of the following items, the provision of the service supplying facilities for broadcasting stations pursuant to such terms of provision hinder the management of the operations of the basic broadcasting, he or she may order the supplier for basic broadcasting stations to amend such terms of provision.

- (i) The fees of the service supplying facilities for broadcasting stations unfairly discriminate against a particular approved basic broadcaster.
- (ii) Matters relating to the conclusion or cancellation of the agreement of supplying facilities for broadcasting stations, the suspension of provision of service supplying facilities for broadcasting stations or the responsibilities of the supplier for basic broadcasting stations or the approved basic broadcaster have not been appropriately and clearly stipulated.
- (iii) Unfair obligations are imposed on the approved basic broadcaster.
- (iv) The fees relating to service supplying facilities for broadcasting stations to be provided by a supplier for basic broadcasting stations which concurrently acts as an approved basic broadcaster or a specified terrestrial basic broadcaster or other terms of provision are disadvantageous compared to the terms in cases of the facility for basic broadcasting stations, etc. being provided for operations of its own basic broadcasting.

(Maintenance of Equipment)

Article 121

- (1) The supplier for basic broadcasting stations shall maintain the facility for basic broadcasting stations so as to conform to the technical standards provided for in an Ordinance of the Ministry of Internal Affairs and Communications.
- (2) The technical standards under the preceding paragraph shall be so stipulated as to secure the matters given in the following items:
 - (i) Damage or malfunction in the facility for basic broadcasting stations does not cause substantial detriment to the management of the basic broadcasting station.
 - (ii) The quality of the basic broadcasting transmitted using the facility for basic broadcasting stations is appropriate.

(Reporting on Major Accidents)

Article 122

If suspension of the broadcasting caused by the facility for basic broadcasting stations or other major accident provided for in an Ordinance of the Ministry of Internal Affairs and Communications occurs, the supplier for basic broadcasting stations shall report such matter together with the reason or cause of such without delay to the Minister of Internal Affairs and Communications.

(Order for Improvement of the Equipment)

Article 123

Where the Minister of Internal Affairs and Communications deems that the facility for basic broadcasting stations does not conform to the technical standards provided for in an Ordinance of the Ministry of Internal Affairs and Communications set forth in Article 121, paragraph (1), he or she shall order the supplier for basic broadcasting stations to improve such facility for basic broadcasting stations so as to conform to such technical standards.

(Reporting and Inspection Relating to Equipment)

Article 124

- (1) The Minister of Internal Affairs and Communications may request the supplier for basic broadcasting stations to give a report on the status of the facility for basic broadcasting stations and other necessary matters or may have its official enter the location where such facility for basic broadcasting stations is installed and inspect such facility for basic broadcasting stations within the extent necessary for the implementation set forth in the provisions of the three preceding paragraphs.

- (2) The official who enters and conducts the inspection pursuant to the provision of the preceding paragraph shall carry a certificate proving his or her identity and shall present it to the relevant persons.
- (3) The authority to enter and conduct the inspection pursuant to the provisions of paragraph (1) shall not be interpreted as being allowed for the purpose of a criminal investigation.

(Handling of Shares Acquired by Foreign Nationals, etc.)

Article 125

- (1) A supplier for basic broadcasting stations, which is a company that has issued shares which are listed on a financial instruments exchange or shares which are provided for in an Ordinance of the Ministry of Internal Affairs and Communications as being equivalent to such, which has received a request from a foreign national, etc. (meaning the person given in Article 5, paragraph (1), item (i) to item (iii) inclusive or the person given in paragraph (4), item (iii) (b) of the same Article of the Radio Act) who acquired its shares that his or her name and address be listed or recorded in the shareholder registry, if by complying with such request, this comes under the categories set forth in the cases given in the following items and comes under the grounds provided for in each item, it may refuse to list or record such name and address in the shareholder registry.
 - (i) The grounds provided for in Article 5, paragraph (1), item (iv) of the Radio Act in cases where such supplier for basic broadcasting stations is a person who has received the license of a radio station to transmit satellite basic broadcasting or terrestrial basic broadcasting for mobile equipment.
 - (ii) The grounds provided for in Article 5, paragraph (4), item (ii) or (iii) of the Radio Act in cases where such supplier for basic broadcasting stations is a person who has received the license of a radio station to transmit terrestrial basic broadcasting.
- (2) The provisions of Article 116, paragraph (2), paragraph (4) and paragraph (5) shall apply mutatis mutandis to supplier for basic broadcasting stations. In such a case, the term “the preceding paragraph” in the text of paragraph (2) of the same Article shall be replaced with “Article 125, paragraph (1),” the term “foreign nationals, etc.” with “the foreign nationals, etc. provided for in Article 125, paragraph (1),” the term “the grounds for disqualification” with “the grounds provided for in each of the items of Article 125, paragraph (1),” the term “same paragraph” with “Article 152, paragraph (1) of the Company Bonds, etc. Book-Entry Transfer Act,” the term “paragraph (1) and paragraph (2)” in the text of paragraph (4) of the same Article with “Article 116, paragraph (2) as applied mutatis mutandis pursuant to Article 125, paragraph (1) and paragraph (2) of the same Article,” the term “specified terrestrial basic broadcaster” with “supplier for basic broadcasting stations who has received the license of a radio station to transmit terrestrial basic broadcasting,” the term “paragraph (1)” in the text of paragraph (5) of the same Article with “Article 125, paragraph

(1)” with “Article 125, paragraph (1)” and “foreign national, etc.” with “foreign national, etc. provided for in the same paragraph.”

Chapter VI General Broadcasting

Section I Registration, etc.

(Registration of the Operations of General Broadcasting)

Article 126

- (1) A person who intends to conduct the operations of general broadcasting shall obtain a registration from the Minister of Internal Affairs and Communications; provided, however, that this shall not apply to the general broadcasting provided for in an Ordinance of the Ministry of Internal Affairs and Communications as having a comparatively small impact on the interests of the recipients and the sound development of broadcasting as seen from the radio broadcasting and other types of general broadcasting transmitted using wire telecommunications equipment and the scale of the telecommunications equipment to be used in the operations of the general broadcasting.
- (2) A person who intends to obtain the registration set forth in the preceding paragraph shall submit an application form which describes the following matters to the Minister of Internal Affairs and Communications pursuant to the provisions of an Ordinance of the Ministry of Internal Affairs and Communications:
 - (i) Name and address and in the case of a juridical person, the name of its representative.
 - (ii) The type of general broadcasting provided for in an Ordinance of the Ministry of Internal Affairs and Communications.
 - (iii) An outline of the telecommunications equipment to be used in the operations of general broadcasting.
 - (iv) The operational district.
- (3) A document pledging that the person does not come under any of the provisions of Article 128, item (i) to item (v) inclusive and other documents provided for in an Ordinance of the Ministry of Internal Affairs and Communications shall be attached to the application form under the preceding paragraph.

(Implementation of Registration)

Article 127

- (1) If an application for the registration under paragraph (1) of the preceding Article is made, the Minister of Internal Affairs and Communications shall register the following matters for the general broadcaster except in cases where the registration has been denied pursuant to the provisions of the following Article.
 - (i) The matters given in each of the items of paragraph (2) of the preceding Article.
 - (ii) The date of the registration and registration number

(2) Where the Minister of Internal Affairs and Communications has made a registration pursuant to the provisions of the preceding paragraph, he or she shall notify the applicant to such effect without delay.

(Denial of Registration)

Article 128

If the person who submitted the application form set forth in Article 126, paragraph (2) comes under any of the following items or a false entry has been made with regard to important matters in such application form or attached documents or important matters have not been entered, the Minister of Internal Affairs and Communications shall deny such registration:

- (i) The person committed a crime stipulated in this Act and was sentenced to a punishment of a fine or a greater punishment and for whom two years have not elapsed since the day on which the execution of the sentence was completed or the sentence no longer applied.
- (ii) The person is subject to revocation of the approval pursuant to the provisions of Article 103, paragraph (1) or Article 104 (excluding item (v)) and for whom two years have not elapsed since the date of such revocation.
- (iii) The person is subject to revocation of the registration pursuant to the provisions of Article 131 and for whom two years have not elapsed since the date of such revocation.
- (iv) The person is subject to revocation of the license of a basic broadcasting station pursuant to the provisions of Article 75, paragraph (1) or Article 76, paragraph (4) (excluding item (iv)) of the Radio Act and for whom two years have not elapsed since the date of such revocation.
- (v) A juridical person or organization whose executive officer is a person who comes under any of the preceding items.
- (vi) The person lacks the technical capability to appropriately execute the operations of general broadcasting.
- (vii) The person is unable to utilize the telecommunications equipment, acquired through authority, to be used in the operations of general broadcasting in conformity with the technical standards provided for in the Ordinance of the Ministry of Internal Affairs and Communications set forth in Article 136, paragraph (1).

