

Radio Regulatory Council Draft Summary of Minutes (918th Meeting)

1. Date and Time

Wednesday, May 16, 2007, 15:00 to 16:09

2. Location

Conference Room 1002, 10th floor, Ministry of Internal Affairs and Communications

3. Attendees (honorifics omitted)

(1) Members of the Radio Regulatory Council

Mitsutoshi Hatori (Chair), Takeo Inokuchi (Vice Chair), Kashiko Kodate

(2) Hearing Examiner of the Radio Regulatory Council

Shuichi Nishimoto

(3) Secretary

Ikko Mitsui (Deputy Director, General Affairs Division, Telecommunications Bureau)

(4) MIC Representatives

Mori (Director-General of the Telecommunications Bureau), Kawauchi (Director-General of the Radio Department), and others

4. Minutes of the Meeting

(1) Draft MIC Ordinances to Partially Amend the Regulations for Enforcement of the Radio Law and the Rules for Radio Operators and Draft Plan to Partially Amend the Frequency Assignment Plan

(Consultations No. 8 and No. 9 of March 14, 2007)

The council reported that these draft amendments, which pertain to the withdrawal of Inmarsat A service, are acceptable after deliberating the matter with reference to written statements and written opinions (see Written Opinions from the 425th Radio Regulatory Council Hearing) submitted by the Hearing Examiner, who presided over the opinion-hearing procedure.

(2) Draft MIC Ordinances to Partially Amend the Regulations for Enforcement of the Radio Law, the Rules for Regulating Radio Equipment, and the Ordinance concerning Technical Regulations Conformity Certification of Specified Radio Equipment and Draft Plan to Partially Amend the Frequency Assignment Plan

(Consultations No. 10 and No. 11 of March 14, 2007)

The council reported that these draft amendments are acceptable after deliberating the matter with reference to written statements and written opinions (see Written Opinions from the 426th Radio Regulatory Council Hearing) submitted by the Hearing Examiner, who presided over the opinion-hearing procedure. These draft amendments pertain to the introduction of mobile broadband wireless access systems, the introduction of 169 MHz band radio microphones for hearing aids, and the addition of radio equipment using a narrow-band digital communication system to the radio stations that require technical regulations conformity certification.

(3) Formal Objection to Type Designation on Broadband Power Line Carrier Communication Equipment

(Proposition No. 2)

MIC gave an explanation as follows in regard to the formal objection to the type designation placed on broadband power line carrier communication equipment, which was publicly notified by the Minister for Internal Affairs and Communications in MIC Notices No. 131 and No. 146 of 2007 and mooted on May 16, 2007. The Secretariat reported on the opinion submitted by the petitioners on May 1, 2007.

Since a hearing on this matter is obligatory under the Radio Law, the council named Shuichi Nishimoto as the hearing examiner presiding over the hearing procedure.

MIC's Explanation

This objection resembles the formal objections to the type designation on broadband power line carrier communication equipment that were mooted at the Radio Regulatory Council on March 23, 2007. The previously mooted Proposition No.1 pertains to the formal objection filed on 12 type designation cases that were publicly notified in the official gazettes in 2006. The new objection seeks nullification of the type designation that was publicly notified in the official gazettes of March 9 and 19, 2007.

The formal objection referred to in Proposition No. 2 was filed on May 1, 2007, by 115 petitioners, which is the same as Proposition No. 1.

The formal objection is against the type designation that was publicly notified in the official gazettes of March 9 and 19, 2007, for a total of 13 cases.

The petitioners, who have used frequencies from 2 MHz to 30 MHz to perform amateur radio communications, filed the objection to seek nullification of the type designation on broadband

power line carrier communication equipment that uses the same frequencies, because the facilities are highly likely to interfere with amateur radio and prevent them from performing radio communications.

The petitioners claim that their interest in performing amateur radio communications is freedom of communication as well as a legally protected interest.

Their claim is different from the last one in “6: Advice from administrative ministry.” While the last objection covered by Proposition No. 1 stated that the administrative ministry provided its advice, the new objection states that it did not provide its advice this time. Basically, MIC provides type designation to applicants for type designation, and the administrative ministry does not provide advice to the petitioners, so the new objection is true to the fact.

MIC assessed the objection based on the documents and found it appropriate, except for the petitioners’ qualification to file the objection. MIC decided to suspend the assessment of the petitioners’ qualification to file an objection, in view of demanding clarification on it during deliberations at the Radio Regulatory Council.

These outline the objection. MIC proposes that the objection be deliberated at the Radio Regulatory Council pursuant to Article 85 of the Radio Law, which stipulates the action to be taken when a formal objection is filed as, “where a protest is made... the Minister shall, unless rejecting it, refer it, without delay, to the Radio Regulatory Council.”

(4) Draft MIC Ordinance to Partially Amend the Rules for Regulating Radio Equipment

(Consultation No. 18)

MIC gave an explanation as follows in regard to the draft ministerial ordinance to partially amend the Rules for Regulating Radio Equipment. This draft amendment pertains to the definition of permissible values for occupied bandwidth of stations of special service, radio stations involved in the launching of rockets, radio stations established in artificial satellites and amateur radio stations that remotely control them, and radio stations established for temporary and occasional purposes.

