

Telecommunications Business Law

(Law No. 86 of December 25, 1984)

As amended last by: Law No. 125 of July 24, 2003

(Unofficial Translation)

2003

Ministry of Internal Affairs and Communications, Japan

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(Unofficial Translation: In case of inconsistency, the original text in Japanese shall prevail.)

Note: For the purposes of this Law, the following rules of construction shall be applied: Except as otherwise clearly indicated by the context:

1. Any word used in the present tense includes the future tense, unless otherwise expressly indicated;
2. Any word used in the singular number includes the plural number, and the plural number includes the singular number, unless otherwise expressly indicated; and
3. Any word used in the male gender includes the female gender, unless otherwise expressly indicated.
4. With respect to effective dates of the provisions, please refer to the relevant provisions of the Supplementary Provisions.
5. Unless otherwise expressly indicated, the term "the Minister" means "the Minister for Internal Affairs and Communications" in this booklet.
6. Unless otherwise expressly indicated, the term "the MIC" means "the Ministry of Internal Affairs and Communications" in this booklet.

Chapter I. General Provisions (Article 1 through Article 5)

(Purpose)

Article 1.

The purpose of this Law, considering the public nature of telecommunications business, is, by ensuring the proper and reasonable operations of such business as well as promoting fair competition thereof, to secure the consistent provision of telecommunications service, to protect the users' benefit, and thereby to ensure both the sound development of telecommunications and the convenience of people, and to promote the public welfare.

(Definitions)

Article 2.

In this Law, with respect to the meaning of the terms given in the following items, the definition specified in each item shall apply:

- i) "Telecommunications" means transmitting, relaying or receiving codes, sounds or images by wire, radio or any other electromagnetic method.
- ii) "Telecommunications facilities" means machines, equipment, wires and cables or other electrical facilities for the operation of telecommunications.
- iii) "Telecommunications service" means intermediating communications of others through the use of telecommunications facilities, or any other acts of providing telecommunications facilities for the use of communications of others.
- iv) "Telecommunications business" means business to provide telecommunications services in order to meet the demand of others (except business related to facility supplying broadcast services stipulated in Article 52-10 paragraph (1) of the Broadcast Law (Law No. 132 of 1950), wire radio broadcasting stipulated in Article 2 of the Law to Regulate the Operation of Cable Sound Broadcasting Service (Law No. 135 of 1951), to wire broadcast telephone service stipulated in Article 2 paragraph (1) of the Law Regarding Wire Broadcast Telephones (Law No. 152 of 1957), to wire television broadcasting service stipulated in Article 2 paragraph (1) of the Cable Television Law (Law No. 114 of 1972), and to the acceptance of applications for the use of the cable television broadcasting facility in accordance with the provisions of Article 9 of said Cable Television Law).
- v) "Telecommunications carrier" means any person who has obtained registration stipulated in Article 9 to operate a telecommunications business, and has submitted a notification under the provisions of Article 16 paragraph (1).
- vi) "Telecommunications activities" means business activities of a telecommunications carrier for providing a telecommunications service.

(Prohibition of Censorship)

Article 3.

No communications being handled by a telecommunications carrier shall be censored.

(Protection of Secrecy)

Article 4.

- (1) The secrecy of communications being handled by a telecommunications carrier shall not be violated.
- (2) Any person engaged in the telecommunications business shall, while in office, maintain the secrets of others that have come to be known with respect to communications being handled by the telecommunications carrier. The same shall apply even after this person's retirement from office.

(Treaty with Respect to Telecommunications Business)

Article 5.

Where the provisions are expressly specified in treaties with respect to telecommunications business, the provisions therefor shall prevail over this Law.

Chapter II. Telecommunications Business

Section 1. General Provisions (Article 6 through Article 8)

(Fairness in Use)

Article 6.

Any telecommunications carrier shall not discriminate unfairly in providing telecommunications services.

(Provision of Universal Telecommunications Services)

Article 7.

Any telecommunications carrier providing universal telecommunications services (meaning telecommunications services, which are stipulated in the applicable ministerial ordinance of the MIC that in order to ensure the provision of such telecommunications services nationwide which are indispensable for people's daily lives. Hereinafter, the same shall apply.) shall make efforts to provide such services appropriately, impartially and stably.

(Ensuring of Essential Communications)

Article 8.

- (1) Any telecommunications carrier shall, when a natural disaster, accident or any other emergency occurs or at a risk of occurrence thereof, give priority to communications whose content are necessary for the prevention of or relief from calamities, for the securing of transportation, communications or electric power supply, or for the maintenance of public order. The same shall apply to the other communications urgently needed to ensure the public interest stipulated in the applicable ministerial ordinance of the MIC.
- (2) For the cases mentioned in the preceding paragraph, a telecommunications carrier may, if necessary, suspend part of its telecommunications activities in accordance with the standards stipulated in the applicable ministerial ordinance of the MIC.
- (3) Any telecommunications carrier shall, in the cases where said telecommunications carrier interconnects its telecommunications facilities with other telecommunications carriers in order to ensure smooth operations of communications stipulated in paragraph (1) (hereinafter referred to as "essential communications") in collaboration with said other telecommunications carriers, take necessary measures to conclude an agreement for preferential treatment of essential communications and the like, as specified in the applicable ministerial ordinance of the MIC.

Section 2. Registration, Etc. of Business (Article 9 through Article 18)

(Registration of Telecommunications Business)

Article 9.

Any person who intends to operate telecommunications business shall obtain registration from the MIC. Provided, however, that the scale of telecommunications circuit facilities (meaning telecommunications circuit facilities connecting transmitting points with receiving points, switching facilities installed as inseparable units therefrom, and other facilities accessory to such facilities; hereinafter the same shall apply.) as installed by the person and the scope of areas where said telecommunications circuit facilities are installed do not exceed the standards specified in the applicable ministerial ordinance of the MIC, this shall not apply.

Article 10.

- (1) Any person who intends to obtain the registration stipulated in the preceding article shall, as

specified in the applicable ministerial ordinance of the MIC, submit an application describing the following matters to the Minister:

- i) Name and address of the applicant and, in the cases where the applicant is a juridical person, name of the representative
 - ii) Service areas
 - iii) Outline of telecommunications facilities
- (2) A written covenant stating that the applicant does not fall under any item of item i) through item iii), paragraph (1), Article 12, and other documents specified in the applicable ministerial ordinance of the MIC shall be attached to the application referred to in the preceding paragraph.

(Implementation of Registration)

Article 11.

- (1) When an application for the registration under Article 9 is submitted, the Minister shall register the following matters on the telecommunications carriers registration book, except where the Minister shall refuse the registration in accordance with the provisions of paragraph (1) of the following article:
- i) Matters specified in each item of paragraph (1) of the preceding article
 - ii) Date and registration number
- (2) The Minister in accordance with the provisions of the preceding paragraph, send without delay to the applicant a notification to that effect.

(Refusal of Registration)

Article 12.

- (1) Where a person who has submitted an application of Article 10 paragraph (1) falls under any of the following items, or where said application or any document attached thereto includes any false entries on any important matter or fails to describe any important information, the Minister shall refuse the registration:
- i) Any person who has been sentenced to a fine or severer penalty in accordance with the provisions of this Law, the Wire Telecommunications Law (Law No. 96 of 1953) or the Radio Law (Law No. 131 of 1950) and a term of two years has not yet elapsed since the day on which the person's sentence or suspended sentence was served out
 - ii) Any person whose registration was revoked in accordance with the provisions of Article 14 paragraph (1) if a term of two years has not yet elapsed since the day of revocation
 - iii) Any juridical person or association which has as an officer anyone who falls under any of the preceding two items
 - iv) Any person where it is deemed that the launch of telecommunications service of said person is inappropriate for the sound development of telecommunications
- (2) The Minister shall, where registration has been refused in accordance with the provisions of the preceding paragraph, notify the person concerned to that effect in writing with reasons attached thereto.

(Registration of Change, Etc.)

Article 13.

- (1) Any person who has obtained registration under Article 9 shall, before it changes any of the matters specified in item ii) or iii) of paragraph (1) of Article 10, obtain registration of change by the Minister. This shall not apply, however, to such minor changes specified in the applicable ministerial ordinance of the MIC.
- (2) Any person who intends to obtain registration of change under the preceding paragraph shall, as specified in the applicable ministerial ordinance of the MIC, submit to the Minister an application which describes the matters pertaining to the change.
- (3) The provisions of Article 10 paragraph (2), Article 11 and the preceding article shall apply,

mutatis mutandis, to the registration of change under paragraph (1). In this case, “the following matters” in Article 11 paragraph (1) shall be read as “the matters pertaining to the change”; and “Where a person who has submitted an application referred of Article 10 paragraph (1) falls under any of the following items” in paragraph (1) of the preceding article shall be read as “Where a person who has submitted an application for registration pertaining to change falls under any of the following items (except item ii))”.

- (4) Any person registered in accordance with the provisions of Article 9 shall, when any of the matters specified in Article 10 paragraph (1) item i) has been changed or any of minor changes specified in the proviso of paragraph (1) has been made, submit without delay a notification to the Minister to that effect. The Minister shall, upon receipt of said notification, change without delay said registration.

(Revocation of Registration)

Article 14.

- (1) The Minister may revoke registration under Article 9, if a person registered under the same article falls under any of the following items:
 - i) When said person registered under Article 9 has violated the provisions of this Law, or any orders or administrative dispositions thereunder and, hence, is determined that the public interest is being hindered
 - ii) When the person has obtained registration under Article 9 or registration of change under paragraph (1) of the preceding article through dishonest means
 - iii) When the person has come to fall under Article 12 paragraph (1) item i) or iii)
- (2) The provisions of Article 12 paragraph (2) shall apply, mutatis mutandis, to the cases under the preceding paragraph.

(Striking Out of Registration Record)

Article 15.

When a notification of the discontinuation of all of the operations of telecommunications business or of the dissolution thereof has been submitted in accordance with the provisions of Article 18 paragraph (1) or paragraph (2), or when the Minister has revoked registration in accordance with the provisions of paragraph (1) of the preceding article, the Minister shall strike out the registration record of said person registered under Article 9.

(Notification of Telecommunications Business)

Article 16.

- (1) Any person (except a person who has to obtain registration under Article 9) who intends to operate a telecommunications business shall, as specified in the applicable ministerial ordinance of the MIC, submit a notification to that effect to the Minister with documents that describe the following matters:
 - i) Name and address of the applicant and, in the cases where the applicant is a juridical person, name of the representative
 - ii) Service areas
 - iii) Outline of telecommunications facilities (limited to the cases where the person installs telecommunications facilities for telecommunications business under Article 44 paragraph (1))
- (2) Any person who has submitted a notification in accordance with the preceding paragraph shall, when any of the matters specified in item i) of the same paragraph has been changed, submit without delay a notification to the Minister to that effect.
- (3) Any person who has submitted a notification in accordance with the paragraph (1) shall, before it changes any of the matters specified in item ii) or item iii) of the same paragraph, submit a notification to the Minister to that effect. This shall not apply, however, to such minor changes

specified in the applicable ministerial ordinance of the MIC.

(Succession)

Article 17.

- (1) Where transfer of all of the operations of telecommunications business, or merger, break-up (limited to those succeeding to all of the operations of telecommunications business) or inheritance with respect to a telecommunications carrier has been completed, the transferee who has taken over all of the operations of that business, or the juridical person who continues to exist after merger or who has been established as a result of merger, or the juridical person who has succeeded to all of the operations of said business after break-up or the inheritor (where there are two or more inheritors, one who has succeeded to said telecommunications carrier after consultations among inheritors concerned. Hereinafter in this paragraph the same shall apply.), shall succeed to the telecommunications carrier status. Provided, however, that where said telecommunications carrier is a person who is registered under Article 9, if the transferee who has taken over all of the operations of said telecommunications business, or the juridical person who continues to exist after merger or who has been established as a result of merger, or the juridical person who has succeeded to all of the operations of said telecommunications business after break-up or the inheritor falls under any of Article 12 paragraph (1) item i) through item iii), this shall not apply.
- (2) Any person who has succeeded to the telecommunications carrier status in accordance with the provisions of the preceding paragraph shall submit without delay a notification to the Minister to that effect.

(Suspension and Discontinuation of Business, and Dissolution of Juridical Person)

Article 18.

- (1) When a telecommunications carrier has suspended or discontinued part or all of the operations of its telecommunications business, said telecommunications carrier shall submit without delay a notification to the Minister to that effect.
- (2) When a juridical person who is a telecommunications carrier has been dissolved due to reasons other than merger, the liquidator in charge (or the trustee in bankruptcy in the case of dissolution due to bankruptcy) shall submit without delay a notification to the Minister to that effect.
- (3) When a telecommunications carrier intends to suspend or discontinue part or all of the operations of its telecommunications business, as specified in the applicable ministerial ordinance of the MIC, the telecommunications carrier shall inform fully to that effect to users (meaning persons concluding contracts with a telecommunications carrier to receive telecommunications services. Hereinafter the same shall apply.) of said telecommunications business to be suspended and discontinued. Provided, however, that in the cases where suspension or discontinuation of a telecommunications business specified in the applicable ministerial ordinance of the MIC as those having a comparatively small influence on the users' benefit, this shall not apply.