(Notification of the Commencement and Suspension of Operations)

Article 129

(1) Where the registered general broadcaster (meaning the person who has obtained the registration set forth in Article 126, paragraph (1); hereinafter the same shall apply) has obtained the registration under the preceding paragraph, he or she shall notify the Minister of Internal Affairs and Communications of the date of commencement of its operations without delay.

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

(Registration of Amendments)

Article 130

- (1) If the registered general broadcaster intends to make amendments to the matters given in Article 126, paragraph (2), item (ii) to item (iv) inclusive, it shall obtain a registration of amendments from the Minister of Internal Affairs and Communications; provided, however, that this shall not apply when making the minor amendments provided for in an Ordinance of the Ministry of Internal Affairs and Communications.
- (2) A person who intends to obtain the registration of amendments set forth in the preceding paragraph shall submit an application form describing the matters pertaining to the amendments to the Minister of Internal Affairs and Communications pursuant to the provisions of an Ordinance of the Ministry of Internal Affairs and Communications.
- (3) The provisions of Article 126, paragraph (3), Article 127 and Article 128 shall apply mutatis mutandis to the registration of amendments set forth in paragraph (1). In such a case, the term “the following matters” in the text of Article 127, paragraph (1) shall be replaced with “matters pertaining to amendments” and the term “the person who submitted the application form set forth in Article 126, paragraph (2) comes under any of the following items” in the text of Article 128 with “the person who submitted the application form pertaining to the registration of amendments comes under any of the following items (excluding item (iii)).”
- (4) Where the registered general broadcaster has made amendments to the matters given in Article 126, paragraph (2), item (i) or has made amendments coming under the minor amendments provided for in the Ordinance of the Ministry of Internal Affairs and Communications set forth in the proviso of paragraph (1), it shall notify the Minister of Internal Affairs and Communications to such effect without delay. When such a notification has been made, the Minister of Internal Affairs and Communications shall amend such registration without delay.

(Cancellation of Registration)

Article 131

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

- (i) It continuously suspended the operations of general broadcasting for one year or more without justifiable grounds.
- (ii) It obtained the registration set forth in Article 126, paragraph (1) or the registration of amendments set forth in paragraph (1) of the preceding Article through unfair means.

(iii) It came to fall under any of the provisions of Article 128, item (i), item (ii), item (iv) or item (v).

(iv) In cases where the registered general broadcaster violated the order pursuant to the provisions of Article 174, the interests of the recipients of the general broadcasting are deemed to have been hindered.

(Cancellation of Registration)

Article 132

Where the notification pursuant to the provisions of Article 135, paragraph (1) or paragraph (2) has been made or the registration has been revoked pursuant to the provisions of the preceding Article, the Minister of Internal Affairs and Communications shall cancel the registration of such registered general broadcaster.

(Notification of the Operations of General Broadcasting)

Article 133

(1) A person who intends to conduct the operations of general broadcasting (excluding those persons who are required to have obtained the registration set forth in Article 126, paragraph (1)) shall attach documents describing the following matters pursuant to the provisions of an Ordinance of the Ministry of Internal Affairs and Communications and shall notify the Minister of Internal Affairs and Communications to such effect:

(i) Name and address and in the case of a juridical person, the name of its representative.

(ii) The type of general broadcasting provided for in an Ordinance of the Ministry of Internal Affairs and Communications

(iii) An outline of the telecommunications equipment to be used in the operations of the general broadcasting.

(iv) The operational district.

(v) Other matters provided for in an Ordinance of the Ministry of Internal Affairs and Communications.

(2) If the person who made the notification pursuant to the provisions of the preceding paragraph intends to make an amendment to the matters given in the items of the same paragraph, he or she shall notify the Minister of Internal Affairs and Communications to such effect; provided, however, that this shall not apply to minor matters provided for in an Ordinance of the Ministry of Internal Affairs and Communications.

(Succession)

Article 134

- (1) Where the general broadcaster has assigned all of the business of conducting the operations of general broadcasting or a succession, merger or split has taken place with regard to the general broadcaster (limited to inheriting all of the business of conducting the operations of general broadcasting), the person who has received the assignment of all of such business or the successor (where there are two or more successors and the successor who is to inherit the business of conducting the operations of general broadcasting pursuant to the agreement of all of the successors has been stipulated, such person; hereinafter the same shall apply in this paragraph), the juridical person existing after the merger or the juridical person formed through the merger or the juridical person which inherited all of such business through a split, shall succeed to the status of such general broadcaster; provided, however, that this shall not apply in cases where such general broadcaster is a registered general broadcaster and the person who received the assignment of all of such business, the juridical person existing after the merger or the juridical person formed through the merger or the juridical person which inherited all of such business through a split comes under any of the provisions of Article 128, item (i) to item (v) inclusive.
- (2) The person who succeeded to the status of the general broadcaster pursuant to the provisions of the preceding paragraph shall notify the Minister of Internal Affairs and Communications to such effect without delay. In such a case, if the general broadcaster is a registered general broadcaster, the Minister of Internal Affairs and Communications shall make amendments to such registration without delay.

(Notification of the Abolition, etc. of Operations)

Article 135

- (1) Where the general broadcaster has abolished the operations of general broadcasting, it shall notify the Minister of Internal Affairs and Communications to such effect without delay.
- (2) If the general broadcaster, which is a juridical person, has dissolved owing to grounds other than a merger, its liquidator (in cases where the dissolution was owing to a decision on the commencement of bankruptcy proceedings, the bankruptcy trustee), shall notify the Minister of Internal Affairs and Communications to such effect without delay.

Section II Operations

(Maintenance of Equipment)

Article 136

- (1) The registered general broadcaster shall maintain the telecommunications equipment pertaining to the registration set forth in Article 126, paragraph (1) so as to conform to the technical standards provided for in an Ordinance of the Ministry of Internal Affairs and Communications.

(2) The technical standards under the preceding paragraph shall be stipulated so as to ensure the following matters:

- (i) That substantial detriment is not caused to the operations of the general broadcasting due to damage or malfunction in the telecommunications equipment used in the general broadcasting.
- (ii) That the quality of the general broadcasting transmitted through the telecommunications equipment used in the general broadcasting is appropriate.

(Reporting on Major Accidents)

Article 137

If a suspension of broadcasting caused by the telecommunications equipment pertaining to the registration under Article 126, paragraph (1) or other major accident, which is provided for in an Ordinance of the Ministry of Internal Affairs and Communications, should occur, the registered general broadcaster shall report such matter and its reason or cause to the Minister of Internal Affairs and Communications without delay.

(Order for Improvement of Equipment)

Article 138

Where the Minister of Internal Affairs and Communications deems that the telecommunications equipment pertaining to the registration set forth in Article 126, paragraph (1) does not conform to the technical standards provided for in the Ordinance of the Ministry of Internal Affairs and Communications set forth in Article 136, paragraph (1), he or she may order the registered general broadcaster to make improvements to such telecommunications equipment so as to conform to such technical standards.

(Reporting and Inspection Relating to Equipment)

Article 139

- (1) The Minister of Internal Affairs and Communications may make a request to the registered general broadcaster to give a report on the state of the telecommunications equipment pertaining to the registration set forth in Article 126, paragraph (1) or on other necessary matters within the extent necessary for the implementation under the provisions of the three preceding Articles, or may have an official enter the location where such telecommunications equipment is installed and inspect such telecommunications equipment.
- (2) The official who enters and conducts the inspection pursuant to the provision of the preceding paragraph shall carry a certificate proving his or her identity and shall present it to the relevant persons.
- (3) The authority to enter and conduct the inspection pursuant to the provisions of paragraph (1) shall not be interpreted as being allowed for the purpose of a criminal investigation.

