

This English translation of the "Act for Identification, etc. by Mobile Voice Communications Carriers of their Subscribers, etc. and for Prevention of Improper Use of Mobile Voice Communications Services" (Effective April 15, 2005) has been translated in compliance with the Standard Bilingual Dictionary (March 2007 edition).

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Act for Identification, etc. by Mobile Voice Communications Carriers of their Subscribers, etc. and for Prevention of Improper Use of Mobile Voice Communications Services (Act No. 31 of 2005)

Chapter I. General Provisions

Article 1 (Purpose)

The purpose of this Act is to facilitate the establishment of a system for the management of subscribers by mobile voice communications carriers and to prevent the improper use of mobile voice communications services, by stipulating such matters as the identification confirmation measures to be taken by mobile voice communications carriers at the time of the conclusion, etc.

of a contract for the provision of mobile voice communications services and the measures to be taken in connection with the transfer, etc. of telephonic call- capable terminal facilities.

Article 2 (Definitions)

- (1) In this Act, the term "mobile voice communications" shall mean radio communications in sound, (including voice) transmitted, conveyed or received between radio stations to be established for mobile use (in paragraph (4), referred to as a "radio station") and fixed radio stations to be established on land for communications with said mobile radio stations.
- (2) In this Act, the term "mobile voice communications service" shall mean a telecommunications service pertaining to mobile voice communications, among those defined in Article 2 item (iii) of the Telecommunications Business Law (Law No. 86 of 1984) (hereinafter referred to as "telecommunications service"),

and which are specified by the applicable Ordinance of the Ministry of Internal Affairs and Communications (MIC) (hereinafter referred to as "the applicable Ordinance of MIC") as those which are deemed necessary for promoting the establishment of management systems for those who receive such mobile voice communications services.

- (3) In this Act, the term "mobile voice communications carrier" shall mean a carrier who provides mobile voice communications services, among those telecommunications carriers stipulated in Article 2 item (v) of the Telecommunications Business Law.
- (4) In this Act, the term "mobile voice communications terminal facilities" shall mean among those telecommunications facilities stipulated in Article 2 item (ii) of the Telecommunications Business Law a radio station's radio facilities for conducting mobile voice communications.
- (5) In this Act, the term "telephonic call-capable terminal facilities " shall mean telephonic call-capable mobile voice communications terminal facilities connected to telecommunications circuit facilities (referring to the telecommunications circuit facilities stipulated in Article 9 of the Telecommunications Business Law) used for the provision of mobile voice communications services.

Chapter II. Identification Confirmation, etc.

Article 3 (Identification Confirmation Obligation, etc. In Concluding Contract)

- (1) When a mobile voice communications carrier intends to conclude a contract for the provision of a mobile voice communications service (hereinafter referred to as a "service provision contract") with a person who wishes to receive such service, said carrier shall confirm by methods stipulated in the applicable Ordinance of MIC (including by receiving the presentation of a driver's license) , the identity of the person (hereinafter referred to as "identification confirmation") wishing to become the counterparty to the service provision contract (hereinafter in this article and Article 11 item (i) referred to as the "counterparty") With respect to the matters specified in the following items according to the classification of the counterparty (hereinafter referred to as "identification matters") .
 - (i) Natural person: his or her name, address and date of birth
 - (ii) Juridical person: its name and address of head or principal office
- (2) Where a mobile voice communications carrier performs the identification confirmation of the counterparty, in cases where a representative of a corporation concludes a service provision contract for said corporation, including cases where a natural person acting for said corporation who is actually authorized to conclude the service provision contract with said mobile voice communications carrier differs from said counterparty (except the case specified in the following paragraph) , said

mobile voice communications carrier shall confirm the identification of said natural person in charge of concluding the service provision contract (in paragraph (4) and Article 11 item (i), referred to as the "representative, etc."), in addition to the identification of said counterparty.