Section 3. Business Activities (Article 19 through Article 40)

(Tariffs for Universal Telecommunications Services)

Article 19.

- (1) A telecommunications carrier providing universal telecommunications services shall establish tariffs concerning terms and conditions including charges relating to the carrier's universal telecommunications services (except matters pertaining to technical requirements to be authorized in accordance with the provisions of Article 52 paragraph (1) or Article 70 paragraph (1) item i), and matters specified in the applicable ministerial ordinance of the MIC) and shall submit said tariffs to the Minister prior to application thereof, as specified in the applicable ministerial ordinance of the MIC. The same shall also apply when such tariffs are to be amended.

- (2) The Minister may, if it is deemed that the tariffs notified in accordance with the provisions of the preceding paragraph fall under any of the following items, order said telecommunications carrier providing universal telecommunications services to change said tariffs within a reasonable time period:
- i) If calculating methods of charges are not stipulated properly and clearly.
 - ii) If the tariffs related to the responsibilities to be assumed by a telecommunications carrier and its users, and allocation methods of costs related to installation and other works of telecommunications facilities are not properly and clearly stipulated.
 - iii) If the tariffs unreasonably restrict utilization conditions of the telecommunications circuit facilities.
 - iv) If the tariffs include the provisions that unfairly discriminate against specified persons.
 - v) If due consideration is not paid to the matters relating to essential communications.
 - vi) If the tariffs impair the users' benefit because lead to illicit competition with other telecommunications carriers, or the tariffs are extremely improper in light of socioeconomic conditions.
- (3) With respect to terms and conditions including charges to be specified in tariffs in accordance with the provisions of paragraph (1), no telecommunications carrier providing universal telecommunications services shall provide said universal telecommunications services otherwise than pursuant to the tariffs notified in accordance with the provisions of the same paragraph. This shall not apply, however, where charges for said universal telecommunications services specified in the tariffs are reduced or exempted in accordance with the provisions of the following paragraph.
- (4) A telecommunications carrier providing universal telecommunications services may, in accordance with the standards specified in the applicable ministerial ordinance of the MIC, reduce or exempt charges for said universal telecommunications services specified in the tariffs notified in accordance with the provisions of paragraph (1).

(Security Tariff for Designated Telecommunications Services)

Article 20.

- (1) A telecommunications carrier providing designated telecommunications services (meaning telecommunications services, which are provided by a telecommunications carrier installing Category I designated telecommunications facilities stipulated in Article 33 paragraph (2) through use of said Category I designated telecommunications facilities, in consideration of circumstances that other telecommunications services substituting said telecommunications services are not sufficiently provided by other telecommunications carriers, by securing the provision of telecommunications services based on proper terms and conditions including charges through use of said Category I designated telecommunications facilities of said telecommunications carrier installing Category I designated telecommunications facilities, and which are specified as telecommunications services especially necessary for protecting the users' benefit in the applicable ministerial ordinance of the MIC. Hereinafter the same shall apply.) shall establish tariffs concerning terms and conditions including charges relating to the carrier's designated telecommunications services (except matters pertaining to technical requirements to be authorized in accordance with the provisions of Article 52 paragraph (1) or Article 70 paragraph (1) item i), and matters specified in the applicable ministerial ordinance of the MIC. The same shall apply to paragraph (5) and Article 25 paragraph (2).) and shall submit said tariffs to the Minister prior to application thereof, as specified in the applicable ministerial ordinance of the MIC. The same shall also apply when such tariffs are to be amended.
- (2) With respect to designated telecommunications services, which are universal telecommunications services, the provisions of the preceding paragraph (including the cases where the provisions that shall be read as the provisions in accordance with the provisions of paragraph (4) apply.) shall not apply to such telecommunications services.

- (3) The Minister may, when it is deemed that the tariffs (hereinafter referred to as "security tariffs".) notified in accordance with the provisions of paragraph (1) (including the cases where the provisions that shall be read as the provisions in accordance with the following paragraph apply.) fall under any of the following items, order said telecommunications carrier providing designated telecommunications services to change said security tariffs within a reasonable time period:
- i) If calculating methods of charges are not stipulated properly and clearly
 - ii) If the tariffs related to the responsibilities to be assumed by a telecommunications carrier and its users, and allocation methods of costs related to installation and other works of telecommunications facilities, are not properly and clearly stipulated
 - iii) If the tariffs unreasonably restrict utilization conditions of the telecommunications circuit facilities
 - iv) If the tariffs include provisions that unfairly discriminate against specified persons
 - v) If due consideration is not paid to the matters relating to essential communications
 - vi) If the tariffs impair the users' benefit because the tariffs lead to illicit competition with other telecommunications carriers, or the tariffs are extremely improper in light of socioeconomic conditions
- (4) With respect to tariffs to be notified for the first time from the day of designation of telecommunications facilities in accordance with paragraph (1) to the Minister by a telecommunications carrier installing said newly designated telecommunications facilities in accordance with the provisions of Article 33 paragraph (1), "shall submit said tariffs to the Minister prior to application thereof as specified in the applicable ministerial ordinance of the MIC. The same shall also apply when such tariffs are to be amended." in paragraph (1) shall be read as "shall submit said tariffs within three months from the day of new designation in accordance with the provisions of Article 33 paragraph (1) the Minister in accordance with the applicable ministerial ordinance of the MIC."
- (5) No telecommunications carrier providing designated telecommunications services shall, except as may be otherwise agreed upon terms and conditions including charges for said designated telecommunications services with other parties, provide said designated telecommunications services unless otherwise than pursuant to terms and conditions including charges specified in the security tariffs. This shall not apply, however, where charges for said designated telecommunications services specified in the security tariffs are reduced or exempted in accordance with the provisions of the following paragraph.
- (6) A telecommunications carrier providing designated telecommunications services may, in accordance with the standards specified in the applicable ministerial ordinance of the MIC, reduce or exempt charges for said designated telecommunications services specified in the security tariffs.

(Charges for Specified Telecommunications Services)

Article 21.

- (1) The Minister shall, at least once a year, as specified in the applicable ministerial ordinance of the MIC, specify the level of charges that may be normally realized in consideration of reasonable cost based upon managerial efficiency, commodity prices and other economic conditions with use of the charge index (meaning figures that represent the level of charges for individual categories of telecommunications services, which are calculated with the methods specified in the applicable ministerial ordinance of the MIC based upon charges that depend on the distance and speed of communications or other classifications, and based upon the amount of traffic, number of circuits, etc. to which these charges are applied. Hereinafter the same shall apply.) for telecommunications services (meaning specified telecommunications services being designated telecommunications services, which are specified in the applicable ministerial ordinance of the MIC as those having a significant influence on the users' benefit from the perspective of

its content, the scope of users, etc. Hereinafter the same shall apply.) concerning individual categories of the specified telecommunications services specified in the applicable ministerial ordinance of the MIC, and the Minister shall notify telecommunications carriers providing said specified telecommunications services of the charge index (hereinafter referred to as the “standard charge index”) within the number of days before the day of application thereof specified in the applicable ministerial ordinance of the MIC.

- (2) Any telecommunications carrier providing specified telecommunications services shall, notwithstanding the provisions of Article 19 paragraph (1) or paragraph (1) of the preceding article (including the cases where the provisions that shall be read as the provisions in accordance with the provisions of paragraph (4) of the same article apply), obtain authorization of the Minister where it intends to change charges concerning specified telecommunications services and if the charge index after said change exceeds the standard charge index pertaining to said specified telecommunications services.
- (3) Upon receipt of application for authorization of the preceding paragraph, the Minister shall grant authorization of the same paragraph if it is deemed that there are specific reasons making it difficult to comply with the charges of a charge index being equivalent to or below the standard charge index, and that the charges after the change pertaining to said application do not fall under any of the following items:
 - i) Calculating methods of charges are not stipulated properly and clearly.
 - ii) The charges after the change unfairly discriminate against specified persons.
 - iii) The charges after the change impair the users' benefit because the charges lead to illicit competition with other telecommunications carriers, or the charges are extremely improper in light of socioeconomic conditions.
- (4) The Minister shall, after the application of the standard charge index and where a charge index of the charges concerning specified telecommunications services, to which said standard charge index applies, should exceed said standard charge index, except if it is deemed that there are specific reasons making it difficult to comply with the charges of a charge index being equivalent to or below said standard charge index, order telecommunications carriers providing said specified telecommunications services, to change the charges of said specified telecommunications services within a reasonable time period.
- (5) The charges of telecommunications services (limited to universal telecommunications services) to be provided by telecommunications carriers installing telecommunications facilities which had been Category I designated telecommunications facilities stipulated in Article 33 paragraph (2) using said telecommunications facilities, and which had already obtained authorization in accordance with the provisions of paragraph (2) at the time of the revocation of the designation specified in the provisions of Article 33 paragraph (1), shall be deemed to be the charges notified in accordance with the provisions of Article 19 paragraph (1).
- (6) With respect to charges to be authorized in accordance with the provisions of paragraph (2), no telecommunications carrier providing specified telecommunications services shall provide said specified telecommunications services otherwise than pursuant to the charges authorized in accordance with the provisions of the same paragraph. This shall not apply, however, where the charges for said specified telecommunications services are reduced or exempted in accordance with the provisions of the following paragraph.
- (7) A telecommunications carrier providing specified telecommunications services may, in accordance with the standards specified in the applicable ministerial ordinance of the MIC, reduce or exempt charges for said specified telecommunications services authorized in accordance with the provisions of paragraph (2).

(Recording Amount of Traffic, Etc.)

Article 22.

Any telecommunications carrier providing specified telecommunications services shall keep

records of the amount of traffic, number of circuits, etc. of its specified telecommunications services in accordance with the methods specified in the applicable ministerial ordinance of the MIC.

(Posting, Etc. of Tariffs, Etc.)

Article 23.

- (1) Any telecommunications carrier providing universal telecommunications services, designated telecommunications services or specified telecommunications services shall, as specified in the applicable ministerial ordinance of the MIC, publish tariffs (including the technical requirements authorized in accordance with the provisions of Article 52 paragraph (1) or Article 70 paragraph (1) item i)) notified in accordance with the provisions of Article 19 paragraph (1) or Article 20 paragraph (1) (including the cases where the provisions that shall be read as the provisions in accordance with the provisions of paragraph (4) of the same article apply) or charges authorized in accordance with the provisions of Article 21 paragraph (2) as well as post thereof at its business offices and other workplaces in a manner in which such tariffs and charges can easily be seen by the general public.
- (2) The provisions of the preceding paragraph shall apply, mutatis mutandis, to the terms and conditions pertaining to the matters specified in the applicable ministerial ordinance of the MIC under Article 19 paragraph (1) or Article 20 paragraph (1).

(Putting Accounts in Order)

Article 24.

Any telecommunications carrier providing universal telecommunications services or designated telecommunications services shall put accounts in order in accordance with the account headings and accounting practices specified in the applicable ministerial ordinance of the MIC, with the purpose of facilitating the proper calculation of charges relating to the universal telecommunications services or the designated telecommunications services provided by said telecommunications carrier.

(Obligation to Provide Services)

Article 25.

- (1) Any telecommunications carrier providing universal telecommunications services shall not, without due reason, refuse to provide universal telecommunications services within its service areas.
- (2) Any telecommunications carrier providing designated telecommunications services shall not, except as may be otherwise agreed upon terms and conditions including charges for said designated telecommunications services with other parties, without due reason, refuse to provide said designated telecommunications services pursuant to terms and conditions including charges specified in the security tariffs within its service areas.

(Accountability on Terms and Conditions)

Article 26.

Telecommunications carriers and persons who perform conclusion of contracts as business of intermediary, commission or procurement concerning the provision of telecommunications services from other telecommunications carriers (hereinafter referred to as "telecommunications carrier, etc.") shall, when intending to perform conclusion of contracts, contracts as business of intermediary, commission or procurement concerning the provision of telecommunications services that are specified as telecommunications services pertaining to people's daily lives in the applicable ministerial ordinance of the MIC, with persons who intend to receive telecommunications services (except persons who are telecommunications carriers), explain outlines of terms and conditions including charges concerning said telecommunications services to the persons, as specified in the applicable ministerial ordinance of the MIC.

(Procedure for Processing Complaints, Etc.)**Article 27.**

Any telecommunications carrier shall, properly and promptly, process complaints and inquiries from users (including persons who intend to receive telecommunications services and except persons who are telecommunications carriers. The same shall apply to Article 29 paragraph (2)) concerning operations methods of said telecommunications carrier pertaining to telecommunications services specified in the applicable ministerial ordinance of the MIC under the preceding article or telecommunications services provided by said telecommunications carrier specified in the applicable ministerial ordinance of the MIC under the same article.

(Reporting on Suspension, Etc. of Business Activities)**Article 28.**

When a telecommunications carrier has suspended part of its telecommunications activities in accordance with the provisions of Article 8 paragraph (2), or when with respect to telecommunications activities, a violation of secrecy of communications or any other significant accident specified in the applicable ministerial ordinance of the MIC has occurred, it shall report to that effect without delay together with the reason or cause to the Minister.