(Re-transmitting in Poor Reception Districts)

Article 140

- (1) If there is a district in which an impediment occurs in the reception of the terrestrial basic broadcasting (limited to television broadcasting; the same shall apply in this Article, Article 142 and Article 144) in the operational district pertaining to such registration, except for the cases provided for in an Ordinance of the Ministry of Internal Affairs and Communications as having justifiable grounds, the registered general broadcaster, which is a person who has been designated by the Minister of Internal Affairs and Communications as a person to transmit television broadcasting using wire telecommunications equipment in all or most of the districts provided for in an Ordinance of the Ministry of Internal Affairs and Communications in consideration of the districts of the municipalities, shall receive all of the terrestrial basic broadcasting which are required to be transmitted based on dissemination plan for basic broadcasting and shall simultaneously re-transmit all of the broadcast programs without making any changes in the districts where the impediment of such reception occurred except in those cases pursuant to an Ordinance of the Ministry of Internal Affairs and Communications that have justifiable grounds.
- (2) The person receiving the designation pursuant to the provision of the preceding paragraph (hereinafter referred to as “designated broadcasters for retransmission”) shall establish the contractual terms and conditions with regard to the conditions for provision of the services of the re-transmitting pursuant to the provision of the preceding paragraph and shall notify the Minister of Internal Affairs before its implementation. The same shall apply when making amendments thereto.
- (3) If the designated broadcasters for retransmission transmits the re-transmitting pursuant to the provision of paragraph (1) in conjunction with broadcasting other than such re-transmitting, it shall endeavor to take necessary measures to stipulate the conditions for the provision under the preceding paragraph and to otherwise secure the interests of the recipients so that a contract for only the provision of the services of such re-transmitting may be concluded.
- (4) The provisions of Article 11 shall not apply to the re-transmitting of the terrestrial basic broadcasting pursuant to the provisions of paragraph (1).
- (5) The national and local governments shall give consideration so that necessary measures are taken in order that the wire telecommunications equipment used in the operations of general broadcasting by the designated broadcasters for retransmission may be smoothly installed.
- (6) The necessary matters relating to the designation under paragraph (1) shall be stipulated by an Ordinance of the Ministry of Internal Affairs and Communications.

(Order for Improvement)

Article 141

Where the Minister of Internal Affairs and Communications deems that the interests of the recipients are being hindered owing to the lack of proper management of the operations of the re-transmitting provided for in paragraph (1) of the preceding Article, he or she may order the designated broadcasters for retransmission to make amendments to the conditions for provision of the services of such re-transmitting or other methods of operation of such re-transmitting.

(Mediation and Arbitration by the Telecommunications Dispute Resolution Committee)

Article 142

- (1) In the event of the general broadcaster conducting the operations of the television broadcasting using wire telecommunications equipment (limited to the designated broadcasters for retransmission in cases of registered general broadcasters) making a proposal for consultation with regard to the consent set forth in Article 11 pertaining to the re-transmitting to be transmitted through reception of the terrestrial basic broadcasting (hereinafter referred to simply as “consent” in this Section) to the basic broadcaster conducting the operations of the terrestrial basic broadcasting, and such basic broadcaster does not respond to the consultation or where the consultation does not end in an agreement, the party concerned may apply for mediation to the Telecommunications Dispute Resolution Committee (hereinafter referred to as “Dispute Resolution Committee”); provided, however, that this shall not apply if the party has applied for arbitration pursuant to the provisions of paragraph (3) or after the general broadcaster has applied for a ruling pursuant to the provisions of Article 144, paragraph (1).
- (2) The provisions of Article 154, paragraph (2) to paragraph (6) inclusive of the Telecommunications Business Act shall apply mutatis mutandis to the mediation under the preceding paragraph. In such a case, the term “the petition under Article 35, paragraph (1) or paragraph (2), the application for a ruling pursuant to the provisions of paragraph (3) of the same Article or the application for arbitration pursuant to the provisions of paragraph (1) of the following Article” in the text of paragraph (6) of the same Article shall be replaced with “the application for arbitration pursuant to the provisions of Article 142, paragraph (3) of the Broadcast Act or the application for a ruling pursuant to the provisions of Article 144, paragraph (1) of the same Act by the general broadcaster set forth in paragraph (1) of the same Article.”
- (3) If the consultation set forth in the provision of paragraph (1) does not end in an agreement, either party may apply to the Dispute Resolution Committee for arbitration; provided, however, that this shall not apply after the general broadcaster set forth in the same paragraph has applied for a ruling pursuant to the provisions of Article 144, paragraph (1).
- (4) The provisions of Article 155, paragraph (2) to paragraph (4) inclusive of the Telecommunications Business Act shall apply mutatis mutandis to the arbitration under the preceding paragraph.

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

(Delegation to a Cabinet Order)

Article 143

In addition to those matters provided for in the preceding Article, the necessary matters relating to the procedures for mediation or arbitration shall be provided for in a Cabinet Order.

(Ruling)

Article 144

- (1) In the event of the general broadcaster set forth in Article 142, paragraph (1) making a proposal for consultations with regard to the consent pertaining to the re-transmitting to be transmitted through reception of the terrestrial basic broadcasting to the basic broadcaster conducting the operations of the terrestrial basic broadcasting, and such basic broadcaster does not respond to the consultation or where the consultation does not end in an agreement, such general broadcaster may apply for a ruling to the Minister of Internal Affairs and Communications; provided, however, that this shall not apply after such party has applied for arbitration pursuant to the provisions of paragraph (3) of the same Article.
- (2) If an application for a ruling is made pursuant to the provisions of the preceding paragraph, the Minister of Internal Affairs and Communications shall notify the basic broadcaster pertaining to such application to such effect and, designating an appropriate period, shall give it an opportunity to submit a written opinion.
- (3) The Minister of Internal Affairs and Communications shall make a ruling to the effect that such consent should be given except in cases where the basic broadcaster set forth in the preceding paragraph has justifiable grounds for not giving the consent pertaining to the re-transmitting of its terrestrial basic broadcasting.
- (4) The ruling to the effect of giving consent shall stipulate the terrestrial basic broadcasting which the person who made the application set forth in paragraph (1) is able to re-transmit, the district in which such person is able to conduct the operations of re-transmitting and the method of implementation of such re-transmitting.
- (5) The Minister of Internal Affairs and Communications shall consult with the Dispute Resolution Committee when making the ruling set forth in paragraph (1).
- (6) When the Minister of Internal Affairs and Communications has made the ruling set forth in paragraph (1), he or she shall notify the parties to such effect without delay.

(7) Where the ruling under paragraph (4) has been notified to the parties pursuant to the provision of the provision of the preceding paragraph, this shall be deemed as meaning that the parties have come to an agreement for the consultation pursuant to the stipulations of such ruling.

(Use of Wire Telecommunications Equipment)

Article 145

- (1) The general broadcaster (limited to persons conducting the operations of general broadcasting using wire telecommunications equipment) shall not transmit general broadcasting using wire telecommunications equipment which has been installed without obtaining the permission set forth in Article 32, paragraph (1) or paragraph (3) of the Road Act (Act No. 180 of 1952) (including cases to which this provision applies *mutatis mutandis* pursuant to Article 91, paragraph (2) of the same Act) necessary for such installation or without obtaining a disposition pursuant to other laws and regulations or wire telecommunications equipment which has been installed on the land, utility poles or other structures of other persons without acquiring the consent of the owner, etc.
- (2) The Minister of Internal Affairs and Communications may request the provision of documents or other cooperation from the road administrator (meaning the road administrator provided for in Article 18, paragraph (1) of the Road Act) or other relevant administrative organ or other relevant persons with regard to the status or other matters of the installation of the wire telecommunications equipment pertaining to the violation set forth in the preceding paragraph.
- (3) Where the Minister of Internal Affairs and Communications intends to carry out the disposition pursuant to the provisions of Article 174 with regard to an act of violation of the provision of paragraph (1) which is a violation of the Road Act, he or she shall notify the Minister of Land, Infrastructure, Transport and Tourism to such effect in advance. In such a case, the Minister of Land, Infrastructure, Transport and Tourism may give an opinion on the violation of the Road Act to the Minister of Internal Affairs and Communications.
- (4) The Minister of Internal Affairs and Communications may request a report on the status of the operations from the general broadcaster or have its official enter the business office, office or other workplace of the general broadcaster to inspect the installation, books, documents or other buildings within the extent necessary to implement the provision of paragraph (1).
- (5) The official who enters and conducts the inspection pursuant to the provision of the preceding paragraph shall carry a certificate proving his or her identity and shall present it to the relevant persons.
- (6) The authority to enter and conduct the inspection pursuant to the provisions of paragraph (4) shall not be interpreted as being allowed for the purpose of a criminal investigation.

(Application Relating to the Editing, etc. of the Broadcast Programs to general broadcasters submitting notifications)

Article 146

The provisions of Article 5 to Article 8 inclusive, Article 10 and Article 12 shall not apply to the general broadcasters submitting notifications pursuant to the provisions of Article 133, paragraph (1).

