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***Manual for Market Entry into Japanese
Telecommunications Business***

Ministry of Internal Affairs and Communications (MIC)

Japan

Manual for Market Entry into Japanese
Telecommunications Business — Table of Contents

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(In case of any inconsistency between the Japanese and English versions, the Japanese version shall prevail.)

Preface

Japan introduced the principles of market competition into all areas of the telecommunications market in April 1985, in addition to the privatization of Nippon Telegraph and Telephone Corporation. Today, more than 22,000 new telecommunications carriers have entered the market (as of September 2021). Furthermore, along with the enforcement of the Administrative Procedures Act in October 1994, Japan formulated and announced the examination standards for permission, authorization, etc. on the telecommunications business and the standard processing period required for the procedure.

With consideration of these situations, this booklet was published following the Deregulation Action Program, as decided upon by the Cabinet on March 31, 1996, to extend further the transparency of Japan's regulatory system. This booklet summarizes the procedures, documents to be submitted, and relevant laws required for entry into the field of Japanese telecommunications business. Following the subsequent amendment of laws, this booklet has undergone a series of revisions, with the hope of promoting people's understanding to Japan's telecommunications system.

I. Outline of Telecommunications Business System

1. Laws and Order Related to Telecommunications Business

1) Telecommunications Business Act

In April 1985, the Telecommunications Business Act (TBA) came into effect for the purpose of regulating telecommunications business upon Japan's introduction of the principles of market competition into all areas of the telecommunications market. The Telecommunications Business Act specifies regulations on telecommunications-related matters, including the protection of the secrecy of communications, the fairness in use of telecommunications, and the securing of essential communications as well as registration and notification for telecommunications business, the operations of telecommunications carriers, their conformity to technical standards specified for telecommunications facilities, and use of land.

2) Radio Act

A telecommunications carrier using radio facilities and constructing a network shall abide by the provisions of the Radio Act with regard to the telecommunications carrier's radio station license, radio equipment, radio operators, and operations of the radio station, etc. in addition to the provisions of the Telecommunications Business Act.

3) Wire Telecommunications Act

A telecommunications carrier using wired telecommunications facilities and constructing a network shall abide by the provisions of the Wire Telecommunications Act with regard to technical standards and other requirements, in addition to the provisions of the Telecommunications Business Act.

2. Process for Commencing Telecommunications Business

Anyone commencing telecommunications business and installing large-scale telecommunications line facilities shall be subject to the registration of the business with the Minister for Internal Affairs and Communications. If the telecommunications line facilities are small in scale or no telecommunications line facilities are used, the telecommunications business operator shall submit a notification to that effect to the Minister.

To be specific, any person who intends to operate a telecommunications business needs to be registered if the operator installs telecommunications line facilities in excess of 1) or 2) below as specified by an Order of the Ministry of Internal Affairs and Communications (MIC).

1) Terminal system transmission line facilities remain within areas in a single city, town, or village (within a single ward in the case of a special ward or designated city under the Local Autonomy Act).

2) Transit system transmission line facilities (i.e., transmission line facilities other than terminal system transmission line facilities) remain within areas in a single prefecture.

* In the case of installing telecommunications line facilities in excess of the restrictions specified in 1) or 2) above, however, the operator needs to submit a notification instead of being registered, provided that the facilities are radio facilities of radio stations transmitting radio communications other than

basic broadcasting, in addition to basic broadcasting prescribed in Article 7 paragraph (2) item 6 of the Radio Act. If the entire area where telecommunications line facilities are installed is outside Japan, a notification is required instead of registration.

* A flowchart on registration or notification judgment is shown in *Manual for Market Entry into Japanese Telecommunications Business [Supplementary Edition]*. Refer to it if necessary.

(Reference) *Manual for Market Entry into Japanese Telecommunications Business [Supplementary Edition]*

https://www.soumu.go.jp/joho_tsusin/eidsystem/law01_03.html (only in Japanese)

The TBA applies to cases where foreign corporations, etc. operate telecommunications businesses to provide telecommunications services in Japan. Furthermore, the TBA also applies to cases where foreign corporations, etc. operate telecommunications businesses to provide telecommunications services from abroad with persons in Japan. If it is apparent that a foreign corporation, etc. envisages providing telecommunications services from abroad with persons in Japan (including foreign visitors to Japan), the business operations of the foreign corporation, etc. fall under “cases where foreign corporations, etc. operate telecommunications businesses to provide telecommunications services from abroad with persons in Japan.” For example, in any of the following cases, it can be judged that the foreign corporation, etc. apparently envisages providing telecommunication services from abroad with persons in Japan.

i. A case where its service is provided in Japanese.

ii. A case where the payment currencies for its paid services include the Japanese yen.

iii. A case where advertisement, sales promotion, etc. regarding the use of its services in Japan are conducted.

* For example, item i. applies if the language displayed for the service is Japanese, if documents, such as contracts and agreements, are provided in Japanese, or if support for users is provided in Japanese.

* For example, advertising or sales promotion of item iii. applies if the foreign corporation, etc. promotes its service usage in Japan through media, such as web media, TV commercials, newspapers, and magazines, or distributes advertisements (flyers, brochures, etc.). It also applies if the foreign corporation, etc. sends direct mail (email magazines), including cases where advertisements, sales promotion, etc. are indirectly carried out through advertising agencies.

At the time of commencing telecommunications business, the procedures illustrated in Fig. 1 shall be required (the procedures stipulated in the Radio Act shall be limited to the case of operating telecommunications business by means of radio communications).

If a telecommunications carrier who operates a telecommunications business by installing telecommunications line facilities wish to exercise the right to use land (so-called “public utility privilege”) for installing transmission lines may, separately from telecommunications business entry procedures such as the registration or notification, be granted the public utility privilege for all or part of the telecommunications business by obtaining approval from the Minister.

No registration or notification is required from the telecommunications businesses listed below (for details, refer to page 8 of *Manual for Market Entry into Japanese Telecommunications Business [Supplementary Edition]*).

- A telecommunications business to exclusively provide telecommunications services to a single person (except telecommunications services provided for the use of telecommunications business of a single person if the person is a telecommunications carrier);
- A telecommunications business to provide telecommunications services by using telecommunications facilities a part of which is installed on the same premises (including the areas equivalent to those premises) or the same building where another part of those facilities is installed, or telecommunications facilities on a scale that do not meet the standards specified by Order of MIC;
- A telecommunications business that provides, without installing telecommunications line facilities, telecommunications services (excluding domain name telecommunications services) other than telecommunications services of intermediating other persons' communications through the use of telecommunications facilities.

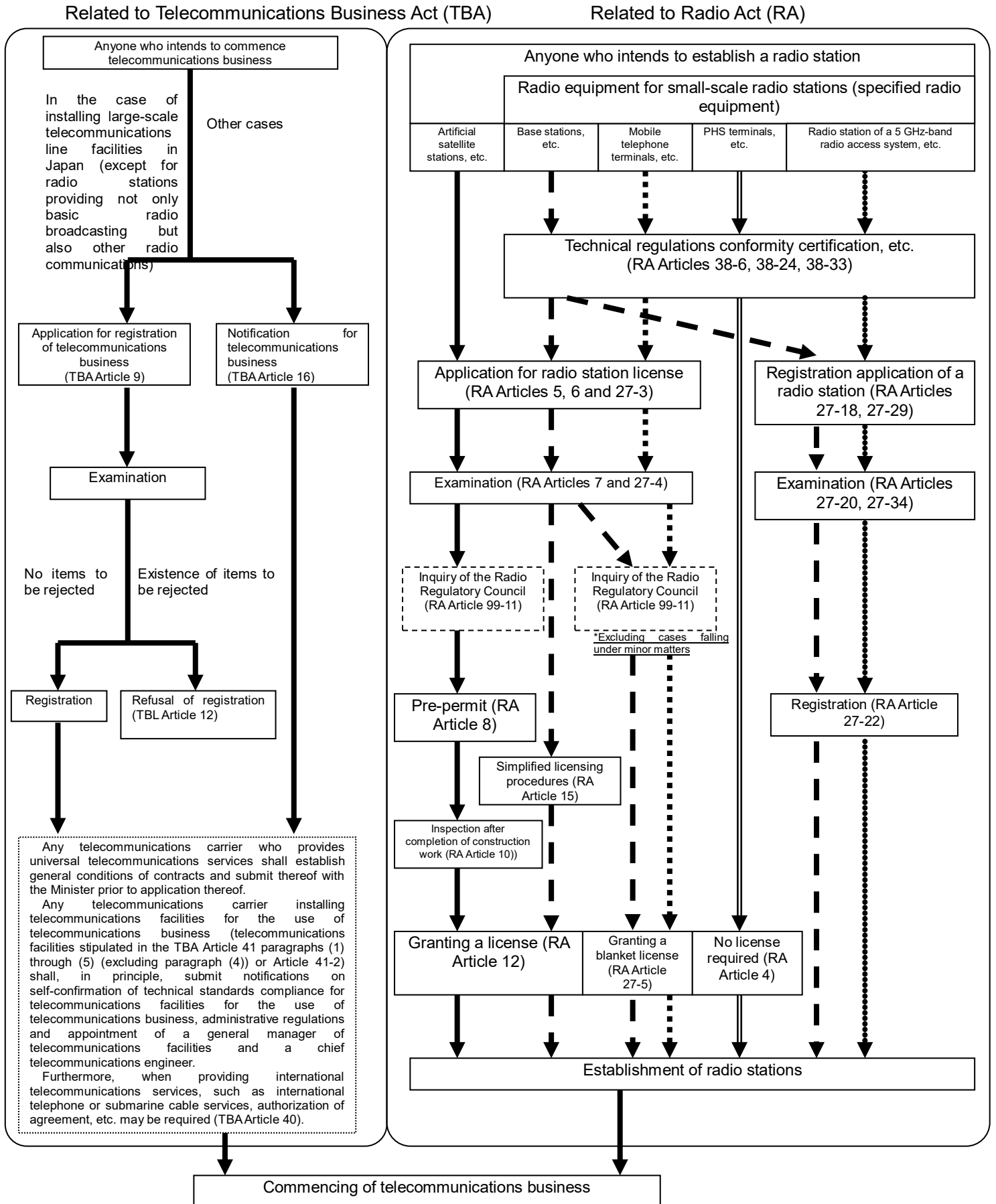
3. Submission of Documents based on the Telecommunications Business Act

The following provisions apply to the submission of documents based on the Telecommunications Business Act.

- Attachment of translation

If the documents to be submitted cannot be written in Japanese due to special circumstances, the translation must be attached; provided, however, that if the documents may be the articles of incorporation (including documents equivalent to the articles of incorporation) written in English, then it is sufficient to attach a translation of the outline.

Fig. 1. Procedures for Telecommunications Business



II. Procedures for Telecommunications Business

II-1. Registration of Telecommunications Business

Telecommunications Business Act

Article 9 (Registration of Telecommunications Business)

A person that intends to operate telecommunications business must obtain registration from the Minister for Internal Affairs and Communications; provided, however, that this does not apply to the following cases:

- (i) the scale of telecommunications line facilities (meaning transmission line facilities that interconnect places of transmission with places of reception, switching facilities installed as an integral part of these, and their adjunct facilities; hereinafter the same applies) installed by the person and the scope of areas where the telecommunications line facilities are installed do not exceed the standards specified by Order of the Ministry of Internal Affairs and Communications;
- (ii) the telecommunications line facilities installed by the person are wireless broadcasting facilities for a wireless broadcasting station prescribed in Article 7, paragraph (2), item (vi) of the Radio Act (Act No. 131 of 1950) which transmits information in wireless communications other than basic broadcasting, in addition to conducting the basic broadcasting (except the case listed in the preceding item).

(an Order of the Ministry of Internal Affairs and Communications: Article 3 of the Regulations for Enforcement of the Telecommunications Business Act)

Article 10

(1) A person that intends to obtain a registration as set forth in the preceding Article must file a written application describing the following particulars with the Minister for Internal Affairs and Communications, pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications:

- (i) its name and address and, in cases of a corporation, the name of its representative;
- (ii) in cases of a foreign corporation, etc. (meaning a corporation or organization based abroad, or an individual with an address abroad; hereinafter the same applies in this Chapter and Article 118, item (iv)), the name and address of its domestic representative or domestic agent;
- (iii) service areas;
- (iv) outline of telecommunications facilities; and
- (v) other particulars specified by Order of the Ministry of Internal Affairs and Communications.

(2) The written application set forth in the preceding paragraph must be filed with a document in which the relevant person pledges that it does not fall under Article 12, paragraph (1), items (i) through (iii), and other documents specified by Order of the Ministry of Internal Affairs and Communications attached thereto.

(an Order of the Ministry of Internal Affairs and Communications: Article 4 of the Regulations for Enforcement of the Telecommunications Business Act)

1. Procedures for Registration

The following documents need to be submitted for the registration of telecommunications business.

1) Application form (Form 1)

Matters to be described:

- i) The name and address of the applicant and, in cases of a corporation, the name of its representative
- ii) The phone number and email address of the applicant
- iii) In cases of a foreign corporation, etc., the name and address of its domestic representative or domestic agent (hereafter referred to as the "domestic representative, etc.");
- iv) In cases of a foreign corporation, etc., the telephone number and email address of its domestic representative, etc.
- v) Service areas
- vi) Outline of the telecommunications facilities
- vii) The scheduled commencement date of telecommunications business

2) Documents to be attached

- i) A document indicating that the applicant does not fall under the grounds for disqualification of registration (Form 2)
- ii) A network diagram (Form 3)
- iii) A document concerning telecommunications services to be provided (Form 4)
- iv) An outline of the business conducted by the applicant other than the telecommunications business
- v) Where the applicant is an existing corporation:
 - The articles of incorporation and the certificate of registered matters of the corporation or equivalent documents
 - * Where the applicant has completed commercial and corporation registration of the Ministry of Justice, the applicant may omit the attachment of the certificate of registered matters of the corporation issued by the Ministry of Justice in accordance with the Act on Use of Information and Communications Technology in Administrative Procedure (Act No. 151 of 2002), etc.
 - A list of officers and their curricula vitae
- vi) Where the applicant is a person who intends to establish a corporation:
 - The articles of incorporation or an equivalent document
 - A list of founders, partners or incorporator, and their curricula vitae, and a copy of the applicant's certificate of residence or equivalent document of each of the founders, partners, or incorporator
- vii) Where the applicant is an association other than corporations listed in vi):
 - The association articles, rules, etc. describing the purpose, organization, operations, etc. of the association
 - A list of officers and their curricula vitae, and a copy of the applicant's certificate of residence or equivalent document of each officer
- viii) Where the applicant is an individual:
 - A copy of the applicant's certificate of residence or equivalent document of the applicant
 - A curriculum vitae
- ix) Where the applicant is a foreign corporation, etc.:
 - The attachment of the certificate of registered matters of the corporation of the domestic

representative, etc. issued by the Ministry of Justice may be omitted in accordance with the Act on Use of Information and Communications Technology in Administrative Procedure, etc. if the applicant's domestic representative, etc. is a corporation

- A copy of the certificate of residence of the domestic representative, etc. if the applicant's domestic representative etc. is an individual
- A document (Form 2-2) certifying that the Minister for Internal Affairs and Communications has authorized the applicant's domestic representative, etc. to receive the Minister's notifications of dispositions made by the Minister under the law and other notifications made by the Minister under the provisions of Article 61-3 of the Regulations for Enforcement of the Telecommunications Business Act

2. Examination/Registration

Except for cases where refusing an application for the registration of telecommunications business in accordance with the provisions of Article 12 of the Telecommunications Business Act, the Minister for Internal Affairs and Communications shall register the following matters on the telecommunications carriers registration book:

- The name and address of the applicant and, in cases of a corporation, the name of its representative
- The phone number and email address of the applicant
- In cases of a foreign corporation, etc., the name and address of its domestic representative, etc.
- In cases of a foreign corporation, etc., the telephone number and email address of its domestic representative, etc.
- Service areas
- Outline of the telecommunications facilities
- The registration date and the registration number

1) Grounds for disqualification

Where an applicant falls under any of the following items, the Minister shall refuse the registration of the applicant:

- i) The applicant is a person that was sentenced to a fine or heavier punishment (including equivalent punishment by foreign law) pursuant to the provisions of this Act, the Wire Telecommunications Act, the Radio Act, or other equivalent foreign law, if a period of two years has not passed since the date on which the enforcement of the punishment was completed or ceased to be applicable.
- ii) The applicant is a person whose registration was revoked, if a period of two years has not passed from the date of revocation; or a person whose similar registration in a foreign country was revoked pursuant to a foreign law equivalent to this Act, if two years have not passed from the date of revocation;
- iii) The applicant is a corporation or organization any of whose officers falls under any of i) or ii) above.
- iv) The applicant is a foreign corporation, etc. that has not designated any domestic representative, etc.
- v) The applicant is a person whose telecommunications business is found to be inappropriate for the sound development of telecommunications.

When the Minister for Internal Affairs and Communications has refused registration pursuant to the provision of the preceding paragraph, the Minister shall notify the applicant to that effect in writing with

reasons attached thereto.

2) Standard processing period

The standard processing period is the standard length of time it takes for an application submitted to a government office to be processed. An application for registration for a telecommunications business will, in principle, take about 15 days.

3) Renewal of Registration

In accordance with Article 12-2 of the Telecommunications Business Act, if a large-scale telecommunications carrier (a carrier that installs Category I or Category II designated telecommunications facilities) or its group company merges with a business of a different group that installs specified telecommunications facilities or acquires its shares, the registration of the large-scale business or its group company shall cease unless the large-scale business or its group company have its registration renewed within three months from the date of occurrence of the said merging.

