

## **Study Group on a Comprehensive Legal Framework for Communications and Broadcasting Summary of Minutes (20th Meeting)**

### 1. Date and Time

Thursday, December 6, 2007, 10:00 to 11:10

### 2. Location

Conference Room, 7th floor, Ministry of Internal Affairs and Communications

### 3. Attendees (honorifics omitted)

Horibe (Chair), Ando (member), Tagaya (member), Nakamura (member), Hamada (member), Funada (member), Murakami (member)

Suzuki (Vice-Minister for Policy Coordination), Nakata (Director-General for Policy Planning), Suzuki (Director of the General Policy Division), Naito (Director of the Communications and Broadcasting Legal System Planning Office)

### 4. Summary of the Minutes

#### (1) Discussion of the Draft Final Report

The secretariat explained “Study Group on a Comprehensive Legal Framework for Communications and Broadcasting: Points for the Draft Report” (Document 2), “Study Group on a Comprehensive Legal Framework for Communications and Broadcasting: Draft Report” (Document 3), and “Main Opinions Submitted in Response to the Invitation for Opinions on ‘Study Group on a Comprehensive Legal Framework for Communications and Broadcasting: Interim Summary’ and the Thoughts of the Study Group” (Document 4). As a result of reaching agreement on the Draft Report, it was determined that it be released to the public as the Final Report as is, containing the main points in relation to a basic legal framework for communications and broadcasting. The main comments made by members (points to be noted for the study in the Telecommunications Council and other meetings in the future) regarding the Draft Report are as follows.

- It will be necessary to establish a law that can evolve in response to the possible emergence of new ways of using information and communications in the future.
- Leaving aside the perspective of the convergence of communications and broadcasting, it will be necessary to take prompt measures regarding content in order to deal with the possibility of secondary effects, such as economic impacts, in the future.
- It will be necessary in the future not only to take consistent and unified measures to protect users

but also to determine how to do so within the framework for protecting users in a unified manner regarding security technologies and others, as well as network operators protecting users as part of their services.

- In terms of the fundamental policy of making one single law with the breakdown by each layer, I think the proposed Japanese model represents a world pioneering effort.
- To what extent the infrastructure field can be deregulated will be an issue.
- It is my hope that the legislation be prepared so that it will definitely be passed by the Diet while discussions at a national level continue.
- The fact that a comprehensive legal structure has been constructed according not to an academic concept but in accordance with the actual direction of the development of new technologies and media in the real world is very significant.
- The emergence of various media, thanks to the establishment of the institute with its layered structure, will ensure freedom of expression.
- At the moment, regulations dealing with illegal and harmful information are not conceptualized to include the involvement of administrative agencies and consideration is given to freedom of expression. This occurred as a matter of course after the concept had been fine-tuned based on opinions given in the public comments after the interim summary.
- Significantly, the report seems to address the issue of whether or not any problems are expected with regard to platforms.
- The report seems very persuasive as a whole because it gives expression to almost all the points of discussion covered in a total of twenty meetings held by the study group.
- As for content, too much consideration may have been given to the idea of freedom of expression. In particular, there is some concern about whether individual laws or a criminal law can deal with illegal information in the fast-changing world of information and communications.
- The situation regarding the distribution of and damage created by illegal information will have to be studied by carefully observing the regulatory trends in various countries.
- Proposing a new legal system as described in the report at this point in the 21st century, when digitization is progressing, will be a highly significant act.
- Open media content is content open to the general public and belongs in a category equivalent to broadcasting in the broad sense; however, this report confirmed that this does not immediately mean that strong regulations equivalent to those for broadcasting be imposed.
- For open media content, protection of users will be strongly and increasingly required.

## (2) Remarks

Suzuki, Vice-Minister for Policy Coordination, made remarks about the compilation of the Final Report.