Chapter VII Paid Broadcasting

(Notification and Public Announcement of Agreement Clauses for Paid Basic Broadcasting)

Article 147

- (1) In cases where the broadcaster (hereinafter referred to as “paid broadcaster”) who transmits paid broadcasting (meaning broadcasting, based on a contract, where reception equipment which enables the reception of its broadcasting is installed and reception is only possible for those persons who have paid fees relating to the reception through such reception equipment and which cannot be received without such reception equipment; hereinafter the same shall apply) provides domestic recipients (meaning persons who have entered into a contract with the paid broadcaster to receive the provision of the services of paid broadcasting through reception equipment installed domestically; hereinafter the same shall apply) with the services of paid broadcasting (hereinafter referred to as “paid basic broadcasting”) which is the subject of the contract of basic broadcasting, it shall stipulate the contract terms and conditions with regard to the fees relating to the services of such paid basic broadcasting and other conditions for provision (hereinafter referred to as “agreement clauses for paid basic broadcasting”) and shall notify the Minister of Internal Affairs and Communications prior to implementation of such. The same shall apply when making amendments to agreement clauses for paid basic broadcasting.
- (2) The paid broadcaster providing the services of paid basic broadcasting shall not provide the services of paid basic broadcasting to domestic recipients through conditions for provision other than the agreement clauses for paid basic broadcasting notified pursuant to the provision of the preceding paragraph.
- (3) The paid broadcaster providing the services of paid basic broadcasting shall publicly announce agreement clauses for paid basic broadcasting notified pursuant to the provision of paragraph (1) as provided for in an Ordinance of the Ministry of Internal Affairs and Communications, and shall post them in its business office in Japan or other office where they can be easily viewed by the public.

(Obligation to Provide Services)

Article 148

The paid broadcaster shall not refuse to provide the services of paid broadcasting to persons intending to receive its paid broadcasting through telecommunications equipment installed domestically unless there are justifiable grounds for not doing so.

(Publicity Relating to the Suspension or Abolition of Paid Broadcasting Operations)

Article 149

If the paid broadcaster intends to suspend or abolish all or part of the operations of provision of the services of paid broadcasting, it shall publicly inform such matter to the domestic recipients of the pay broadcasting which is intended for suspension or abolition pursuant to the provisions of an Ordinance of the Ministry of Internal Affairs and Communications.

(Explanation of the Provision Conditions)

Article 150

Where the paid broadcaster or the person whose business is that of brokerage, intermediation or representation for conclusion of a contract relating to the provision of the services of paid broadcasting (hereinafter referred to as “paid broadcaster, etc.”) intends to broker, intermediate or represent for the conclusion of a contract relating to the provision of the services of paid broadcasting for the person intending to receive the provision of the services of paid broadcasting, it shall explain to such person the fees relating to the services of such paid broadcasting and a summary of the other conditions of provision.

(Handling of Complaints, etc.)

Article 151

The paid broadcaster and the paid broadcasting administration operator provided for in paragraph (2) of the following Article shall quickly and appropriately handle complaints and inquiries from domestic recipients (including persons intending to receive the provision of services of paid broadcasting; the same shall apply in Article 156, paragraph (4)) with regard to the method, fees or other conditions of provision relating to the provision of the services of paid broadcasting.

(Notification of Paid Broadcasting Administration Operations)

Article 152

- (1) Persons intending to broker, intermediate or represent for the conclusion of a contract (hereinafter referred to as “paid broadcasting administration operations”) relating to the provision of the services of paid broadcasting and conduct the operations of ensuring that the reception of such paid broadcasting is not possible unless through the reception equipment installed based on such contract (limited to those persons conducting paid broadcasting administration operations for the number of paid broadcasters or more provided for in an Ordinance of the Ministry of Internal Affairs and Communications) shall attach documents describing the following matters pursuant to the provisions of an Ordinance of the Ministry of Internal Affairs and Communications and shall notify the Minister of Internal Affairs and Communications to such effect:
 - (i) Name and address and in the case of a juridical person, the name of its representative.
 - (ii) A summary of the operations.

(iii) Other matters provided for in an Ordinance of the Ministry of Internal Affairs and Communications.

- (2) If amendments are made relating to the matters pertaining to the notification, the person giving the notification set forth in the provision of the preceding paragraph (hereinafter referred to as “paid broadcasting administration operator”) shall notify the Minister of Internal Affairs and Communications to such effect without delay.

(Succession)

Article 153

- (1) Where the paid broadcasting administration operator assigns the whole of the business of conducting paid broadcasting administration operations or where there has been a succession, merger or split with regard to the paid broadcasting administration operator (limited to when the whole of the business of the paid broadcasting administration operations has been inherited), the person who has received the assignment of all of the business or successor (where there are two or more successors and the successor who is to inherit the business of conducting the paid broadcasting administration operations has been stipulated pursuant to the agreement of all of the successors, such person) or the juridical person which continues to exist after the merger or the juridical person which has been formed through the merger or the juridical person which has inherited all of such business through a split shall succeed to the status of the paid broadcasting administration operator.
- (2) The person who has succeeded to the status of the paid broadcasting administration operator pursuant to the provision of the preceding paragraph shall notify the Minister of Internal Affairs and Communications to such effect without delay.

(Notification of the Abolition, etc. of Operations)

Article 154

- (1) If the paid broadcasting administration operator has abolished the paid broadcasting administration operations, it shall notify the Minister of Internal Affairs and Communications to such effect without delay.
- (2) If the paid broadcasting administration operator which is a juridical person has dissolved owing to grounds other than a merger, its liquidator (in cases where the dissolution was owing to a decision on the commencement of bankruptcy proceedings, the bankruptcy trustee) shall notify the Minister of Internal Affairs and Communications to such effect without delay.

(Obligations Relating to the Implementation of Paid Broadcasting Administration Operations)

Article 155

The paid broadcasting administration operator shall formulate and publicly announce the policy for implementation of the operations relating to the paid broadcasting administration operations (including operations closely related to such) and shall take other measures to ensure appropriate and stable management pursuant to the provisions of an Ordinance of the Ministry of Internal Affairs and Communications.

(Order on Amendments, etc.)

Article 156

- (1) Where the Minister of Internal Affairs and Communications deems that the fees relating to the services of the paid basic broadcasting provided for in agreement clauses for paid basic broadcasting pursuant to the provisions of Article 147, paragraph (1) or other conditions of provision impede the interests of the domestic recipients, he or she may order the paid broadcaster providing the services of such paid basic broadcasting to make amendments to such agreement clauses for paid basic broadcasting.
- (2) If the Minister deems that the paid broadcaster comes under any of the following items, he or she may order the paid broadcaster to improve the operations pertaining to the provision of the services of paid broadcasting or to take other measures within the extent necessary to secure the interests of the domestic recipients:
 - (i) The paid broadcaster has conducted unfair and discriminatory treatment towards a specific person.
 - (ii) The interests of the domestic recipients are being impeded owing to the fees or other conditions of provision relating to the services of paid broadcasting (excluding the services of paid basic broadcasting; the same shall apply in the following item) provided by the paid broadcaster being significantly unfair in light of social and economic conditions.
 - (iii) The matters relating to the responsibilities of the paid broadcaster and the domestic recipients have not been clearly and properly stipulated in the conditions of provision (excluding the fees) relating to the services of the paid broadcasting provided by the paid broadcaster.
- (3) If the paid broadcaster, etc. has violated the provisions of Article 150, the Minister of Internal Affairs and Communications may order such paid broadcaster, etc., or if the paid broadcaster or paid broadcasting administration operator has violated the provisions of Article 151, such paid broadcaster or the paid broadcasting administration operator, to take necessary measures to rectify such violation.
- (4) If the paid broadcasting administration operator has violated the provisions of the preceding Article, the Minister of Internal Affairs and Communications may order such paid broadcasting administration operator to improve the method of operations or to take other measures within the extent necessary to secure the interests of the domestic recipients.

(Prohibition of Reception Not through a Contract)

Article 157

No person shall receive paid broadcasting through reception equipment capable of domestically receiving such paid broadcasting unless he or she has entered into a contract with the paid broadcaster to receive the provision of the services of paid broadcasting.

Chapter VIII Certified Broadcasting Holding Companies

(Definitions, etc.)

Article 158

- (1) The term “subsidiary company” as used in this Chapter shall mean a company for which voting rights exceeding fifty hundredths of the voting rights held by all of the shareholders, etc. (voting rights of all of the shareholders or all of the investors (in a stock company, excluding the voting rights of the shares of stock which may not be exercised for all matters that may be resolved at a shareholders meeting, and including the voting rights of the shares of stock for which the shareholder is deemed to have voting rights pursuant to the provisions of Article 879, paragraph (3) of the Companies Act (Act No. 86 of 2005); hereinafter the same shall apply in this Article and Article 164, paragraph (1)); hereinafter the same shall apply in this Article) are held by another company. In such a case, a company and one or more of its subsidiary companies or one or more of the subsidiary companies of such company for which voting rights exceeding fifty hundredths of the voting rights held by all of the shareholders, etc. are held by another company shall be deemed to be a subsidiary company of such company.
- (2) In cases of the preceding paragraph, the voting rights held by the company shall include voting rights pertaining to shares which may not be asserted against the issuer pursuant to the provisions of Article 147, paragraph (1) or Article 148, paragraph (1) of the Company Bonds, etc. Book-Entry Transfer Act.