The provisions of the registration of telecommunications business shall apply mutatis mutandis to procedures for the registration renewal, examination, etc. of telecommunications business. The application form and attached documents at the time of registration renewal shall be in accordance with Article 4-2 of the Regulations for Enforcement of the Telecommunications Business Act.

In the case of refusal of the registration, the qualification of the business shall be reviewed from the viewpoint of the accounting base and operation structure of the business in addition to the sound development of telecommunications. The registration of those who fall under refusal reasons shall not be renewed.

II-2. Notification of Telecommunications Business

Telecommunications Business Act

Article 16 (Notification of Telecommunications Business)

(1) A person that intends to operate telecommunications business (except a person that should obtain registration as set forth in Article 9) must file a notification to that effect with the Minister for Internal Affairs and Communications, pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications, by attaching documents describing the following particulars to it:

- (i) its name and address and, in cases of a corporation, the name of its representative;
- (ii) in cases of a foreign corporation, etc., the name and address of its domestic representative or domestic agent;
- (iii) service areas;
- (iv) outline of telecommunications facilities (limited to cases in which the person installs telecommunications facilities used for the use of telecommunications business set forth in Article 44, paragraph (1)); and
- (v) other particulars specified by Order of the Ministry of Internal Affairs and Communications.

(2)-(4) (Omitted)

An applicant submitting a notification of the operation of telecommunications business to the Minister for Internal Affairs and Communications shall also submit the documents specified below to the Minister through the Regional Bureau of Telecommunications that has jurisdiction over the area of the applicant (or the Okinawa Office of Telecommunications if the area is Okinawa) (hereinafter referred to as “the Regional Bureaus of Telecommunications, etc.”). However, all such notifications related to domain name telecommunications services shall be submitted to MIC.

[Regional Bureaus of Telecommunications, etc. to which notifications are submitted]

1. In the case of a Japanese corporation, etc.
 - Regional Bureaus of Telecommunications, etc. with the jurisdiction over the address of the head office
2. In the case of a foreign corporation, etc.
 - Regional Bureaus of Telecommunications, etc. with jurisdiction over the address of the domestic representative, etc.

[Prefectures under jurisdiction of each Regional Bureau of Telecommunications, etc.]

Hokkaido Regional Bureau of Telecommunications (Hokkaido)

Tohoku Regional Bureau of Telecommunications (Aomori, Iwate, Miyagi, Akita, Yamagata, and Fukushima)

Kanto Regional Bureau of Telecommunications (Ibaraki, Tochigi, Gunma, Saitama, Chiba, Tokyo, Kanagawa, and Yamanashi)

Shin-etsu Regional Bureau of Telecommunications (Niigata and Nagano)

Hokuriku Regional Bureau of Telecommunications (Toyama, Ishikawa, and Fukui)

Tokai Regional Bureau of Telecommunications (Gifu, Shizuoka, Aichi, and Mie)

Kinki Regional Bureau of Telecommunications (Shiga, Kyoto, Osaka, Hyogo, Nara, and Wakayama)

Chugoku Regional Bureau of Telecommunications (Tottori, Shimane, Okayama, Hiroshima, and Yamaguchi)

Shikoku Regional Bureau of Telecommunications (Tokushima, Kagawa, Ehime, and Kochi)

Kyushu Regional Bureau of Telecommunications (Fukuoka, Saga, Nagasaki, Kumamoto, Oita, Miyazaki, and Kagoshima)

Okinawa Office of Telecommunications (Okinawa)

1) Notification (Form 8)

Matters to be described:

- i) The name and address of the applicant and, in cases of a corporation, the name of its representative
- ii) The phone number and email address of the applicant
- iii) In cases of a foreign corporation, etc., the name and address of its domestic representative, etc.
- iv) In cases of a foreign corporation, etc., the telephone number and email address of its domestic representative, etc.
- vi) Service areas
- v) Outline of telecommunications facilities (limited to the cases in which the applicant installs telecommunications facilities for the use of telecommunications business)
- vi) The scheduled commencement date of telecommunications business

2) Documents to be attached

- i) A network diagram (Form 3)

- ii) A document concerning telecommunications services to be provided (Form 4)
- iii) Where the applicant is an existing corporation, the articles of incorporation and the certificate of registered matters of corporation or equivalent documents
 - * Where the applicant has completed the commercial and corporation registration of the Ministry of Justice, the applicant may omit the attachment of the certificate of registered matters of the corporation issued by the Ministry of Justice in accordance with the Act on Use of Information and Communications Technology in Administrative Procedure, etc.
- iv) Where the applicant is a person who intends to establish a corporation:
 - The articles of incorporation or equivalent documents
 - A list of founders, partners or incorporator, and a copy of the applicant's certificate of residence or equivalent document of each of the founders, partners, or incorporator
- v) Where the applicant is an association other than corporations specified in iv):
 - The association articles, rules, etc. describing the purpose, organization, operations, etc. of the association
 - A list of officers and a copy of the applicant's certificate of residence or equivalent document of each officer
- vi) Where the applicant is an individual, a copy of the applicant's certificate of residence or equivalent document
- vii) In cases of a foreign corporation, etc.
 - The attachment of the certificate of registered matters of corporation of the domestic representative etc. issued by the Ministry of Justice may be omitted in accordance with the Act on Use of Information and Communications Technology in Administrative Procedure, etc. if the applicant's domestic representative, etc. is a corporation
 - A copy of the certificate of residence of the domestic representative, etc. if the applicant's domestic representative, etc. is an individual,
 - A document (Form 2-2) certifying that the Minister for Internal Affairs and Communications has authorized the applicant's domestic representative, etc. to receive the Minister's notifications of dispositions made by the Minister under the law and other notifications made by the Minister under the provisions of Article 61-3 of the Regulations for Enforcement of the Telecommunications Business Act

II-3. Approval to Telecommunications Business

Telecommunications Business Act

Article 117 (Approval to Business)

- (1) If a telecommunications carrier operating telecommunications business in which it installs telecommunications line facilities and provides telecommunications services or a person intending to operate that telecommunications business intends to have the provisions of the following Section applied to it, it may obtain approval from the Minister for Internal Affairs and Communications for all or part of the telecommunications business by the way of an application.
- (2) A person that intends to obtain approval set forth in the preceding paragraph must file a written

application describing the following particulars with the Minister for Internal Affairs and Communications, pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications:

- (i) its name and address and, in cases of a corporation, the name of its representative;
- (ii) service areas of the telecommunications business related to the application; and
- (iii) outline of telecommunications facilities used for the telecommunications business related to the application.

(3) The written application set forth in the preceding paragraph must be filed with a business plan and other documents specified by Order of the Ministry of Internal Affairs and Communications attached thereto.

(the following Section: Chapter III Section 2 of the Telecommunications Business Act)

(an Order of the Ministry of Internal Affairs and Communications: Article 40-9 and Article 40-10 of the Regulations for Enforcement of the Telecommunications Business Act)

1. Procedures for Approval

A telecommunications carrier intending to obtain approval to all or part of the operations of telecommunications business from the Minister for Internal Affairs and Communications shall file the following documents when commencing telecommunications business:

- 1) Application form (Form 38-4 or 38-8 shall be used if the telecommunications carrier has been already registered or the telecommunications carrier has already submitted an application or notification for registration, otherwise Form 38-5 or 38-9 shall be used.)

Matters to be described:

- i) The name and address of the applicant and, in cases of a corporation, the name of its representative
- ii) Service areas of the telecommunications business related to the application
- iii) Outline of telecommunications facilities used for the telecommunications business related to the application

2) Documents to be attached

- i) The plan of the telecommunications business (Form 38-6 or 38-10)
- ii) Income and expenditure account estimates for five business years covering a business year including a day within five years calculating from the day of the commencement of the business (Form 38-7 or 38-11)
- iii) A document indicating the ground of the scheduled day of the commencement of the business
- iv) A document concerning main engineers (in cases where main engineers are chief telecommunications engineers, a document describing their names and the types and numbers of their chief telecommunications engineer's licenses. In other cases, curricula vitae)
- v) Where the applicant is an existing corporation:
 - A list of officers and their curricula vitae
 - A balance sheet and a profit and loss statement of the last business year
- vi) Where the applicant is a person who intends to establish a corporation:
 - A list of founders, partners or incorporator, and their curricula vitae
 - Documents describing the stock subscriptions or the status of and prospects for investment

vii) Where the applicant is an association other than corporations listed in vi):

- Curricula vitae of officers (except cases where the association has already been registered or has applied for registration)
- Documents describing the status of assets of the association

viii) Where the applicant is an individual:

- A curriculum vitae (except cases where the association has already been registered or has applied for registration)
- A statement of assets

ix) Where the applicant is a local government, a copy of the assembly proceedings pertaining to engagement in a telecommunications business

x) A document indicating that the applicant does not fall under the reasons for disqualification of approval (Form 2; however, except cases where the applicant has already been registered or has applied for registration)

xi) If permission or other disposition of the competent administrative authority is required concerning the installation of telecommunications facilities, a copy of the permit, etc. (a copy of the application in cases where the application has been made for permission, etc.) or a document describing the status of the procedures.

xii) Documents, including figures illustrating the configuration of telecommunications facilities and interconnection with telecommunications facilities of other telecommunications carriers and users, which confirm that there are no communications between telecommunications facilities used for the telecommunications business pertaining to the application for approval and those not pertaining to the application resulting from directly interconnecting those telecommunications facilities or interconnecting those telecommunications facilities via telecommunications facilities of other telecommunications carriers (limited to cases of an application for partial approval to telecommunications business)

2. Examination

The Minister for Internal Affairs and Communications shall examine the application for approval of all or part of the telecommunications business in accordance with each item of Article 119 of the Telecommunications Business Act and grant approval of all or part of telecommunications business if the application for approval satisfies examination standards specified for the above items. The examination standards are as follows:

1) Examination standards

- i) The applicant has an adequate financial basis and the technical capabilities to properly conduct the telecommunications business related to the application;
- ii) The plan of the telecommunications business related to the application is reliable and reasonable;
- iii) The applicant has obtained the registration that is necessary for operating the telecommunications business related to the application or the registration of change, or has filed a notification.

2) Standard processing period

The standard processing period is a standard length of time it takes for an application submitted to a

government office to be processed. An application for approval to a telecommunications business will take about one month.

3) Grounds for disqualification

Where an applicant falls under any of the following items, the Minister shall refuse the registration of the applicant:

- i) The applicant is a person that was sentenced to a fine or a heavier punishment (including punishment by equivalent foreign law) pursuant to the provisions of this Act, the Wire Telecommunications Act, the Radio Act, or other equivalent foreign law, if a period of two years has not passed since the date on which the enforcement of that punishment was completed or became inapplicable;
- ii) The applicant is a person whose approval ceased to have effect, if a period of two years has not passed since the date on which the approval ceased to have effect; or a person whose approval was revoked, if a period of two years has not passed from the date of revocation;
- iii) The applicant is a corporation or association any of whose officers falls under any of i) or ii) above;
- iv) The applicant is a foreign corporation, etc. that has not designated any domestic representative, etc.

3. Obligation to Commence Business

The applicant who has obtained an approval for telecommunications business in accordance with 2 shall commence the telecommunications business within the designated period. The period, however, may be extended by filling out Form 38-12 if it is determined that there is a due reason.

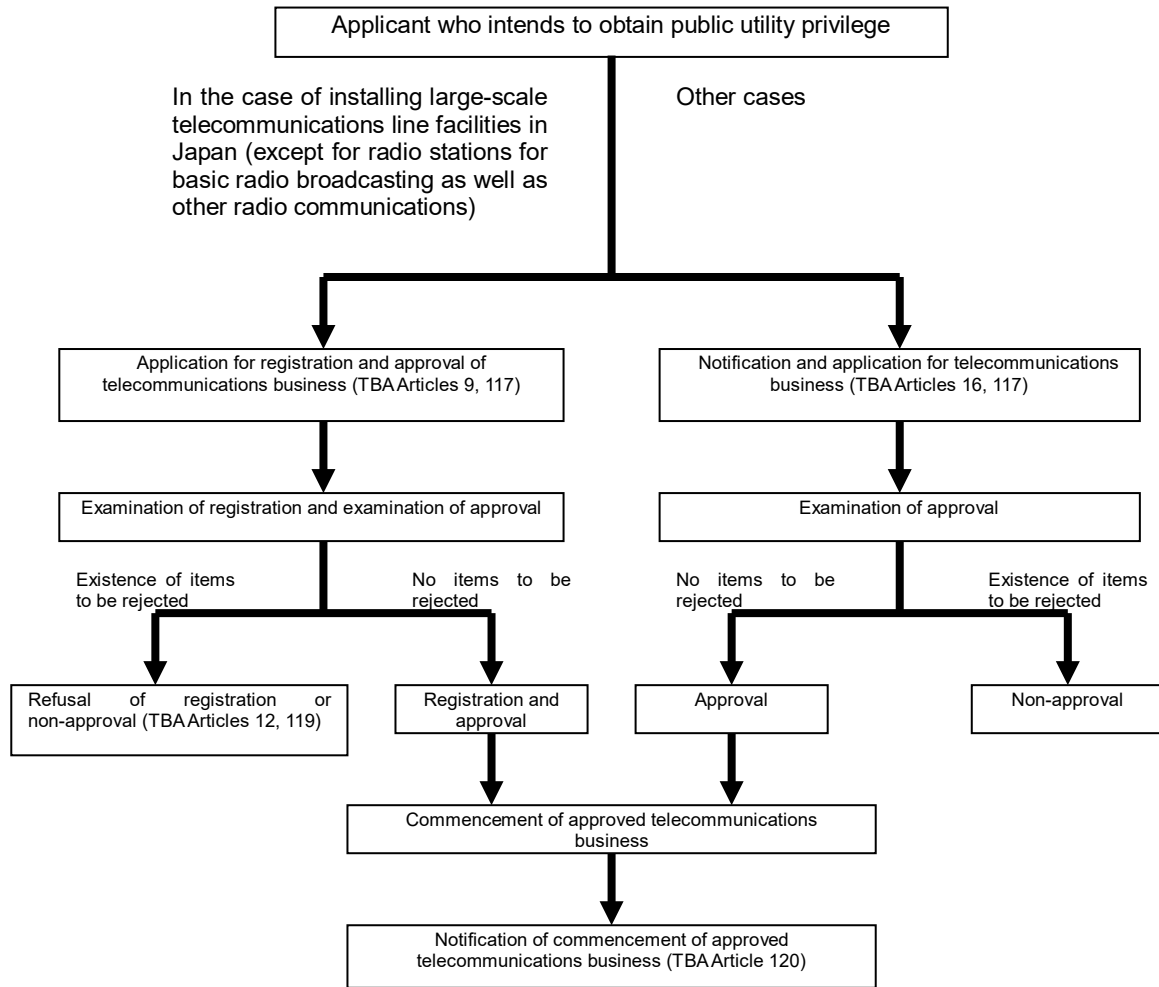
When the applicant has commenced its business, the applicant shall submit without delay a notification to that effect to the Minister for Internal Affairs and Communications. (Form 38-13)

II-4. Relations between Registration/Notification and Approval

Under the Telecommunications Business Act before the amendment in April 2004, a telecommunications carrier being granted permission for Type I telecommunications business was automatically recognized as having rights-of-way, so-called "public utility privileges," to use land, etc. for laying line facilities. However, along with the abolition of the permission system for entry, a telecommunications business may be commenced through simplified procedures. An approval system has been newly introduced to allow telecommunications carriers intending to exercise a public utility privilege, separately from the procedures for entering a telecommunications business (registration or notification), to obtain approval to all or part of its telecommunications business from the Minister for Internal Affairs and Communications.

Upon application for registration or submission of a notification, an application for approval may be filed (refer to Fig. 2.) at the same time. With respect to a telecommunications business already registered or notified, an application for approval may be submitted for the telecommunications business.

Fig. 2 Procedures for Registration/Notification and Approval (in the case of simultaneous application)



III. Radio Station License, etc.

Radio Act

Article 4 (Establishment of Radio Stations)

Any person who wishes to establish a radio station shall obtain a license from the Minister of Internal Affairs and Communications (Omitted).

1. Procedures for obtaining a radio station license, etc.

Anyone who wishes to establish a radio station shall obtain a radio station license from the Minister for Internal Affairs and Communications.

Where a radio station is to be established for the purpose of operating a telecommunications business, the licensee concerned shall be a telecommunications carrier.

Establishment of a radio station means to install radio equipment and to have it operated by those who are capable of emitting radio waves, thereby constituting a radio station.

An application for a radio station license shall include the following documents:

- i) A radio station license application form
- ii) Documents attached thereto describing the following matters:
 - Documents describing radio station matters and construction types

In addition, exceptional licensing for specified radio stations (Blanket License) has been established, and in applying for a license of specified radio stations, submission of the following documents is required:

- i) A specified radio station license application form
- ii) Documents attached thereto describing the following matters:
 - Radio station specification sheet and construction design sheet

Furthermore, the application needs to be made within a time period officially specified by the Minister for Internal Affairs and Communications if the application is for a license of a radio station listed in Article 6 paragraph (8) of the Radio Act (excluding those specified by an Ordinance of MIC) that uses a frequency announced by the Minister.

On the other hand, for any radio station using radio equipment with low antenna power, such as a PHS terminal or a cordless telephone, no radio station license is required provided that a technical regulations conformity certification is obtained. Furthermore, a registration system for radio stations, including 5 GHz-band radio access systems, prescribed in an Ordinance of MIC has been established. Such a radio station can be established by obtaining registration without receiving a construction-completion test. For the registration of a radio station, the submission of the following documents is required.