(Order to Improve Business Activities)**Article 29.**

- (1) The Minister may, if it is deemed that business activities of a telecommunications carrier fall under any of the following items, insofar as necessary to ensure the users' benefit or the public interest, order said telecommunications carrier to take actions to improve operations methods or other measures:
 - i) When there is hindrance in ensuring secrecy of communications with respect to the operations methods of the telecommunications carrier
 - ii) When the telecommunications carrier unfairly discriminates against specified persons
 - iii) When the telecommunications carrier does not pay due consideration to the matters relating to essential communications
 - iv) When the users' benefit is impaired because of calculation methods for amounts of charges concerning telecommunications services (except universal telecommunications services or designated telecommunications services (limited to specified telecommunications services provided pursuant to terms and conditions including charges specified in security tariffs.)). The same shall apply in the following item through item vii).) provided by the telecommunications carrier are not proper and clear
 - v) When the users' benefit is impaired because terms and conditions including charges concerning telecommunications services provided by the telecommunications carrier lead to illicit competition with other telecommunications carriers, or are extremely improper in light of socioeconomic conditions
 - vi) When the users' benefit is impaired because terms and conditions (except charges. The same shall apply in the following item.) concerning telecommunications services provided by the telecommunications carrier do not properly and clearly specify matters concerning responsibilities to be assumed by the telecommunications carrier and its users, and allocation methods of costs related to installation and other works of telecommunications facilities
 - vii) When terms and conditions concerning telecommunications services provided by the telecommunications carrier unreasonably restrict utilization conditions of telecommunications circuit facilities
 - viii) When the telecommunications carrier fails to promptly make repairs or to take other actions necessary to remove the hindrance caused by an accident to the provision of telecommunications services

- ix) When, in addition to the preceding items, the users' benefit is impaired as a result of inappropriate operations methods of the telecommunications carrier
 - x) When there is a risk of extreme impairment of the public interest because the telecommunications carrier fails to fulfill in good faith the obligations imposed by treaties or other international agreements with respect to the international telecommunications activities
 - xi) When there is a risk of extreme impairment of the public interest because proper operations of other telecommunications carriers are interfered with, due to the fact that the telecommunications carrier unfairly discriminates against a specified telecommunications carrier in interconnecting or sharing telecommunications facilities or in providing wholesale telecommunications services (meaning telecommunications services for use of telecommunications business of other telecommunications carriers. Hereinafter the same shall apply.), or to the fact that the telecommunications carrier conducts other unfair operations concerning such services
 - xii) When there is a risk of extreme impairment of the public interest because the telecommunications carrier's telecommunications business which provides telecommunications services without installing telecommunications circuit facilities for satisfying a demand pertaining to the telecommunications services makes it difficult for the telecommunications carrier to financially maintain its telecommunications circuit facilities pertaining to the same demand, which provides the telecommunications services by installing telecommunications circuit facilities which have been designed to satisfy said demand
- (2) When a telecommunications carrier violates the provisions of Article 26 or a telecommunications carrier violates the provisions of Article 27, the Minister may, to the extent necessary to ensure the users' benefit, order said telecommunications carrier to improve operations methods or take other actions.

(Prohibited Acts, Etc.)

Article 30.

- (1) As specified in the applicable ministerial ordinance of the MIC, the Minister may, regarding telecommunications carriers installing Category II designated telecommunications facilities stipulated in Article 34 paragraph (2), where the ratio of the previous year's profit pertaining to business activities of the provision of telecommunications services using said Category II designated telecommunications facilities in said previous year's total profit pertaining to all business activities of the provision of the same type of telecommunications services in the same service area pertaining to said telecommunications services surpasses the ratio specified in the applicable ministerial ordinance of the MIC, when it is deemed necessary to ensure proper competition with other telecommunications carriers in consideration of the trend of said ratio and other circumstances, designate said telecommunications carriers installing said Category II designated telecommunications facilities as telecommunications carriers to whom the provisions of paragraphs (3) through (5) shall apply.
- (2) The Minister shall, when it is deemed that there is no longer the necessity for designation specified in the preceding paragraph, revoke said designation.
- (3) Telecommunications carriers designated in accordance with the provisions of paragraph (1) and telecommunications carriers installing Category I designated telecommunications facilities stipulated in Article 33 paragraph (2) shall not conduct acts listed in the following items:
- i) Abuse or the provision of proprietary information on other telecommunications carriers or the users thereof, which was acquired through interconnection business with telecommunications facilities of said other telecommunications carriers, for purposes other than said business
 - ii) In providing telecommunications services, unduly favorable treatment or advantageous act, or unduly unfavorable treatment or disadvantageous act toward specified telecommunications carriers

- iii) Undue compulsion or intervention upon business of other telecommunications carriers (including those who engage in telecommunications business listed in each item of Article 164 paragraph (1)), or manufacturers or sellers of telecommunications facilities
- (4) The Minister may, when it is deemed that there is a violation of the provisions of the preceding paragraph, order to cease or change said acts toward telecommunications carriers designated in accordance with the provisions of paragraph (1) or telecommunications carriers installing Category I designated telecommunications facilities stipulated in Article 33 paragraph (2).
- (5) Telecommunications carriers designated in accordance with the provisions of paragraph (1) and telecommunications carriers installing Category I designated telecommunications facilities stipulated in Article 33 paragraph (2) shall, as specified in the applicable ministerial ordinance of the MIC, put accounts in order in accordance with the account headings and accounting practices specified in the applicable ministerial ordinance of the MIC, and publicize profit and loss statements concerning telecommunications services and other matters concerning accounting specified in the applicable ministerial ordinance of the MIC.

Article 31.

- (1) Where a telecommunications carrier installing Category I designated telecommunications facilities stipulated in Article 33 paragraph (2) is a juridical person, its officers shall not concurrently be officers of subsidiaries (referred to subsidiaries specified in Article 211-2 paragraph (1) of the Commercial Code (Law No. 48 of 1899). Hereinafter the same shall apply in this paragraph.) of said telecommunications carrier, a parent company (referred to a parent company stipulated in Article 211-2 paragraph (1) of the Commercial Code. Hereinafter the same shall apply in this paragraph and Article 87 paragraph (1) item iii) a.) whose subsidiary is said telecommunications carrier or subsidiary of said parent company (except said telecommunications carrier) that are designated by the Minister (hereinafter referred to as "telecommunications carrier having special relations").
- (2) Any telecommunication carrier (limited to the cases of a juridical person. The same shall apply in this article) installing Category I designated telecommunications facilities stipulated in Article 33 paragraph (2) shall not conduct acts listed in the following items. Provided, however, that there are unavoidable reasons specified in the applicable ministerial ordinance of the MIC, this shall not apply.
 - i) To give other telecommunications carriers unfavorable treatment in comparison with telecommunications carriers having special relations in installation or maintenance of telecommunications facilities necessary for interconnection with Category I designated telecommunications facilities stipulated in Article 33 paragraph (2), use of land and buildings and other works firmly affixed thereto, or the provision of information
 - ii) To give other telecommunications carriers unfavorable treatment in comparison with telecommunications carriers having special relations in intermediary, commission or procurement of conclusion of contracts concerning the provision of telecommunications services, or other business entrustment from other telecommunications carriers
- (3) The Minister may, when it is deemed that there are acts of violation of the provisions of the preceding paragraph, order telecommunications carriers installing Category I designated telecommunications facilities stipulated in Article 33 paragraph (2), to cease or change said acts.
- (4) Telecommunications carriers installing Category I designated telecommunications facilities stipulated in Article 33 paragraph (2) shall, every year, as specified in the applicable ministerial ordinance of the MIC, report the Minister of matters specified in the applicable ministerial ordinance of the MIC concerning measures taken for abiding by the provisions of the paragraph (2) and implementation status thereof.

(Interconnection with Telecommunications Circuit Facilities)**Article 32.**

Any telecommunications carrier shall agree to the request for interconnection of its telecommunications circuit facilities being installed by said telecommunications carrier from other telecommunications carriers with telecommunications facilities of said other telecommunications carriers, except the cases listed in the following items:

- i) Where there is a risk of hindering the smooth provision of telecommunications services
- ii) Where there is a risk that said interconnection may unfairly impair the interest of said telecommunications carrier
- iii) Where there are due reasons specified in the applicable ministerial ordinance of the MIC in addition to the cases listed in the preceding two items

(Interconnection with Category I Designated Telecommunications Facilities)**Article 33.**

- (1) The Minister may, as specified in the applicable ministerial ordinance of the MIC, designate, the procedure in each area which is specified in the applicable ministerial ordinance of the MIC by dividing the nation from the viewpoint of the area of prefectures and of the actual usage of telecommunications services, the combined total of: the transmission line facilities, one end of which is connected to the users' telecommunications facilities (except mobile terminal facilities (referred to users' telecommunications facilities which are radio facilities of moving radio stations. The same shall apply to paragraph (1) of the following article)), and that are installed by one telecommunications carrier, where the ratio of the number of telecommunications circuits of the transmission line facilities to the number of telecommunications circuits in all transmission line facilities of the same kind installed in the same area exceeds the ratio specified in the applicable ministerial ordinance of the MIC, and the telecommunications facilities installed in said area by said telecommunications carrier as an integral part of said facilities and which is specified in the applicable ministerial ordinance of the MIC, as the telecommunications facilities which interconnection with the telecommunications facilities of other telecommunications carriers is essential for the enhancement of the users' benefit and the comprehensive and rational development of telecommunications.
- (2) Any telecommunications carrier installing telecommunications facilities designated in accordance with the provisions of the preceding paragraph (hereinafter referred to as "Category I designated telecommunications facilities") shall establish interconnection tariffs which specify the amount of money which said telecommunications carrier installing said Category I designated telecommunications facilities will receive (hereinafter in this article referred to as "interconnection charges") and other terms and conditions of interconnections, including technical requirements at interconnection points with telecommunications facilities of other telecommunications carriers, distinctions as to type of telecommunications carriers for which charges of telecommunications services are specified (hereinafter referred to as "terms and conditions of interconnections"), in terms of the interconnection of said Category I designated telecommunications facilities with the telecommunications facilities of other telecommunications carriers, and shall obtain authorization from the Minister. The same shall also apply where such interconnection tariffs are to be amended.
- (3) Interconnection charges and terms and conditions of interconnections specified in the interconnection tariffs to be authorized in accordance with the preceding paragraph, which are specified in the applicable ministerial ordinance of the MIC as those having a comparatively small influence on the enhancement of the users' benefit as well as comprehensive and rational development of telecommunications, notwithstanding the same paragraph, are not required to obtain authorization thereof.
- (4) The Minister shall grant authorization stipulated in paragraph (2) (including the cases where the provisions that shall be read as the provisions in accordance with the provisions of paragraph (16)

apply. Hereinafter the same shall apply in this paragraph, paragraph (6), paragraph (9), paragraph (10) and paragraph (14)) when an application of paragraph (2) is deemed to conform to any of the following items:

- i) Matters listed in the following sub-items shall be specified properly and clearly:
 - a) Technical requirements at those points which are specified as standard in the applicable ministerial ordinance of the MIC among those interconnection points where the interconnection of telecommunications facilities with other telecommunications carriers is technically and economically feasible.
 - b) Interconnection charges by individual function specified in the applicable ministerial ordinance of the MIC.
 - c) Matters related to the responsibilities of a telecommunications carrier installing Category I designated telecommunications facilities and those of other telecommunications carriers who establish interconnection with them.
 - d) Distinctions as to type of telecommunications carriers for which charges of telecommunications services are specified.
 - e) In addition to the matters listed in a) through d), the matters specified in the applicable ministerial ordinance of the MIC as necessary to accomplish smooth interconnection with Category I designated telecommunications facilities.
 - ii) The interconnection charges shall be fair and justifiable in light of the costs calculated in accordance with the methods specified in the applicable ministerial ordinance of the MIC as a fair amount based on efficient management cost.
 - iii) The terms and conditions of interconnections shall be no less favorable than those applicable when a telecommunications carrier installing Category I designated telecommunications facilities accomplishes interconnection between the Category I designated telecommunications facilities and the telecommunications facilities of its own.
 - iv) It shall not be unduly discriminating against specified telecommunications carriers.
- (5) The methods specified in the applicable ministerial ordinance of the MIC under item ii) of the preceding paragraph (limited to the methods which specify interconnection charges for, of the functions specified in the applicable ministerial ordinance of the MIC under b) of item i) of the same paragraph, those specified in the applicable ministerial ordinance of the MIC as deemed to have the potential to significantly improve efficiency pertaining to said functions in the provision of telecommunications services through introduction of advanced new technologies and interconnection with Category I designated telecommunications facilities) shall, in the cases where telecommunications services are reorganized to increase efficiency of Category I designated telecommunications facilities through incorporation of advanced new telecommunications technologies available on an ordinary basis, enable calculation of the costs through the interconnection with said Category I designated telecommunications facilities paying due consideration to the amount of traffic pertaining to telecommunications services to be provided through use of said Category I designated telecommunications facilities or expenses pertaining to said Category I designated telecommunications facilities which are to be increased according to the increase in the number of circuits.
- (6) The Minister may, when it is deemed that there is hindrance in promoting the public interest because interconnection charges specified in interconnection tariffs authorized under paragraph (2) come to be inappropriate in light of costs stipulated in paragraph (4) item ii) or terms and conditions of interconnections specified in said interconnection tariffs come to be extremely inappropriate due to fluctuation of socioeconomic circumstances, order telecommunications carriers installing Category I designated telecommunications facilities to apply for authorization of change of said interconnection tariffs, within a reasonable time period.
- (7) Any telecommunications carrier installing Category I designated telecommunications facilities shall establish interconnection tariffs, that are interconnection charges and terms and conditions of interconnections concerning interconnections with Category I designated telecommunica-

tions facilities installed by said telecommunications carrier, specified in the applicable ministerial ordinance of the MIC specified in paragraph (3) and submit a notification prior to application thereof to the Minister. The same shall also apply where such interconnection tariffs are to be amended.

