

Main Points of Proceedings of the 893rd Radio Regulatory Council Meeting

1. Date

Wednesday, March 23, 2005 16:03 to 17:37PM

2. Venue

Ministry of Internal Affairs and Communications conference room (conference room No. 1002, 10th floor)

3. Participants (honorific titles omitted)

(1) Committee member of the Radio Regulatory Council

Yasuhiko YASUDA (Chairman), Takeo IGUCHI (Deputy Chairman), Junichi HAMADA, Kashiko ODATE, Hatsuko UKIGAWA

(2) Hearing examiner of the Radio Regulatory Council

Taku KIYASU

(3) Secretary

Masao OKAMOTO (Assistant Director of the General Affairs Division, Telecommunications Bureau)

(4) Ministry of Internal Affairs and Communications hereinafter referred to as "the MIC")

ARITOMI (Director General of the Telecommunications Bureau), HORIE (Director General of the Information and Communications Policy Bureau) and others

4. Contents of proceedings

(1) Concerning the applicable ministerial ordinance plan to amend part of the Radio Equipment Regulations and the plan to amend part of the frequency allocation plan (Inquiries No. 1 and No. 2 dated 12 January 2005)

Members of the Radio Regulatory Council deliberated on the plan to amend part of the applicable ministerial ordinance plan for the introduction of a high-power output type passive tag system using frequencies in the 950 MHz band and the plan to amend part of the frequency allocation plan, based on the protocol submitted by the Hearing Examiner who presided over the procedures for the hearing of verbal and written opinions (written opinions obtained at the 396th Radio Regulatory Council Meeting) and on deliberation, they replied that the amendment plans are appropriate.

(2) Concerning the applicable ministerial ordinance plan to amend part of the Radio Law Enforcement Regulations and part of the Radio Equipment Regulations (Inquiry No. 10)

Regarding the said ordinance plan to be amended in accordance with the introduction of an HF data link to aeronautical radio communications, a participant from the MIC gave the following explanation.

A hearing of opinions is obligatory in respect of this inquiry pursuant to Article 99.12, paragraph 1 of the Radio Law and Taku KIYASU was designated as a hearing examiner to preside over the procedure of hearing opinions.

a. Explanation by the MIC

The purpose of these amendments is to establish relevant regulations in order to introduce an HF data link to aeronautical radio communications in civil aviation.

At present, HF-band aeronautical radio communications are an important means of performing air traffic control communications and flight control communications with aircraft flying in nautical regions. These communications are problematic in that radioed telephony communications by voice are the main means of communication and this is not stable because of fading due to fluctuations in the ionosphere. A further problem is that satellite communications are not effective in polar regions.

Because demand for data communications has increased together with an increase in air transportation in recent years, an HF data link has been researched, developed and actually deployed in and around the USA as a means of achieving stable data communications over an HF band.

Because an HF data link can automatically switch to a frequency having the best radio propagation characteristics, it has the advantage of stable communications, even in polar regions and the work burden and costs are reduced because of the accompanying data communication abilities. The introduction of a HF data link has long been anticipated, particularly by cargo aircraft, flying in the north Pacific region.

We received a partial response on the technical conditions required for an HF data link from the information communications technology section meeting of the Telecommunications Council in October last year and we will establish appropriate regulations based on this response.

b. Main questions and answers

- Why has Japan delayed introducing an HF data link? A participant from the MIC replied to this question as follows: *“In Europe and the USA, there are many aircraft flying over nautical regions compared to Japan. In Japan, communications with aircraft are covered by other means (VHF, etc.), except in the north Pacific.”*

- Does this mean that the HF data link can only be used for R (air routes), but cannot be used for OR (other than an air route)? A participant from the MIC replied to this question as follows: *“We have not established any regulations concerning OR because there are no broadcasters involved in this business at present but we will take the necessary measures when the occasion arises.”*

(3) Concerning an applicable ministerial ordinance plan to amend part of the Radio Operator Regulations (Inquiry No. 11)

Concerning the captioned plan related to the amendment, etc. of a method of testing telecommunications skills (Morse telegraphy) in the amateur radio operator state examination, a participant from the MIC explained as follows:

A hearing of opinions is obligatory in respect of this inquiry pursuant to Article 99.12 paragraph 1 of the Radio Law and Taku KIYASU was designated as the hearing examiner to preside over the procedures for the hearing of opinions.

a. Explanation by the MIC

This inquiry relates to the amendment, etc. of a method of testing telecommunications skills (Morse telegraphy) in the state amateur radio operator examination.