- i) A radio station registration application form
- ii) Documents attached thereto
 - A document describing the purpose of establishment and other matters prescribed in MIC's applicable ordinance (category of a radio station, valid term of registration, etc.)

If two or more radio stations for which registration must be obtained are established within a specified area, the radio stations can be registered comprehensively as long as the radio stations use the same frequency and have the same standards (blanket registration system).

2. Examination

1) Pre-permit (provisional license)

In addition to the examination pertaining to the reasons for disqualification, the Minister for Internal Affairs and Communications shall confirm the following conditions:

- i) Conformance of the construction design to the technical regulations as specified in the Radio Act.
- ii) Possibility of the assignment of a radio frequency.
- iii) Conformance of the application to the essential standards for the establishment of radio stations as stipulated in an Ordinance of MIC.

A pre-permit (provisional license) shall be issued after the Minister has confirmed the above.

In cases where a new telecommunications carrier wishes to establish a radio station for telecommunications business, if the radio station is deemed to be important and special in terms of radio regulation, a pre-permit (provisional license) shall be issued upon receipt of a positive reply from the Radio Regulatory Council to an inquiry of the Minister for Internal Affairs and Communications.

In addition, the application for a radio station shall be examined in accordance with examination standards specified by the Minister based upon public comments if the radio station is listed in Article 6 paragraph (8) of the Radio Act (except for those specified in an Ordinance of MIC) that use a frequency specified by the Minister. If the application is deemed to meet the requirements under the examination standards, the Minister shall issue a provisional license.

2) Standard processing period

The standard processing periods vary with the type of radio stations. For example, the licensing procedure takes a month and a half for a base station and one month for a land mobile station, and the registration procedure takes about half a month.

3) Grounds for disqualification

In principle, no license shall be granted to anyone who has foreign nationality. However, the following radio stations are waived from disqualification:

- i) Experimental radio stations, specified ship radio stations, specified aircraft radio stations, amateur radio stations
- ii) Fixed radio stations for the diplomatic use of foreign embassies or organizations (based on the principle of diplomatic reciprocity)
- iii) Land mobile radio stations, portable radio stations, and base radio stations communicating with those radio stations
- iv) Radio stations established for the purpose of conducting telecommunications service

A license nevertheless may not be granted to any person or body who has been punished in violation of the Radio Act or the Broadcast Act, or anyone whose radio station license was revoked, and a period of two years has not yet elapsed since the day the sentence was served out or the day of revocation.

4) Inspection after provisional licensing

A full license shall be provided for those with provisional licenses upon passing the inspection of radio equipment and operators after completion of the radio station.

However, for inspections of radio equipment, etc., where a document of inspection results written by a registered inspector (including a registered foreign inspector) registered by the Minister are submitted, the

Minister may use a system that partially curtails the inspection process (Registered Inspector System), which has become available for use.

* The Regional Bureaus of Telecommunications, etc. are registering inspectors and recording and maintaining a list of registered inspectors for making them public. For further information, please contact Regional Bureaus of Telecommunications, etc. Also, the list of registered inspectors based on the Registration Book of Registered Inspectors can be retrieved and accessible at:

<https://www.tele.soumu.go.jp//adm/proc/check/toroku/index.htm>

[Regional Bureaus of Telecommunications, etc. for access to the Registration Book of Registered Inspectors]

1. In cases where a registered inspector is registered under a blanket registration through its headquarters: Regional Bureau of Telecommunications, etc. of competent authority located in the region under the territory of the headquarters.
2. In cases where each branch/office of a registered inspector is registered: Regional Bureau of Telecommunications, etc. of competent authority located in a region under the territory of each branch/office.
3. In case of a registered foreign inspector (an inspector carrying out inspection of radio equipment, etc. in a foreign country):
Kanto Regional Bureau of Telecommunications

[Prefectures under jurisdiction of each Regional Bureau of Telecommunications, etc.]

Hokkaido Regional Bureau of Telecommunications (Hokkaido)

Tohoku Regional Bureau of Telecommunications (Aomori, Iwate, Miyagi, Akita, Yamagata, and Fukushima)

Kanto Regional Bureau of Telecommunications (Ibaraki, Tochigi, Gunma, Saitama, Chiba, Tokyo, Kanagawa, and Yamanashi)

Shin-etsu Regional Bureau of Telecommunications (Niigata and Nagano)

Hokuriku Regional Bureau of Telecommunications (Toyama, Ishikawa, and Fukui)

Tokai Regional Bureau of Telecommunications (Gifu, Shizuoka, Aichi, and Mie)

Kinki Regional Bureau of Telecommunications (Shiga, Kyoto, Osaka, Hyogo, Nara, and Wakayama)

Chugoku Regional Bureau of Telecommunications (Tottori, Shimane, Okayama, Hiroshima, and Yamaguchi)

Shikoku Regional Bureau of Telecommunications (Tokushima, Kagawa, Ehime, and Kochi)

Kyushu Regional Bureau of Telecommunications (Fukuoka, Saga, Nagasaki, Kumamoto, Oita, Miyazaki, and Kagoshima)

Okinawa Office of Telecommunications (Okinawa)

5) Simplified licensing procedures, etc.

With respect to radio equipment, such as mobile telephones, that use base stations having antenna power of a specified value or less, a license may be obtained through a simplified licensing procedure that bypasses the need for a pre-permit (provisional licensing) and the inspection thereafter, provided that a registered certification agency has granted a technical regulations conformity certificate.

3. Certification System for Opening Plans on Specific Base Stations

1) Overview

- i) A person may need to establish a considerable number of radio stations, such as base stations for mobile phones (hereafter referred to as "specific base stations"). In that case, the Minister for Internal Affairs and Communications may approve the person's establishment plan on specific base stations (hereafter referred to as the "establishment plan") based on MIC's Guidelines for Establishment of

Special Base Stations (hereafter referred to as the “Establishment Guidelines”).

- ii) A person who establishes specific base stations according to the establishment plan may exclusively apply for a license for the specific base stations only during the validity period (five years or ten years) of the approved establishment plan (hereafter referred to as the “approved plan”), using frequencies specified by the approval.
- iii) The Minister for Internal Affairs and Communications may revoke the approval and license if it is found that the facilities have not been established following the approval plan without a justifiable reason.

2) Application for Establishment Plan

When applying for an establishment plan, it is necessary to submit the following documents.

- i) Application for approval of the establishment of specific base stations
- ii) Establishment plan for specific base stations (see Note)

(Note) The following items shall be described according to the Establishment Guidelines and the Application Manual for Establishment Plan Approval.

- Reasons for establishing specific base stations
- The movement range of mobile radio stations as the communications counterparty of the specific base stations
- Desired frequency range
- The total number of specific base stations and the installation location and operation start time of the radio facilities for each specific base station
- Technology for ensuring the efficient use of radio waves, which is planned to be used for the radio facilities of the specific base stations
- The registration date and registration number if the applicant has been registered under Article 9 of the Telecommunications Business Act; the matters related to the application for registration under the same Article if the applicant has not received the registration
- The business plan and business balance estimate
- The details of the termination promotion measures and the method of paying the required expenses in the case of implementing termination promotion measures
- The scheduled operation start date
- The system and method of maintenance, management, and response in case of radio facility failures
- The placement policy of wireless workers
- Other matters specified in the Establishment Guidelines

4. Registration of Radio Stations

A person who intends to establish radio station facilities that use only conformity-marked radio equipment in an area specified by Order of MIC may receive registration approval for the radio station unless the registration is rejected by the provisions. In that case, the radio equipment needs to incorporate a function to ensure that it does not emit radio waves for a certain period when receiving radio waves having the same frequency as the transmitting radio waves. Otherwise, the radio equipment needs to operate without obstructing or interfering with other radio stations and radio equipment with the standards (limited to those

specified by Order of MIC; the same shall apply hereafter) that are the same as those of the other radio stations and radio equipment.

Registration, however, may be refused in the following cases:

- i) The installation site, etc. of the radio equipment is outside specified areas.
- ii) There is a false or insufficient statement in the application form, etc.
- iii) There is a risk that proper use of radio waves will be impaired.

5. Other Required Procedures for Radio Stations

- i) Procedures required to meet the Radio Regulations (RR) of the International Telecommunication Union (ITU)

In the case of constructing and operating a satellite communications network, international coordination and notification procedures shall be necessary in accordance with the RR.

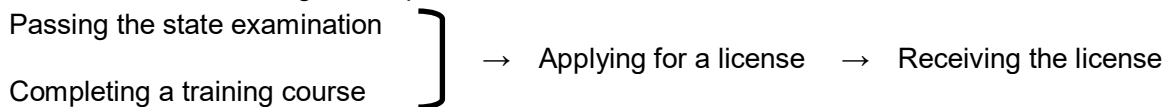
In the case of applying for the licensing of artificial satellites and earth stations, the coordination status with existing or planned satellite communications networks of relating administrations is to be confirmed.

If the territory of other administrations exists within the coordination area of an earth station, the coordination with such administrations is also needed.

- ii) Qualification of radio operator

As a rule, the operation of radio equipment at radio stations shall be handled by a chief radio operator or a person under the supervision of a radio operator in full charge.

- a) Procedures for obtaining radio operator license



- b) Items needed in applying for radio operator license

- Application form
- Certificate showing name and date of birth
- Medical certificate (see note)
- Photograph

Note: Limited to a person with visual or hearing disabilities, etc. and cases considered to be especially necessary

6. Certification of Conformity with Technical Regulations for Specified Radio Equipment

1) Outline

- i) This is a system for certifying the conformance of specified radio equipment (SRE), including mobile base stations, mobile phones, PHS devices, and 5GHz wireless access systems, to technical regulations prescribed in the Radio Act. (SRE is used for small-scale radio stations and specified in an ordinance of MIC.)
- ii) With respect to SRE with a mark specified in MIC's applicable ordinance, there are major benefits for licensees that simplified licensing procedures are applied or no license is needed. (Refer to 2. 5) *Simplified licensing procedure, etc.*)

2) Procedures for Certification of Conformity with Technical Regulations, etc.

- i) Certification of Conformity with Technical Regulations and Certification of Construction Design
Manufacturers of SRE may affix a mark specified in MIC's applicable ordinance to the SRE by

obtaining the certification of the SRE or the construction design of the SRE through an examination by a registered certification body.

ii) Self-Confirmation of Technical Regulations Conformity of Special Specified Radio Equipment

Manufacturers of special SRE (specified in MIC's applicable ordinance as a special type of SRE that rarely interfere with or disturb the operation of other radio stations) may affix a mark specified in MIC's applicable ordinance to the special SRE by verifying the conformity of the construction design of the special SRE with the Technical Regulations and submitting a notification to the Minister for Internal Affairs and Communications.

3) Registered certification bodies

* Refer to the website of the Ministry of Internal Affairs and Communications for a list of registered certification bodies.

<https://www.tele.soumu.go.jp/e/sys/equ/tech/index.htm>

4) Registered repair trader system

In the case of repairing a mobile phone, it is common to request the manufacturer or its agent. With the rapid popularization of smartphones, however, third-party repairers have started repair services or replacing parts. Accordingly, there is a concern that whether the performance of mobile phone terminals after repairs conform to needed technical standards.

For the above reason, this system makes it possible for repairers to receive registration from the Minister for Internal Affairs and Communications, if the repairers' repairs are proper, they can confirm the conformance of radio equipment after repairs to the technical standards, and they satisfy the required standards of the Radio Act.

5) Exceptions in line with the Mutual Recognition Agreement

Japan has a mutual recognition agreement (MRA) with European countries, Singapore, and the United States to enable authorized certification bodies located in each country to implement the necessary standard certification of radio equipment in accordance with the laws of the country. For the precise implementation of the MRA, the Act for Implementation of the Mutual Recognition between Japan and Foreign States in Relation to Results of Conformity Assessment Procedures of Specified (Act No. 111 of 2001; hereinafter referred to as "the MRA Act").

In accordance with Article 33 of the MRA Act, the following exceptions under the Radio Law are specified for the following specific radio equipment:

- i) certified as complying with the technical regulations by a conformity assessment body (registered foreign conformity assessment body) registered in accordance with the Japan-EU Agreement, the Japan-Singapore Agreement and the Japan-USA Agreement;
- ii) based on a construction design certified by a registered foreign conformity assessment body as complying with the technical regulations with the mark as stipulated in MIC's applicable ordinance shall be regarded as specified radio equipment.

Radio equipment attached with the indication specified by the MIC ordinance is regarded as specified radio equipment conforming to the requirement of the Radio Act.

(Reference)

Refer to the website of the Ministry of Internal Affairs and Communications for a list of registered foreign conformity assessment bodies and certified conformity assessment bodies.

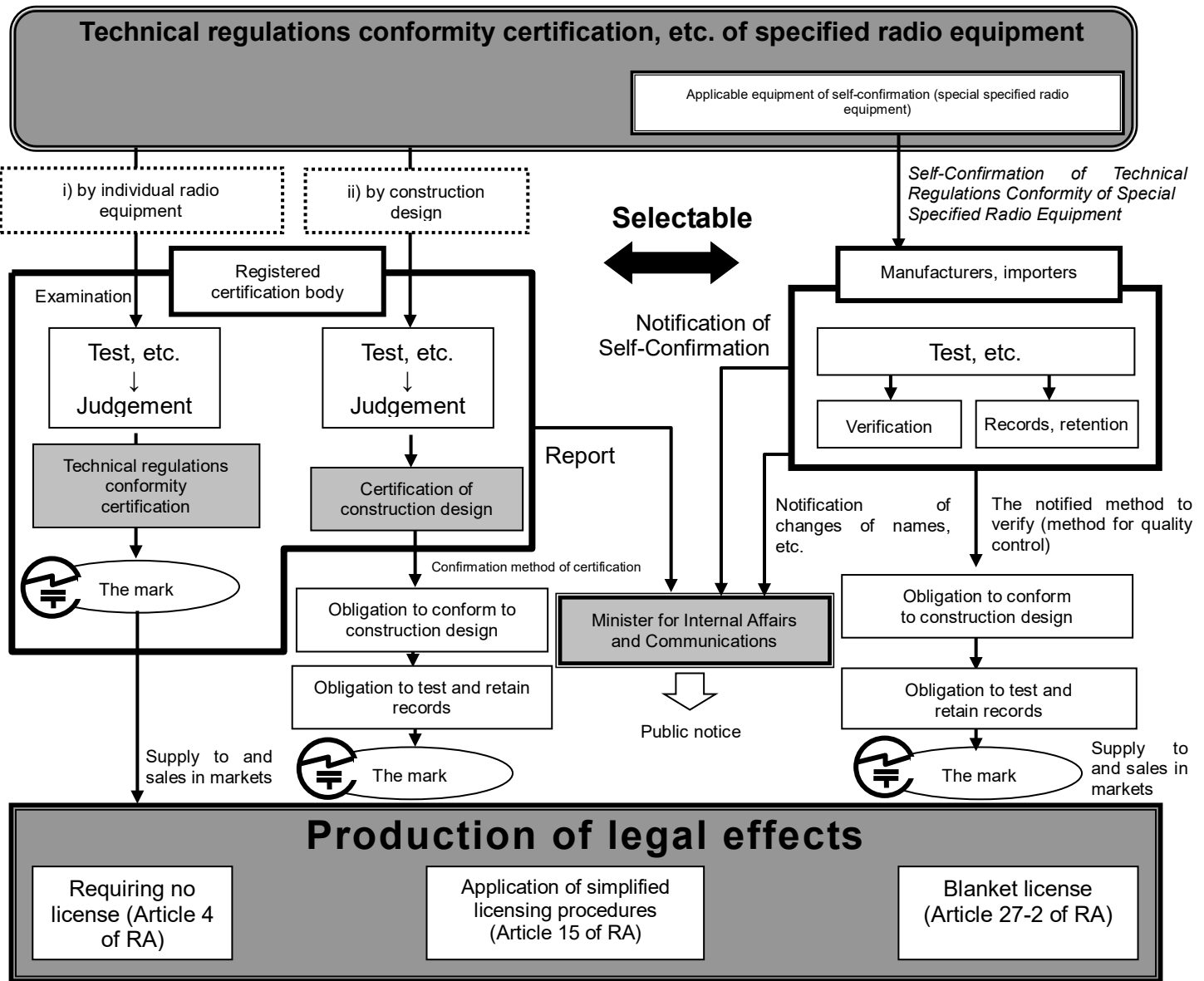
- Registered foreign conformity assessment bodies (Overseas conformity assessment bodies that can certify radio equipment for Japan)

<https://www.tele.soumu.go.jp/e/sys/equ/tech/index.htm>

- Certified conformity assessment bodies (Japanese conformity assessment bodies that can certify radio equipment for MRA partner countries)

<https://www.tele.soumu.go.jp/j/sys/equ/mra/ninsyoukikan/index.htm> (only in Japanese)

Procedural flow chart for Certification Conformity with Technical Regulations, etc. under the Radio Act



IV. General Conditions of Contracts for Universal Telecommunications Services

1. Notification of Establishment or Amendment of General Conditions of Contracts for Universal Telecommunications Services

Telecommunications Business Act

Article 19 (General Conditions of Contracts for Universal Telecommunications Services)

(1) A telecommunications carrier that provides universal telecommunications services must establish general conditions of contracts on charges and other terms and conditions for the provision of its universal telecommunications services (except particulars on technical conditions to be authorized pursuant to the provisions of Article 52, paragraph (1) or Article 70, paragraph (1), item (i), and particulars specified by Order of the Ministry of Internal Affairs and Communications) and notify the Minister for Internal Affairs and Communications of those general conditions of contracts prior to the implementation of them, pursuant to Order of the Ministry of Internal Affairs and Communication. The same applies if it intends to change them.