- (8) The Minister may, when it is deemed that promotion of the public interest is impaired by the interconnection charges or terms and conditions of interconnections specified in the interconnection tariffs in accordance with the provisions of the preceding paragraph (including the cases where the provisions that shall be read as the provisions in accordance with the provisions of paragraph (17) apply), order telecommunications carriers installing Category I designated telecommunications facilities to change said interconnection tariff within a reasonable time period.
- (9) Any telecommunications carrier installing Category I designated telecommunications facilities shall not, otherwise than pursuant to interconnection tariffs authorized in accordance with the provisions of paragraph (2) or notified in accordance with the provisions of paragraph (7) (including the cases where the provisions that shall be read as the provisions in accordance with the provisions of paragraph (17) apply.) (Hereinafter in this article referred to as “authorized interconnection tariffs, etc.”) enter into an agreement nor amend an agreement for interconnections between other telecommunications carriers concerning the Category I designated telecommunications facilities installed by said telecommunications carrier.
- (10) Notwithstanding the provisions of the preceding paragraph, if there are specific circumstances making conformity with authorized interconnection tariffs, etc. difficult, a telecommunications carrier installing Category I designated telecommunications facilities may, subject to the authorization of the Minister, enter into or amend an agreement concerning interconnections with Category I designated telecommunications facilities installed by said telecommunications carrier under different interconnection charges and terms and conditions of interconnections (limited to those conforming to any items [except item i) a) and b)] in paragraph (4), for those falling under the category of interconnection charges and terms and conditions of interconnections stipulated in paragraph (2)) than those specified in the authorized interconnection tariffs, etc.
- (11) Any telecommunications carrier installing Category I designated telecommunications facilities shall publish the authorized interconnection tariffs, etc., as specified in the applicable ministerial ordinance of the MIC.
- (12) Any telecommunications carrier installing Category I designated telecommunications facilities shall, as specified in the applicable ministerial ordinance of the MIC, by individual function specified in the applicable ministerial ordinance of the MIC under b) of item i) of paragraph (4) pertaining to interconnections with said Category I designated telecommunications facilities, keep records of the amount of traffic or the number of circuits, or other matters specified in the applicable ministerial ordinance of the MIC (referred to as “amount of traffic, etc.” in paragraph (14)).
- (13) Any telecommunications carrier installing Category I designated telecommunications facilities shall, as specified in the applicable ministerial ordinance of the MIC, put accounts in order relating to interconnections with Category I designated telecommunications facilities, and based on the results of the accounting, shall disclose the profit and loss statements relating to the interconnections and other matters specified in the applicable ministerial ordinance of the MIC.
- (14) Any telecommunications carrier installing Category I designated telecommunications facilities shall, with respect to interconnection charges stipulated in paragraph (5), upon surpassing the term specified in the applicable ministerial ordinance of the MIC not exceeding five years since it obtained authorization under paragraph (2), recalculate the interconnection charges based on records of the amount of traffic, etc. and the results of accounts kept in order specified in the same paragraph, in order to keep the interconnection charges fair and justifiable in light of the costs calculated with the methods specified in the applicable ministerial ordinance of the

- MIC under paragraph (4) item ii); with respect to interconnection charges other than the abovementioned case, said telecommunications carrier shall do the same when it has settled accounts for each business year in accordance with the provisions of the preceding paragraph.
- (15) Any telecommunications carrier installing Category I designated telecommunications facilities shall make efforts to offer information necessary for other telecommunications carriers to accomplish smooth interconnections of their telecommunications facilities with the Category I designated telecommunications facilities.
- (16) With respect to interconnection charges and terms and conditions of interconnections specified in the interconnection tariffs to be authorized by the Minister in accordance with paragraph (2) for the first time from the day of new designation of telecommunications facilities installed by a telecommunications carrier in accordance with paragraph (1), "shall obtain authorization from the Minister. The same shall also apply where such interconnection tariffs are to be amended." in paragraph (2) shall be read as "shall apply for authorization within three months from the day of new designation in accordance with the provisions of the preceding paragraph to the Minister."
- (17) With respect to interconnection charges and terms and conditions of interconnections specified in the interconnection tariffs to be notified to the Minister in accordance with the provisions of paragraph (7) for the first time from the day of new designation in accordance with the provisions of paragraph (1) of telecommunications facilities installed by a telecommunications carrier, "submit a notification prior to application thereof to the Minister. The same shall also apply where such interconnection tariffs are to be amended." in the same paragraph" shall be read as "shall submit a notification of the tariffs within three months from the day of new designation in accordance with the provisions of paragraph (1) to the Minister."
- (18) With respect to an interconnection agreement concerning a newly designated telecommunications facilities, among agreements in force which were concluded by a telecommunications carrier installing newly designated telecommunications facilities in accordance with the provisions of paragraph (1) concerning interconnections of telecommunications facilities with other telecommunications carriers, on the day of authorization from the Minister to the interconnection tariff that has been applied for authorization by said telecommunications carrier in accordance with the provisions of paragraph (2) that shall be read as the provisions to be applied in accordance with the provisions of paragraph (16), or on the day when said telecommunications carrier has submitted a notification of interconnection tariff in accordance with the provisions of paragraph (7) that shall be read as the provisions to be applied in accordance with the provisions of the preceding paragraph, whichever is later (hereinafter referred to as the "starting day of the computation" in this paragraph), the provisions of paragraph (9) shall not apply within three months calculating from the starting day of the computation.

(Interconnection with Category II Designated Telecommunications Facilities)

Article 34.

- (1) The Minister may, as specified in the applicable ministerial ordinance of the MIC, designate the combined total of: the transmission line facilities, one end of which is connected to the specified mobile terminal facilities (referred to mobile terminal facilities specified in the applicable ministerial ordinance of the MIC. The same shall apply in this paragraph.), and that are installed by one telecommunications carrier, where the ratio of number of said specified mobile terminal facilities connected to all the transmission line facilities to all the specified mobile terminal facilities connected to all the transmission line facilities of the same kind installed in the same area pertaining to telecommunications services utilizing said transmission line facilities, exceeds the ratio specified in the applicable ministerial ordinance of the MIC, and the telecommunications facilities installed by said telecommunications carrier in order to provide said telecommunications services and that are specified in the applicable ministerial ordinance of the MIC, as the designated telecommunications facilities that shall ensure appropriate and

smooth interconnections with the telecommunications facilities of other telecommunications carriers.

- (2) Any telecommunications carrier installing telecommunications facilities designated in accordance with the provisions of the preceding paragraph (hereinafter referred to as "Category II designated telecommunications facilities") shall, concerning interconnections between said Category II designated telecommunications facilities and telecommunications facilities of other telecommunications carriers, establish interconnection tariffs on the amount of money said telecommunications carrier installing Category II designated telecommunications facilities receive and terms and conditions of interconnections, and submit a notification prior to application thereof to the Minister, as specified in the applicable ministerial ordinance of the MIC. The same shall also apply where such interconnection tariffs are to be amended.
- (3) The Minister may, when it is deemed that the interconnection tariffs submitted as a notification specified in accordance with the provisions of the preceding paragraph (including the cases where the provisions that shall be read as the provisions in accordance with the provisions of paragraph (6) apply) fall under any of the following items, order said telecommunications carrier installing said Category II designated telecommunications facilities to change said interconnection tariffs within a reasonable time period:
 - i) Where matters concerning responsibilities of telecommunications carriers installing Category II designated telecommunications facilities and other telecommunications carriers that interconnect their telecommunications facilities with said Category II designated telecommunications facilities are not properly and clearly stipulated
 - ii) Where technical requirements at interconnection points with telecommunications facilities of other telecommunications carriers are not properly and clearly stipulated
 - iii) Where distinctions as to type of telecommunications carriers for which charges of telecommunications services are specified are not properly and clearly stipulated
 - iv) Where the amount of money to be received by telecommunications carriers installing Category II designated telecommunications facilities surpasses the sum of reasonable costs and reasonable profit under efficient management
 - v) Where the interconnection tariffs place undue conditions to other telecommunications carriers
 - vi) Where the interconnection tariffs unfairly discriminate against specified telecommunications carriers
- (4) Any telecommunications carrier installing Category II designated telecommunications facilities shall neither, otherwise than pursuant to interconnection tariffs notified in accordance with the provisions of paragraph (2) (including the cases where the provisions that shall be read as the provisions in accordance with the provisions of paragraph (6) apply. The same shall apply in the following paragraph.), enter into an agreement nor amend an agreement for interconnections between other telecommunications carriers concerning the Category II designated telecommunications facilities.
- (5) Any telecommunications carrier installing Category II designated telecommunications facilities shall, as specified in the applicable ministerial ordinance of the MIC, publish the interconnection tariffs notified in accordance with the provisions of paragraph (2).
- (6) With respect to the amount of charges and terms and conditions of interconnections specified in the interconnection tariffs to be notified to the Minister in accordance with the provisions of paragraph (2) for the first time from the day of new designation of telecommunications facilities installed by a telecommunications carrier in accordance with paragraph (1), "submit a notification prior to application thereof to the Minister, as specified in the applicable ministerial ordinance of the MIC. The same shall also apply where such interconnection tariffs are to be amended." in paragraph (2) shall be read as "submit a notification of the interconnection tariffs within three months from the day of new designation in accordance with the provisions of the preceding paragraph to the Minister."

- (7) With respect to an interconnection agreement concerning a newly designated telecommunications facilities, among agreements in force which were concluded by a telecommunications carrier installing newly designated telecommunications facilities in accordance with the provisions of paragraph (1) concerning interconnections of telecommunications facilities with other telecommunications carriers, on the day of notification (hereinafter referred to as "the day of notification" in this paragraph) to the Minister of the interconnection tariffs that has been notified by said telecommunications carrier in accordance with the provisions of paragraph (2) that shall be read as the provisions to be applied in accordance with the provisions of preceding paragraph, the provisions of paragraph (4) shall not apply within three months calculating from the day of notification.

(Order, Etc. Concerning Interconnections of Telecommunications Facilities)

Article 35.

- (1) Where a telecommunications carrier, in spite of other telecommunications carrier's proposal to enter into an agreement to interconnect telecommunications facilities of said telecommunications carrier with telecommunications facilities of said other telecommunications carrier, does not accept entering into a consultation or where said consultation fails to come to an agreement, the Minister shall, upon petition of said telecommunications carrier who proposed said agreement, order said other telecommunications carrier to start or reopen the consultation, except the cases where it is deemed that such interconnections fall under any item of Article 32 and an application for arbitration is filed under the provisions of Article 155 paragraph (1).
- (2) Where, in addition to the cases stipulated in the preceding paragraph, in spite of one's proposal to enter into an agreement to interconnect telecommunications facilities between telecommunications carriers, the other party does not accept entering into a consultation or where said consultation fails to come to an agreement, the Minister may, upon request of one of said telecommunications carriers, order the other telecommunications carrier to start or reopen the consultation when it is deemed such interconnections especially necessary and appropriate to promote the public interest, except the cases where an application for arbitration under the provisions of Article 155 paragraph (1) is filed.
- (3) Where a consultation between the parties concerned about the interconnections to telecommunications facilities of a telecommunications carrier fail to come to an agreement with respect to such details as the amount of money to be received and paid by them or other details including terms and conditions of interconnections, a telecommunications carrier who installs telecommunications facilities to be connected to said telecommunications facilities of the telecommunications carrier may apply for an award to the Minister. However, in the cases where the parties filed an application for arbitration in accordance with the provisions of Article 155 paragraph (1), this shall not apply.
- (4) When consultations between the parties concerned, except the cases stipulated in the preceding paragraph, after an order has been issued in accordance with the provisions of paragraph (1) or paragraph (2), fail to come to an agreement with respect to such details as the amount of money to be received and to be paid by them or other details including terms and conditions of interconnections, the party (or parties) may apply for an award to the Minister.
- (5) The Minister shall, upon receipt of such application for the award specified in the provisions of the preceding two paragraphs, notify the other party (or parties) of the application, and shall give the party (or parties) an opportunity to present answers in writing within a term to be prescribed by the Minister.
- (6) The Minister shall, upon issuing such award under paragraph (3) or paragraph (4), notify without delay the party (parties) to that effect.
- (7) When the award of paragraph (3) or paragraph (4) has been issued, the consultations between or among the parties shall be deemed to have come to an agreement, prescribed by the award.
- (8) Any of the parties who is dissatisfied with the award of paragraph (3) or paragraph (4) with

respect to the amount of money to be paid or received by the party (or parties), may demand an increase or decrease in the amount by filing a lawsuit within three months of the day on which this party learns the results of the award.