It was decided at the World Radio Communications Conference (WRC-2003) held in 2003, that whether or not Morse telegraphy practical skills should be tested in a state examination would be left to each country's discretion. Accordingly, we have decided to do the following in Japan. In the past, Morse code signals were very important for transmitting distress calls from ships. Today a satellite communications system (GMDSS) is available, so the necessity for Morse code signals has declined in the world of professionals. On the other hand, Morse code signals remain a very familiar means of communication in the world of amateur radio operators. There is, however, a tendency to remove most code signaling as one of the requirements for an amateur radio operator qualification.

Therefore, the current practical skills test for Morse code signaling will be reduced from the current qualification level of first class and second class to the same level as the current third class requirement (receiving signals for two minutes at a rate of 25 characters per minute). The third class practical skills test will be revoked and the ability of amateur radio operators will be tested in written examinations (about laws and regulations). The number of study subjects and hours in the course of Third-Class amateur radio operators will be changed accordingly.

We would like to set the date of enforcement as October 1, 2005, because a pre-notice and a preparatory will be required.

We tried to gather opinions on this matter before drafting a ministerial ordinance plan, and found that the opinions were split equally on whether the status quo should be maintained, or the current qualification requirements should be uplifted (the MIC's plan).

However, there was an overall majority view that the current requirements for qualifications should be uplifted and that the amateur radio operator examination should be revoked entirely. We understand that the MIC's plan, which is positioned somewhere in the middle of these two extremes, has obtained a certain level of support and understanding as a result of collecting opinions.

b. Main questions and answers

- There are many qualifications other than amateur radio operator qualifications. Do these other qualifications have a practical Morse code signaling skills test? A participant from the MIC replied to this question as follows: *"a Morse code signaling practical skills test is still done for radio operators in the general service and domestic telecommunications classes."*

- We hear that unless people can decipher Morse code signals at a speed of 60 characters per minute, they cannot respond thereto, or even if they can signal at 25 characters per minute their signaling cannot reach other parties. Can you comment on this? A participant replied to this question as follows: *"While America's five words per minute (which corresponds to 25 Japanese characters) are taken into consideration, operating speeds can be increased with practice, so we believe that operators can use Morse code telegraphy communications if the current qualification requirements are uplifted. However, if the current qualification requirements are revoked totally, the difference in skill levels will become too great. Our intention is to secure at least a minimum skill level."*

(4) Concerning approval of NHK's articles of association (Inquiry No. 12)

Concerning the approval of NHK's articles of association, the MIC gave the following explanation and a question and answer session was held as set out below. After deliberation, members of the Radio Regulatory Council replied to the effect that the approval is appropriate.

a. Explanation by the MIC

NHK applied for approval of its articles of association in accordance with the provisions of Article 11 paragraph 2 of the Broadcast Law.

Since NHK was founded in 1950, it has been stipulated in Article 40 of the current articles of association that the president may appoint consultants, counselors or committees where it is deemed necessary to do so to inquire into the execution of business. In order to streamline the managerial makeup of NHK in order to regenerate and reform the corporation, we will abolish

the consultant/counselor system and will demand the articles of association be changed accordingly.

After deliberation, because the amendment of the articles of association complies with the prime minister's opinion expressed in the fiscal 2005 revenue and expenditure budget of NHK to the effect that NHK will continually review all aspects of business and will promote rationalization efficiency in an appropriate manner, we recognize the necessity of the amendment and would like to approve the application as is.

b. Main questions and answers

- It is important to streamline the managerial makeup, but if consultants and/or councilors are truly valuable, I do not think it necessary to abolish the consultant/councilor system. Did the consultant/councilor system not function properly? A participant from the MIC replied to this question as follows: *"To date, four people have been appointed as consultants. Under the current circumstances we think it better to have outsiders participate in the consultation service in the form of a committee. No councilors have been appointed for a long time in the past, nor are any councilors appointed at present. Accordingly, we would like to abolish this consultant/councilor system as a part of streamlining the managerial makeup of NHK."*