(2) If the Minister for Internal Affairs and Communications finds that the general conditions of contracts the notification of which has been filed pursuant to the provisions of the preceding paragraph fall under any of the following items, the Minister may order the telecommunications carrier that provides the universal telecommunications services to change the general conditions of contracts, designating an adequate time limit:

- (i) if the general conditions of contracts do not properly and explicitly specify means of calculating charges;
- (ii) if the general conditions of contracts do not properly and explicitly specify particulars concerning the responsibilities of the telecommunications carrier and of its users, and means of sharing the costs of installation and other works of telecommunications facilities;
- (iii) if the general conditions of contracts unreasonably restrict the way the telecommunications line facilities are used;
- (iv) if the general conditions of contracts treat certain persons in an unfair and discriminatory manner;
- (v) if the general conditions of contracts do not include proper consideration to particulars related to essential communications; or
- (vi) if the general conditions of contracts lead to unfair competition with other telecommunications carriers or are extremely inappropriate in light of social and economic circumstances, and thereby impair the interests of users.

(an Order of the Ministry of Internal Affairs and Communications: Article 15 and Article 16 of the Regulations for Enforcement of the Telecommunications Business Act)

- 1) If a telecommunications carrier who provides universal telecommunications services intends to establish or change general conditions of contracts on terms and conditions including charges relating to the carrier's universal telecommunications services, the telecommunications carrier shall submit those general conditions of contracts to the Minister for Internal Affairs and Communications seven days prior to the date of implementation thereof.
- 2) Where intending to establish or change the general conditions of contracts, the telecommunications carrier shall submit a notification in accordance with Form 13 stipulated in the Regulations for

Enforcement of the Telecommunications Business Act, describing the date of implementation. Upon submission of the notification, draft general conditions of contracts or the comparison of general conditions of contracts before and after the change shall be attached thereto. In addition, the attached general conditions of contracts shall clearly describe the following matters specified in Article 16 item i) of the Regulations for Enforcement of the Telecommunications Business Act.

- i) Names and contents of telecommunications services
 - ii) Charges relating to telecommunications services (except the handling charges and other similar charges)
 - iii) Matters relating to responsibilities of the telecommunications carrier and its users
 - iv) Methods for sharing costs for works including installation of telecommunications facilities
 - v) In the case of setting limitations on modes of use of telecommunications line facilities, matters relating thereto
 - vi) Methods for handling of essential communications
 - vii) Technical matters necessary for smooth offering of telecommunications services
 - viii) In addition to the preceding items, matters relating to terms and conditions for offering telecommunications services of importance to the rights or duties of users
 - ix) Service period where a valid service period is set forth
- 3) The notification shall be submitted to: Tariff Division, Telecommunications Business Department, Telecommunications Bureau, MIC
- 4) Where the Minister for Internal Affairs and Communications finds that general conditions of contracts fall under any of the following items, the Minister may order the telecommunications carrier who provides the universal telecommunications services to change the general conditions of contracts within a reasonable time limit designated by the Minister:
- i) If the general conditions of contracts do not properly and explicitly specify methods to calculate charges
 - ii) If the general conditions of contracts do not properly and explicitly specify matters concerning the responsibilities of the telecommunications carrier and of its users, and methods to share the costs of installation and other works of telecommunications facilities
 - iii) If the general conditions of contracts unreasonably restrict the way the telecommunications line facilities are used
 - iv) If the general conditions of contracts treat certain persons in an unfair and discriminatory manner
 - v) If the general conditions of contracts do not pay due consideration to the matters concerning essential communications
 - vi) If the general conditions of contracts may lead to unfair competition with other telecommunications carriers, or are extremely improper in light of social and economic circumstances, and thereby impair the interests of users
- 5) In principle, a telecommunications carrier providing universal telecommunications services shall not provide universal telecommunications services unless based on general conditions of contracts notified.

2. Posting of General Conditions of Contracts for Universal Telecommunications Services

Telecommunications Business Act

Article 23 (Posting, etc. of General Conditions of Contracts, etc.)

(1) Pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications, a telecommunications carrier that provides universal telecommunications services, designated telecommunications services or specified telecommunications services must announce the general conditions of contracts (including the technical conditions authorized pursuant to the provisions of Article 52, paragraph (1) or Article 70, paragraph (1), item (i)) of which the notification has been made pursuant to the provisions of Article 19, paragraph (1) or Article 20, paragraph (1) (including as applied pursuant to the provisions of of Article 20, the paragraph (4) following the deemed replacement of terms) or the charges authorized pursuant to the provisions of Article 21, paragraph (2), and must post those general conditions or charges at its business offices or other places of business in a manner in which the public can easily see them.

(2) The provisions of the preceding paragraph apply mutatis mutandis to the terms and conditions for the provision of those services in relation to the particulars specified by Order of the Ministry of Internal Affairs and Communications set forth in Article 19, paragraph (1) or Article 20, paragraph (1).

(an Order of the Ministry of Internal Affairs and Communications: Article 22 of the Regulations for Enforcement of the Telecommunications Business Act)

Any telecommunications carrier providing universal telecommunications services shall publish general conditions of contracts for the universal telecommunications services and post thereof at its business offices and other workplaces (headquarters or branches registered with the commercial registration) and on the Internet in a manner in which such general conditions of contracts and charges can easily be seen by the general public.

V. Obligation to Comply with Interconnection Request

Telecommunications Business Act

Article 32 (Interconnection with Telecommunications line facilities)

If a telecommunications carrier receives a request from another telecommunications carrier to interconnect the telecommunications facilities of the requesting telecommunications carrier with the telecommunications line facilities of the requested telecommunications carrier, it must accept the request except the following cases:

- (i) if the interconnection is likely to hinder telecommunications services from being provided in a smooth manner;
- (ii) if the interconnection is likely to unreasonably harm the interests of the requested telecommunications carrier; or
- (iii) beyond the cases listed in the preceding two items, if there are justifiable grounds specified by Order of the Ministry of Internal Affairs and Communications.

(an Order of the Ministry of Internal Affairs and Communications: Article 23 of the Regulations for Enforcement of the Telecommunications Business Act)

In principle, telecommunications carriers installing telecommunications line facilities shall respond to

requests for interconnections to the telecommunications line facilities from other telecommunications carriers.

VI. Business Agreements with Foreign Governments, or Foreign Nationals or Foreign Corporations

Telecommunications Business Act

Article 40 (Authorization for Agreements, etc. with Foreign Governments, etc.)

If a telecommunications carrier intends to conclude, amend or discontinue an agreement or contract with foreign governments, foreign nationals, or foreign corporations on telecommunications activities, which includes important particulars specified by Order of the Ministry of Internal Affairs and Communications, it must obtain authorization from the Minister for Internal Affairs and Communications. (an Order of the Ministry of Internal Affairs and Communications: Article 26 and Article 27 of the Regulations for Enforcement of the Telecommunications Business Act)

1. Procedure for Authorization of Business Agreement

When any telecommunications carrier intends to conclude, amends, or abolishes an agreement or contract on telecommunications activities, with foreign governments, or foreign nationals or foreign corporations (hereafter referred to as "foreign governments, etc."), it shall obtain authorization from the Minister for Internal Affairs and Communications. The agreements that a telecommunications carrier concludes with the foreign governments, etc. is a contract on which the telecommunications carrier provides the international telecommunication service. The procedure specified here shall be used to confirm the content of business agreements concluded between Japanese telecommunications carriers and foreign governments, etc. in order to prevent the benefits of telecommunications service users in Japan from being harmed by foreign governments, etc. treating telecommunications carriers in Japan unreasonably and discriminatively. Agreements or contracts subject to Article 40 of the Telecommunications Business Act correspond to agreements or contracts related to international telephones, submarine cables, etc.

In filing an application for authorization of a business agreement or contract, Form 20 and the following documents are required (if the original documents are written in a foreign language, they need to be translated into Japanese):

- A copy of the agreement or contract
- A document describing the details of the method of implementing the agreement
- In the case of application for authorization of changes, a document comparing the agreements before and after the changes

2. Examination

Authorization by the Minister for Internal Affairs and Communications may be granted if business agreements, contracts, etc. are recognized to be in conformity with the following examination standards:

1) Examination Standards

- i) Foreign governments, etc. shall be eligible as the counterparts of the agreements, contracts, etc.
- ii) If a service provider that the applicant concludes an agreement, contract, etc. with is a

telecommunications carrier headquartered in a country other than members of the World Trade Organization, the ratio of the amount of money to be paid and received or shared (hereinafter referred to as the “accounting rate”) and the ratio of the communications traffic volume shared by the parties shall conform to the following items from a) through c) (hereinafter referred to as “the uniform accounting rate system”). However, in the case of relay circuits via a third country, the system c) shall not apply.

- a) Accounting rate and the method to converge yen into any other currency of payment are the same as those under other agreements, etc. with another Japanese telecommunications carrier. However, provided that said other agreements, etc. are scheduled to be changed to the same conditions between carriers involved, this shall not apply.
- b) Amounts of the accounting rate to be shared are equal for the countries at both ends.
- c) Between the countries at both ends, the ratio of the communications traffic volume outgoing from the applicant to carriers that agreements, etc. are to be concluded with to the total communications traffic volume incoming to said carrier is comparable to the ratio of the communications traffic volume outgoing from said carriers to the applicant to the total communications traffic volume outgoing from said carriers.
- iii) If a telecommunications carrier concludes agreements, etc. with carriers headquartered in countries other than members of the World Trade Organization, the telecommunications carrier shall inform the other parties of the uniform accounting rate system as a prerequisite of the agreements with the parties.
- iv) Matters concerning the scope of responsibilities to be assumed by the parties shall be properly and clearly stipulated.
- v) Agreements, etc. shall include no provisions that unfairly discriminate against one party compared with other agreements, etc. that the parties have concluded with different carriers.
- vi) Security and reliability of communications shall be ensured.
- vii) The parties shall faithfully perform their duties imposed upon them by international treaties, agreements, etc.
- viii) Agreements, etc. have no fear of hindering the promotion of public interest such as hindering fair competition within the telecommunications market.

2) Standard processing period

30 days

VII. Technical Standards, Etc.

VII-1. Conformity to Technical Standards and Self-Confirmation of Telecommunications facilities for the use of telecommunications business

Telecommunications Business Act

Article 41 (Maintenance of Telecommunications Facilities)

- (1) A telecommunications carrier installing telecommunications line facilities must maintain its telecommunications facilities used for telecommunications business (excluding telecommunications facilities specified in paragraph (3), telecommunications facilities exclusively used for

telecommunications business to provide domain name telecommunications services, and telecommunications facilities specified by Order of the Ministry of Internal Affairs and Communications as those that have a minor influence on the interests of users in the event of damage, failure, etc.) to conform to the technical standards specified by Order of the Ministry of Internal Affairs and Communications.

- (2) A telecommunications carrier that provides universal telecommunications services must maintain its telecommunications facilities for the use of telecommunications business to provide those services (except telecommunications facilities set forth in the preceding paragraph and the following paragraph, and telecommunications facilities exclusively used for telecommunications business to provide domain name telecommunications services) to conform to the technical standards specified by Order of the Ministry of Internal Affairs and Communications.
- (3) An eligible telecommunications carrier designated pursuant to the provisions of Article 108, paragraph (1) must maintain its telecommunications facilities for the use of telecommunications business to provide universal telecommunications services (excluding telecommunications facilities exclusively used for the telecommunications business to provide domain name telecommunications services) to conform to the technical standards specified by Order of the Ministry of Internal Affairs and Communications.
- (4) The Minister for Internal Affairs and Communications may designate telecommunications carriers that provide telecommunications services (excluding universal telecommunications services and domain name telecommunications services) that are specified by Order of the Ministry of Internal Affairs and Communications as those that have a significant influence on the interests of users considering their contents, the scope of users, and other factors, as telecommunications carriers that are required to properly maintain their telecommunications facilities used for telecommunications business, pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications.
- (5) The telecommunications carriers designated pursuant to the provisions of the preceding paragraph must maintain their telecommunications facilities used for telecommunications business to provide telecommunications services specified by Order of the Ministry of Internal Affairs and Communications in the same paragraph (excluding telecommunications facilities specified in paragraph (1)) to conform to the technical standards specified by Order of the Ministry of Internal Affairs and Communications.
- (6) The technical standards set forth in paragraphs (1), paragraph(2), and the preceding paragraph must be specified so as to ensure the following particulars:
 - (i) damage to or failure in the relevant telecommunications facilities does not significantly hinder the provision of telecommunications services;
 - (ii) quality of telecommunications services is maintained at an appropriate level;
 - (iii) secrecy of communications is maintained;
 - (iv) the relevant telecommunications facilities do not damage users' or other telecommunications carriers' telecommunications facilities which are interconnect with those facilities, nor cause an obstruction to their functioning; and
 - (v) the demarcation of responsibilities between the telecommunications carrier's telecommunications facilities and other telecommunications carriers' telecommunications which are interconnected with those facilities are clearly specified.

(Orders of the Ministry of Internal Affairs and Communications: Article 27-2 and Article 27-2-2 of the Regulations for Enforcement of the Telecommunications Business Act and the Regulations of the Telecommunications facilities for the use of telecommunications business)

Article 42 (Self-Confirmation of Telecommunications facilities for the use of telecommunications business)

- (1) If a telecommunications carrier installing telecommunications line facilities intends to start using the telecommunications facilities set forth in Article 41, paragraph (1), it must confirm by itself, pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications, whether those facilities (except those specified by Order of the Ministry of Internal Affairs and Communications) conform to the technical standards specified by Order of the Ministry of Internal Affairs and Communications, as set forth in the same paragraph.
- (2) If a telecommunications carrier installing telecommunications line facilities intends to change the particulars specified in Article 10, paragraph (1), item (iv), or Article 16, paragraph (1), item (iv), it must confirm by itself, pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications, whether the telecommunications facilities specified in Article 41, paragraph (1) (except those specified by Order of the Ministry of Internal Affairs and Communications, as prescribed in the preceding paragraph) after that change conform to the technical standards specified by Order of the Ministry of Internal Affairs and Communications, as set forth in paragraph (1) of the same Article.
- (3) If a telecommunications carrier installing telecommunications line facilities has made confirmation pursuant to the provisions of paragraph (1) or the preceding paragraph, it must notify the Minister for Internal Affairs and Communications of its results pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications, before it starts using the telecommunications facilities as set forth respectively in those paragraphs.
- (4) The provisions of the preceding three paragraphs apply mutatis mutandis to a telecommunications carrier that provides universal telecommunications services. In such a case, the term "Article 41, paragraph (1)" in paragraph (1) and paragraph (2) is deemed to be replaced with "Article 41, paragraph (2)," and the term "the same Article, paragraph (1)" in the same paragraphs is deemed to be replaced with "the same Article, paragraph (2)."
- (5) The provisions of paragraphs (1) through (3) apply mutatis mutandis to eligible telecommunications carriers designated pursuant to the provisions of Article 108, paragraph (1). In such a case, the term "Article 41, paragraph (1)" in paragraph (1) and paragraph (2) is deemed to be replaced with "Article 41, paragraph (3)" and the term "the same Article, paragraph (1)" in the same paragraph is deemed to be replaced with "the same Article, paragraph (3)."
- (6) The provisions of paragraphs (1) through (3) apply mutatis mutandis to telecommunications carriers designated pursuant to the provisions of Article 41, paragraph (4). In such a case, the term "Article 41, paragraph (1)" in paragraph (1) and paragraph (2) is deemed to be replaced with "Article 41, paragraph (5)" and the term "the same Article, paragraph (1)" in the same paragraph is deemed to be replaced with "the same Article, paragraph (5)."
- (7) With regard to the first confirmation that the telecommunications carrier newly designated pursuant to the provisions in Article 41, paragraph (4) should make after the date of that designation, pursuant to

the provisions of paragraph (1), as applied mutatis mutandis pursuant to the preceding paragraph following the deemed replacement of terms, or a notification related to the confirmation that the telecommunications carrier should give to the Minister for Internal Affairs and Communications pursuant to the provisions of paragraph (3), as applied mutatis mutandis pursuant to the preceding paragraph, the term "If a telecommunications carrier installing telecommunications line facilities intends to start using the telecommunications facilities set forth in Article 41, paragraph (5), it must" in paragraph (1), as applied mutatis mutandis pursuant to the provisions of the preceding paragraph following the deemed replacement of terms is deemed to be replaced with "A telecommunications carrier installing telecommunications line facilities must, within three months from the date of the new designation under Article 41, paragraph (4)," and the term "before it starts using the telecommunications facilities as set forth respectively in those paragraphs" in paragraph (3), as applied mutatis mutandis pursuant to the preceding paragraph is deemed to be replaced with "without delay."

(an Order of the Ministry of Internal Affairs and Communications: Article 27-3, Article 27-4 and Article 27-5 of the Regulations for Enforcement of the Telecommunications Business Act)

A telecommunications carrier installing telecommunications line facilities shall verify before the telecommunications carrier commences operating telecommunications facilities used for telecommunications business that the telecommunications facilities are in compliance with specified technical standards, and shall submit a notification to that effect to the Minister for Internal Affairs and Communications. However, these conditions do not apply to telecommunications facilities that have a minor influence on the interests of users in the event of damage, failure, etc(*)).

A telecommunications carrier that provides universal telecommunications services and an eligible telecommunications carrier designated pursuant to the provisions of Article 108, paragraph (1) must confirm by themselves that their telecommunications facilities used for the universal telecommunications services conform to the technical standards before use and notify the Minister for Internal Affairs and Communications to that effect. A telecommunications carrier newly designated pursuant to the provisions of Article 41, paragraph (4) of the Telecommunications Business Act shall verify within three months from the date of designation that telecommunications facilities that provide the designated telecommunications services conform to technical standards, and shall submit a notification to that effect to the Minister without delay.