- (9) In the case of a lawsuit of the preceding paragraph, the other party (or parties) shall be the defendant(s).
- (10) In lodging a petition of opposition to the award of paragraph (3) or paragraph (4), dissatisfaction with the amount of money to be paid or received by the party (or parties) shall not constitute grounds for dissatisfaction with the award.

(Plans as to Change or Addition of Functions of Category I Designated Telecommunications Facilities)

Article 36.

- (1) Any telecommunications carrier installing Category I designated telecommunications facilities shall submit a notification to the Minister when the telecommunications carrier has a plan to change or add to the existing functions (except those specified in the applicable ministerial ordinance of the MIC) of said Category I designated telecommunications facilities, as specified in the applicable ministerial ordinance of the MIC, within the number of days before the day of starting up said installation specified in the applicable ministerial ordinance of the MIC. The same shall apply to the cases where the plan duly submitted is to be changed.
- (2) Any telecommunications carrier installing Category I designated telecommunications facilities shall, as specified in the applicable ministerial ordinance of the MIC, publish the plan submitted in accordance with the provisions of the preceding paragraph.
- (3) The Minister may, when there has been a notification in accordance with the provisions of paragraph (1) and when it is deemed, as a result of the implementation of the plan, that there is a risk of hindering the smooth interconnections between Category I designated telecommunications facilities and the telecommunications facilities of other telecommunications carriers, recommend said telecommunications carrier installing said Category I designated telecommunications facilities to change the plan.

(Agreement on Sharing Category I Designated Telecommunications Facilities)

Article 37.

- (1) Any telecommunications carrier installing Category I designated telecommunications facilities shall, when it enters into an agreement with other telecommunications carriers to share said Category I designated telecommunications facilities, or amends such an agreement, as specified in the applicable ministerial ordinance of the MIC, submit a notification in advance to the Minister.
- (2) Any telecommunications carrier installing newly designated telecommunications facilities in accordance with the provisions of Article 33 paragraph (1) shall, as specified in the applicable ministerial ordinance of the MIC, submit without delay a notification of an agreement concerning agreements on sharing of said telecommunications facilities among agreements in force between said telecommunications carrier and other telecommunications carriers on the day of said designation to the Minister.

(Order, Etc. Concerning Shared Use of Telecommunications Facilities)

Article 38.

- (1) Where, in spite of one party's proposal to enter into an agreement to share telecommunications facilities between telecommunications carriers, the other party does not accept entering into consultation or where such consultation fails to come to an agreement, the Minister may, upon request of one of said telecommunications carriers, order the other telecommunications carrier to start or reopen the consultation, when it is deemed such sharing especially necessary and appropriate to promote the public interest, except when an application for arbitration is filed

under the provisions of Article 155 paragraph (1) applied, mutatis mutandis, in Article 156 paragraph (1).

- (2) The provisions of Article 35 paragraphs (3) through (10) are applied, mutatis mutandis, to sharing of telecommunications facilities. In this case, “terms and conditions of interconnections” in Article 35 paragraphs (3) and (4) shall be read as “terms and conditions for sharing”; “installs telecommunications facilities to be connected to said telecommunications facilities of the telecommunications carrier” in Article 35 paragraph (3) shall be read as “intends to enter into an agreement with telecommunications carriers”; “Article 155 paragraph (1)” in Article 35 paragraph (3) shall be read as “Article 155 paragraph (1) applied, mutatis mutandis, in Article 156 paragraph (1)”; and, “paragraph (1) or paragraph (2)” in Article 35 paragraph (4) shall be read as “Article 38 paragraph (1)”.

(Application, Mutatis Mutandis, to the Provision of Wholesale Telecommunications Services)
Article 39.

The provisions of Article 35 paragraphs (3) through (10) and paragraph (1) of the preceding article shall apply, mutatis mutandis, to the provision of wholesale telecommunications services. In this case, “terms and conditions of interconnections” in Article 35 paragraphs (3) and (4) shall be read as “terms and conditions”; “agreement” in Article 35 paragraphs (3) and (4) and paragraph (1) of the preceding article shall be read as “contract”; “installs telecommunications facilities to be connected to said telecommunications facilities of the telecommunications carrier” in Article 35 paragraph (3) shall be read as “intends to enter into a contract with a telecommunications carrier”; “Article 155 paragraph (1)” in Article 35 paragraph (3) shall be read as “Article 155 paragraph (1) applied, mutatis mutandis, in Article 156 paragraph (2)”; “paragraph (1) or paragraph (2)” in Article 35 paragraph (4) shall be read as “Article 38 paragraph (1) applied, mutatis mutandis, in Article 39”; “such sharing” in paragraph (1) of the preceding article shall be read as “such provision”; and, “Article 156 paragraph (1)” shall be read as “Article 156 paragraph (2)”.

(Authorization of Agreements, Etc. with Foreign Governments, Etc.)
Article 40.

Any telecommunications carrier shall obtain authorization from the Minister before the telecommunications carrier enters into, amends or terminates an agreement or contract with a foreign government, or person or juridical person concerning telecommunications activities and includes important matters specified in the applicable ministerial ordinance of the MIC.

Section 4. Telecommunications Facilities

Sub-Section 1) Telecommunications Facilities for Use of Telecommunications Business (Article 41 through Article 51)

(Maintenance of Telecommunications Facilities)
Article 41.

- (1) Any telecommunications carrier installing telecommunications circuit facilities shall maintain its telecommunications facilities (except those specified in the applicable ministerial ordinance of the MIC as those having a minor influence on the users' benefit in the cases of damage or failure, etc. thereof) for use of its telecommunications business in compliance with the technical conditions specified in the applicable ministerial ordinance of the MIC.
- (2) Any telecommunications carrier providing universal telecommunications services shall maintain its telecommunications facilities (except telecommunications facilities stipulated in the preceding paragraph) for use of its telecommunications business for providing said universal telecommunications services in compliance with the technical conditions specified in the applicable ministerial ordinance of the MIC.

- (3) The technical conditions of the preceding two paragraphs shall be so specified as to ensure the following matters:
- i) The provision of telecommunications service shall not be extremely hindered by damage or failure of telecommunications facilities.
 - ii) Quality of telecommunications services shall maintain an appropriate level.
 - iii) Secrecy of communications shall not be violated.
 - iv) Telecommunications facilities of users or other telecommunications carriers connected shall not be damaged or impaired, nor shall functions thereof be impaired.
 - v) The demarcation of responsibilities between the telecommunications facilities of a telecommunications carrier and those of others shall be clearly stipulated.

(Self-Confirmation of Compliance of Telecommunications Facilities by Telecommunications Carriers)

Article 42.

- (1) Any telecommunications carrier installing telecommunications circuit facilities shall, as specified in the applicable ministerial ordinance of the MIC, when intending to start operating telecommunications facilities stipulated in paragraph (1) of the preceding article, confirm itself that said telecommunications facilities (except those specified in the applicable ministerial ordinance of the MIC) are in compliance with the technical conditions specified in the applicable ministerial ordinance of the MIC under the same paragraph.
- (2) The provisions of the preceding paragraph shall apply, mutatis mutandis, to the cases where a telecommunications carrier installing telecommunications circuit facilities intends to change matters of Article 10 paragraph (1) item iii) or Article 16 paragraph (1) item iii). In this case, "said telecommunications facilities" in the preceding paragraph shall be read as "telecommunications facilities stipulated in paragraph (1) of the preceding paragraph after said change".
- (3) Any telecommunications carrier installing telecommunications circuit facilities shall, in the cases where the telecommunications carrier has confirmed compliance in accordance with the provisions of paragraph (1) (including the cases where paragraph (1) shall apply, mutatis mutandis, in the preceding paragraph), as specified in the applicable ministerial ordinance of the MIC, before it starts operating telecommunications facilities stipulated in the same paragraph, submit a notification of the results of self-compliance confirmation to the Minister.
- (4) The provisions of the preceding three paragraphs shall apply, mutatis mutandis, to the case where a telecommunications carrier providing universal telecommunications services intends to start operating telecommunications facilities stipulated in paragraph (2) of the preceding article. In this case, "paragraph (1) of the preceding article" in paragraph (2) shall be read as "paragraph (2) of the preceding article".

(Order to Comply with Technical Conditions)

Article 43.

- (1) The Minister may, when it is deemed that telecommunications facilities stipulated in Article 41 paragraph (1) fail to comply with the technical conditions stipulated in the applicable ministerial ordinance of the MIC under the same paragraph, order a telecommunications carrier installing said telecommunications facilities to repair or improve said telecommunications facilities so as to make them comply with the technical conditions, or may restrict the use thereof.
- (2) The provisions of the preceding paragraph shall apply, mutatis mutandis, to the cases where the Minister deems that telecommunications facilities stipulated in Article 41 paragraph (2) fail to comply with the technical conditions specified in the applicable ministerial ordinance of the MIC under the same paragraph.

(Administrative Rules)**Article 44.**

- (1) Any telecommunications carrier shall, as specified in the applicable ministerial ordinance of the MIC, establish administrative rules governing telecommunications facilities for telecommunications business stipulated in Article 41 paragraphs (1) or (2) (hereinafter referred to as "telecommunications facilities for telecommunications business"), in order to ensure the reliable and stable provision of telecommunications services, and submit a notification of the administrative rules to the Minister prior to the commencement of its telecommunications business.
- (2) When a telecommunications carrier has amended its administrative rules, it shall submit without delay a notification of the amended matters to the Minister.

(Chief Telecommunications Engineer)**Article 45.**

- (1) Any telecommunications carrier shall, as specified in the applicable ministerial ordinance of the MIC, appoint chief telecommunications engineers selected from persons who have chief telecommunications engineer's licenses, and place them in charge of the supervision of matters related to the installation, maintenance and operation of telecommunications facilities for the telecommunications business. Provided, however, that the telecommunications facilities for the telecommunications business are small scale ones or otherwise specified in the applicable ministerial ordinance of the MIC, this shall not apply.
- (2) Any telecommunications carrier shall, when it has appointed chief telecommunications engineers in accordance with the provisions of the preceding paragraph, submit without delay a notification to that effect to the Minister. The same shall apply to the case of the dismissal of any of its chief telecommunications engineers.

(Chief Telecommunications Engineer's License)**Article 46.**

- (1) Chief telecommunications engineer's licenses for switching technology, for transmission technology and for line technology shall be classified in the applicable ministerial ordinance of the MIC.
- (2) The scope of matters, with respect to the installation, maintenance and operation of telecommunications facilities, allowed to be supervised by a person who has a chief telecommunications engineer's license, shall be specified in the applicable ministerial ordinance of the MIC, according to the class of the chief telecommunications engineer's license under the preceding paragraph.
- (3) The Minister shall grant a chief telecommunications engineer's license to those persons who fall under any of the following items:
 - i) A person who has passed the qualification examination for chief telecommunications engineers
 - ii) A person who has completed a training course, which has been certified by the Minister as complying with the standards specified in the applicable ministerial ordinance of the MIC, for persons wishing to have a chief telecommunications engineer's license granted
 - iii) A person whom the Minister recognizes as having expert knowledge and ability not less than that of the persons listed in the preceding two paragraphs
- (4) The Minister may, notwithstanding the provisions of the preceding paragraph, refuse to grant a chief telecommunications engineer's license to those persons who come under any of the following items:
 - i) A person whose chief telecommunications engineer's license has been revoked in accordance with the provisions of the following article, if a term of one year has not yet elapsed since the day of revocation
 - ii) A person who has been sentenced to a fine or severer penalty in accordance with the

provisions of this Law, if a term of two years has not yet elapsed since the day on which the sentence was fulfilled or suspended

- (5) The procedural matters concerning the grant of chief telecommunications engineer's licenses shall be specified in the applicable ministerial ordinance of the MIC.

(Return of Chief Telecommunications Engineer's License)

Article 47.

When a person who has a chief telecommunications engineer's license violates the provisions of this Law or the orders issued thereunder, the Minister may order the person to return the chief telecommunications engineer's license to the Minister.

(Qualification Examination for Chief Telecommunications Engineers)

Article 48.

- (1) The qualification examination for chief telecommunications engineers shall be conducted with respect to expert knowledge and ability necessary for the installation, maintenance and operation of telecommunications facilities.
- (2) The qualification examination for chief telecommunications engineers shall be conducted by the Minister for each class of chief telecommunications engineer's license.
- (3) The subjects, application procedures and other details of the qualification examination for chief telecommunications engineers shall be specified in the applicable ministerial ordinance of the MIC.

(Obligations of Chief Telecommunications Engineers)

Article 49.

Any chief telecommunications engineer shall in good faith exercise his or her functions of the supervision of matters related to the installation, maintenance and operation of telecommunications facilities for telecommunications business.

(Standards for Telecommunications Numbers)

Article 50.

- (1) Any telecommunications carrier shall, where the telecommunications carrier provides telecommunications services through use of telecommunications numbers (meaning numbers, signs or other codes which a telecommunications carrier, upon the provision of telecommunications services, uses for the identification of telecommunications facilities in order to connect between the place of transmission and the place of reception, or for the identification of the type or content of transmission the telecommunications facilities are to deliver. The same shall apply hereinafter), ensure that the telecommunications numbers shall comply with the standards specified in the applicable ministerial ordinance of the MIC.
- (2) The standards specified in the preceding paragraph shall be ones by which the following matters will be ensured:
 - i) By using the telecommunications numbers, telecommunications carriers and the user shall clearly and easily identify telecommunications facilities or the type or content of the telecommunications service.
 - ii) To firmly ensure the necessary telecommunications numbers which are needed for the provision of telecommunications services
 - iii) To avoid as much as possible the change of telecommunications numbers
 - iv) To ensure fair and efficient use of telecommunications numbers

(Compliance Order)

Article 51.