(5) Concerning approval of an amendment of the NHK broadcasting reception agreement (Inquiry No. 13)

Concerning the approval of an amendment of the NHK broadcasting reception agreement, the MIC gave the following explanations and a question and answer session was conducted as set out below. After deliberation, members of the Radio Regulatory Council replied to the effect that the approval is appropriate.

a. Explanation by the MIC

NHK applied for approval of an amendment of its broadcasting reception agreement in accordance with the provisions of Article 32, paragraph 3 of the Broadcast Law. In accordance with the Personal Information Protection Law that was enforced on April 1, 2005, NHK will specify in its reception agreement that personal information of broadcasting receivers, etc. which NHK handles will be treated properly according to laws and regulations and that NHK will perform the necessary and appropriate supervision of those who are entrusted with part of NHK's business and NHK will clarify the purpose of use when using such personal information. After deliberation, because the purpose of the said amendment is to comply with the provisions of the personal information protection law by specifying in its reception agreement that NHK will treat the personal information of broadcast receivers properly and because this step is

considered to further ensure the rights and interests of broadcast receivers and to contribute to the sound progress of broadcasting, we would like to approve the application as is.

b. Main questions and answers

- The phrase “Supervision of those who are entrusted with part of NHK’s business” was explained. Are there many different people who are entrusted with part of NHK’s business? A participant from the MIC replied to this question as follows: *“NHK sometimes entrusts, for example, the conclusion of reception contracts and collection of viewing fees to contractors called local staff and the intermediation of reception contracts and collection of viewing fees to CATV broadcasters and the Japan Postal Services Corporation (in under-populated areas) and in these cases, NHK will specify in their contract that it will perform necessary and appropriate supervision of local staff, CATV broadcasters, etc. with regard to personal information of broadcasting receivers, which NHK holds.”*

(6) Concerning the fiscal 2007 order for NHK to conduct international broadcasting (Inquiry No. 14)

Concerning the fiscal 2007 order for NHK to conduct international broadcasting (Inquiry No. 14), the MIC gave the following explanation and a question and answer session was held as set out below. After deliberation, members of the Radio Regulatory Council replied to the effect that the order is appropriate.

a. Explanation by the MIC

This is an application to order NHK to conduct international broadcasting while designating necessary matters based on the provisions of Article 33 paragraph 1 of the Broadcast Law. At present, NHK conducts shortwave international broadcasting in 22 languages for a total of 65 hours per day to an international audience around the world.

There are two types of international broadcasting: international broadcasting based on an order from the Minister of Internal Affairs and Communications and NHK’s own shortwave international broadcasting. In order to improve broadcasting efficiency, we would like to order integration of this shortwave international broadcasting.

Matters to be broadcast are current events, important national policies, the Government’s views on international issues and commentaries on these subjects. These matters are broadcast to 17 European districts and to the entire world. The cost of conducting international broadcasting is 2,273,500,000 yen, which is included in the fiscal 2005 budget, which runs for one year from

April 1, 2005 through March 31, 2006.

The reaction to international broadcasting has been very favorable. In particular, in the 2004 fiscal year, we received high acclaim for NHK's international disaster information broadcasting such as the Indian Ocean tsunami (tidal wave), the contents of which were said to be appropriate and accurate.

b. Main questions and answers

- Must this order be made every year? Is it not possible to give this order once every two or three years according to the prevailing circumstances? A participant from the MIC replied to this question as follows: *"Because the national budget is based on a single-year accounting settlement principle, the order is given in accordance with it."*

- Article 7 of the broadcast law states that the purpose of NHK is to conduct international broadcasting and NHK's international broadcast programming operations" To whom is the government order given? A participant from the MIC replied to this question as follows: *"The types of broadcasting that the Minister of Internal Affairs and Communications can order NHK to conduct, pursuant to Article 33 of the Broadcast Law, is shortwave broadcasting and television broadcasting. Taking into consideration that this broadcasting should be easily received around the world, the MIC draws up a budget for shortwave broadcasting only and gives the government order to NHK. We believe that NHK entrusts the television broadcasting to a company called Television Japan, but we do not give any government directive to NHK in respect of NHK's international broadcast programming operations."*