(Approval)

Article 159

- (1) A company which has or intends to have two or more basic broadcasters (limited to cases where such two or more basic broadcasters include one or more persons conducting the operations of terrestrial basic broadcasting; hereinafter the same shall apply in this Article, item (i) of the following Article and Article 166, paragraph (2), item (i) and item (ii)) as its subsidiary companies or a person who forms or intends to form a company to have two or more basic broadcasters as its subsidiary companies shall obtain approval from the Minister of Internal Affairs and Communications.
- (2) Unless the Minister of Internal Affairs and Communications deems that the application for approval set forth in the preceding paragraph conforms to all of the following items, he or she shall not grant the approval under the same paragraph:
 - (i) The company which made the application for such approval or the company formed having received such approval (hereinafter referred to in this Article as “the subject company of the application”) is a stock company.

- (ii) The subject company of the application is not a basic broadcaster.
- (iii) The ratio of the total amount of the acquisition value (where there is some other value listed in the latest balance sheet, such value) of the shares of the basic broadcaster (including those provided for in an Ordinance of the Ministry of Internal Affairs and Communications as being equivalent to such) which is the subsidiary company of the subject company of the application (including companies which are to become subsidiary companies; hereinafter the same shall apply in this Article) to the amount of the total assets (meaning the total amount of assets based on the method provided for in an Ordinance of the Ministry of Internal Affairs and Communications) of such subject company of the application is estimated to definitely exceed fifty hundredths at all times.
- (iv) The prospects for the income of the subject company of the application and its subsidiary company are good.
- (v) The subject company of the application does not come under any of the following sub-item (a) to (j)):
 - (a) A stock company where the person given in [1] or [2] is an executive officer executing operations or a stock company where the person given in [1] to [3] inclusive holds one-fifth or more of the voting rights:
 - [1] A person who does not have Japanese nationality.
 - [2] A foreign government or its representative.
 - [3] A foreign juridical person or organization.
 - (b) A stock company (excluding cases coming under sub-item (a)) where the aggregate of the ratio of voting rights held directly by the persons given in [1] and the ratio of voting rights held indirectly by these persons via the persons given in [2] as the ratio provided for in an Ordinance of the Ministry of Internal Affairs and Communications accounts for one-fifth or more of its voting rights.
 - [1] Persons given in (a) [1] to [3] inclusive.
 - [2] A juridical person or organization where the ratio of voting rights held directly by persons given in [1] is equal to or more than the ratio provided for in an Ordinance of the Ministry of Internal Affairs and Communications.
 - (c) A stock company where a person has committed a crime stipulated in this Act or the Radio Act and has been sentenced to a punishment and for whom two years have not elapsed since the day on which the execution of the sentence was completed or the sentence no longer applied.
 - (d) A person who has received a revocation of approval pursuant to the provisions of Article 103, paragraph (1) or Article 104 (excluding item (v)) and for whom two years have not elapsed since the day of revocation.

- (e) A person who has received a revocation of registration pursuant to the provisions of Article 131 and for whom two years have not elapsed since the day of revocation.
 - (f) A person who has received a revocation of approval pursuant to the provisions of Article 166, paragraph (1) (excluding item (ii)) or paragraph (2) and for whom two years have not elapsed since the day of revocation.
 - (g) A person who has received a revocation of its license pursuant to the provisions of Article 75, paragraph (1) or Article 76, paragraph (4) (excluding item (iv)) or paragraph (5) (excluding item (v)) of the Radio Act and for whom two years have not elapsed since the day of revocation.
 - (h) A person who has received a revocation of approval pursuant to the provisions of Article 27-15, paragraph (1) or paragraph (2) (excluding item (iii)) of the Radio Act and for whom two years have not elapsed since the day of revocation.
 - (i) A person who has received a revocation of registration pursuant to the provisions of Article 76, paragraph (6) (excluding item (iii)) of the Radio Act and for whom two years have not elapsed since the day of revocation.
 - (j) A stock company whose executive officer is a person coming under any one of the following:
 - [1] A person who committed a crime stipulated in the provisions of sub-item © and who has been sentenced to a punishment and for whom two years have not elapsed since the day on which the execution of the sentence was completed or the sentence no longer applied.
 - [2] A person coming under any of sub-item (d) to (i) inclusive.
- (3) The person filing the application for the approval set forth in paragraph (1) shall submit an application describing the following matters to the Minister of Internal Affairs and Communications pursuant to the provisions of an Ordinance of the Ministry of Internal Affairs and Communications:
- (i) The name and address of the person filing the application for the approval (excluding cases where the person filing the application for the approval is the subject company for the application) and where it is a juridical person, the name of its representative.
 - (ii) The name and address of the subject company for the application and the name of its representative.
 - (iii) The name and address of the basic broadcaster, which is the subsidiary company of the subject company for the application, and the name of its representative.
 - (iv) Other matters provided for in an Ordinance of the Ministry of Internal Affairs and Communications.
- (4) A business plan and other documents provided for in an Ordinance of the Ministry of Internal Affairs and Communications shall be attached to the application form set forth in the preceding paragraph.

(Notification)

Article 160

If the company which received the approval or the company which was formed having received the approval (hereinafter referred to as “certified broadcasting holding company”) set forth in paragraph (1) of the preceding Article falls under any of the following items, it shall notify the Minister of Internal Affairs and Communications to such effect without delay pursuant to the provisions of an Ordinance of the Ministry of Internal Affairs and Communications:

- (i) It has come to hold two or more basic broadcasters as its subsidiary companies (excluding cases where it actually holds two or more basic broadcasters as its subsidiary companies at the time of receiving such approval).
- (ii) Amendments have been made to the matters given in paragraph (3), item (ii) to item (iv) inclusive of the preceding Article.

(Handling of Shares Acquired by Foreign Nationals, etc.)

Article 161

- (1) A certified broadcasting holding company, which is a company that has issued shares which are listed on a financial instruments exchange or shares which are provided for in an Ordinance of the Ministry of Internal Affairs and Communications as being equivalent to such, which has received a request from a foreign national, etc. (meaning the person given in Article 159, paragraph (2), item (v), (a) [1] to [3] inclusive or the person given in [2] of the same item) who acquired its shares that his or her name and address be listed or recorded in the shareholder registry, if by complying with such request, this comes under the stock companies provided for in sub-item (a) or (b) of the same item, it may refuse to list or record such name and address in the shareholder registry.
- (2) The provisions of Article 116, paragraph (2), paragraph (3) and paragraph (5) shall apply mutatis mutandis to certified broadcasting holding companies. In such a case, the term “preceding paragraph” in the text of paragraph (2) of the same Article shall be replaced with “Article 161, paragraph (1)”, “foreign national, etc.” with “foreign national, etc. provided for in Article 161, paragraph (1)”, “grounds for disqualification [in cases of]” with “stock companies provided for in Article 159, paragraph (2), item (v) (a) or (b) [in cases of],” “the same paragraph [when]” with “Article 152, paragraph (1) of the Company Bonds, etc. Book-Entry Transfer Act [when],” “grounds for disqualification” with “stock companies provided for in (a) or (b) of the same item,” “the two preceding paragraphs” in the text of paragraph (3) of the same Article with “Article 116, paragraph (2) as applied mutatis mutandis pursuant to Article 161, paragraph (1) and paragraph (2),” “Article 93, paragraph (1), item (vi) (e) [1]” with “Article 159, paragraph (2), item (v) (b) [1],” “sub-item (e) [2] of the same item” with “sub-item (b) [2] of the same item,” “the approved basic broadcaster transmitting the terrestrial basic broadcasting, which is a stock company” with “certified broadcasting holding company,” “grounds stipulated in sub-item (e) of the same item” with “stock

companies provided for in (b) of the same item,” “sub-item (e) [1] or [2] of the same item” with “sub-item (b) [1] or [2] of the same item,” “paragraph (1)” in the text of paragraph (5) of the same Article with “Article 161, paragraph (1)” and “foreign national, etc.” with “foreign national, etc. provided for in the same paragraph.”