- (3) In cases where the counterparty is a person specified by the applicable Ordinance of MIC, including the national government, local public entity, association or foundation that is not a juridical person, the provisions of paragraph (1) shall apply by deeming a natural person acting for said national government, local public entity, association or foundation that is not a juridical person, who is in fact authorized to conclude the service provision contract with said mobile voice communications carrier, as the counterparty.
- (4) In the cases where the mobile voice communications carrier performs the identification confirmation, the counterparty (including the natural person deemed as the counterparty pursuant to the provisions of the preceding paragraph; the same shall apply hereinafter in this paragraph and in Article 11 item (i)) and the representative, etc. shall not falsify their identification matters.

Article 4 (Obligation to Prepare Identification Records, etc.)

- (1) When identification confirmation is performed, any mobile voice communications carrier shall immediately prepare the records of matters regarding the identification stipulated in the applicable Ordinance of MIC (hereinafter referred to as "identification records"), including identification matters, in a manner as stipulated in the applicable Ordinance of MIC.
- (2) The mobile voice communications carrier shall retain identification records for three years from the day of the termination of the service provision contract.

Article 5 (Identification Confirmation Obligation, etc. at the Time of Transfer)

- (1) In changing the name of the subscriber who concludes a service provision contract (hereinafter referred to as a "subscriber") due to transfer of terminal facilities functional for voice communications or otherwise succession of status as the person receiving a mobile voice communications service under said service provision contract, the mobile voice communications carrier shall confirm the identification matters regarding a new person who will receive said mobile voice communications service under said service provision contract due to such change of name (hereinafter referred to as a "transferee, etc.") (hereinafter referred to as "identification confirmation at the time of transfer"), by methods as stipulated in the applicable Ordinance of MIC, including producing a driver's license.
- (2) The provisions of Article 3 paragraphs (2) through (4) and of the preceding paragraph shall apply, mutatis mutandis, to the cases of identification confirmation at the time of transfer confirmed by the mobile voice communications

carrier in accordance with the provisions of the preceding paragraph. In this case, the "counterparty" in Article 3 paragraphs (2) through (4) shall be read as "transferee, etc."; "identification confirmation" in Article 3 paragraphs (2) through (4) shall be read as "identification confirmation at the time of transfer" and "Article 11 item (i)" in said paragraphs shall be read as "Article 11 item (ii)"; "paragraph (1)" in Article 11 paragraph (3) shall be read as "Article 5 paragraph (1)"; and "identification confirmation" in Article 4 paragraph (1) shall be read as "identification confirmation at the time of transfer".

Article 6 (Identification Confirmation, etc. by Intermediary Agency, etc.)

- (1) A mobile voice communications carrier may cause the persons who, as a business, intermediate, commission or represent, on behalf of said voice communications carrier, the conclusion of service provision contracts (hereinafter referred to as an "intermediary agency, etc.") to perform the identification confirmation or identification confirmation at the time of transfer.
- (2) When a mobile voice communications carrier commission an intermediary agency, etc. to perform the identification confirmation or identification confirmation at the time of transfer pursuant to the provisions of the preceding paragraph, the carrier shall not be required to perform such identification confirmation or identification confirmation at the time of transfer, notwithstanding the provisions of Article 3 paragraph (2), as applied, mutatis mutandis, pursuant to the provisions of Article 3 paragraphs (1) and (2), or the provisions of Article 5 paragraph (1) and in Article 5 paragraph (2).
- (3) The provisions of Article 3 and Article 4 paragraph (1) shall apply, mutatis mutandis, to the case of identification confirmed by an intermediary agency, etc. in accordance with the provisions of paragraph (1) of this article. In this case, the term "mobile voice communications carrier" in Article 3 shall be read as "intermediary agency, etc."; and "when identification confirmation is performed" in Article 4 paragraph (1) shall be read as "when identification confirmation is performed by an intermediary agency, etc. in accordance with the provisions of Article 6 paragraph (1)".
- (4) The provisions of Article 3 paragraphs (2) through (4), Article 4 and paragraph (1) of the preceding article shall apply, mutatis mutandis, in the case of identification at the time of transfer confirmed by an intermediary agency, etc. pursuant to the provisions of paragraph (1) of this article. In this case, "mobile voice communications carrier" appearing in Article 3 paragraphs (2) through (4) shall be read as "intermediary agency, etc." and the "counterparty" in Article 3 paragraphs (2) through (4) shall be read as "transferee, etc."; "identification confirmation" in Article 3 paragraphs (2) and (4) shall be read as "identification confirmation at the time of transfer" and "Article 11 item (i)" in Article 3