Since a hearing on this matter is obligatory under Article 99-12, paragraph 1 of the Radio Law, the council named Shuichi Nishimoto as the hearing examiner presiding over the hearing process.

MIC’s Explanation

The permissible values for occupied bandwidth of radio equipment are specified per type of

emission or per radio system, such as mobile phones or PHS, in Article 6 of the Rules for Regulating Radio Equipment (Table 2). However, in cases where a unified occupied bandwidth cannot be determined (e.g., experiment stations), a permissible value for occupied bandwidth is designated for each emission type upon licensing.

Considering the recent increase in spectrum usage and the emergence of new types of radio stations for which occupied bandwidth cannot be decided in advance, MIC intends to designate the types of such radio stations.

To that end, the amendment covers four types of radio stations. One is radio stations involved in the launching of rockets, which is used to control the launch of rockets or obtain data. Depending on the rocket type, their occupied bandwidth is not always fixed and cannot be decided in advance.

The second type is radio stations established in artificial satellites and amateur stations that control them remotely. As more and more universities have launched amateur satellites, licensees as well as the needs for data transmission have become diversified. Such radio stations may need a wide variety of occupied bandwidths, and should therefore be handled as exceptions.

The third type is radio stations established for temporary and occasional purposes, such as radio equipment brought into Japan from abroad to be used during an international motorsports event. Conventionally, use of radio equipment that does not conform to the pre-designated occupied bandwidth has not been allowed. Aiming to address such cases flexibly in consideration of the fact that the use of radio for such an event is indispensable, MIC intends to change the rule so that occupied bandwidths can be designated upon licensing.

The last type is stations of special service, which serve a public purpose and do not fall under the category of fixed service. A wide variety of models for stations of special service is likely to be developed to satisfy diversifying needs. In order to handle such cases flexibly in the future, the rule should be changed so that occupied bandwidths can be designated by respective needs.

While these four types are added by the amendment, new types of stations for which designation of unified bandwidth is difficult are highly likely to be developed. Considering the need to expedite the licensing procedure for such cases, as well as the fact that such radio stations are exceptions in the overall radio stations, the occupied bandwidth should be designated by ordinance if any new type of radio station emerges in the future. The rule should be amended accordingly by adding the following: The value for radio equipment that uses a type of emission specified in the first paragraph (of Table 2) and that is notified by the Minister for Internal

Affairs and Communications should be designated separately, regardless of the value specified in the table provided under the first paragraph.

(5) Draft MIC Ordinance to Partially Amend the MIC Ordinance to Amend Part of the Rules for Regulating Radio Equipment

(Consultation No. 19)

MIC gave an explanation as follows in regard to the draft ministerial ordinance to partially amend the MIC Ordinance to Amend Part of the Rules for Regulating Radio Equipment. The draft amendment pertains to the review of the applicable period for transitional measures for provisions concerning spurious emissions, which was placed in force in December 2005.

Since a hearing on this matter is obligatory under Article 99-12, paragraph 1 of the Radio Law, the council named Shuichi Nishimoto as the hearing examiner presiding over the hearing process.

MIC's Explanation

In response to the revision of the Radio Rules (RR) at the World Radiocommunication Conference in terms of the permissible values for spurious emissions, MIC amended the provisions concerning spurious emissions after deliberations at the Telecommunications Council and the Radio Regulatory Council, and placed the amended provisions in force on December 1, 2005.

With this amendment, radio equipment that conforms to the old spurious emissions provisions can be used or licensed only through November 30, 2007. From December 1, 2007, no licensing or change will be allowed for such equipment. However, radio equipment licensed before November 30, 2007, is eligible for re-licensing until November 30, 2022.

Likewise, equipment that passed the type approval is valid through November 30, 2007, and will become invalid on the following day.

The current provisions and transitional measures do not allow construction after December 1, 2007, for changing radio equipment licensed before November 30, 2007. However, the existence of the market for secondhand radio equipment and the market for lease equipment is indicative of the practice of reuse. In addition, there is an apparent demand for reusing the equipment licensed before November 30, 2007, for different purposes. Under these circumstances, MIC has received requests to extend the period of the provisional measures.

In consideration of the requests, MIC intends to review and amend the provisional measures.

Specifically speaking, radio equipment that is stipulated separately by a notice should become eligible for licensing and permission to change through November 30, 2017. MIC will amend the notice that stipulates the details so that radio equipment manufactured by November 30, 2007, will remain eligible for permission to change or licensing until November 30, 2017.

As for ship radars, the type approval process is not completed for all necessary radars. Therefore, radio equipment manufactured by November 30, 2012, should be eligible for licensing or permission to change through November 30, 2017. In conjunction with this, the validity of type approval that expires on November 30, 2007, should be extended until November 30, 2017.

(6) Other

MIC reported on the designation of radio propagation blockage areas and the draft licensing policy for mobile broadband wireless access systems.

(Office responsible for the above wording: The Secretariat for the Radio Regulatory Council)