(Special Provisions on Approval, etc. of the Operations of Basic Broadcasting)

Article 162

- (1) In cases where the Minister of Internal Affairs and Communications conducts an examination of approval pursuant to the provisions of Article 93, paragraph (1) for the subsidiary company of a certified broadcasting holding company, with regard to the applicability of the provisions of item (iv) of the same paragraph, the term “pertaining to such operations” in the proviso of the same item shall be replaced with “pertaining to such operations taking into account the characteristics of it being the subsidiary company of a certified broadcasting holding company” and “the person given in (b)” in sub-item (c) of the same item with “those certified broadcasting holding companies provided for in an Ordinance of the Ministry of Internal Affairs and Communications in cases of the person filing for the application being its subsidiary company.”
- (2) With regard to the applicability of the provisions of item (iii) of the same Article in cases of the Minister of Internal Affairs and Communications revoking the approval pursuant to the provisions of Article 104 with regard to the subsidiary company of the certified broadcasting holding company, the term “Article 93, paragraph (1), item (iv)” in the same item shall be replaced with “Article 93, paragraph (1) item (iv) to be applied through replacement pursuant to the provisions of Article 162, paragraph (1).”
- (3) With regard to the applicability of the provisions of item (iv) (b) of the same paragraph in cases of the Minister of Internal Affairs and Communications conducting an examination pursuant to the provisions of Article 7, paragraph (2) of the Radio Act with regard to the subsidiary company of the certified broadcasting holding company, the term “Article 93, paragraph (1), item (iv) of the Broadcast Act” in sub-item (b) of the same item shall be replaced with “Article 93, paragraph (1), item (iv) of the same Act applied through replacement pursuant to the provisions of Article 162, paragraph (1) of the Broadcast Act.”
- (4) In cases where the Minister of Internal Affairs and Communications revokes a license pursuant to the provisions of Article 76, paragraph (4) of the Radio Act with regard to the subsidiary company of the certified broadcasting holding company, with regard to the applicability of the provisions of item (v) of the same paragraph, the term “Article 7, paragraph (2), item (iv) (b)” in the same item shall be replaced with “Article 93, paragraph (1), item (iv) of the same Act applied through replacement pursuant to the provisions of Article 162, paragraph (1) of the Broadcast Act.”

(Obligations of the Subsidiary Companies)

Article 163

In editing the broadcast programs of domestic basic broadcasting, subsidiary terrestrial basic broadcaster of an approved broadcasting holding company (meaning the basic broadcaster conducting the operations of terrestrial basic broadcasting which is a subsidiary company of the certified broadcasting holding company) shall endeavor to ensure that broadcast programs which it has produced itself are aimed at its target broadcasting district in order to meet the demands for diverse broadcast programs in such target broadcasting districts.

(Restricted Ownership of Voting Rights)

Article 164

- (1) In cases where voting rights are to be held for all of the shares held by any one person listed or recorded in the shareholder registry of the certified broadcasting holding company (including the shares of the certified broadcasting holding company held by a person who has a relationship of ownership of shares or any other special relationship provided for in an Ordinance of the Ministry of Internal Affairs and Communications, who is listed or recorded in the shareholder registry; hereinafter referred to as “specified shares” in this paragraph) and the ratio of the voting rights to held by such person to the voting rights of all of the shareholders of such certified broadcasting holding company exceeds the holding ratio threshold, the specified shareholders (meaning shareholders who, out of the specified shares, hold shares other than the shares for which voting rights are held pursuant to the provisions of an Ordinance of the Ministry of Internal Affairs and Communications for which the ratio of its voting rights to the voting rights of all of the shareholders of such certified broadcasting holding company does not exceed the holding ratio threshold) shall not have voting rights with regard to such shares.
- (2) The holding ratio threshold set forth in the preceding paragraph refers to the ratio provided for in an Ordinance of the Ministry of Internal Affairs and Communications within the range of equal to or more than one-tenth but less than one-third taking into account the matters given in the items of Article 91, paragraph (2).

(Succession)

Article 165

- (1) Where the certified broadcasting holding company assigns all of its business or where the certified broadcasting holding company has merged or become subject to a company split (limited to where all of its business is inherited), the stock company which has received the assignment of all of such business or the stock company which continues to exist after the merger or the stock company which has been formed through the merger or the stock company which has inherited all of such business through a company split may succeed to the status of a certified basic broadcasting holding company on receiving authorization from the Minister of Internal Affairs and Communications.

(2) The provisions of Article 159, paragraph (2) shall apply mutatis mutandis to the authorization set forth in the preceding paragraph.

(Revocation of Approval)

Article 166

(1) The Minister of Internal Affairs and Communications shall revoke the approval if the certified broadcasting holding company comes under any of the following items:

(i) It has come to fall under any of the provisions of Article 159, paragraph (2), item (v), sub-items (a) to (j) (excluding f).

(ii) The certified broadcasting holding company filed an application for revocation of the approval.

(2) The Minister of Internal Affairs and Communications may revoke the approval if the certified broadcasting holding company comes under any of the following items:

(i) When it did not become a stock company holding two or more basic broadcasters as its subsidiary companies within six months of receiving the approval.

(ii) It is no longer a company holding two or more basic broadcasters as its subsidiary companies.

(iii) It received the approval through unfair means.

(iv) It no longer complies with any of the items of Article 159, paragraph (2) (excluding item (v)).

Chapter IX Broadcast Program Center

(Designation)

Article 167

- (1) The Minister of Internal Affairs and Communications may designate a general incorporated association or general incorporated foundation which has the aim of achieving the sound development of broadcasting and is deemed capable of appropriately and steadily conducting the operations provided for in the following Article as a Broadcast Program Center (“hereinafter referred to as “Center”) limited to one throughout the country upon its offer.
- (2) The Minister of Internal Affairs and Communications shall not make the designation pursuant to the provisions of the same paragraph if the person making the offer under the preceding paragraph comes under any of the following items:
 - (i) A person who has had its designation revoked pursuant to the provisions of Article 173, paragraph (1) and for whom two years have not elapsed since the day of such revocation.
 - (ii) One of its executive officers has committed a crime stipulated in this Act and has been sentenced to a punishment and for whom two years have not elapsed since the day on which the execution of the sentence was completed or the sentence no longer applied.
- (3) Where the Minister of Internal Affairs and Communications has made the designation pursuant to the provisions of paragraph (1), he or she shall publicly announce the name, address and location of the office of the Center which has received such designation.
- (4) If the Center intends to make amendments to its name, address or the location of its office, it shall notify the Minister of Internal Affairs and Communications to such effect at least two weeks before making such amendment.
- (5) If the notification pursuant to the provisions of the preceding paragraph has been made, the Minister of Internal Affairs and Communications shall make a public announcement to such effect.

(Operations)

Article 168

The Center shall conduct the following operations:

- (i) It shall collect and store broadcast programs and make them available to the public for viewing and listening.
- (ii) It shall collect, categorize, organize, and store information relating to the broadcast programs.
- (iii) It shall provide information relating to broadcast programs on a regular basis or at appropriate times or in response to a request.
- (iv) It shall conduct operations incidental to the operations listed in the three preceding items.

(Standards, etc. for Collection)

Article 169

- (1) The Center shall establish standards for collection of the broadcast programs and shall collect the broadcast programs in accordance with such.
- (2) The Center may request basic broadcasters to submit information relating to broadcast programs in accordance with the established standards and method within the extent necessary for the Center to collect the broadcast programs.
- (3) The Center shall not provide the information submitted in response to the request pursuant to the provision of the preceding paragraph for any use other than for the operations provided for in the preceding Article.
- (4) In cases where the Center has established standards for collection of the broadcast programs provided for in paragraph (1) or standards and methods relating to the submission of information relating to the broadcast programs provided for in paragraph (2) (hereinafter referred to as “standards, etc. for collection”), it shall make these public pursuant to the provisions of an Ordinance of the Ministry of Internal Affairs and Communications. The same shall apply when making amendments thereto.

(Broadcast Program Collection Advisory Committee)

Article 170

- (1) The Center shall establish a Broadcast Program Collection Advisory Committee (hereinafter referred to as “Advisory Committee”).
- (2) The Advisory Committee shall discuss matters relating to the standards, etc. for collection in response to consultations from the Center.
- (3) When the Center establishes standards, etc. for collection or intends to make amendments thereto, it shall consult the Advisory Committee.
- (4) If the Advisory Committee has made a recommendation in response to the consultation pursuant to the provisions of paragraph (2), the Center shall take necessary measures respecting such recommendation.
- (5) The members of the Advisory Committee shall be commissioned by the representative of the Center from among persons recommended by NHK, persons recommended by the Open University, persons recommended by an organization composed of basic broadcasters and persons with relevant knowledge and experience.

(Submission of a Business Plan, etc.)

Article 171

- (1) The Center shall prepare a business plan and an income and expenditure budget for each business year and shall submit them to the Minister of Internal Affairs and Communications prior to the

commencement of such business year (in the case of the business year containing the day on which the designation was received pursuant to the provisions of Article 167, paragraph (1), without delay after receiving such designation). The same shall apply when making amendments thereto.

- (2) The Center shall prepare a business report and a settlement of income and expenditure for each business year and shall submit them to the Minister of Internal Affairs and Communications within three months of the end of such business year.