When it is deemed that the telecommunications numbers that a telecommunications carrier uses

in making connection of its telecommunications facilities with those of other telecommunications carriers, or which the telecommunications carrier uses for handling urgently communications in light of the public interest, do not to comply with the standards specified in the applicable ministerial ordinance of the MIC under paragraph (1) of the preceding article, the Minister may order said telecommunications carrier to change said telecommunications numbers to comply with the standards, or may prohibit usage thereof.

Sub-Section 2) Connection, Etc. of Terminal Facilities (Article 52 through Article 73)

(Technical Conditions for Connection of Terminal Facilities)

Article 52.

- (1) When a telecommunications carrier receives a request from a user for the connection of his or her terminal facilities (meaning telecommunications facilities which are to be connected to one end of telecommunications circuit facilities and part of which is to be installed on the same premises [including the areas regarded as the same premises] or in the same building where any other part thereof is also to be installed. Hereinafter the same shall apply.) with its telecommunications circuit facilities (except those specified in the applicable ministerial ordinance of the MIC as those having a minor influence on the users' benefit in the cases of damage or failure, etc. The same shall apply in Article 69 and Article 70.), the telecommunications carrier shall not refuse the request, except in the cases specified in the applicable ministerial ordinance of the MIC, including the cases where the connection does not comply with the technical conditions (including technical requirements established, subject to the authorization of the Minister, by said telecommunications carrier or other telecommunications carriers whose telecommunications facilities are connected to said telecommunications carrier specified in the applicable ministerial ordinance of the MIC. The same shall apply in the following paragraph and Article 69.) specified in the applicable ministerial ordinance of the MIC.
- (2) The technical conditions of the preceding paragraph shall be so provided as to ensure the following matters:
 - i) The telecommunications circuit facilities shall not be damaged, nor shall functions thereof be impaired.
 - ii) Any nuisance shall not be caused to other users of the telecommunications circuit facilities.
 - iii) The demarcation of responsibilities between the telecommunications circuit facilities established by a telecommunications carrier and terminal facilities connected to them by a user shall be clearly stipulated.

(Technical Conditions Compliance Approval of Terminal Equipment)

Article 53.

- (1) A person who has been registered in accordance with the provisions of Article 86 paragraph (1) (hereinafter referred to as a "registered approval agency") shall, when another person requests the registered approval agency to issue a technical conditions compliance approval (meaning an approval that terminal equipment complies with the technical conditions specified in the applicable ministerial ordinance of the MIC under paragraph (1) of the preceding article. Hereinafter the same shall apply.) pertaining to its registration, as specified in the applicable ministerial ordinance of the MIC, examine the request and shall issue a technical conditions compliance approval only when the terminal equipment (meaning equipment of specified types of terminal facilities specified in the applicable ministerial ordinance of the MIC. Hereinafter the same shall apply.) pertaining to said request is deemed to comply with the technical conditions specified in the applicable ministerial ordinance of the MIC under paragraph (1) of the preceding article.
- (2) When a registered approval agency issues a technical conditions compliance approval pertaining to its registration, the registered approval agency shall affix the mark to the terminal equipment

to that effect, as specified in the applicable ministerial ordinance of the MIC.

- (3) No person shall, except when the mark is affixed in accordance with the provisions of the preceding paragraph (including the cases where the preceding paragraph shall apply, *mutatis mutandis*, in Article 104 paragraph (4)), Article 58 (including the cases where Article 58 shall apply, *mutatis mutandis*, in Article 104 paragraph (7)) or Article 65, affix such a mark or any other misleading mark to any terminal equipment within Japan.

(Order to Prevent Disturbance)

Article 54.

Where the Minister deems that terminal equipment being given a technical conditions compliance approval by a registered approval agency and being affixed the mark of paragraph (2) of the preceding article does not comply with the technical conditions specified in the applicable ministerial ordinance of the MIC under Article 52 paragraph (1), and, that there is a risk that the use of said terminal equipment should disturb communications of other users via telecommunications circuit facilities, the Minister may, when deemed to be especially necessary for preventing expansion of said disturbance, order the person being given said technical conditions compliance approval to take necessary measures for preventing expansion of disturbance caused by said terminal equipment.

(Cases Where Terminal Equipment Is Deemed to Have No Mark)

Article 55.

- (1) In the cases where terminal equipment being given a technical conditions compliance approval by a registered approval agency and being affixed the mark in accordance with the provisions of Article 53 paragraph (2) does not comply with the technical conditions specified in the applicable ministerial ordinance of the MIC under Article 52 paragraph (1), when deemed to be especially necessary for preventing occurrence of disturbance in communications of other users via telecommunications circuit facilities, said terminal equipment shall be deemed to have no mark in accordance with the provisions of Article 53 paragraph (2).
- (2) The Minister shall, when terminal equipment is deemed to have no mark in accordance with the provisions of the preceding paragraph, issue a public notice to that effect.

(Certification of Type of Terminal Equipment)

Article 56.

- (1) A registered approval agency shall, when receiving a request from a person who performs a business of dealing in terminal equipment, certify that the type of its terminal equipment (hereinafter referred to as the "certification of type of terminal equipment") complies with the technical conditions stipulated in the applicable ministerial ordinance of the MIC under Article 52 paragraph (1) (including the method to verify that each terminal equipment coincides with said type).
- (2) In the cases where a registered approval agency has received a request for certification of type of terminal equipment pertaining to its registration, the registered approval agency shall examine the request, as specified in the applicable ministerial ordinance of the MIC, and shall certify the type of terminal equipment only when the type of terminal equipment pertaining to said request is deemed to comply with the technical conditions specified in the applicable ministerial ordinance of the MIC under Article 52 paragraph (1) and only when it is deemed that any of the terminal equipment based on said type is ensured to coincide with said type.

(Obligations to Coincide with Type)

Article 57.

- (1) Any person who obtained a certification of type of terminal equipment from a registered approval agency (hereinafter referred to as a "certified dealer") shall, where dealing in terminal equipment based on the type pertaining to said certification of type of terminal equipment

(hereinafter referred to as a "certified type"), make said terminal equipment coincide with said certified type.

- (2) Any certified dealer shall, in accordance with the method for confirmation pertaining to the certification of type of terminal equipment, inspect terminal equipment of the preceding paragraph pertaining to the dealing, as specified in the applicable ministerial ordinance of the MIC, make the inspection record thereon and keep thereof.

(Mark of Terminal Equipment Based on Certified Type)

Article 58.

A certified dealer may, when the certified dealer, with respect to terminal equipment based on a certified type, has fulfilled the obligation specified in the provisions of paragraph (2) of the preceding article, affix the mark specified in the applicable ministerial ordinance of the MIC to said terminal equipment.

(Order to Take Measures toward Certified Dealer)

Article 59.

The Minister may, when it is deemed that a certified dealer violates the provisions of Article 57 paragraph (1), order said certified dealer to take necessary measures for improving the method of confirmation pertaining to the certification of type of terminal equipment.

(Prohibition of Affixing the Mark)

Article 60.

- (1) The Minister may, in the cases listed in the following items, prohibit a certified dealer from affixing the mark of Article 58 to terminal equipment based on a certified type or type specified in said items within a term of two years.
 - i) Where terminal equipment based on a certified type does not comply with the technical conditions specified in the applicable ministerial ordinance of the MIC under Article 52 paragraph (1), when deemed especially necessary for preventing occurrence of disturb communications of other users via telecommunications circuit facilities (except the cases listed in item vi)): the certified type of said terminal equipment
 - ii) When a certified dealer has violated the provisions of Article 57 paragraph (2): the certified type of terminal equipment pertaining to said violation
 - iii) When a certified dealer has violated the order in accordance with the provisions of the preceding article: the certified type of terminal equipment pertaining to said violation
 - iv) When a certified dealer has obtained a certification of type of terminal equipment through dishonest means from a registered approval agency: the type pertaining to said certification of type of terminal equipment
 - v) When a registered approval agency has granted a certification of type of terminal equipment in violation of the provisions of Article 56 paragraph (2) or Article 91 paragraph (2) applied, mutatis mutandis, in Article 103: the type pertaining to said certification of type of terminal equipment
 - vi) Where the technical conditions specified in the applicable ministerial ordinance of the MIC under Article 52 paragraph (1) have been changed, when it is deemed that the type being given a certification of type of terminal equipment before said change does not comply with the technical conditions after said change: said type
- (2) The Minister shall, when prohibiting the affixing of the mark to terminal equipment in accordance with the provisions of the preceding paragraph, issue a public notice to that effect.

(Application, Mutatis Mutandis)

Article 61.

The provisions of Article 54 shall apply, mutatis mutandis, to certified dealers, and the provisions

of Article 55 shall apply, *mutatis mutandis*, to terminal equipment based on a certified type. In these cases, "terminal equipment being given a technical conditions compliance approval by a registered approval agency" in Article 54 shall be read as "terminal equipment based on a certified type"; "paragraph (2) of the preceding article" in Article 54 and "Article 53 paragraph (2)" in Article 55 paragraph (1) shall be read as "Article 58"; "the person having said technical conditions compliance approval" in Article 54 shall be read as "the person having a technical conditions compliance approval pertaining to said certified type".

(Foreign Dealers)

Article 62.

- (1) Where a person who obtained a technical conditions compliance approval from a registered approval agency is a foreign dealer (meaning a person who performs, in a foreign country, a business of dealing in terminal equipment to be used in Japan. Hereinafter the same shall apply.), with respect to application of the provisions of Article 54 to said foreign dealer, "order" in the same article shall be read as "request".
- (2) Where a certified dealer is a foreign dealer, with respect to application of the provisions of Article 54 applied, *mutatis mutandis*, in Article 59, Article 60 paragraph (1) item iii) and the preceding article to said foreign dealer, "order" in Article 54 applied, *mutatis mutandis*, in Article 59 and the preceding article shall be read as "request"; "has violated the order" in Article 60 paragraph (1) item iii) shall be read as "has not met the request"; and "said violation" in the same item shall be read as "said request".
- (3) In addition to the provisions of Article 60 paragraph (1), the Minister may, in the cases listed in the following items, prohibit a foreign dealer who has obtained a certification of type of terminal equipment from a registered approval agency from affixing the mark of Article 58 to terminal equipment based on a certified type specified in said items within a term of two years.
 - i) Where the Minister intends to make said foreign dealer report to the Minister in accordance with the provisions of Article 166 paragraph (2) applied, *mutatis mutandis*, in paragraph (3) of the same article, when said foreign dealer fails to submit a report or makes a false report: the certified type of terminal equipment pertaining to said report
 - ii) Where the Minister intends to delegate any ministerial staff to carry out inspection at business offices, business establishments or other workplaces of said foreign dealer in accordance with the provisions of Article 166 paragraph (2) applied, *mutatis mutandis*, in paragraph (3) of the same article, when the inspection was refused, obstructed or evaded: the certified type of terminal equipment pertaining to said inspection
 - iii) When said foreign dealer has not met the request to which the provisions of Article 167 paragraph (1) that shall be read as the provisions of paragraph (6) of the same article apply: the certified type of terminal equipment pertaining to said request
- (4) When the Minister shall, in accordance with the provisions of the preceding paragraph, prohibited the affixing of the mark, issue a public notice to that effect.

(Self-Confirmation of Technical Conditions Compliance, Etc.)

Article 63.

- (1) Manufacturers or importers of terminal equipment, which is specified, in consideration of the technical conditions for terminal equipment, actual use of terminal equipment, etc., in the applicable ministerial ordinance of the MIC as those being at low risk of disturbing severely communications of other users via telecommunications circuit facilities (hereinafter referred to as "specified terminal equipment"), may confirm by themselves that the type (including the method to verify that each terminal equipment coincides with said type) of their terminal equipment complies with the technical conditions specified in the applicable ministerial ordinance of the MIC under Article 52 paragraph (1).
- (2) Manufacturers or importers shall, only when they conduct verification specified in the applicable

ministerial ordinance of the MIC, and deem that the type of their specified terminal equipment complies with the technical conditions specified in the applicable ministerial ordinance of the MIC under Article 52 paragraph (1), and that it can be ensured that any of their specified terminal equipment based on said type coincides with said type, make the self-confirmation (referred to as "self-confirmation of technical conditions compliance" in the following paragraph) in accordance with the provisions of the preceding paragraph.