paragraphs (2) and (4) shall be read as "Article 11 item (ii)"; "paragraph (1)" in Article 3 paragraph (3) shall be read as "Article 5 paragraph (1)"; "when identification confirmation is performed" in Article 4 paragraph (1) shall be read as "when identification confirmation at the time of transfer is performed by an intermediary agency, etc. in accordance with the provisions of Article 6 paragraph (1)"; "matters regarding the identification" in Article 4 paragraph (1) shall be read as "matters regarding the identification at the time of transfer"; and "mobile voice communications carrier" in paragraph (1) of the preceding article shall be read as "intermediary agency, etc.".

Article 7 (Consent of Mobile Voice Communications Carrier at the Time of Transfer)

- (1) When any subscriber intends to transfer to another person the telephonic call-capable terminal facilities pertaining to the service provision contract to which it is a subscriber, such subscriber must obtain the prior consent of the mobile voice communications carrier, except in cases where it transfers such facilities to a family member, relatives or dependent.
- (2) Any mobile voice communications carrier shall not give the consent stipulated in the preceding paragraph, until said carrier completes identification confirmation at the time of transfer regarding the transferee, etc. or until an intermediary agency, etc. completes identification confirmation at the time of transfer pursuant to the provisions of paragraph (1) of the preceding article.

Article 8 (Request for Subscriber Identification)

- (1) When the police commander deems necessary, in either case falling under the following items, in order to facilitate prevention of improper use of mobile voice communications services, the police commander may request the mobile voice communications carrier, who has concluded a service provision contract for telephonic call-capable terminal facilities pertaining to the crimes falling under the following items, to confirm the matters stipulated in paragraph (1) of the following article pertaining to the subscriber of said service provision contract, in a manner stipulated in the Rules of the National Public Safety Commission.
 - (i) In cases where there is a probable cause to find that a crime stipulated in this Act (limited to crimes under Articles 19 through 22 and Article 26 [limited to part pertaining to crimes under Articles 19 through 22]) has been committed
 - (ii) In cases where there is a probable cause to find that a mobile voice communications service is used in acts falling under a crime under Article 246 or Article 249 of the Penal Code (Act No. 45 of 1907) or any other act falling under a crime specified in the applicable cabinet order as requiring prevention of damages or danger to the public which may arise from such act in which mobile voice communications services are often used

(2) The National Public Safety Commission shall consult with the Minister of Internal Affairs and Communications (hereinafter referred to as "the Minister") in advance, when it intends to set forth the Rules of the National Public Safety Commission as stipulated in the preceding paragraph.

Article 9 (Subscriber Confirmation)

- (1) The mobile voice communications carrier who is requested to perform the confirmation pursuant to the provisions of paragraph (1) of the preceding article may confirm, with respect to the subscriber concerned, the identification matters and other matters specified in the applicable Ordinance of MIC as necessary matters for confirmation that such a subscriber holds the status under the service provision contract as a subscriber to the mobile voice communications service (hereinafter referred to as "subscriber confirmation"), in a manner as specified in the applicable Ordinance of MIC.
- (2) The Minister shall consult with the National Public Safety Commission in advance, when he or she intends to set forth the applicable Ordinance of MIC stipulated in the preceding paragraph.
- (3) The provisions of Article 3 paragraphs (2) through (4) shall apply, mutatis mutandis, to the case of confirmation of the subscriber performed by the mobile voice communications carrier pursuant to the provisions of paragraph (1). In this case, the term "the counterparty" in paragraphs (2) through (4) of the same article shall be read as the "subscriber"; "identification confirmation" in paragraphs (2) through (4) of the same article shall be read as "subscriber confirmation"; "Article 11 item (i)" in the same paragraphs shall be read as "Article 11 item (iv)"; and "paragraph (1)" in paragraph (3) of the same article shall be read as "Article 9 paragraph (1)".