(Supervisory Orders)

Article 172

The Minister of Internal Affairs and Communications may give an order to the Center necessary in terms of supervision relating to the operations provided for in Article 168 within the extent necessary to implement the provisions of this Chapter.

(Revocation of Designation)

Article 173

- (1) The Minister of Internal Affairs and Communications may revoke the designation in cases where the Center comes under any of the following items:
 - (i) It is deemed unable to appropriately and steadily implement the operations provided for in Article 168.
 - (ii) It has violated the provisions of this Chapter.
 - (iii) It has come to fall under the provisions of Article 167, paragraph (2), item (ii).
 - (iv) It has violated the order provided for in the provisions of the preceding Article.
 - (v) It received the designation through unfair means.
- (2) Where the Minister of Internal Affairs and Communications has revoked the designation pursuant to the provisions of the preceding paragraph, it shall make a public announcement to such effect.

Chapter X Miscellaneous Provisions

(Suspension of Operations)

Article 174

If the broadcaster (excluding terrestrial basic broadcasters) has violated this Act or an order or disposition based on this Act, the Minister of Internal Affairs and Communications shall set a period within three months and shall order the suspension of the operations of the broadcasting.

(Submission of Materials)

Article 175

The Minister of Internal Affairs and Communications may request the broadcaster, the supplier for basic broadcasting stations, the paid broadcasting administration operator or the certified broadcasting holding company to submit materials relating to the operations pursuant to the provisions of a Cabinet Order within the extent necessary for implementation of this Act.

(Exemptions from Applicability, etc.)

Article 176

- (1) The provisions of this Act shall not apply to relay broadcasting for measures against poor reception (meaning the relay broadcasting for measures against poor reception provided for in Article 5, paragraph (5) of the Radio Act; hereinafter the same shall apply in this Article), broadcasting using wire telecommunications equipment inside vehicles, vessels or aircraft and other broadcasting provided for in an Ordinance of the Ministry of Internal Affairs and Communications as not likely to impede the interests of the recipients or the sound development of broadcasting when seen in the light of the extent of provision and conditions of provision, etc. of the services.
- (2) Notwithstanding the provisions of the preceding paragraph, the provisions of Article 91 shall apply to relay broadcasting for measures against poor reception.
- (3) Notwithstanding the provisions of paragraph (1), the relay broadcasting for measures against poor reception failure shall be deemed to be the broadcasting of basic broadcasters received by persons transmitting the relay broadcasting for measures against poor reception and the provisions of Article 9, paragraph (1), Article 11, Article 12, Article 147, paragraph (1) and Article 157 shall apply.
- (4) Notwithstanding the provisions of paragraph (1), the provisions of Article 64 shall also apply to the broadcasting to which the provisions of the same paragraph apply which, having received the broadcasting of NHK, simultaneously re-transmits its contents without making any changes.
- (5) The provisions of Article 4 to Article 10 inclusive, Article 12 to Article 14 inclusive and Article 106 to Article 110 inclusive shall not apply to the broadcasting which, having received the basic

broadcasting of other basic broadcasters, simultaneously re-transmits its contents without making any changes (excluding the broadcasting to which paragraph (1) applies).

(Consulting the Radio Regulatory Council)

Article 177

(1) The Minister of Internal Affairs and Communications shall consult the Radio Regulatory Council with regard to the following matters:

(i) The establishment of dissemination plan for basic broadcasting or amendments thereto pursuant to the provisions of Article 91, paragraph (1) or paragraph (4).

(ii) A disposition pursuant to the provisions of Article 18, paragraph (2) (authorization of amendments to the articles of incorporation), Article 20, paragraph (8) (including cases to which this provisions applies mutatis mutandis pursuant to Article 65, paragraph (5)) (authorization of the agreement on relay international broadcasting), Article 20, paragraph (9) (authorization of the standards for provision), paragraph (x) of the same Article (authorization of optional operations), Article 22 (authorization of investment in the Japan Aerospace Exploration Agency and others), Article 64, paragraph (2) and paragraph (3) (authorization of the standards of exemption from reception fees and contract terms and conditions for reception), Article 65, paragraph (1) (requests for implementation of international broadcasting, etc.), Article 66, paragraph (1) (implementation order for research relating to broadcasting), Article 71, paragraph (1) (authorization of the income and expenditure budget, etc.), Article 85, paragraph (1) (authorization of the assignment, etc. of broadcasting equipment), Article 86, paragraph (1) (authorization for the abolition or suspension of broadcasting), Article 89, paragraph (1) (authorization for the abolition or suspension of broadcasting), Article 93, paragraph (1) (approval of the operations of basic broadcasting), Article 96, paragraph (1) (limited to cases of the operations of terrestrial basic broadcasting) (renewal of approval), the main text of Article 97, paragraph (1) (authorization of amendments to the broadcasting matters of basic broadcasting or the telecommunications equipment used in the operations of basic broadcasting), Article 120 (order for amendments to the conditions of provision of the services of supply of broadcasting station equipment), Article 141 (order on improvement relating to the method of operations of re-transmitting in poor reception districts), Article 156, paragraph (1), paragraph (2) or paragraph (4) (order for amendments to the terms and conditions of the contract for paid basic broadcasting or order on improvement of the method of operations of paid broadcasters or paid broadcasting administration operators), Article 159, paragraph (1) (approval relating to certified broadcasting holding companies) or Article 167, paragraph (1) (designation of a Center).

(iii) An opinion on the income and expenditure budget, business plan and funding plan of NHK pursuant to the provisions of Article 70, paragraph (2).

- (iv) A disposition pursuant to the provisions of Article 104 (revocation of approval relating to the operations of basic broadcasting), Article 131 (revocation of registration relating to the operations of general broadcasting), Article 166, paragraph (2) (revocation of approval relating to certified broadcasting holding companies) or Article 173, paragraph (1) (revocation of the designation of the Center).
- (v) An enactment, revision or abolition of an Ordinance of the Ministry of Internal Affairs and Communications pursuant to the provisions of Article 2, item (xxiv) (facility for basic broadcasting stations), the proviso to Article 93, paragraph (1), item (iv) or paragraph (2), item (i) or item (iii) (standards for the enjoyment of freedom of expression based on basic broadcasting), paragraph (5) of the same Article (application period for approval of the operations of basic broadcasting), the proviso to Article 97, paragraph (1) (minor changes pertaining to basic broadcasting), Article 111, paragraph (1) (technical standards of facility for basic broadcasting), Article 113, paragraph (1) or paragraph (2), Article 122 or Article 137 (standards on major accidents requiring reports), Article 121, paragraph (1) (technical standards of facility for basic broadcasting stations), the proviso to Article 126, paragraph (1) (general broadcasting requiring registration), Article 136, paragraph (1) (technical standards of telecommunications equipment pertaining to the registration of the operations of general broadcasting), Article 150 (explanation on the conditions of provision of the services of paid broadcasting), the proviso to Article 93, paragraph (1), item (iv) to be applied replacing the wording of the provisions of Article 162, paragraph (1) (special provisions on the standards for enjoyment of freedom of expression based on basic broadcasting), Article 93, paragraph (1), item (iv) © to be applied replacing the wording of the provisions of Article 162, paragraph (1) (special provisions pertaining to certified broadcasting holding companies) or Article 164, paragraph (2) (holding ratio threshold).
- (2) Of the matters set forth in the items of the preceding paragraph, with regard to the matters deemed minor by the Radio Regulatory Council, the Minister of Internal Affairs and Communications may take measures without consulting the Radio Regulatory Council.

(Hearing of Opinions)

Article 178

- (1) The Radio Regulatory Council shall hear opinions in cases of receiving a consultation pursuant to the provisions of paragraph (1), item (iv) of the preceding Article.
- (2) In addition to the cases set forth in the preceding paragraph, the Radio Regulatory Council may hear opinions when it deems so necessary in cases of receiving a consultation pursuant to the provisions of the items of paragraph (1) of the preceding Article (excluding item (iv)).
- (3) The provisions of Article 99-12, paragraph (3) to paragraph (8) inclusive of the Radio Act shall apply mutatis mutandis to the opinion set forth in the two preceding paragraphs.

(Recommendations)

Article 179

- (1) The Radio Regulatory Council may make necessary recommendations to the Minister of Internal Affairs and Communications relating to the matters set forth in any of the items of Article 177, paragraph (1).
- (2) If the Minister of Internal Affairs and Communications receives the recommendations set forth in the preceding paragraph, he or she shall make such contents public.

(Objections and Litigation)

Article 180

The provisions of Chapter VII and Article 115 of the Radio Act shall apply mutatis mutandis to objections and litigation with regard to the dispositions of the Minister of Internal Affairs and Communication pursuant to the provisions of this Act.