Upon submission of the notification, documents (connection block diagrams, manuals, etc.) specified in each item of Article 27-5 paragraph (1) of the Regulations for Enforcement of the Telecommunications Business Act shall be attached to Form 20-2.

- * 1) A telecommunications carrier's facilities provided with transmission line facilities for limited use, such as for the sole purpose of providing services to a single user
- 2) A telecommunications carrier's transmission line facilities installed by themselves, switching facilities connected to them, and facilities other than these adjunct facilities (excluding telecommunications facilities used to provide mainly voice transmission services, such as analog telephone facilities and mobile phone facilities)
- 3) A telecommunications carrier's telecommunications facilities with its transmission line facilities installed only outside Japan (excluding those designated by the Minister for Internal Affairs and

Communications as those particularly necessary to ensure the appropriate and stable provision of telecommunications services using the telecommunications facilities.)

VII-2. Administrative Regulations for Telecommunications facilities for the use of telecommunications business

Telecommunications Business Act

Article 44 (Administrative Regulations)

- (1) A telecommunications carrier must establish administrative regulations for the telecommunications facilities set forth in any of Article 41, paragraphs (1) through (5) (excluding paragraph (4)) or Article 41-2 (hereinafter referred to as "telecommunications facilities for the use of telecommunications business") and notify the Minister for Internal Affairs and Communications of those administrative regulations prior to the commencement of its telecommunications business, pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications.
 - (2) Administrative regulations must provide necessary information pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications on the following particulars to be observed by telecommunications carriers in order to secure the provision of telecommunications services in a reliable and stable manner:
 - (i) particulars on policies for managing telecommunications facilities for the use of telecommunications business to secure the provision of telecommunications services in a reliable and stable manner;
 - (ii) particulars on systems for managing telecommunications facilities for the use of telecommunications business to secure the provision of telecommunications services in a reliable and stable manner;
 - (iii) particulars on means for managing telecommunications facilities for the use of telecommunications business to secure the provision of telecommunications services in a reliable and stable manner; and
 - (iv) particulars on the appointment of a general manager of telecommunications facilities as specified in Article 44-3, paragraph (1).
 - (3) If a telecommunications carrier amends its administrative regulations, it must notify the Minister for Internal Affairs and Communications of the amended particulars without delay.
 - (4) With regard to the first notification that the telecommunications carrier newly designated pursuant to the provisions in Article 41, paragraph (4) must give to the Minister for Internal Affairs and Communications pursuant to the provisions of paragraph (1) after the date of that designation, the phrase "prior to the commencement of its telecommunications business" in the same paragraph is deemed to be replaced with "within three months from the date of new designation under Article 41, paragraph (4)."
- (an Order of the Ministry of Internal Affairs and Communications: Article 28 and Article 29 of the Regulations for Enforcement of the Telecommunications Business Act)

A telecommunications carrier shall, prior to the commencement of its telecommunications business, establish administrative regulations governing telecommunications facilities for the use of telecommunications business (hereinafter referred to as "administrative regulations") in accordance with

Article 44 paragraph (1) of the Telecommunications Business Act and submit a notification of the administrative regulations to the Minister for Internal Affairs and Communications. A telecommunications carrier newly designated pursuant to the provision of Article 41 paragraph (4) of the Telecommunications Business Act shall prepare administrative regulations within three months from the date of designation and notify the Minister (via the Regional Bureau of Telecommunications, Etc.). However, all such regulations related to domain name telecommunications services shall be submitted to MIC.

The Director-General of the Regional Bureau of Telecommunications, Etc. shall, when deemed that there is no problem with entries of the notification of the administrative regulations, accept the same.

i) Necessary documentation

The following documentation as stipulated in Article 28 of the Regulations for Enforcement of the Telecommunications Business Act:

- Notification of administrative regulations (Form 21)
- Administrative regulations

ii) Entries of administrative regulations

- a) Matters pertaining to policies for managing telecommunications facilities for the use of telecommunications business to secure the reliable and stable provision of telecommunications services
 - i) The organization's overall and cross-functional management policies on telecommunications facilities for the telecommunications business.
 - ii) Compliance with relevant laws, regulations, management rules, and other provisions.
 - iii) Management policies on telecommunications facilities for the use of telecommunications business considering the demand for communications and interconnections.
 - iv) Management policies on telecommunications facilities for the use of telecommunications business considering disasters.
 - v) Policies on ensuring information security.
- b) Matters pertaining to systems for managing telecommunications facilities for the use of telecommunications business to secure the reliable and stable provision of telecommunications services
 - i) Duties of executive officers.
 - ii) Duties of the general manager of telecommunications facilities
 - iii) Duties and acting of chief telecommunications engineer.
 - iv) Duties of the responsible members of each department.
 - v) Duties of each worker.
 - vi) Securement of a cooperation system within the organization.
 - vii) Cooperation with parties concerned outside the organization and sharing responsibilities.
- c) Matters pertaining to methods for managing telecommunications facilities for the use of telecommunications business to secure the reliable and stable provision of telecommunications services
 - i) Basic efforts.
 - ii) Implementation of education and training for workers engaged in the design, installation, maintenance and operation of telecommunications facilities for the telecommunications business.

- iii) Concerning the design, installation, maintenance and operation of telecommunications facilities for the telecommunications business.
- iv) Securement of adequate facility capacity based on fluctuations in communications volume.
- v) Information security measures.
- vi) Securement of the reliability of software.
- vii) Securement of essential communications and congestion countermeasures.
- viii) Securement of emergency calls.
- ix) Crime prevention measures.
- x) Current situation survey, analysis, and improvement of matters listed from i to ix.
- xi) Reporting, recording, measures, and announcement of congestion, accident, disasters, and other emergency cases.
- xii) Provision of information to users conducted from the viewpoint of protecting the users' interests.
- xiii) Measures to prevent the recurrence of accidents.
- d) Matters pertaining to the appointment of a general manager of telecommunications facilities
- e) Review of the administrative regulations.
- f) Other matters required to ensure steady and stable provision of telecommunications services in relation to installation, maintenance and operation of telecommunications facilities for the use of telecommunications business

VII-3. Appointment and Dismissal of General Manager of Telecommunications Facilities

Telecommunications Business Act

Article 44-3 (General Manager of Telecommunications Facilities)

- (1) Pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications, a telecommunications carrier must appoint a general manager of the telecommunications facilities who is responsible for the general management of the particulars listed in Article 44, paragraph (2), items (i) through (iii) from among persons in managerial positions of participating in making important decisions on business management who possess specific practical experience in the management of telecommunications facilities and satisfy other requirements as specified by Order of the Ministry of Internal Affairs and Communications.
- (2) If a telecommunications carrier appoints or removes a general manager of telecommunications facilities, it must notify the Minister for Internal Affairs and Communications to that effect without delay pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications.
- (3) A telecommunications carrier newly designated pursuant to the provisions of Article 41, paragraph (4) must make the initial appointment which they should make after the date of that designation pursuant to the provisions of paragraph (1), within three months from the date of designation.

Article 44-4 (Obligations of the General Managers of Telecommunications Facilities)

- (1) General managers of telecommunications facilities must perform their duties in a sincere manner.
- (2) The telecommunications carrier must respect the opinions of the general managers in the course of performing their duties regarding the provision of telecommunications services in a reliable and stable

manner.

(an Order of the Ministry of Internal Affairs and Communications: Article 29-2 and Article 29-3 of the Regulations for Enforcement of the Telecommunications Business Act)

If a telecommunications carrier installing telecommunications facilities for the use of telecommunications business appoints a general manager under Article 44-3, paragraph (1) of the Telecommunications Business Act, the telecommunications carrier shall submit a notification of appointment pursuant to paragraph (2) of the Article to the Minister of Internal Affairs and Communications without delay. A telecommunications carrier newly designated pursuant to the provision of Article 41 paragraph (4) of the Telecommunications Business Act shall appoint a general manager within three months from the date of designation and notify the Minister (via the Regional Bureau of Telecommunication, Etc.). However, all notifications related to domain name telecommunications services shall be submitted to MIC.

The Director-General of the Regional Bureau of Telecommunications, Etc. shall, when deemed that there is no problem with entries of the notification of the appointment, accept the same.

i) Necessary documentation

Notification of appointment of the general manager of telecommunications facilities

ii) Matters to be stated in the notification form and attached documents

a) Matters to be stated

- The name and address of the applicant and, in the case of a corporation, the name of its representative
- The name and date of birth of the general manager of telecommunications facilities
- The date of appointment

b) Documents to be attached

- Documents certifying that the general manager of telecommunications facilities has a managerial position to participate in important decisions on business operations and that the general manager satisfies the requirements prescribed in Article 29-2 (1) of the Regulations for Enforcement of the Telecommunications Business Act

iii) Requirements for the appointment of the general manager of telecommunications facilities

The general manager of telecommunications facilities shall satisfy the following conditions pursuant to Article 29-2, paragraph (1) of the Regulations for Enforcement of the Telecommunications Business Act, and it shall not have passed two years from the date that the general manager was dismissed under the order Article 44-5 of the Telecommunications Business Act.

a) A person who has experience in at least one of the following items related to the management of telecommunications facilities used for telecommunications business for a total of three years or more.

i) Work related to the design, installation, maintenance or operation of telecommunications facilities

ii) The task of supervising the work listed in i)

b) A person who is recognized to satisfy the requirement equivalent to or greater than that listed in a).

VII-4. Appointment and Dismissal of Chief Telecommunications Engineer

Telecommunications Business Act

Article 45 (Chief Telecommunications Engineer)

- (1) A telecommunications carrier must appoint a chief telecommunications engineer to supervise particulars related to installation, maintenance and operation of telecommunications facilities for the use of telecommunications business specified by Order of the Ministry of Internal Affairs and Communications, from among persons that have a chief telecommunications engineer's license, pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications; provided, however, that this does not apply to cases in which the telecommunications facilities for the use of telecommunications business are small in scale or other cases specified by Order of the Ministry of Internal Affairs and Communications.
 - (2) If a telecommunications carrier has appointed a chief telecommunications engineer pursuant to the provisions of the preceding paragraph, it must notify the Minister for Internal Affairs and Communications to that effect without delay. The same also apply if it dismisses that chief telecommunications engineer.
 - (3) A telecommunications carrier newly designated pursuant to the provisions of Article 41, paragraph (4) must make the initial appointment which they should make after the date of that designation pursuant to the provisions of paragraph (1), within three months from the date of designation.
- (an Order of the Ministry of Internal Affairs and Communications: Article 3, Article 3-2 and Article 4 of the Regulations for Chief Telecommunications Engineer)

A telecommunications carrier installing telecommunications facilities for the use of telecommunications businesses shall appoint a chief telecommunications engineer under Article 45, paragraph (1) of the Telecommunications Business Act to supervise the following matters concerning the installation, maintenance and operation of the telecommunications facilities before the commencement of operations related to the installation, maintenance and operation of the telecommunications facilities. When the telecommunications carrier has appointed a chief telecommunications engineer, the telecommunications carrier shall submit a notification of appointment or dismissal to the Minister for Internal Affairs and Communications (via the Regional Bureau of Telecommunication, Etc.) in accordance with paragraph (2) of the same article.

The Director-General of the Regional Bureau of Telecommunications, Etc. shall, when deemed that there is no problem with entries of the notification of appointment or dismissal, accept the same.

[Matters concerning installation, maintenance and operation of telecommunications facilities for the use of telecommunications business]

- Matters concerning the planning of business related to the installation, maintenance and operation of telecommunications facilities for the use of telecommunications business, and the appropriate implementation of work based on the plan (including the matters listed below)
 - Matters concerning the construction system (including the confirmation of the contractor of the construction work and the operators of the facilities) and those concerning the procedure of construction
 - Matters concerning policies, systems, and methods concerning the monitoring of facility operation or control

- Matters concerning periodic software risk analysis and updating
- Matters concerning the securement of the proper capacity of the facilities
- Matters concerning instructions and orders to workers in response to the accidents of telecommunications facilities for the use of telecommunications business and the formulation of plans for the prevention of the recurrence of accidents after the settlement of the accidents (including the items listed below)
 - Matters concerning countermeasures necessary for prompt detection of faults and identification of the locations of the faults
 - Matters concerning routine emergency restoration measures and cooperation with manufacturers and interconnecting businesses
 - Matters concerning measures to minimize obstacles
- Matters deemed necessary for the installation, maintenance and operation of telecommunications facilities for the use of telecommunications business (including the matters listed below) in addition to those listed in the preceding two items
 - Matters concerning the formulation and implementation of plans for education and training for workers engaged in the installation, maintenance and operation of the telecommunications facilities for the use of telecommunications business in specified worksite areas
 - Matters concerning the grasping and review of the implementation status of the administrative regulations through daily supervisory work

i) Necessary documentation

Documents stipulated in Article 4 of the Regulations for Chief Telecommunications Engineer

- The notification of the appointment or dismissal of the chief telecommunications engineer (an arrangement report if the situation falls under iii)-i) or a document stating the following matters when the situation falls under iii)-iv))
 - The names of other telecommunications carriers that installed telecommunications facilities for the use of telecommunications business, if any, in the same workplace area or prefecture
 - The names of chief telecommunications engineers appointed by other telecommunications carriers that installed telecommunications facilities for the use of telecommunications business, if any, in the same workplace area or prefecture

ii) Scope of selection

Pursuant to Article 3 of the Regulations for Chief Telecommunications Engineer, each workplace that directly manages telecommunications facilities for the use of telecommunications business shall appoint a chief telecommunications engineer from full-time workers in the workplace. The chief telecommunications engineer needs to be provided with a proper license as specified below (workplace-specific appointment).

Telecommunications facilities	Qualification
i. Worksite where telecommunications facilities (except for line facilities and other facilities attached to such facilities) are directly	Person who has a chief transmission and switching engineer's license

managed	
ii. Line facilities and other facilities attached to such facilities are directly managed	Person who has a chief line engineer's license

In the case of a telecommunications carrier that has a business area exceeding a single prefecture, the telecommunications carrier shall station a chief telecommunications engineer in each of the prefectures. Each chief telecommunications engineer holding a proper certificate specified above shall be appointed on a prefecture-by-prefecture basis from full-time workers in each prefecture (prefecture-specific appointment).

iii) Cases no chief telecommunications engineers need to be appointed

A telecommunications carrier installing telecommunications facilities for the use of telecommunications business shall not be required to appoint a chief telecommunications carrier if the telecommunications carrier meets the following requirements.

- i) The installation area of the telecommunications facilities for the use of telecommunications business is within a single city, town, or village
 - a) The installation area of telecommunications facilities for the use of telecommunications business is within a single city, town, or village (within a single ward in the case of a special ward or designated city under the Local Autonomy Act)
 - b) The number of users in the area is less than 30,000
 - c) A person who is deemed to have a specified period of work experience or a capacity equivalent to the specified period of work experience or higher is allocated (e.g., a person who has graduated from a university, junior college, or college of technology with a degree in telecommunications engineering and has the work experience of a specific period in the operation of the telecommunications facilities for the use of telecommunications business)
- ii) Telecommunications facilities for the use of telecommunications business are exclusively used for businesses related to domain names.
- iii) A person who installs telecommunications facilities for the use of telecommunications business is a foreign entity, and the telecommunications facilities for the use of telecommunications business are installed only outside Japan.
- iv) Using telecommunications facilities provided used for telecommunications business installed by other telecommunications carriers (no appointment is necessary, depending on the appointment status of the telecommunications carrier)
 - a) Using telecommunications facilities for the use of telecommunications business installed by other telecommunications carriers
 - b) A chief telecommunications engineer has been appointed by the telecommunications carriers for its telecommunications facilities
- v) Installing telecommunications facilities provided for the use of telecommunications business only to provide public wireless LAN access service
 - a) Telecommunications facilities for the use of telecommunications business are used only for providing public wireless LAN access services or unlicensed LPWA services or unlicensed LPWA services
 - b) Terminal equipment used bears markings certifying its conformity with technical conditions or

terminal equipment used is certified by registered certifying bodies, etc.

- iv) Telecommunications facilities for the use of telecommunications business are exclusively used for domain-name-related business

A telecommunications carrier may assign a chief telecommunications engineer appointed for a worksite to serve concurrently for other worksites directly managed by the chief telecommunications carrier under the conditions specified below instead of appointing a chief telecommunications engineer for each of the other worksites on a prefecture-by-prefecture basis. The foregoing is based on *the matter to determine the appointment range of chief telecommunications engineers* (MIC Notice No. 49 of 2010) to be specified by the Minister for Internal Affairs and Communications. There is no nationality requirement for telecommunications chief engineers.

- i) In the case of assigning a chief telecommunications engineer to a worksite under direct management or appointing a chief telecommunications engineer assigned to a worksite to serve concurrently for other worksites directly managed by the chief telecommunications carrier under the following conditions instead of appointing a chief telecommunications engineer for each of the other worksites on a prefecture-by-prefecture basis.
 - a) The chief telecommunications engineer or the concurrent chief telecommunications engineer (hereinafter referred to as “the concurrently assigned chief telecommunications engineer”) can reach from a worksite to another promptly.
 - b) Emergency measures, such as a switching to a backup system, are taken immediately in the case of a failure in the telecommunications facilities in these prefectures.
 - c) The concurrently assigned chief telecommunications engineer is informed with ease of matters related to the installation, maintenance, and operation of the telecommunications facilities of these worksite areas.
 - d) The result of patrol, inspection, and testing in these worksites is reported to the concurrently assigned chief telecommunications engineer.
 - e) Measures are taken for these worksites so as not to hinder the supervision of the concurrently assigned chief telecommunications engineer.
- ii) In the case of assigning a chief telecommunications engineer to worksites under direct management or appointing a chief telecommunications engineer assigned to a worksite to serve concurrently for other worksites directly managed by the chief telecommunications carrier under the following conditions instead of appointing a chief telecommunications engineer for each of the other worksites on a prefecture-by-prefecture basis.
 - a) A chief telecommunications engineer is assigned to worksites under direct management or appointing a chief telecommunications engineer assigned to a worksite to serve concurrently for other worksites directly managed by the chief telecommunications carrier instead of appointing a chief telecommunications engineer for each of the other worksites on a prefecture-by-prefecture basis.
 - b) The telecommunications carrier has a plan under its administrative regulations to appoint a chief telecommunications chief engineer on a prefecture-by-prefecture basis within five years after the commencement of the business, during which the population of any of the prefectures where the concurrently assigned chief telecommunications engineer will serve is less than 30,000.