- there must be people who query why NHK conduct independent international broadcasting with viewing fees collected from the Japanese public? A participant from the MIC replied to this question as follows: *"Article 44 of the broadcast law states that NHK shall strive to contribute to the promotion of international friendship and to the development of economic interchange with foreign countries, by cultivating and popularizing the correct perception of our country by introducing our civilization, industry and other state of affairs while at the same time providing appropriate entertainment to Japanese nationals in foreign countries. We therefore believe that the general public understand and approve of NHK's international broadcasting."*

- Some people may think that the term "government order" means granting a subsidy. A participant from the MIC replied to this question as follows: *"It is necessary for the MIC to obtain a budget for international broadcasting in order for NHK to conduct international broadcasting for purposes of providing appropriate entertainment to Japanese nationals in foreign countries and obtaining the understanding of the international community with respect*

to our civilization, industry and state of affairs in Japan. However, because it is inefficient to conduct international broadcasting only for such purposes, NHK conducts its own independent broadcasting simultaneously.”

- Can't the Minister of Internal Affairs and Communications order any entity other than NHK to conduct international broadcasting? International broadcasting seems to be monopolized by NHK. There are some commercial broadcasters who are broadcasting programs on the Government's official reports. A participant from the MIC replied to this question as follows: *“Because the Broadcast Law stipulates that “the Minister of Internal Affairs and Communications may order NHK to conduct international broadcasting ...” the Minister cannot order any other entity to do so. This is because of the nature and character of NHK. Some commercial broadcasters are broadcasting programs on the Government's official reports based on a contract concluded between the MIC and themselves.”*

(7) Concerning the approval of an amendment to the paid broadcasting agreement clauses of WOWOW Inc. (Inquiry No. 15)

(8) Concerning the approval of an amendment to the paid broadcasting agreement clauses of the Mobile Broadcasting Corp. (Inquiry No. 16)

Concerning the approval of an amendment to the paid broadcasting agreement clauses of WOWOW Inc. and the approval of an amendment to the paid broadcasting agreement clauses of Mobile Broadcasting Corp. Because the contents of these inquiries are almost the same, the MIC explained these together and a question and answer session was held as set out below. After deliberation, members of the Radio Regulatory Council replied to the effect that the approval of both amendments is appropriate.

a. Explanation by the MIC

In connection with paid broadcasting agreement clauses which do not conform to the standard agreement clauses that we referred to the Radio Regulatory Council last month, these broadcasters applied for amendment of their agreement clauses so that they may include the stipulations of the Personal Information Protection Law that was enforced on April 1, 2005.

Regarding inquiry No. 15, WOWOW Inc. cannot use the standard agreement clauses because its broadcasting service is analog not digital because it uses an original decoder, it employs a method of attesting in decoder units and because the hardware and software are integrated, so it does not fall under the concept of a facility-supplying broadcaster. Regarding inquiry No. 16, Mobile Broadcasting Corp. cannot use the standard agreement clauses because it employs a

method of attestation in receiver units instead of an IC card such as B-CAS. Therefore, it does not fall under the concept of a facility-supplying broadcaster as is the case with WOWOW Inc. and it has established its own exemption rule.

After examination we admit that the amendments are appropriate and would like to approve them.

b. Main questions and answers

- I think that these applications have been submitted because the Broadcast Law stipulates the necessity of an inquiry into such approvals. Because the standard agreement clauses exist, it would be better for the administration to compare individual agreement clauses against the standard agreement clause and approve the agreement clauses without deliberating on the individual agreement clauses one by one at a Radio Regulatory Council meeting. A participant from the MIC responded to this comment as follow: “This type of approval is a matter that requires an inquiry in terms of the Broadcast Law. However, it is necessary to change the system in accordance with the times and we would like to continue studying this matter, bearing this suggestion in mind.”

- The analog broadcasting of WOWOW Inc. will come to an end soon and is obsolete. Why does Mobile Broadcasting Corp. not change its attestation method to attestation in IC card units? I think that attestation by IC card is more convenient than that by receiver. A participant from the MIC replied to this question as follows: “*In addition to mobile phone receivers, a receiver with a reception function built into the card itself that can simply be inserted into a personal computer is available on the market.*”

(Responsibility for the wording: Secretariat of the Radio Regulatory Council)