(Delegation to an Ordinance of the Ministry of Internal Affairs and Communications)

Article 181

In addition to those matters provided for in this Act, the matters necessary to implement this Act shall be provided for in an Ordinance of the Ministry of Internal Affairs and Communications.

(Interim Measures)

Article 182

Where orders pursuant to the provisions of this Act are to be enacted, revised or abolished, prescribed interim measures (including interim measures relating to penal provisions) may be established within the extent judged to be rationally necessary for such enactment or abolition through such orders.

Chapter XI Penal Provisions

Article 183

- (1) If an executive officer of NHK accepts, solicits or promises to accept a bribe in connection with his or her duties, he or she shall be sentenced to imprisonment with work for not more than three years.
- (2) If a person who intends to become an executive officer of NHK accepts, solicits or promises to accept a bribe in connection with a duty to be assumed with agreement to perform an act in response to a request, he or she shall be sentenced to the same punishment as set forth in the preceding paragraph in the event of becoming an executive officer of NHK.
- (3) If a person who was an executive officer of NHK accepts, solicits or promises to accept a bribe relating to misconduct conducted in the performance of duties or relating to an appropriate act not committed having been so requested during his or her term of office, he or she shall be sentenced to the same punishment as set forth in paragraph (1).
- (4) A person who has given, offered or promised the bribe provided for in the three preceding paragraphs shall be sentenced to imprisonment with work for not more than three years or a fine of not more than 2,500,000 yen.
- (5) The bribe that was accepted by the executive officer of NHK in the cases of paragraph (1) to paragraph (3) inclusive shall be confiscated. If all or part of the bribe cannot be confiscated, an equivalent amount shall be collected.

Article 184

A person who comes under any of the following items shall be sentenced to imprisonment of not more than six months or a fine of not more than 500,000 yen:

- (i) A person conducting the operations of general broadcasting in violation of the provisions of Article 126, paragraph (1).
- (ii) A person violating an order pursuant to the provisions of Article 174 (including cases to which this provision applies *mutatis mutandis* pursuant to Article 81, paragraph (6)).
- (iii) A person violating an order pursuant to the provisions of Article 174 (including cases to which this provision applies *mutatis mutandis* pursuant to Article 81, paragraph (6)).

Article 185

The executive officer of NHK or the Open University who committed an act of violation in cases coming under any of the following items shall be sentenced to a fine of not more than 1,000,000 yen.

- (i) He or she conducted operations other than the operations set forth in Article 12, paragraph (1) to paragraph (3) inclusive and Article 65, paragraph (4).

- (ii) He or she did not receive authorization in cases where authorization should have been received pursuant to the provisions of Article 18, paragraph (2), Article 20, paragraph (8) (including cases to which this provision applies mutatis mutandis pursuant to Article 65, paragraph (5)), Article 20, paragraph (9) or paragraph (10), Article 22, Article 64, paragraph (2) or paragraph (3), Article 71, paragraph (1), Article 85, paragraph (1), Article 86, paragraph (1) or Article 89, paragraph (1).
- (iii) He or she violated the provisions of Article 38, Article 60, paragraph (1), Article 70, paragraph (1), Article 72, paragraph (1), Article 73, paragraph (1) or Article 74, paragraph (1).

Article 186

- (1) A person who has violated the provisions of Article 9, paragraph (1) (including cases to which this provision applies mutatis mutandis pursuant to Article 81, paragraph (6)) shall be sentenced to a fine of not more than 500,000 yen.
- (2) Prosecution may not be instituted for the crime set forth in the preceding paragraph when relating to a private matter unless a complaint is filed.

Article 187

A person who comes under any of the following items shall be sentenced to a fine of not more than 500,000 yen:

- (i) A person who has made amendments to the matters given in Article 93, paragraph (3), item (vii) or item (viii) in violation of the provisions of Article 97, paragraph (1).
- (ii) A person who has violated an order pursuant to the provisions of Article 114 or Article 123.
- (iii) A person who has refused an offer for a contract to supply broadcasting station equipment in violation of Article 117, paragraph (1).
- (iv) A person who has accepted an offer for a contract to supply broadcasting station equipment in violation of Article 117, paragraph (2).
- (v) A person who has provided the services of supplying broadcasting station equipment not based on the conditions for provision notified pursuant to the provisions of Article 118, paragraph (1).
- (vi) A person who has violated an order pursuant to the provisions of Article 120.
- (vii) A person who has made amendments to the matters given in Article 126, paragraph (2), item (ii) to item (iv) inclusive in violation of Article 130, paragraph (1).
- (viii) A person who has violated an order pursuant to the provisions of Article 138 or Article 141.
- (ix) A person who has provided the services of re-transmitting pursuant to the provisions of paragraph (1) of the same Article not based on the terms and conditions of the contract notified pursuant to the provisions of Article 140, paragraph (2).
- (x) A person who has provided the services of paid basic broadcasting not based on the terms and conditions of the contract for paid basic broadcasting notified pursuant to the provisions of Article 147, paragraph (1).

- (xi) A person who has refused to provide the services of paid broadcasting in violation of the provisions of Article 148.
- (xii) A person who has conducted paid broadcasting administration operations in violation of Article 152, paragraph (1).
- (xiii) A person who has violated an order pursuant to the provisions of Article 156.

Article 188

A person coming under any of the following items shall be sentenced to a fine of not more than 300,000 yen.

- (i) A person who did not make a report pursuant to the provisions of Article 113, Article 122 or Article 137 or made a false report.
- (ii) A person who did not make a report pursuant to the provisions of Article 115, paragraph (1) or paragraph (2), Article 124, paragraph (1), Article 139, paragraph (1) or Article 145, paragraph (4) or make a false report or refused, hindered or evaded an inspection by an official.
- (iii) A person who did not make a notification pursuant to the provisions of Article 133 or made a false notification.
- (iv) A person who did not post the terms and conditions of the contract for paid basic broadcasting in violation of the provisions of Article 147, paragraph (3).

Article 189

- (1) If a representative of a juridical person or the agent, employee or other worker of a juridical person or individual commits an act of violation set forth in Article 184 to the preceding Article inclusive relating to the operations of such juridical person or individual, in addition to punishing the person committing the act, the pecuniary punishment set forth in each Article shall be imposed on such juridical person or individual.
- (2) In cases of the preceding paragraph, the complaint set forth in Article 186, paragraph (2) against such person committing the act shall also take effect against such juridical person or individual and a complaint against such juridical person or individual shall take effect against such person committing the act.

Article 190

A person who fails to make a public announcement in violation of the provisions of Article 119 or makes a false public announcement shall be sentenced to a non-criminal fine of not more than 1,000,000 yen.

Article 191

- (1) In cases coming under any of the following items, the executive officer of NHK or the Open University which committed the act of violation shall be sentenced to a non-criminal fine of not more than 200,000 yen:
- (i) He or she failed to make a registration in violation of the provisions of this Act or an order based on this Act.
 - (ii) He or she did not make the notification in violation of the provisions of Article 21, paragraph (3), Article 23, paragraph (3), Article 25, Article 26, paragraph (4), Article 86, paragraph (2) or Article 89, paragraph (2).
 - (iii) He or she did not make a public announcement in violation of the provisions of Article 41, Article 61 or Article 62 or made a false public announcement.
 - (iv) He or she impeded an investigation pursuant to the provisions of Article 44, paragraph (1) or Article 77, paragraph (2).
 - (v) He or she did not keep documents in violation of Article 72, paragraph (3) or Article 74, paragraph (4) or did not furnish them for inspection.
- (2) If an executive officer of the subsidiary company of NHK impedes an investigation pursuant to the provisions of Article 44, paragraph (2) or Article 77, paragraph (2), he or she shall be sentenced to a non-criminal fine of not more than 200,000 yen.

Article 192

A person who comes under any of the following items shall be sentenced to a non-criminal fine of not more than 200,000 yen:

- (i) He or she did not make a notification pursuant to the provisions of Article 95, paragraph (1) or paragraph (2), Article 97, paragraph (2), Article 98, paragraph (1), Article 100, Article 129, paragraph (1) or paragraph (2), Article 130, paragraph (4), Article 134, paragraph (2), Article 135, paragraph (1) or paragraph (2), Article 152, paragraph (2), Article 153, paragraph (2), Article 154, paragraph (1) or paragraph (2) or Article 160, or made a false notification.
- (ii) A person who did not return the certificate of approval in violation of the provisions of Article 102.

Article 193

A person who failed to submit materials pursuant to the provisions of Article 175 (including cases to which this provision applies *mutatis mutandis* pursuant to Article 81, paragraph (6)) or who submitted false materials shall be sentenced to a non-criminal fine of not more than 200,000 yen.

Supplementary Provisions (*omitted*)