- c) The concurrently assigned chief telecommunications engineer serves for a prefecture where telecommunications facilities for the use of telecommunications business are established for an earth station opened for the purpose of providing telecommunications services only to a single user exclusively (excluding cases of earth stations opened in the same prefecture for the purpose of providing telecommunications services to a number of users).
- iii) In the case of assigning a chief telecommunications engineer to serve concurrently in other prefectures within the jurisdiction of the Regional Bureaus of Telecommunications (except the Hokkaido Regional Bureau of Telecommunications) or adjacent prefectures (except Okinawa Prefecture) under the following conditions:
 - a) Emergency measures, such as a switching to a backup system, are taken immediately in the case of a failure in the telecommunications facilities in these prefectures.
 - b) The concurrently assigned chief telecommunications engineer is informed with ease of matters related to the installation, maintenance, and operation of the telecommunications facilities in these prefectures.
 - c) The result of patrol, inspection, and testing in these prefectures is reported to the concurrently assigned chief telecommunications engineer.
 - d) Measures are taken for these prefectures so as not to hinder the supervision of the concurrently assigned chief telecommunications engineer.

iv) Duties and authority of chief telecommunications engineers

Telecommunications carriers shall give chief telecommunications engineers the authority to perform their duties. Furthermore, telecommunications carriers shall respect the advice of chief telecommunications carriers on the installation, maintenance or operation of telecommunications facilities for the use of telecommunications business in workplace areas where chief telecommunications engineers perform their duties. Those who are engaged in the installation, maintenance or operation of telecommunications facilities for the use of telecommunications business shall comply with necessary instructions determined and given by chief telecommunications engineers for performing their duties.

v) Training of chief telecommunications engineers

Telecommunications carriers shall have each chief telecommunications engineer receive training provided by registered training agencies in the installation, maintenance, and operation of telecommunications facilities for the use of telecommunications business under the following conditions according to the type of qualification of the chief telecommunications engineer.

- If the chief telecommunications engineer is newly appointed
 Within a year from the date of appointment (within three years if it has not passed two years from the date that the chief telecommunications engineer received a chief communications engineer's license or a completion certificate of training)
- In the case of a chief telecommunications engineer who received training
 Within three years from the first day of the month after the month in which the training was held

VII-5. Technical conditions for Interconnection of Terminal Facilities

Telecommunications Business Act

Article 52 (Technical Standards for the Interconnection of Terminal Facilities)

(1) If a telecommunications carrier receives a request from a user to interconnect their terminal facilities (telecommunications facilities one end of which is interconnected to telecommunications line facilities and a part of which is installed on the same premises (including the area equivalent to those premises) or in the same building where other parts of those facilities are installed; hereinafter the same applies) with its telecommunications line facilities (except those specified by Order of the Ministry of Internal Affairs and Communications as having a minor influence on the interests of users in the event of damage, failure, etc.; the same applies in Article 69, paragraph (1) and paragraph (2), and Article 70, paragraph (1)), it must not refuse that request, except in cases in which that interconnection does not conform to the technical standards specified by Order of the Ministry of Internal Affairs and Communications (including technical conditions established with the authorization from the Minister for Internal Affairs and Communications by the requested telecommunications carrier, or by another telecommunications carrier whose telecommunications facilities are interconnected to those of the requested telecommunications carrier, and that is specified by Order of the Ministry of Internal Affairs and Communications; the same applies in the following paragraph, and Article 69, paragraph (1) and paragraph (2)) and other cases specified by Order of the Ministry of Internal Affairs and Communications.

(2) The technical standards specified by Order of the Ministry of Internal Affairs and Communications as set forth in the preceding paragraph must be specified so as to ensure the following particulars:

- (i) the technical standards do not result in damage to the telecommunications line facilities nor cause an obstruction to their function;
- (ii) the technical standards do not cause inconvenience to other users of the telecommunications line facilities; and
- (iii) the demarcation of responsibilities between the telecommunications line facilities installed by the relevant telecommunications carrier and the terminal facilities interconnected to them by users is clearly specified.

(an Order of the Ministry of Internal Affairs and Communications: the Rules for Terminal Facilities, Etc., Article 30, Article 30-2, Article 31 and Article 31-2 of the Regulations for Enforcement of the Telecommunications Business Act)

Article 70 (Interconnection of Customer-Owned and Maintained Telecommunications Facilities)

(1) If a telecommunications carrier receives a request from a person that is not a telecommunications carrier running telecommunications line facilities for interconnecting telecommunications facilities of that person (limited to those other than terminal facilities; hereinafter referred to as "customer-owned and maintained telecommunications facilities") to its telecommunications line facilities, it must not refuse that request except in the following cases:

- (i) if the interconnection of customer-owned and maintained telecommunications facilities does not conform to the technical standards specified by Order of the Ministry of Internal Affairs and Communications (including technical conditions established, with the authorization from the Minister for Internal Affairs and Communications, by that telecommunications carrier or other

telecommunications carriers whose telecommunications facilities are interconnected to those of that telecommunications carrier and that are specified by Order of the Ministry of Internal Affairs and Communications; the same applies in the following paragraph); or

(ii) (Omitted)

(2) (Omitted)

(an Order of the Ministry of Internal Affairs and Communications: the Rules for Terminal Facilities, Etc.)

1. Procedures for obtaining authorization for technical conditions

The government decides technical standards for interconnecting terminal facilities. If it is inappropriate to determine such technical standards uniformly, a telecommunications carrier may be granted authorization from the Minister for Internal Affairs and Communications to set forth its own technical conditions, provided that the situation of the telecommunications carriers fall under at least one of the following cases.

- i) In cases where trends in technological development and international standardization are expected to accelerate changes in technical conditions
- ii) In cases where the frequent expansion or addition of service content by a telecommunications carrier is expected
- iii) In cases where the market is small and it is not expected to rapidly gain users in the coming years
- iv) In cases where services to be offered have not been provided by a number of telecommunications carriers

Upon application for the authorization of technical conditions, an application (Form 23) shall be submitted with the planned technical conditions in accordance with Article 30 of the Regulations for Enforcement of the Telecommunications Business Act.

2. Examination

The Minister for Internal Affairs and Communications shall authorize the application of the technical conditions if the application meets the conditions of Article 52, paragraph (2) of the Telecommunications Business Act.

- 1) Standard processing period

Two months

VII-6. Standard Certification System for Terminal Equipment

Telecommunications Business Act

Article 53 (Technical Standards Conformity Approval for Terminal Equipment)

- (1) If a person that has obtained registration pursuant to the provisions of Article 86, paragraph (1) (hereinafter referred to as a "registered approval body") receives a request from another person that intends to obtain a technical standards conformity approval (an approval for conformity to the technical standards specified by Order of the Ministry of Internal Affairs and Communications, as set forth in paragraph (1) of the preceding Article; hereinafter the same applies) related to its registration, it is to examine the request pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications, and is to grant a technical standards conformity approval only if it finds that the

terminal equipment (equipment of terminal facilities of types specified by Order of the Ministry of Internal Affairs and Communications; hereinafter the same applies) related to the request conforms to the technical standards specified by Order of the Ministry of Internal Affairs and Communications, as set forth in paragraph (1) of the preceding Article.

- (2) If a registered approval body grants a technical standards conformity approval related to its registration, it must mark the equipment to indicate that the technical standards conformity approval is granted, pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications.
- (3) (Omitted)

Article 56 (Certification of Design of Terminal Equipment)

- (1) If a registered approval body receives a request from a person engaged in the business of handling terminal equipment, the registered approval body is to certify the terminal equipment as conforming to the technical standards specified by Order of the Ministry of Internal Affairs and Communications, as set forth in Article 52, paragraph (1), with regard to its design (including the means of confirming whether the terminal equipment is in accordance with that design) (hereinafter referred to as the "certification of design").
- (2) If a registered approval body receives a request for the certification of design related to its registration, a registered approval body is to conduct the examination pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications, and is to issue a certification of design only if it finds that the design related to the request conforms to the technical standards specified by Order of the Ministry of Internal Affairs and Communications, as set forth in Article 52, paragraph (1), and that any of the terminal equipment made based on that design is ensured to be in accordance with that design.

Article 63 (Self-Confirmation of Conformity to Technical Standards)

- (1) A manufacturer or importer of the terminal equipment specified by Order of the Ministry of Internal Affairs and Communications, in consideration of the technical standards for the terminal equipment, the way it is used, or other things, as what is not likely to disturb communications of other users of telecommunication line facilities considerably (hereinafter referred to as "specified terminal equipment") may confirm by itself whether the design (including means of confirming whether the terminal equipment is in accordance with the design) of their specified terminal equipment conforms to the technical standards specified by Order of the Ministry of Internal Affairs and Communications, as set forth in Article 52, paragraph (1).
- (2) A manufacturer or importer is to carry out confirmation under the preceding paragraph (referred to as "self-confirmation of technical standards conformity" in the following paragraph), only if it conducts verification pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications and finds that the design of its specified terminal equipment conforms to the technical standards specified by Order of the Ministry of Internal Affairs and Communications, as set forth in Article 52, paragraph (1), and that any piece of the specified terminal equipment based on the design is ensured to be in accordance with that design.
- (3) If any manufacturer or importer has conducted self-confirmation of technical standards conformity, it may notify the Minister for Internal Affairs and Communications of the particulars listed below, pursuant

to the provisions of Order of the Ministry of Internal Affairs and Communications:

- (i) its name and address and, in cases of a corporation, the name of its representative;
 - (ii) the type and design of specified terminal equipment for which the self-confirmation of technical standards conformity was carried out;
 - (iii) outline of the results of the verification set forth in the preceding paragraph;
 - (iv) a means of confirming whether any piece of the specified terminal equipment based on the design set forth in item (ii) is in accordance with that design; and
 - (v) other particulars specified by Order of the Ministry of Internal Affairs and Communications concerning the means of self-confirmation of technical standards conformity.
- (4) A person that has notified the Minister for Internal Affairs and Communications of the particulars above pursuant to the provisions of the preceding paragraph (hereinafter referred to as a “notifying supplier”) must make and keep a record related to the verification set forth in paragraph (2) pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications.
- (5) If any of the particulars listed in paragraph (3), item (i), item (iv) or item (v) has been changed, a notifying supplier must notify the Minister for Internal Affairs and Communications to that effect without delay, pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications.
- (6) If a notification is filed pursuant to the provisions of paragraph (3), the Minister for Internal Affairs and Communications must issue a public notice to that effect, pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications. The same also applies if a notification is filed pursuant to the provisions of the preceding paragraph, and any of the particulars in that public notice has been changed.

Article 69 (Inspection of Terminal Facility Interconnections)

- (1) If a user interconnects terminal equipment to telecommunications line facilities of a telecommunications carrier, the user must not use that terminal equipment before the telecommunications carrier conducts an inspection to certify that the interconnection conforms to the technical standards specified by Order of the Ministry of Internal Affairs and Communications set forth in Article 52, paragraph (1), except cases the user interconnects a conformity-marked terminal equipment or other cases specified by Order of the Ministry of Internal Affairs and Communications. The same applies to the case in which an interconnection is changed.
- (2) A telecommunications carrier installing telecommunications line facilities may request its users to undergo an inspection to determine whether the interconnection of their terminal facilities conforms to the technical standards specified by Order of the Ministry of Internal Affairs and Communications set forth in Article 52, paragraph (1), if there is a defect in the terminal facilities or the smooth provision of its telecommunications services is hindered otherwise, and that telecommunications carrier finds it necessary. In this case, the users must not refuse the request, except in cases in which there are justifiable grounds or other cases specified by Order of the Ministry of Internal Affairs and Communications.
- (3) The provisions set forth in the preceding paragraph apply mutatis mutandis to telecommunications carriers specified by Order of the Ministry of Internal Affairs and Communications in the same paragraph that have received the approval pursuant to the provisions of Article 52, paragraph (1). In

such a case, the term "technical standards specified by Order of the Ministry of Internal Affairs and Communications" in the preceding paragraph is deemed to be replaced with "technical conditions authorized pursuant to the provisions of."

- (4) A person that engages in the inspection set forth in paragraphs (1) and (2) (including as applied mutatis mutandis in the preceding paragraph) must carry a certificate for identification and show it to the persons concerned when entering a site at which terminal facilities are installed.

Article 104 (Approval of a Person as a Recognized Approval Body)

(1)-(3) (Omitted)

- (4) The provisions of Article 53, paragraph (1) and paragraph (2), Article 55, Article 90, paragraph (2) and paragraph (3), Article 91, Article 92, Article 94, and Article 96 through Article 98 apply mutatis mutandis to a recognized approval body. The provisions of Article 54 apply mutatis mutandis to a person that has obtained technical standards conformity approval from a recognized approval body. The provisions of Article 86, paragraph (2) and paragraph (3), Article 87, and Article 90, paragraph (1) apply mutatis mutandis to the recognition that the Minister for Internal Affairs and Communications grants pursuant to the provisions of paragraph (1).

(5) (Omitted)

- (6) Upon request from a foreign dealer, a recognized approval body may issue a certification of design to terminal equipment to be used in Japan.

- (7) The provisions of Article 55, Article 56, paragraph (2), Article 91, Article 92, Article 96, Article 97, paragraph (2) and Article 98 apply mutatis mutandis to the cases in which a recognized approval body issues a certification of design; the provisions of Article 57 through Article 60, Article 54, as applied mutatis mutandis pursuant to Article 61, and Article 62, paragraph (3) and paragraph (4) apply mutatis mutandis to a person that has obtained a certification of design from a recognized approval body; and the provisions of Article 94, and paragraph (2) and paragraph (3) apply mutatis mutandis to the cases in which a recognized approval body conducts the operations for technical standards conformity approval and certification of design.

(3) (Omitted)

(Order of the Ministry of Internal Affairs and Communications: the Regulations for Enforcement of the Telecommunications Business Act, the Rules for Terminal Facilities Etc., and the Rules Concerning the Technical Standards Conformity Approval for Terminal Equipment, Etc.)

1) Overview

Some users connect terminal equipment, such as telephones, fax machines, or modems to telecommunications carriers' networks (through telecommunications line facilities). As a general rule, the users need to have the connections inspected by the telecommunications carriers to confirm that the terminal equipment complies with the technical standards based on the Telecommunications Business Act.

However, terminal equipment may bear a marking (technical conformity mark) specified by Order of MIC if registered or recognized approval bodies certify that the terminal equipment conforms to specified technical standards. In that case, users can connect and use such terminal equipment without being inspected by telecommunications carriers.

2) Types of Institutional Systems

i) Technical Standards Conformity Approval for Terminal Equipment (Article 53 and Article 53 as applied mutatis mutandis pursuant to Article 104 of the Telecommunications Business Act)

Technical Standards Conformity Approval for Terminal Equipment is an institutional system in which those registered (registered approval bodies) or recognized (recognized approval bodies) by the Minister for Internal Affairs and Communications determine whether each piece of terminal equipment conforms to the technical standards specified by the Telecommunications Business Act.

According to the Order of MIC, registered and recognized approval bodies conduct approve after examining each piece of terminal equipment.

The technical conformity mark is attached to terminal equipment that has been approved by a registered or recognized approval body to conform to the technical standards.

ii) Certification of Design of Terminal Equipment (Article 56 and Article 104 of the Telecommunications Business Act)

Certification of Design of Terminal Equipment is an institutional system to judge whether terminal equipment conforms to the technical standards. Registered and recognized approval bodies judge the quality control method (confirmation method) for the terminal equipment at the stages of designing and production.

The target of certification is not the terminal equipment itself but the design of the terminal equipment. The terminal equipment is manufactured after the certification. Therefore, the purpose of certification is different from that of the Technical Standards Conformity Approval for Terminal Equipment.

The technical conformity mark is attached to the manufactured terminal equipment if those who have received the design certification fulfill the design conformity obligation stipulated in the Telecommunications Business Act.

Companies that manufacture, sell, import, repair, inspect, or process terminal equipment may apply for design certification to registered approval bodies. Foreign dealers (people engaged in a foreign state in the business of handling terminal equipment to be used in Japan) may apply for design certification to recognized approval bodies.

iii) Self-Confirmation of Conformity to Technical Standards (Article 63 of the Telecommunications Business Act)

Self-Confirmation of Conformity to Technical Standards is an institutional system for certain terminal equipment under an Order of MIC as specified terminal equipment that is less likely to interfere with the communication of other users significantly. This system applies only if manufacturers or importers of specified terminal equipment confirm and verify that the design of each piece of their specified terminal equipment conforms to the technical standards specified by the Telecommunications Business Act.

The technical conformity mark is attached to terminal equipment manufactured after the manufacturer or importer (notifying supplier) who reported to the Minister for Internal Affairs and Communications has confirmed by itself that it has fulfilled the design conformity obligation stipulated in the Telecommunications Business Act.