- (3) Manufacturers or importers may, when making the self-confirmation of technical conditions compliance, as specified in the applicable ministerial ordinance of the MIC, submit a notification of matters listed in the following items to the Minister.
 - i) Name and address and, in the cases where the applicant is a juridical person, name of the representative
 - ii) Class and type of specified terminal equipment for which the self-confirmation of technical conditions compliance was made
 - iii) Outline of verification results of the preceding paragraph
 - iv) Method to verify that any of terminal equipment based on the type of item ii) coincides with said type
 - v) Other matters stipulated in the applicable ministerial ordinance of the MIC among matters concerning methods for the self-confirmation of technical conditions compliance
- (4) Any person who submitted a notification in accordance with the provisions of the preceding paragraph (hereinafter referred to as a "notified supplier") shall, as specified in the applicable ministerial ordinance of the MIC, make a record pertaining to verification of paragraph (2) and keep thereof.
- (5) Any notified supplier shall, as specified in the applicable ministerial ordinance of the MIC, upon changes of matters listed under paragraph (3) item i), item iv) or item v), without delay, submit a notification to that effect to the Minister.
- (6) The Minister shall, upon receipt of a notification of the provisions of paragraph (3), as specified in the applicable ministerial ordinance of the MIC, issue a public notice to that effect. Where a notification of the preceding paragraph is submitted, when matters on the public notice have been changed, the same shall apply.

(Obligations, Etc. to Coincide with Type)

Article 64.

- (1) Any notified supplier shall, where manufacturing or importing specified terminal equipment based on the type pertaining to a notification of the provisions of paragraph (3) of the preceding article (hereinafter referred to as a "notified type"), make said specified terminal equipment coincide with said notified type.
- (2) Any notified supplier shall, in accordance with the method for confirmation pertaining to the notification in accordance with the provisions of paragraph (3) of the preceding article, inspect its specified terminal equipment of the preceding paragraph pertaining to the production or import, as specified in the applicable ministerial ordinance of the MIC, make an inspection record thereon and keep thereof.

(Mark)

Article 65.

A notified supplier may, when the notified supplier fulfilled the obligation in accordance with the provisions of paragraph (2) of the preceding article, with respect to specified terminal equipment based on a notified type, affix the mark specified in the applicable ministerial ordinance of the MIC to said specified terminal equipment.

(Prohibition of Affixing the Mark)**Article 66.**

- (1) The Minister may, in the cases listed in the following items, prohibit a notified supplier from affixing the mark of the preceding article to specified terminal equipment based on a notified type or type specified in said items within a term of two years.
 - i) Where specified terminal equipment based on a notified type does not comply with the technical conditions specified in the applicable ministerial ordinance of the MIC under Article 52 paragraph (1), when deemed especially necessary for preventing occurrence of disturbance in communications of other users via telecommunications circuit facilities (except the cases listed in item v)): the notified type of said specified terminal equipment
 - ii) Where a notified supplier submits a notification in accordance with the provisions of Article 63 paragraph (3), when the notified supplier has submitted a false notification: the type pertaining to said false notification
 - iii) When a notified supplier has violated the provisions of Article 63 paragraph (4) or Article 64 paragraph (2): the notified type of specified terminal equipment pertaining to said violation
 - iv) When a notified supplier has violated the order in accordance with the provisions of Article 59 applied, *mutatis mutandis*, in Article 68: the notified type of specified terminal equipment pertaining to said violation
 - v) Where the technical conditions specified in the applicable ministerial ordinance of the MIC under Article 52 paragraph (1) have been changed, when it is deemed that the type notified in accordance with the provisions of Article 63 paragraph (3) before said change does not comply with the technical conditions after said change: said type
- (2) The Minister shall, when prohibiting the affixing of the mark to terminal equipment in accordance with the provisions of the preceding paragraph, issue a public notice to that effect.

Article 67.

- (1) The Minister may, in the cases where a notified supplier fell under any of paragraph (1) items ii) through iv) of the preceding article, when it is deemed that there is a risk that said notified supplier should again fall under items ii) through iv) of the same paragraph, prohibit said notified supplier from affixing the mark of Article 65 to specified terminal equipment within a term of two years.
- (2) The Minister shall, when prohibiting the affixing of the mark in accordance with the provisions of the preceding paragraph, issue a public notice to that effect.

(Application, *Mutatis Mutandis*)**Article 68.**

The provisions of Article 54 and Article 59 shall apply, *mutatis mutandis*, to specified terminal equipment and notified suppliers, and the provisions of Article 55 shall apply, *mutatis mutandis*, to specified terminal equipment based on a notified type. In these cases, "terminal equipment being given a technical conditions compliance approval by a registered approval agency" in Article 54 shall be read as "terminal equipment based on a notified type"; "paragraph (2) of the preceding article" in the same article and "Article 53 paragraph (2)" in Article 55 paragraph (1) shall be read as "Article 65"; "the person being given said technical conditions compliance approval" in Article 54 shall be read as "the person being given a technical conditions compliance approval pertaining to said notified type"; "Article 57 paragraph (1)" in Article 59 shall be read as "Article 64 paragraph (1)"; "certification of type of terminal equipment" in Article 59 shall be read as "notification in accordance with the provisions of Article 63 paragraph (3)".

(Inspection of Connection of Terminal Equipment)**Article 69.**

- (1) When terminal equipment of a user has been connected to telecommunications circuit facilities of a telecommunications carrier, the user shall not use the terminal equipment before said telecommunications carrier has inspected the connection and certified that it complies with the technical conditions under Article 52 paragraph (1), except the cases specified in the applicable ministerial ordinance of the MIC, and except the cases where terminal equipment being affixed the mark thereto (except terminal equipment deemed as those having no mark in accordance with the provisions of Article 55 paragraph (1) (including the cases where Article 55 paragraph (1) shall apply, mutatis mutandis, in Article 61, the preceding article, and Article 104 paragraph (4) and paragraph (7)) specified in the provisions of Article 53 paragraph (2) (including the cases where Article 53 paragraph (2) shall apply, mutatis mutandis, in Article 104 paragraph (4)), Article 58 (including the cases where Article 58 shall apply, mutatis mutandis, in Article 104 paragraph (7)) or Article 65 has been connected. The same shall apply to the cases of any change made in the connection.
- (2) A telecommunications carrier installing telecommunications circuit facilities may request the user concerned to have the connection of their terminal facilities inspected to decide whether it complies with the technical conditions under Article 52 paragraph (1), when the telecommunications carrier deems it to be necessary to do so in the cases where the smooth provision of telecommunications services is impaired, including the cases of malfunction of terminal facilities. In these cases, said user shall not refuse to comply with this request, except in the cases specified in the applicable ministerial ordinance of the MIC, and except the cases where there is due reason not to comply with it.
- (3) Any person who conducts such inspections of the preceding paragraph shall carry an identification card and produce it to the persons concerned.

(Connection of Customer-Owned and Maintained Telecommunications Facilities)**Article 70.**

- (1) When a telecommunications carrier has received a request from any person other than a telecommunications carrier installing telecommunications circuit facilities for the connection of their telecommunications facilities (limited to those other than terminal facilities, hereinafter referred to as "customer-owned and maintained telecommunications facilities") to the carrier's telecommunications circuit facilities, the telecommunications carrier shall not refuse the request except the cases listed in the following items:
 - i) When the connection of the customer-owned and maintained telecommunications facilities does not comply with the technical conditions stipulated in the applicable ministerial ordinance of the MIC (including technical requirements established, subject to the authorization of the Minister, by said telecommunications carrier or other telecommunications carriers specified in the applicable ministerial ordinance of the MIC whose telecommunications facilities are connected to said telecommunications carrier)
 - ii) When said telecommunications carrier has obtained an approval from the Minister that the connection of the customer-owned and maintained telecommunications facilities would make it difficult for said telecommunications carrier to financially maintain its telecommunications circuit facilities
- (2) The provisions of Article 52 paragraph (2) shall apply, mutatis mutandis, to the technical conditions of item i) of the preceding paragraph, and the provisions of the preceding article shall apply, mutatis mutandis, to the inspection of the connection of the customer-owned and maintained telecommunications facilities pertaining to the request of the preceding paragraph. In these cases, "the technical conditions under Article 52 paragraph (1)" in paragraphs (1) and (2) of the preceding article shall be read as "the technical conditions of Article 70 paragraph (1) item i) (including the technical requirements of the same item)".

(Execution and Supervision of Installation by Installation Technician)**Article 71.**

- (1) Any user shall, when connecting their terminal facilities or customer-owned and maintained telecommunications facilities to telecommunications facilities, the user have a person being given an installation technician's license (hereinafter referred to as a "installation technician") execute or supervise the installation work pertaining to the connection on the site, according to the class of installation technician's license. However, this shall not apply, unless otherwise stipulated in the applicable ministerial ordinance of the MIC.
- (2) Any installation technician shall exercise in good faith their functions of the execution or supervision of the installation work.

(Installation Technician's License)**Article 72.**

- (1) The classes of installation technician's license and the scope of installation work pertaining to the connection of terminal facilities or customer-owned and maintained telecommunications facilities, to be executed or supervised by an installation technician shall be specified in the applicable ministerial ordinance of the MIC.
- (2) The provisions of Article 46 paragraphs (3) through (5) and Article 47 shall apply, mutatis mutandis, to the installation technician's license. In these cases, "qualification examination for chief telecommunications engineers" in Article 46 paragraph (3) item i) shall be read as "qualification examination for installation technicians"; and "expert knowledge and ability" in item iii) of the same paragraph shall be read as "knowledge and technical ability".

(Qualification Examination for Installation Technicians)**Article 73.**

- (1) The qualification examination for installation technicians shall be conducted with respect to knowledge and technical ability necessary for the connection of terminal facilities and customer-owned and maintained telecommunications facilities.
- (2) The provisions of Article 48 paragraphs (2) and (3) shall apply, mutatis mutandis, to the qualification examination for installation technicians. In these cases, "chief telecommunications engineer's license" in paragraph (2) of the same article shall be read as "installation technician's license".

Section 5. Designated Examination Agency, Etc.**Sub-Section 1) Designated Examination Agency (Article 74 through Article 85)*****(Designation, Etc. of Designated Examination Agency)*****Article 74.**

- (1) The Minister may commission a designated person (hereinafter referred to as a "designated examination agency") to conduct affairs concerning the execution of qualification examinations for chief telecommunications engineers or installation technicians (hereinafter referred to as "examination work").
- (2) The designation of an examination agency shall be made, on application from a person who intends to conduct examination work, according to the classification stipulated in the applicable ministerial ordinance of the MIC.
- (3) When the Minister has designated a designated examination agency, the Minister shall issue a public notice to that effect.
- (4) When the Minister has designated a designated examination agency, the Minister shall no longer conduct the examination work for the class pertaining to said designation.

(Designation Standards for Designated Examination Agency)**Article 75.**

- (1) The Minister shall not designate an examination agency unless no other examination agency has been designated to conduct examination work for the class pertaining to the application of paragraph (2) of the preceding article and unless it is deemed that the application complies with each of the following items:
 - i) The applicant's plan for the execution of examination work regarding staff, facilities, execution methods of examination work and other matters shall be appropriate for the proper execution of the examination work.
 - ii) The applicant shall have an adequate financial basis and technical capability to properly execute the plan of the preceding item for the execution of examination work.
 - iii) When the applicant engages in business activities other than examination work, there should be no risk of these activities making the examination work unfair.
- (2) The Minister shall not designate any person who has submitted an application of paragraph (2) of the preceding article, when that person falls under any of the following items:
 - i) The applicant is any person other than a juridical person incorporated in accordance with the provisions of Article 34 of the Civil Code (Law No. 89 of 1896).
 - ii) The applicant is a person who has been sentenced to a fine or severer penalty in accordance with the provisions of this Law, the Wire Telecommunications Law or the Radio Law, if a term of two years has not yet elapsed since the day on which the sentence was fulfilled or suspended.
 - iii) The applicant is a person whose designation was revoked in accordance with the provisions of Article 84 paragraph (1) or (2), if a term of two years has not yet elapsed since the day of revocation.
 - iv) The applicant is a person any of whose officers falls under any of the following:
 - a) Any person who falls under item ii)
 - b) Any person who has been dismissed by an order in accordance with the provisions of Article 77 paragraph (3), if a term of two years has not yet elapsed since the day of dismissal

(Qualification Examiner)**Article 76.**

A designated examination agency shall, in execution of examination work, have a person who has the qualifications stipulated in the applicable ministerial ordinance of the MIC (hereinafter referred to as a "qualification examiner") conduct the examination work related to the judgment of whether examinees have the expert knowledge and ability necessary for chief telecommunications engineers or knowledge and technical ability necessary for installation technicians.

(Appointment and Dismissal of Officers, Etc.)**Article 77.**

- (1) No appointment and dismissal of officers of a designated examination agency shall take effect unless authorized by the Minister.
- (2) When a designated examination agency appoints or dismisses its qualification examiner, it shall submit without delay a notification to that effect to the Minister.
- (3) When an officer or qualification examiner of a designated examination agency has violated this Law, the orders or administrative dispositions issued thereunder, or the examination work rules stipulated in Article 79 paragraph (1), the Minister may order the designated examination agency to dismiss the officer or qualification examiner.

(Confidentiality, Etc.)**Article 78.**

- (1) Any officer or staff (including qualification examiners) of a designated examination agency, or any person who was in such position, shall not divulge any secret which has come into their knowledge with respect to examination work.
- (2) Any officer or staff (including qualification examiners) of a designated examination agency who engages in examination work shall be deemed to be a person engaged in public duties in accordance with laws and ordinances with respect to the application of the Criminal Code (Law No. 45 of 1907) and other penal provisions.