Article 10 (Prohibition of Lending Business to Unidentified Persons)

No person shall engage in the business of lending telephonic call-capable terminal facilities for value, without confirming the matters specified in the following items, to a person falling under any of the following items:

- (i) Natural person: his or her name and address or telephone number (limited to another telephone number than that of said telephone call-capable terminal facilities pertaining to lending), or other points of contact
- (ii) Juridical person: its name and address of head or principal office of business

Article 11 (Refusal to Provide Mobile Voice Communications Services, etc.)

In the cases listed under the following items, mobile voice communications carriers may refuse to provide mobile voice communications services and other telecommunications services than said mobile voice communications services that are

to be made available via telephonic call-capable terminal facilities pertaining to a service provision contract.

- (i) Where the counterparty or the representative, etc. refuses to undergo the identification confirmation (limited to the period until said counterparty or representative, etc. undergoes the identification confirmation)
- (ii) Where the transferee, etc. or the representative, etc. refuses to undergo the identification confirmation at the time of transfer (limited to the period until said transferee, etc. or representative, etc. undergoes the identification confirmation at the time of transfer)
- (iii) Where the telephonic call-capable terminal facilities are transferred in violation of the provisions of Article 7 paragraph (1)
- (iv) Where the subscriber or the representative, etc. refuses to undergo the confirmation of the identification matters pursuant to the provisions of Article 9 paragraph (1) (limited to the period until said subscriber or representative, etc. undergoes said confirmation)
- (v) Where the telephonic call-capable terminal facilities are lended in violation of the provisions of the preceding article

Article 12 (Supervision of Intermediary Agency, etc.)

When a mobile voice communications carrier determines to have an intermediary agency, etc. perform the identification confirmation or identification confirmation at the time of transfer pursuant to the provisions of Article 6 paragraph (1), said carrier shall perform necessary and appropriate supervision of such intermediary agency, etc. in a manner specified in the applicable Ordinance of MIC, to ensure such identification confirmation or identification confirmation at the time of transfer.

Chapter III. Supervision

Article 13 (Reporting)

The Minister may, to the extent necessary for the enforcement of this Act, request any mobile voice communications carrier (including intermediary agency, etc.; the same shall apply in the following article) to submit reports or materials on its business.

Article 14 (On-site Inspection)

- (1) The Minister may, to the extent necessary for the enforcement of this Act, have ministerial officials enter into a business office or other premises of a mobile voice communications carrier, inspect identification records or other properties, or ask relevant persons some questions concerning its operations.
- (2) In the case of the preceding paragraph, said officials shall carry an identification

card and produce it to the persons concerned upon request from said persons.

- (3) The authority conferred under the provisions of paragraph (1) of this article shall not be construed as being invested in the ministerial officials for the purpose of detecting a crime.

Article 15 (Correction Order)

- (1) When the Minister finds that any mobile voice communications carrier is, in respect of its operations, in violation of the provisions of Article 3 paragraph (1), Article 3 paragraph (2) or (3) (including the cases where these provisions apply, mutatis mutandis, to Article 5 paragraph (2)), Article 4 paragraph (1) (including the cases where these provisions apply, mutatis mutandis, to Article 5 paragraph (2) and Article 6 paragraphs (3) and (4)) or Article 6 paragraph (2) (including the case where these provisions apply, mutatis mutandis, to Article 5 paragraph (2) and Article 6 paragraph (4)), Article 5 paragraph (1), Article 7 paragraph (2) or Article 12, the Minister may order said mobile voice communications carrier to take necessary measures for correcting said violation.
- (2) When the Minister finds that any intermediary agency, etc. is, in respect of its operations, in violation of the provisions of Article 3 paragraphs (1) through (3) as applied, mutatis mutandis, in Article 6 paragraph (3), or in violation of Article 3 paragraph (2) or (3), or Article 5 paragraph (1) as applied, mutatis mutandis, in Article 6 paragraph (4), the Minister may order said intermediary agency, etc. to take necessary measures for correcting said violation.