Only manufacturers or importers of specific terminal equipment may perform self-confirmation of conformity with technical standards.

3) Registered Approval Bodies

* Refer to the following MIC website for a list of registered approval bodies:

https://www.soumu.go.jp/main_sosiki/joho_tsusin/tanmatu/index.html (only in Japanese)

4) Recognized Approval Bodies

* Refer to the following MIC website for a list of recognized approval bodies:

https://www.soumu.go.jp/main_sosiki/joho_tsusin/tanmatu/index.html (only in Japanese)

5) Standard Certification System based on Mutual Recognition Agreement (MRA)

MRA is a bilateral agreement that enables the certification of equipment for a partner country (i.e., the inspection and confirmation of the equipment to certify that the equipment meets the technical requirements) in the home country. The conclusion of MRA will facilitate the import and export of telecommunications equipment and electrical appliances overseas, thus reducing the burden on companies and promoting bilateral trade.

So far, MRA has been concluded for telecommunications equipment with the European Community (EC) (effective from January 2002), Singapore (effective from November 2002), and the United States (effective from January 2008).

According to the provisions of MRA, registered overseas conformity assessment organizations designated and registered by the corresponding foreign designated authorities can carry out the technical standard conformity certification and design certification of telecommunications equipment for Japan.

6) Registered Overseas Conformity Assessment Organizations

* Refer to the following MIC website for a list of registered overseas conformity assessment organizations:

https://www.soumu.go.jp/main_sosiki/joho_tsusin/tanmatu/index.html (only in Japanese)

VIII. Telecommunications Numbers

Telecommunications Business Act

Article 50 (Use of Telecommunications Numbers and Telecommunications Numbering Plan)

(1) In providing telecommunications services, a telecommunications carrier must use telecommunications numbers (meaning numbers, signs or other codes specified by the Minister for Internal Affairs and Communications; hereinafter the same applies) designated in paragraph (1) of the following Article or Article 50-11, in accordance with a telecommunications number usage plan certified in paragraph (1) of the following Article (or, if there is certification of the changes in Article 50-6, paragraph (1), a plan that reflects those changes; referred to as "certified telecommunications number usage plan" in Article 51), in order to identify telecommunications facilities that are installed at places of transmission or reception or interconnect between the relevant places, or in order to identify types or content of telecommunications services to provide; provided, however, that this does not apply if domain names (domain names defined in Article 164, paragraph (2), item (ii)), IP addresses (IP addresses defined in item (iii) of the same paragraph), or any other numbers, signs or codes specified

by Order of the Ministry of Internal Affairs and Communications are used.

(2) The Minister for Internal Affairs and Communications must create a table that includes telecommunications numbers and the following particulars (hereinafter referred to as "telecommunications numbering plan") to contribute to certification as provided in paragraph (1) of the following Article (including the designation provided in the same paragraph and in Article 50-11) as well as the execution of other work related to telecommunications numbers, provide this plan for public browsing, and issue a public notice of it. The same applies if a change is made to the plan or the provisions of Article 50-12 are applied to the plan.

(i)-(iii) (Omitted)

(3) (Omitted)

Article 50-2 (Approval of Telecommunications Number Usage Plan)

(1) If using a telecommunications number to provide telecommunications services, a telecommunications carrier must create a plan for using telecommunications numbers that lists the particulars below (hereinafter referred to as "telecommunications number usage plan"), and receive approval from the Minister for Internal Affairs and Communications regarding conformity of the relevant telecommunications number usage plan to the requirements listed under each of the items in Article 50-4 (including designation of user facility identification numbers, if the particulars listed in item (ii) are included in the relevant telecommunications number usage plan; the same applies in this Subsection):

(i) particulars concerning use of telecommunications numbers;

(ii) user facility identification numbers that are to be assigned (this assignment means assigning an unused user facility identification number to a user's terminal facility; the same applies in this item) and particulars listed below, if those numbers are assigned:

(a) particulars concerning number assignment;

(b) particulars concerning management of user facility identification numbers; and

(c) if the conditions listed in item (iii), (b) of paragraph (2) of the preceding Article exist for the relevant user facility identification numbers, particulars concerning ensuring the relevant conditions.

(iii) beyond what is set forth in the provisions of (c) in the preceding item, if the conditions provided in item (iii) of paragraph (2) of the preceding Article exist for the relevant telecommunications numbers that are to be used, particulars concerning ensuring the relevant conditions; and

(iv) beyond what is set forth in the preceding three items, particulars specified by Order of the Ministry of Internal Affairs and Communications.

(2) As specified by Order of the Ministry of Internal Affairs and Communications, a telecommunications carrier seeking the approval set forth in the preceding paragraph must submit an application listing the particulars below, the telecommunications number usage plan, and accompanying documents specified by Order of the Ministry of Internal Affairs and Communications to the Minister for Internal Affairs and Communications:

(i) its name and address, and, in cases of a corporation, the name of its representative; and

(ii) beyond what is set forth in the preceding item, particulars specified by Order of the Ministry of Internal Affairs and Communications.

(3) If the Minister for Internal Affairs and Communications specifies and issues a public notice for a standard telecommunications number usage plan regarding the particulars listed in each of the items in paragraph (1) (excluding item (ii)) (this case includes those in which the Minister makes a change to and issues a public notice for the plan), and the telecommunications carrier (excluding those that fall under any of the items in the following Article) creates the same telecommunications number usage plan as the relevant standard telecommunications number usage plan or modifies its existing telecommunications number usage plan (excluding those that include particulars listed in item (ii) of the same paragraph) to match the relevant standard telecommunications number usage plan, that telecommunications number usage plan is deemed to have received the approval in the same paragraph or the approval of changes provided in Article 50-6, paragraph (1).

(an Order of the Ministry of Internal Affairs and Communications: the Regulations for Telecommunications Numbers (MIC Ordinance No. 4 of 2019))

Telecommunications carriers need to prepare a telecommunications number usage plan approved by the Minister for Internal Affairs and Communications if they provide telecommunications services using telecommunications numbers. Such telecommunications carriers include those providing wholesale telecommunications services that use telecommunications numbers without telecommunications numbers designated for them and those providing call forwarding services using landline numbers.

However, their plan is considered approved by the Minister for Internal Affairs and Communications (i.e., no approval procedure is required) if their plan is the same as the standard telecommunications number usage plan (MIC Notice No. 7 of 2019).

1. Procedures for Approval of Telecommunications Number Usage Plan

A telecommunications carrier that intends to have its telecommunications number usage plan (including the designation of a telecommunications number) approved shall submit the following documents:

1) Application form for the approval of the telecommunications number usage plan (Telecommunications Number Rule Form 1)

(The items specified below are to be described)

- i) Name (if the applicant is a corporation, the name of the corporation and the name of the representative)
- ii) Telecommunications number usage plan to be approved
- iii) Presence of grounds for disqualification

2) Telecommunications Number Usage Plan (Telecommunications Number Rule Form 2)

A telecommunications number usage plan needs to be created for each type of telecommunications number (per type listed in the Appended Table of the Regulations for Telecommunications Numbers) (In the case of other service telephone numbers, it must be created on a function-by-function basis).

Each telecommunications number usage plan has its format according to the usage of the telecommunications number.

- Form 2-1: In the case of using the user facility identification number (limited to cases where it is specified and used)
- Form 2-2: In the case of using the user facility identification number (excluding cases where it is

specified and used)

- Form 2-3: In the case of using the business facility identification number (limited to cases where it is specified and used)
- Form 2-4: In the case of using the business facility identification number (excluding cases where it is specified and used)

The items specified below need to be stated in Form 2 and 1.

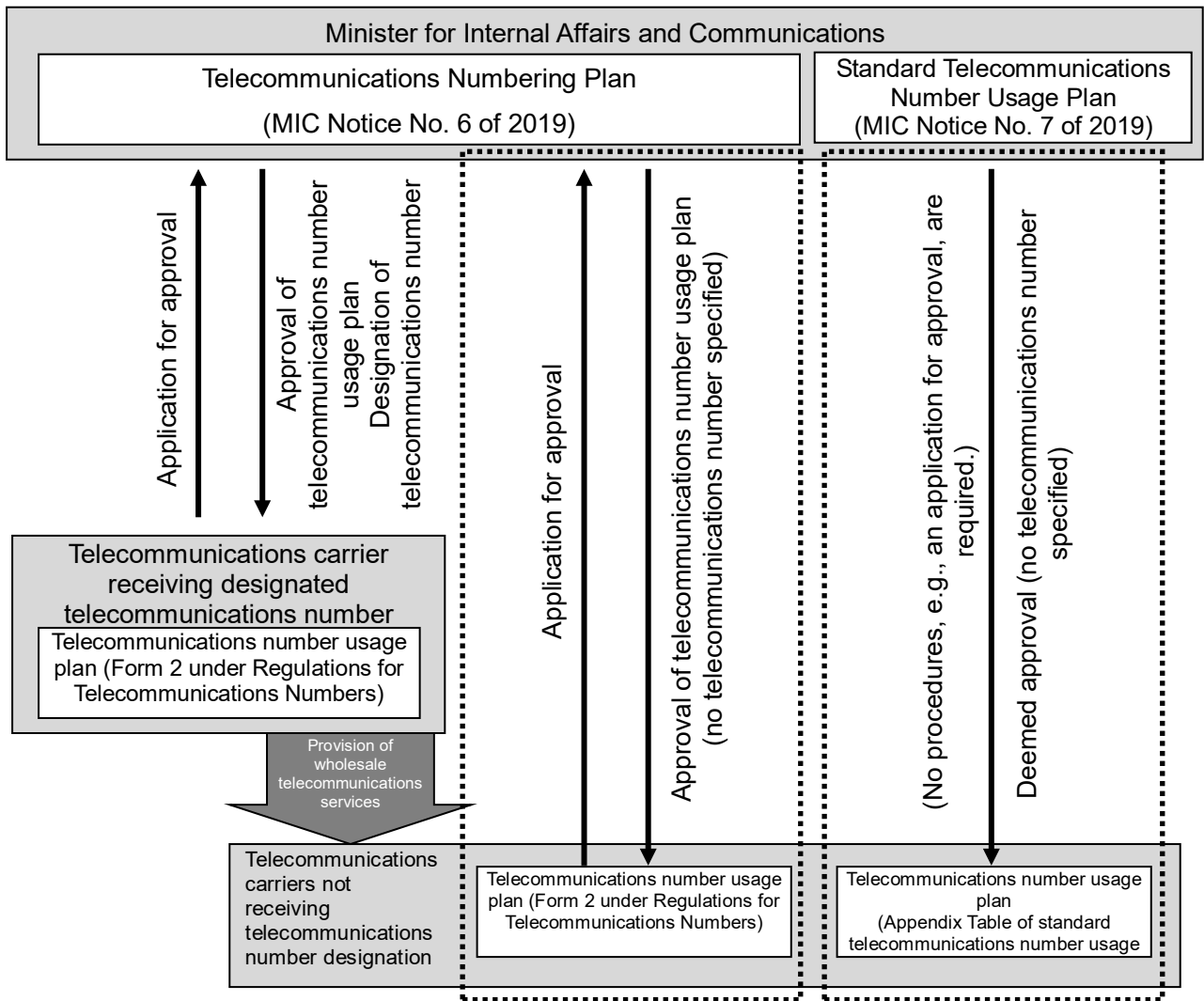
* Refer to the Regulations for Telecommunications Numbers for other forms.

- i) Matters concerning the use of the telecommunications number
- ii) User facility identification number to be given
- iii) Content of the telecommunications service provided using the telecommunications number
- iv) Configuration diagram of the telecommunications equipment required to use the telecommunications number
- v) Matters concerning numbering
- vi) Matters concerning the management of the user facility identification number
- vii) Matters concerning securing conditions for the use of the telecommunications number
- viii) Other matters that are particularly necessary when using the telecommunications number

2. Examination

In response to an application for the approval of a telecommunications number usage plan from a telecommunications carrier, the Minister for Internal Affairs and Communications will approve the plan (including the designation of a telecommunications number) if the telecommunications number usage plan meets the requirements in light of MIC Notice No. 6 of 2019 and will issue a certificate (if a telecommunications number is specified, the telecommunications number will also be notified).

Procedures for telecommunications numbers



(Either procedures can be selected)

IX. Compliance with the Consumer Protection

While telecommunications services have become indispensable for people's daily lives and socioeconomic activities, general customers are facing difficulties in appropriately selecting services which are necessary for them because of advancement of information and communications technology (ICT), diversification of service contents and service menus. Thus, when users conclude contracts for telecommunications services with telecommunications carriers, the telecommunications carriers or their agents need to explain the terms and conditions for providing the services, process complaints, etc. at their own responsibility so that the users can use the services with a sense of security.

MIC published the *Guidelines for Consumer Protection Rules for the Telecommunications Business Act* in March 2016. For details, please refer to the following website:

(Reference) Telecom Consumer Information

https://www.soumu.go.jp/main_sosiki/joho_tsusin/d_syohi/shohi.htm (only in Japanese)

1. Prior Notification pertaining to Suspension or Discontinuation of Business

Telecommunications Business Act

Article 18 (Suspension and Discontinuation of Business and the Dissolution of Corporations)

(1) If a telecommunications carrier suspends or discontinues all or part of its telecommunications business, it must notify the Minister for Internal Affairs and Communications to that effect without delay.

(2) If a corporation that is a telecommunications carrier dissolves due to reasons other than a merger, the liquidator in charge (or, in cases of dissolution due to an order for the commencement of bankruptcy proceedings, the bankruptcy trustee) or an equivalent person set forth in foreign law must notify the Minister for Internal Affairs and Communications to that effect without delay.

(an Order of the Ministry of Internal Affairs and Communications: Article 12 of the Regulations for Enforcement of the Telecommunications Business Act)

If a telecommunications carrier has suspended all or part of the operations of its telecommunications business or the telecommunications carrier as a corporation has been dissolved, it is necessary for the telecommunications carrier to notify the Minister of Internal Affairs of that effect without delay.

2. Explanation of Terms and Conditions

Telecommunications Business Act

Article 26 (Explanation of Terms and Conditions for the Provision of Services)

(1) If a telecommunications carrier intends to conclude a contract for the provision of telecommunications services listed below, with a user (including a person that intends to receive telecommunications services, but excluding a telecommunications carrier; the same applies in this paragraph, Article 27 and Article 27-2), the carrier must explain to the user an outline of the charges and other terms and conditions for the provision of those services, pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications; provided, however, that this does not apply to the cases that are specified by Order of the Ministry of Internal Affairs and Communications as those in which it is found

that the protection of the interests of users would not be compromised even if the outline of the charges and other terms and conditions for service provision were not explained to the user, in consideration of the contents of the contract and other circumstances:

- (i) telecommunications services which are provided by using transmission line facilities interconnected to mobile terminal facilities at one end, and which the Minister for Internal Affairs and Communications designates as those that are particularly necessary in order to protect their interests of users, in consideration of their content, the charges and other terms and conditions for the provision, the scope of users, and the usage of them;
- (ii) telecommunications services which are other than those provided by using transmission line facilities interconnected to mobile terminal facilities at one end, and which the Minister for Internal Affairs and Communications designates as those that are particularly necessary in order to protect the interests of the users, in consideration of their contents, the charges and other terms and conditions for the provision, the scope of the users, and the usage of them; or
- (iii) beyond what is provided for in the preceding two items, telecommunications services that the Minister for Internal Affairs and Communications designates as those having non-negligible effects on the interests of users, in consideration of their content, the charges and other terms and conditions for the provision, the scope of the users, and other conditions.

(2) (Omitted)

(an Order of the Ministry of Internal Affairs and Communications: Article 22-2-3 of the Regulations for Enforcement of the Telecommunications Business Act)

A telecommunications carrier shall explain major telecommunications services, e.g., MNO mobile phone terminal and FTTH Internet services, to users before the conclusion of a contract of services for general consumers. Generally, it is necessary to give a description explaining the explanation items (e.g., the content of the telecommunications service, fee and other expenses, conditions and methods of contract change and cancellation, etc.) to each user in an easy-to-understand manner. The explanation may be given to users by email or in other methods subject to the consent of the users. Furthermore, the telecommunications carrier or agent shall give an explanation to elderly people, people with disabilities, and those who need consideration by taking their knowledge, experience, and contract purposes into account (in accordance with the so-called “principle of suitability”). It is also necessary to give an advance notification to users about important contract items, such as penalties, if any, in excess of the amount of the basic fees, in the case of concluding contracts that will be renewed automatically unless otherwise requested by the users (e.g., two-year contracts).

This provision also applies mutatis mutandis to notified persons entrusted with intermediation.

3. Delivery of Documents

Telecommunications Business Act

Article 26-2 (Delivery of Documents)

- (1) If a telecommunications carrier effects a contract for provision of telecommunications services as listed in each item of paragraph (1) of the preceding Article, the telecommunications carrier must

prepare a document and deliver it to the user (excluding telecommunications carriers; the same applies in this Article and the following Article) without delay pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications; provided, however, that this does not apply to the cases that are specified by Order of the Ministry of Internal Affairs and Communications as those in which it is found that the protection of the interests of users would not be compromised even if the document were not delivered to the user, in consideration of the contents of the contract and other circumstances.

(2) With the consent of the user and pursuant to the provisions of Cabinet Order, in lieu of delivering the document under the preceding paragraph, a telecommunications carrier may provide a user with the particulars that are required to be stated in that document, by means of an electronic data processing system or by any other means of information and communications technology specified by Order of the Ministry of Internal Affairs and Communications. In doing this, the telecommunications carrier is deemed to have delivered the document.

(3) The particulars required to be included in a document, provided by the means referred to in paragraph (1) (excluding means specified by Order of the Ministry of Internal Affairs and Communications) in lieu of the delivery of the document under paragraph (1), are deemed to be delivered to a user when those particulars are recorded in a file stored on a computer employed by that user.

(an Order of the Ministry of Internal Affairs and Communications: Article 22-2-4 of the Regulations for Enforcement of the Telecommunications Business Act)

A telecommunications carrier shall prepare and deliver a contract document without delay when a contract relating to major telecommunications services are established. The contract document shall state items clarifying the content of the contract (e.g., matters sufficient to identify basic explanation items and the contract, the timing and method of payment for charges, and the scheduled time to start providing services). If the user's explicit consent is present, the delivery of the document in an electromagnetic method is also possible.

4. Written Cancellation (Initial Contract Cancellation)

Telecommunications Business Act

Article 26-3 (Written Cancellation)

(1) Except as otherwise provided by Order of the Ministry of Internal Affairs and Communications, a user that has concluded a contract with a telecommunications carrier for the provision of telecommunications services listed in Article 26, paragraph (1), item (i) or item (ii) may cancel that contract in writing, unless eight days have elapsed since the day on which the customer received the document set forth in paragraph (1) of the preceding Article (or, the date of commencement of the telecommunications services, if the provision of the telecommunications services (limited to telecommunications services set forth in Article 26, paragraph (1), item (i)) commences after the receipt date of the document) (or, unless eight days have elapsed since the date on which the user received a document in which, pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications, the telecommunications carrier has described that the user may cancel that contract pursuant to the provisions of this paragraph, and which the telecommunications carrier has delivered to

the user, if the telecommunications carrier or a notifying person entrusted with intermediation, etc. (notifying persons entrusted with intermediation, etc. as defined in Article 73-2, paragraph (2); the same applies in Article 27-3, paragraph (2), item (ii)) misrepresented the information on cancellation of that contract under this paragraph, in violation of the provisions in Article 27-2, item (i) or the provisions of that item as applied mutatis mutandis pursuant to Article 73-3, respectively, and as a result of that false explanation, the user misconstrued that the explanation was correct, and did not cancel that contract under the provisions of this paragraph within that period).

(2) The cancellation of a contract for the provision of telecommunications services under the preceding paragraph becomes effective when a document indicating that the contract for the provision of telecommunications services is cancelled is issued.

(3) If a contract for the provision of telecommunications services becomes subject to a cancellation under paragraph (1), the telecommunications carrier may not demand any compensation or penalty for that cancellation or payment or delivery of other monies (including money and other property; the same applies in the next paragraph) from the user; provided, however, that this does not apply to the amount of money specified by Order of the Ministry of Internal Affairs and Communications as the amount of money payable by the user for services received in the period until the cancellation of that contract, or other amount of money payable by the user with regard to that contract.

(4) If a contract for the provision of telecommunications services becomes subject to a cancellation under paragraph (1), the telecommunications carrier must promptly return monies received from the user in connection with that contract; provided, however, that this does not apply to the amount of money specified by Order of the Ministry of Internal Affairs and Communications as prescribed in the proviso to the preceding paragraph, among the monies received in connection with that contract.

(5) A special provision that is contrary to the provisions of the preceding paragraphs and disadvantageous to a user is void.

(an Order of the Ministry of Internal Affairs and Communications: Article 22-2-7, Article 22-2-8 and Article 22-2-9 of the Regulations for Enforcement of the Telecommunications Business Act)

A user may cancel a contract of major telecommunications services within eight days from the receipt of the contract document (the start date of services in the case of mobile communications services that start later than the reception date of the contract document) without the consent of the service provider (telecommunications carrier).

However, an alternative measure (confirmation measure) shall be taken to make it possible to cancel the contract including the terminal if the propagation of radio waves or the explanation of the telecommunications carrier providing mobile communications services specified separately by a notice from MIC. The confirmation measure shall be taken in place of the initial contract cancellation system for services certified by the Minister for Internal Affairs and Communications.

If the contract is canceled by the initial contract cancellation system, the telecommunications carrier cannot claim penalties from the user. On the other hand, it will be possible to claim payment for a certain range of charges for services used until the termination of the contract and the telecommunications carrier's installation charge incurred until the termination of the contract and the administrative charge (contract conclusion charge). Among them, in order to prevent undue high installation and administration charges, their upper limits have been specified by a separate MIC notice.

5. Dissemination of Suspension and Discontinuation of Telecommunications Operations

Telecommunications Business Act

Article 26-4 (Dissemination of Suspension and Discontinuation of Telecommunications Operations)

(1) If suspending or discontinuing all or part of telecommunications operations, a telecommunications carrier must make the particulars specified by Order of the Ministry of Internal Affairs and Communications as those necessary to protect the interests of users known to users concerned with those operations to be suspended or discontinued, in advance, pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications; provided, however, that this does not apply to suspension or discontinuation of telecommunications operations related to telecommunications services specified by Order of the Ministry of Internal Affairs and Communications as those having relatively little effect on the interests of users.

(2) In the case of the main close in the preceding paragraph, a telecommunications carrier must notify the Minister for Internal Affairs and Communications of the particulars specified by Order of the Ministry of Internal Affairs and Communications in the same paragraph in advance, pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications, with regard to suspension or discontinuation of telecommunications operations related to telecommunications services specified by Order of the Ministry of Internal Affairs and Communications as having a significant influence on the interests of users.

(an Order of the Ministry of Internal Affairs and Communications: Article 22-2-10 and Article 22-2-11)

There is a case where telecommunications carriers may intend to suspend or discontinue all or part of their telecommunications services. In that case, the telecommunications carriers must inform their users of the matters necessary to protect the users' interests at least 30 days before the date of suspension or discontinuance (i.e., details and date of telecommunications business to be suspended or discontinued). The specified obligation does not apply to telecommunications services that have a relatively small impact on users' interests, such as sending and receiving functions in applications for dating sites and online games where sending and receiving messages is not the main purpose).

There are telecommunications services that significantly impact the users' interests (i.e., universal telecommunications services, designated telecommunications services, and paid telecommunications services with more than one million subscribers). Telecommunications carriers suspending or discontinuing these services must inform their users at least one year before the date of suspension or discontinuance. Furthermore, they must report to the Minister for Internal Affairs and Communications 30 days before notifying the users.

6. Procedure for Processing Complaints, etc.

Telecommunications Business Act

Article 27 (Procedure for Processing Complaints, etc.)

A telecommunications carrier must, properly and promptly, process complaints or inquiries from users about the telecommunications carrier's means of conducting its operations in relation to the telecommunications services set forth in each item in Article 26, paragraph (1), or about the telecommunications services as set forth in each item in the same paragraph which the telecommunications carrier provides.

A telecommunications carrier shall properly and promptly process complaints and inquiries from users concerning major telecommunications services or operations. Whether the telecommunications carrier “appropriately and promptly” processes them or not shall be judged on a case-by-case basis for each individual case according to the content of the services and scale of the telecommunications carrier.

7. Prohibited Conducts of Telecommunications Carriers.

Telecommunications Business Act

Article 27-2 (Prohibited Conducts of Telecommunications Carriers)

Telecommunications carriers must not engage in any of the following:

- (i) intentionally failing to disclose or misrepresenting important particulars that would affect the decision of users, about the contract for the provision of telecommunications services set forth in each item in Article 26, paragraph (1); or
- (ii) prior to soliciting for conclusion of a contract for the provision of telecommunications services set forth in each item of paragraph (1) of Article 26, soliciting a person (excluding telecommunications carriers) without indicating the telecommunications carrier's own name or without indicating that the telecommunications carrier is soliciting for conclusion of the relevant contract (excluding solicitations specified by Order of the Ministry of Internal Affairs and Communications as not being likely to compromise the protection of the interest of users);
- (iii) continuing to solicit a person (excluding telecommunications carriers) for conclusion of a contract for the provision of telecommunications services set forth in each item of paragraph (1) of Article 26 after the person that receives the solicitation manifests the intention not to conclude that contract (including a refusal to receive the solicitation thereafter)(excluding solicitations specified by Order of the Ministry of Internal Affairs and Communications as not being likely to compromise the protection of the interests of users); or
- (iv) beyond what is provided for in the preceding three items, any conduct specified by Order of the Ministry of Internal Affairs and Communications as being likely to compromise the protection of the interests of users.

(an Order of the Ministry of Internal Affairs and Communications: Article 22-2-10 of the Regulations for Enforcement of the Telecommunications Business Act)

No telecommunications carrier or notified person entrusted with intermediation, etc. may intentionally tell users of matters untrue or neglect to tell them of the facts of any important matters of the contract related to the provision of telecommunications services listed in each item specified in Article 26, Paragraph (1) of the Telecommunications Business Act. Furthermore, it is forbidden to solicit without telling the name of the telecommunications carrier or notified person or the purpose of solicitation or to re-offer contracts to those

who do not wish to conclude contracts or do not want solicitation.

8. Guidance to Persons Entrusted with Intermediation, Etc.

Telecommunications Business Act

Article 27-4 (Guidance to Persons Entrusted with Intermediation, etc.)

If a telecommunications carrier entrusts a person to conclude a contract for the provision of telecommunications services as an intermediary, broker or agent (hereinafter referred to as "intermediation, etc."), or conduct any other associated operations, the telecommunications carrier must provide the guidance to any person entrusted with those operations (including another person that are entrusted with those operations by the relevant person (including cases in which the relevant operations are entrusted twice or more times); hereinafter referred to as a "person entrusted with intermediation, etc.") or take other measures necessary for ensuring that the operations related to that entrustment are conducted in a proper and secure manner, pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications.

(an Order of the Ministry of Internal Affairs and Communications: Article 22-2-11 of the Regulations for Enforcement of the Telecommunications Business Act)

A telecommunications carrier shall select persons entrusted with intermediation, etc. or other appropriate intermediary service trustees, prepare documents such as business procedures, confirm and verify the business situation of persons entrusted with intermediation, etc. or intermediary service trustees, appropriately deal with complaints, cancel intermediary contracts, and take proper measures, such as guidance given to persons entrusted with intermediation, etc. or intermediary service trustees, e.g., the confirmation of whether the persons entrusted with intermediation, etc. have submitted the notification* prescribed in Article 73-2 of the Act.

* Reference

Telecommunications Business Act

Article 73-2 (Notification of Intermediation, etc.)

(1) A person that intends to perform intermediation, etc. of conclusion of a contract related to the provision of telecommunications services listed in each of the items of paragraph (1) of Article 26 upon being entrusted by a telecommunications carrier or by a person entrusted with intermediation, etc. must notify the Minister for Internal Affairs and Communications to that effect by attaching a document describing the following particulars, pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications:

- (i) its name and address, and, in cases of a corporation, the name of its representative;
- (ii) the name and address of the telecommunications carrier or person entrusted with intermediation, etc. by whom the relevant operations are entrusted;
- (iii) the name and address of the telecommunications carrier providing telecommunications services related to the relevant intermediation, etc.;

(iv) which telecommunications services among those listed in each item of Article 26, paragraph (1) the relevant telecommunications services related to the relevant intermediation, etc. fall under; and
(v) beyond what is set forth in the preceding items, any particulars specified by Order of the Ministry of Internal Affairs and Communications.

(2)-(5) (Omitted)

(Order of the Ministry of Internal Affairs and Communications: Article 39 of the Regulations for Enforcement of the Telecommunications Business Act)

X. Reports and Inspections

1. Reports Requested from Telecommunications Carriers, etc. or On-site Inspection Conducted by MIC Official

Telecommunications Business Act

Article 166 (Reports and Inspections)

(1) To the extent necessary for enforcement of this Act, the Minister for Internal Affairs and Communications may have a telecommunications carrier or person entrusted with intermediation, etc. report on their business, or commission ministerial officials to enter into the offices, business offices, or other places of business of the telecommunications carrier or person entrusted with intermediation, etc., in order to inspect their telecommunications facilities (limited to cases in which the ministerial officials enter the place of business of a telecommunications carrier), books, documents, and other items.

(2)-(8) (Omitted)

(an Order of the Ministry of Internal Affairs and Communications: the Rules for Reporting on Telecommunications Business)

Within the limit necessary for the enforcement of the Telecommunications Business Act, the Minister for Internal Affairs and Communications may prompt telecommunications carriers or Persons entrusted with intermediation, etc. to report on their business, or commission ministerial officials to enter their business offices, offices, or other places of business.

Among the reports required from telecommunications carriers, those regularly and routinely requested, such as the status of telecommunications service contracts, shall be submitted in accordance with the Rules for Reporting on Telecommunications Business. (*)

* Refer to the Rules for Reporting on Telecommunications Business (Ministerial Ordinance of MPT No. 46 of 1988) and the reference, *the Report based on the Rules for Reporting on Telecommunications Business* for matters to be reported, the deadline for the reporting, and the destination of the reporting.
(Reference) *Report based on the Rules for Reporting on Telecommunications Business*

https://www.soumu.go.jp/joho_tsusin/eidsystem/houkoku_kisoku.html (only in Japanese)

Anyone who has failed to make a report under Article 166, Paragraph (1) of the Telecommunications

Business Act or makes a false report or refuses, obstructs or evades inspections under these provisions shall be punished by a fine of not more than 300,000 yen (Telecommunications Business Act No. 188, item 17).

2. Reports on Telecommunications Accidents and Incidents

Telecommunications Business Act

Article 28 (Reporting on the Suspension of Telecommunications Operations and on Serious Accidents)

If a telecommunications carrier suspends its telecommunications operations in part pursuant to the provisions of Article 8, paragraph (2), or a violation of secrecy of communications or any other serious accident specified by Order of the Ministry of Internal Affairs and Communications has occurred with respect to its telecommunications operations, it must report without delay to the Minister for Internal Affairs and Communications to that effect including its reason or cause.

(Order of the Ministry of Internal Affairs and Communications: Article 58 of the Regulations for Enforcement of the Telecommunications Business Act)

Article 166 (Reports and Inspections) [Repost]

(1) To the extent necessary for enforcement of this Act, the Minister for Internal Affairs and Communications may have a telecommunications carrier or person entrusted with intermediation, etc. report on their business, or commission ministerial officials to enter into the offices, business offices, or other places of business of the telecommunications carrier or person entrusted with intermediation, etc., in order to inspect their telecommunications facilities (limited to cases in which the ministerial officials enter the place of business of a telecommunications carrier), books, documents, and other items.

(2)-(8) (Omitted)

(Order of the Ministry of Internal Affairs and Communications: Article 7-3 of the Rules for Reporting on Telecommunications Business)

A telecommunications carrier must report to MIC in the event of telecommunications accidents and incidents. Specifically, in the case of a serious accident (as specified in Article 28 of the Telecommunications Business Act and Article 58 of the Enforcement Regulations of the Telecommunications Business Act), a telecommunications carrier must promptly send the first report after the accident occurs. At the same time, the telecommunications carrier must submit a serious accident report (detailed report) within 30 days from the date of the occurrence of the accident. In the case of a quarterly report for accidents and incidents (as specified in Article 166 of the Telecommunications Business Act and Article 7-3 of the Rules for Reporting on Telecommunications Business), a telecommunications carrier must submit an occurrence status report for accidents and incidents within two months after the lapse of the quarter.

* For the matters to be reported and report destinations, refer to the following websites:

(Reference) Overview of the Reporting System for Accidents and Incidents

https://www.soumu.go.jp/menu_seisaku/ictseisaku/net_anzen/jiko/index.html (only in Japanese)
Guidelines for Application of the Telecommunications Business Act and Related Regulations on Telecommunications Accidents and Incidents
https://www.soumu.go.jp/joho_tsusin/eidsystem/law01_03_02.html

XI. Publication of Name, etc. of a Person Who Has Committed an Act in Violation of a Law or Regulation, etc.

Telecommunications Business Act

Article 167-2 (Publication of Name, etc. of a Person Who Has Committed an Act in Violation of a Law or Regulation, etc.)

If the Minister for Internal Affairs and Communications finds it to be necessary and appropriate to protect the interests of users of telecommunications services or to ensure smooth provision of telecommunications services, the Minister may publish the name of a person who has committed an act in violation of this Act, or in violation of an order or administrative action based on this Act (hereinafter referred to as "act in violation of a law or regulation, etc." in this Article), or publish other particulars necessary for preventing the occurrence or expansion of damage caused by the act in violation of a law or regulation, etc., or for making operation of the telecommunications business appropriate and rational, pursuant to the provisions of Order of the Ministry of Internal Affairs and Communications.

(Order of the Ministry of Internal Affairs and Communications: Article 61-2 and Article 61-3 of the Regulations for Enforcement of the Telecommunications Business Act)

The Minister for Internal Affairs and Communications will correct and deter act in violation of a law or regulation, etc. by telecommunications carriers and enable users to select appropriate telecommunications carriers according to timely and appropriate information. Therefore, the Minister can publish the names, etc. of a person who has committed an act in violation of a law or regulation, etc.

The announcement of act in violation of a law or regulation, etc. is expected to be made through the Internet. Before the Minister for Internal Affairs and Communications announces the names, etc. of a person who has committed an act in violation of a law or regulation, etc., the Minister will notify it or its domestic representative, etc. to that effect in advance. A person who has committed an act in violation of a law or regulation, etc., is allowed to express its opinions by itself or through its domestic representative, etc. (However, the preceding may not apply in the following cases: (1) From the viewpoint of protecting the interests of users of telecommunications services or ensuring smooth provision of telecommunications services, there is no time to take procedures to allow expressing their opinions because it is necessary to make an urgent announcement, (2) the whereabouts of those who committed an act in violation of a law or regulation, etc. are unknown or it is not possible to contact them due to other unavoidable circumstances).