Chapter IV. Miscellaneous Provisions

Article 16 (Cooperation between the Minister and the National Public Safety Commission)

The Minister and the National Public Safety Commission shall cooperate with each other for prevention of improper use of mobile voice communications services.

Article 17 (Entrustment to Order)

In addition to the provisions specified in this Act, other matters necessary for the enforcement of this Act shall be specified in the applicable Ordinance of MIC or the Rules of the National Public Safety Commission.

Article 18 (Transitional Measures)

In the cases where stipulating, amending or abolishing orders pursuant to the provisions of this Act, necessary transitional measures (including transitional measures concerning penal provisions) may be set forth by such orders, to the extent deemed reasonably necessary in line with such stipulation, amendment or abolition

of said orders.

Chapter V. Penal Provisions

Article 19

Any person who has violated the provisions of Article 3 paragraph (4) (including the cases where said provisions shall be applied, *mutatis mutandis*, in Article 5 paragraph (2), Article 6 paragraphs (3) and (4) and Article 9 paragraph (3)) in order to conceal the identification matters shall be punished by a fine not exceeding five hundred thousand yen.

Article 20

- (1) Any person who has transferred telephonic call-capable terminal facilities for value as business, in violation of the provisions of Article 7 paragraph (1), shall be punished by imprisonment with work not exceeding two years or a fine not exceeding three million yen, or both.
- (2) Any person who has accepted transfer of said telephonic call-capable terminal facilities for value as business, knowing the counterparty is in violation of the provisions of Article 7 paragraph (1), shall be punished by the same punishment of the preceding paragraph.

Article 21

- (1) Any person who has transferred telephonic call-capable terminal facilities pertaining to a service provision contract to which said person is not the subscriber shall be punished by a fine not exceeding five hundred thousand yen.
- (2) Any person who has accepted transfer of telephonic call-capable terminal facilities from the counterparty, knowing that the counterparty is not the subscriber to said service provision contract pertaining to said telephonic call-capable terminal facilities, shall also be punished by the same punishment of the preceding paragraph.
- (3) Any person who has committed such acts falling under crime under paragraph (1) or the preceding paragraph, as business, shall be punished by imprisonment with work not exceeding two years or a fine not exceeding three million yen, or both.

Article 22

- (1) Any person who has violated the provisions of Article 10 shall be punished by imprisonment with work not exceeding two years or a fine not exceeding three million yen, or both.
- (2) Any person who has been leased the telephonic call-capable terminal facilities

pertaining to said violation, knowing that the counterparty is in violation of the provisions of Article 10, shall be punished by a fine not exceeding five hundred thousand yen.

Article 23

Any person, who has solicited or lured by advertisement or other similar means other persons into becoming the counterparty of the acts falling under crimes in Article 20, Article 21 paragraph (1) or (2), or paragraph (1) of the preceding article, shall be punished by a fine not exceeding five hundred thousand yen.

Article 24

Any person who has violated the order pursuant to the provisions of Article 15 shall be punished by imprisonment with work not exceeding two years or a fine not exceeding three million yen, or both.

Article 25

Any person who falls under any of the following items shall be punished by imprisonment with work not exceeding one year or a fine not exceeding three million yen, or both:

- (i) any person who has failed to submit the reports or materials or who has submitted false reports or materials pursuant to the provisions of Article 13;
- (ii) any person who has failed to answer questions of said ministerial officials pursuant to the provisions of Article 14 paragraph (1) or who has given false answers to said questions, or who has refused, hindered or evaded the inspection pursuant to the provisions of the same paragraph.

Article 26

Where the representative of a juridical person, or an agency, staff or other employee of a juridical person or a person has committed acts violating any of the provisions in Articles 19 through 25 with regard to the business operations of said juridical person or individual, not only the offender shall be punished but also said juridical person or individual shall be punished by the fine prescribed in the respective articles.

Supplementary Provisions

Article 1 (Effective Date)

This Act shall come into force as from the day specified in the applicable cabinet order within a period not exceeding one year calculating from the day of promulgation. However, the provisions listed in the following items shall come into

force as from the day specified respectively in those items.

- (i) The provisions of Article 8 paragraph (2) and Article 9 paragraph (2): As from the day of promulgation
- (ii) The provisions of Article 8 paragraph (1), Article 9 paragraphs (1) and (3), Article 10, Article 11 (limited to parts pertaining to items (iv) and (v)), Article 16, Article 22, Article 23 (limited to parts pertaining to Article 22 paragraph (1) ; the same shall apply hereinafter in this item) and Article 26 (limited to parts pertaining to Articles 22 and 23): As from the day on which twenty days from the day of promulgation have elapsed

Article 2 (Transitional Measures)

- (1) With respect to a person who, at the time of the enforcement of this Act, is actually using a mobile voice communications service based on a service provision contract (hereinafter referred to as a "user at the time of the effective date"), the mobile voice communications carrier concerned shall confirm the identification matters of the user as of the effective date (hereinafter referred to as the "identification confirmation of the user at the time of the effective date"), by the date stipulated in the applicable Ordinance of MIC, by methods as stipulated in the applicable Ordinance of MIC, including producing a driver's license. However, this shall not apply to the cases listed in the following items:
 - (i) in the cases where the mobile voice communications carrier has performed, prior to the day of enforcement of this Law, the confirmation of the matters pursuant to the provisions of Article 3 paragraph (1) which are sufficient to identify the user at the time of the effective date, and where the records concerning such confirmation are prepared and maintained;
 - (ii) in the cases where the identification confirmation at the time of transfer is performed prior to the identification confirmation of the user at the time of the effective date; and
 - (iii) in the cases where the service provision contract concerned is terminated prior to the identification confirmation of the user at the time of the effective date.
- (2) The provisions of Article 3 paragraphs (2) through (4) and Article 4 shall apply, mutatis mutandis, to the case where the mobile voice communications carrier confirms the identification of the user at the time of the effective date pursuant to the provisions of the preceding paragraph. In this case, the "counterparty" in Article 3 paragraphs (2) through (4) shall be read as the "user at the time of the effective date"; "identification" in Article 3 paragraphs (2) and (4) shall be read as "identification of the user at the time of the effective date" and "Article 11 item (i)" in the same paragraphs shall be read as "Article 4 of the Supplementary Provisions"; "paragraph (1)" in Article 3 paragraph (3) shall be

read as "Article 2 paragraph (1) of the Supplementary Provisions"; and "identification" in Article 4 paragraph (1) shall be read as "identification of the user at the time of the effective date".

- (3) The records of the confirmation stipulated in paragraph (1) item (i) shall be deemed to be the identification records, and to which the provisions of Article 4 paragraph (2) shall apply.

Article 3

- (1) The mobile voice communications carrier may have an intermediary agency, etc. confirm the identification of the user at the time of the effective date.
- (2) In the cases where the mobile voice communications carrier has decided, pursuant to the provisions of the preceding paragraph, to have an intermediary agency, etc. confirm the identification of the user at the time of the effective date, said mobile voice communications carrier shall not be required to confirm said identification of the user at the time of the effective date, notwithstanding the provisions of Article 3 paragraph (2) as applied, mutatis mutandis, in Article 2 paragraphs (1) and (2).
- (3) The provisions of Article 3 paragraphs (2) through (4), Article 4, Article 12 and Article 2 paragraph (1) shall be applied, mutatis mutandis, to the case of the identification of the user at the time of the effective date confirmed by an intermediary agency, etc. pursuant to the provisions of paragraph (1) of this article. In this case, "mobile voice communications carrier" in Article 3 paragraphs (2) through (4) shall be read as "intermediary agency, etc." and the "counterparty" in the same paragraphs shall be read as the "user at the time of the effective date"; "identification" in Article 3 paragraphs (2) and (4) shall be read as "identification of the user at the time of the effective date" and "Article 11 item (i)" in the same paragraphs shall be read as "Article 4 of the Supplementary Provisions"; "paragraph (1)" in Article 3 paragraph (3) shall be read as "Article 2 paragraph (1) of the Supplementary Provisions"; "When the identification is confirmed" in Article 4 paragraph (1) shall be read as "When the identification of the user at the time of the effective date is confirmed by an intermediary agency, etc. pursuant to the provisions of Article 3 paragraph (1) of the Supplementary Provisions" and "matters regarding the identification" in the same paragraph shall be read as "matters regarding the identification of the user at the time of the effective date"; "Article 6 paragraph (1)" in Article 12 shall be read as "Article 3 paragraph (1) of the Supplementary Provisions" and the "identification or the identification at the time of transfer" in the same article shall be read as the "identification of the user at the time of the effective date" and "such identification confirmation or identification confirmation at the time of transfer" in the same article shall be read as "said identification confirmation of the user at the time of

the effective date"; and the "mobile voice communications carrier" in paragraph (1) of the preceding article of the Supplementary Provisions shall be read as "an intermediary agency, etc."

Article 4

In the cases where a person who is the user at the time of the effective date and to whom the provisions of the main clause of Article 2 paragraph (1) of the Supplementary Provisions (including the case where said provisions are applied, *mutatis mutandis*, in paragraph (3) of the preceding article) shall apply, or the representative, etc., fails to undergo the identification confirmation of the user at the time of the effective date, the mobile voice communications carrier concerned may refuse to provide the mobile voice communications services and other telecommunications services than said mobile voice communications services which are to be made available via the telephonic call-capable terminal facilities covered pertaining to a service provision contract, during the period until said user at the time of the effective date or the representative, etc. undergoes the identification confirmation at the time of transfer.

Article 5

- (1) When the Minister finds that any mobile voice communications carrier is, with regard to the business of the identification confirmation of the user at the time of the effective date, in violation of the provisions of Article 2 paragraph (1) of the Supplementary Provisions, Article 3 paragraph (2) or (3) or Article 4 as applied, *mutatis mutandis*, in Article 2 paragraph (2) of the Supplementary Provisions, or the provisions of Article 4 or Article 12 as applied, *mutatis mutandis*, in Article 3 paragraph (3) of the Supplementary Provisions, the Minister may order said mobile voice communications carrier to take necessary measures for correcting said violation.
- (2) When the Minister finds that any intermediary agency, etc. is, with regard to the business of the identification confirmation of the identification of the user at the time of the effective date, in violation of the provisions of Article 3 paragraphs (2) or (3) as applied, *mutatis mutandis*, in Article 3 paragraph (3) of the Supplementary Provisions, or the provisions of Article 2 paragraph (1) of the Supplementary Provisions, the Minister may order said intermediary agency, etc. to take necessary measures for correcting said violation.

Article 6

- (1) Any person who has violated the order pursuant to the provisions of the preceding article shall be punished by imprisonment with work not exceeding two years or a fine not exceeding three million yen, or both.

- (2) Any person who has violated the provisions of Article 3 paragraph (4) as applied, *mutatis mutandis*, in Article 2 paragraph (2) of the Supplementary Provisions or the provisions of Article 4 paragraph (4) as applied, *mutatis mutandis*, in Article 3 paragraph (3) of the Supplementary Provisions, for the purpose of concealing its identification matters, shall be punished by a fine not exceeding five hundred thousand yen.
- (3) Where the representative of a juridical person, or an agency, staff or other employee of a juridical person or a person has committed acts violating any of the provisions of paragraph (1) or the preceding paragraph with regard to the business operations of said juridical person or individual, not only the offender shall be punished but also said juridical person or individual shall be punished by the fine prescribed in the respective items.

Article 7 (Entrustment of Other Transitional Measures to Applicable Cabinet Order)

In addition to the transitional measures stipulated in these Supplementary Provisions, other transitional measures as required for the enforcement of this Act (including transitional measures concerning penal provisions) shall be specified in the applicable cabinet order.

Article 8 (Review)

After one year or so has elapsed from the enforcement of this Act, the provisions of this Act shall be reviewed upon taking into consideration the implementation status, etc. of the enforcement of this Act; and further, necessary measures shall be taken based upon the results of the review.