(Examination Work Rules)**Article 79.**

- (1) A designated examination agency shall establish examination work rules governing matters concerning the execution of examination work stipulated in the applicable ministerial ordinance of the MIC and shall obtain authorization from the Minister. The same shall also apply where such rules are to be amended.
- (2) The Minister may, when it is deemed that the examination work rules which the Minister has authorized under the preceding paragraph have become inappropriate for the proper execution of examination work, order the designated examination agency to amend the rules.

(Business Plan, Etc.)**Article 80.**

- (1) A designated examination agency shall prepare its business plan and its revenues and expenses budget for each business year, and shall obtain authorization from the Minister before the commencement of said business year (for the business year during which the examination agency is designated, without delay after the designation). The same shall also apply when they are to be amended.
- (2) A designated examination agency shall formulate its annual report and settlement of balance for each business year, and shall submit them to the Minister within three months after the end of said business year.

(Retention, Etc. of Record Book)**Article 81.**

A designated examination agency shall, as specified in the applicable ministerial ordinance of the MIC, retain and keep a record book and make entries in it of such matters related to examination work stipulated in the applicable ministerial ordinance of the MIC.

(Supervisory Orders)**Article 82.**

The Minister may, when it is deemed necessary to enforce this Law, issue to a designated examination agency orders necessary for the supervision with respect to examination work.

(Suspension and Discontinuation of Business Activities)**Article 83.**

- (1) Any designated examination agency shall not suspend or discontinue part or all of the operations of examination work unless it obtains permission from the Minister.
- (2) The Minister shall, when permission of the preceding paragraph has been granted, issue a public notice to that effect.

(Revocation, Etc. of Designation)**Article 84.**

- (1) The Minister shall, when a designated examination agency has come to fall under Article 75 paragraph (2) item i), item ii) or item iv), revoke its designation.
- (2) The Minister may, when a designated examination agency falls under any of the following items, revoke its designation or suspend part or all of the operations of examination work for a term to be specified by the Minister:
 - i) When the designated examination agency has violated the provisions of this Sub-Section
 - ii) When it is deemed that the designated examination agency has not come to conform to any of the items of Article 75 paragraph (1)
 - iii) When it has violated an order in accordance with the provisions of Article 77 paragraph (3), Article 79 paragraph (2) or Article 82
 - iv) When the designated examination agency has executed examination work otherwise than pursuant to the examination work rules authorized in accordance with the provisions of Article 79 paragraph (1)
 - v) When the designated examination agency has obtained designation through dishonest means
- (3) The Minister shall, when the designation has been revoked in accordance with the provisions of paragraph (1) or the preceding paragraph, or the Minister has ordered the suspension of part or all of the operations of examination work in accordance with the provisions of the preceding paragraph, issue a public notice to that effect.

(Execution of Examination Work by the Minister)**Article 85.**

- (1) The Minister shall, when a designated examination agency has suspended part or all of the operations of examination work in accordance with the provisions of Article 83 paragraph (1); when the Minister has ordered a designated examination agency to suspend part or all of the operations of examination work in accordance with the provisions of paragraph (2) of the preceding article; or when it is deemed necessary to do so in the cases where a designated examination agency has fallen into difficulties in executing part or all of the operations of examination work due to a natural disaster or any other reason; execute part or all of the operations of examination work, notwithstanding the provisions of Article 74 paragraph (4).
- (2) The Minister shall, before the Minister executes examination work in accordance with the provisions of the preceding paragraph or discontinues examination work in accordance with the provisions of the same paragraph, issue a public notice to that effect.
- (3) When the Minister has decided to carry out examination work in accordance with the provisions of paragraph (1); or when the Minister has permitted a designated examination agency to discontinue examination work in accordance with the provisions of Article 83 paragraph (1); or where the Minister has revoked the designation in accordance with the provisions of paragraph (1) or (2) of the preceding article; the succession of examination work and other necessary matters shall be stipulated in the applicable ministerial ordinance of the MIC.

Sub-Section 2) Registered Approval Agency (Article 86 through Article 103)***(Registration of Registered Approval Agency)*****Article 86.**

- (1) A person who operates a business of conducting the technical conditions compliance approval for terminal equipment may, according to the classification of business (hereinafter in this Section referred to as simply the "classification of business") stipulated in the applicable ministerial ordinance of the MIC, obtain registration from the Minister.
- (2) Any person who intends to obtain registration of the preceding paragraph shall, as specified in

the applicable ministerial ordinance of the MIC, submit an application which describes matters listed in the following items to the Minister.

- i) Name and address and, in the cases where the applicant is a juridical person, name of the representative
 - ii) Classification of business
 - iii) Name and address of offices
 - iv) Outline of facilities including the measuring instrument or other equipment for examination of the technical conditions compliance approval
 - v) Matters concerning appointment of approval examiners of Article 91 paragraph (2)
 - vi) Planned start-up date of business operations
- (3) Documents prescribing a plan for the execution of the technical conditions compliance approval service and any other documents specified in the applicable ministerial ordinance of the MIC shall be attached to the application form of the preceding paragraph.

(Registration Standards)

Article 87.

- (1) The Minister shall, when a person who has submitted an application for registration of paragraph (1) of the preceding article (hereinafter in this paragraph referred to as an "applicant for registration") conforms to any of the following items, register the person:
- i) The staff conducting the technical conditions compliance approval shall be persons having knowledge and experiences and meeting any of the conditions listed under Table No. 1.
 - ii) Technical conditions compliance approval shall be undertaken by using the measuring instruments or other equipment listed under Table No. 2 and which have taken calibration or correction (hereinafter in this item referred to as "calibration, etc.") by any of the following calibration, etc. (limited to those taken calibration, etc. within one year calculating from the first day of the next month belonging to the day of the calibration, etc.):
 - a) Calibration conducted by the National Institute of Information and Communications Technology (referred to as the "Institute" in c)) or the designated calibration agency of Article 102-18 paragraph (1) of the Radio Law
 - b) Correction in accordance with the provisions of Article 135 or Article 144 of the Measurement Law (Law No. 51 of 1992)
 - c) Calibration conducted in a foreign country, which is equivalent to those conducted by the Institute or the designated calibration agency of Article 102-18 paragraph (1) of the Radio Law
 - d) Calibration, etc. conducted by using those taken any of calibration, etc. listed under a) through c)
 - iii) The applicant for registration shall not fall under any of the following sub-items that indicate that said applicant is controlled by a manufacturer, importer or seller of terminal equipment (hereinafter in this item referred to as "specified manufacturer, etc."):
 - a) In the cases where the applicant for registration is a joint-stock company or a limited liability company, a specified manufacturer, etc. is the parent company of said applicant.
 - b) The ratio of officers or staff of a specified manufacturer, etc. (including those who were officers or staff of said specified manufacturer, etc. in the past two years) to officers of the applicant for registration (in the cases where said applicant is an unlimited partnership or a limited partnership, partners who have right to administer the affairs) exceeds one half.
 - c) The applicant for registration (in the cases where said applicant is a juridical person, officers who have representation right) is an officer or staff of a specified manufacturer, etc. (including those who were officers or staff of said specified manufacturer, etc. in the past two years)
- (2) Any person who falls under any of the following items shall not be given the registration of

paragraph (1) of the preceding article:

- i) Any person who has been sentenced to a fine or severer penalty in accordance with the provisions of this Law, or the Wire Telecommunications Law or the Radio Law, if a term of two years has not yet elapsed since the day on which the sentence or suspended sentence was served out
 - ii) Any person whose registration was revoked in accordance with the provisions of Article 100 paragraph (1) or (2) (including the cases where Article 100 paragraph (1) or (2) shall apply, mutatis mutandis, in Article 103), if a term of two years has not yet elapsed since the day of revocation
 - iii) Any juridical person, any of whose officers falls under any of the preceding two items
- (3) In addition to matters stipulated in the preceding article and the preceding two paragraphs, necessary matters for the registration of paragraph (1) of the preceding article shall be specified in the applicable ministerial ordinance of the MIC.

(Renewal of Registration)

Article 88.

- (1) The registration of Article 86 paragraph (1) shall be invalid as of the date subsequent to the term of five years and not exceeding ten years specified in the applicable cabinet order, unless the registration is renewed every time the term elapses.
- (2) The provisions of Article 86 paragraph (2) and paragraph (3), and the preceding article shall apply, mutatis mutandis, to the renewal of registration of the preceding paragraph.

(Registration Book)

Article 89.

The Minister shall prepare a registered approval agencies registration book and register the following matters:

- i) Dates of registrations and renewals of registered approval agencies thereof and registration numbers thereof
- ii) Matters listed under Article 86 paragraph (2) item i) through item iii)

(Issuance, Etc. of Public Notice of Registration)

Article 90.

- (1) The Minister shall, when registering a registered approval agency of Article 86 paragraph (1), issue a public notice providing the name and address of the registered approval agency, and class of business pertaining to the registration, address of offices where the work of the technical conditions compliance approval is to be executed and date of the commencement of the work of the technical conditions compliance approval.
- (2) Any registered approval agency shall, before it changes matters listed in Article 86 paragraph (2) item i) or item iii), submit to the Minister a notification to that effect at least two weeks prior to the day of the change.
- (3) The Minister shall, after receiving a notification of the provisions of the preceding paragraph, issue a public notice to that effect.

(Obligations, Etc. to Issue Technical Conditions Compliance Approval)

Article 91.

- (1) Any registered approval agency shall, when it is requested to issue a technical conditions compliance approval pertaining to its registration, conduct without delay an examination necessary for the technical conditions compliance approval unless there is due reason not to do so.
- (2) Any registered approval agency shall, when conducting an examination of the preceding paragraph, have a person who has knowledge and experiences meeting the conditions listed

under Table No. 1 (hereinafter referred to as an "approval examiner") conduct the examination in accordance with the methods stipulated in the applicable ministerial ordinance of the MIC.

(Reporting, Etc. on Technical Conditions Compliance Approval)

Article 92.

- (1) Any registered approval agency shall, when it issues a technical conditions compliance approval pertaining to its registration, report matters, including the class of terminal equipment being given the technical conditions compliance approval and other matters, stipulated in the applicable ministerial ordinance of the MIC, to the Minister.
- (2) The Minister shall, upon receipt of a report of the preceding paragraph, issue a public notice to that effect, as specified in the applicable ministerial ordinance of the MIC.

(Appointment and Dismissal of Officers, Etc.)

Article 93.

When a registered approval agency appoints or dismisses its officers or approval examiners, it shall submit without delay a notification to that effect to the Minister.

(Service Rules)

Article 94.

Any registered approval body shall establish service rules governing matters concerning the classification of business pertaining to its registration, methods for the execution of technical conditions compliance approval service and other matters stipulated in the applicable ministerial ordinance of the MIC, and shall, prior to the commencement of said service, submit a notification thereof to the Minister. The same shall also apply where such rules are to be amended.

(Retention of Financial Statements, Etc. and Access Thereto, Etc.)

Article 95.

- (1) Any registered approval agency shall, within three months after the end of each business year, prepare a general inventory, a balance sheet and a profit and loss settlement or statement of cash flow, and a business report or operating statement, and a business report or operating statement (including an electromagnetic recording (meaning any record which is produced by electronic, magnetic, or any other means unrecognizable by natural perceptive function, and is used for data processing by a computer. Hereinafter in this article the same shall apply.) in the cases where electromagnetic recording are produced instead of these documents. In the following paragraph and Article 192 item iii), referred to as "financial statements, etc.") and retain thereof for a five-year term at its office.
- (2) A person who operates a business of dealing in terminal equipment and other parties concerned may, whenever within the business hours of a registered approval agency, make the following requests. However, when making the request of item ii) or item iv), fees specified by the registered approval agency shall be paid.
 - i) Where financial statements, etc. are prepared as written documents, a request for access to said documents or copy thereof
 - ii) A request for certified copy or abridged copy of the written documents of the preceding item
 - iii) Where financial statements, etc. are produced as electromagnetic recording, a request for access to or copy of matters recorded on said electromagnetic recording which are displayed in a manner stipulated in the applicable ministerial ordinance of the MIC
 - iv) A request for the matters recorded on the electromagnetic recording of the preceding item in an electromagnetic manner stipulated in the applicable ministerial ordinance of the MIC or a request for delivery of written documents describing said matters

(Retention, Etc. of Record Book)**Article 96.**

Any registered approval agency shall, as specified in the applicable ministerial ordinance of the MIC, prepare and keep a record book and make entries in it of matters related to the technical conditions compliance approval service stipulated in the applicable ministerial ordinance of the MIC.

(Order to Improve, Etc.)**Article 97.**

- (1) The Minister may, when it is deemed that a registered approval agency fails to conform to any of the items of Article 87 paragraph (1), order said registered approval agency to take necessary measures to conform to those provisions.
- (2) The Minister may, when it is deemed that a registered approval agency violates the provisions of Article 53 paragraph (1) or Article 91, order said registered approval agency to conduct the examination for the technical conditions compliance approval or take necessary measures for improving the method of examination for the technical conditions compliance approval and any other operations methods.

(Application and Order of the Minister Pertaining to Technical Conditions Compliance Approval)**Article 98.**

- (1) A person who requested a technical conditions compliance approval in accordance with the provisions of Article 53 paragraph (1) may, in the cases where a registered approval agency does not examine terminal equipment pertaining to said request or said person have an objection to the result of the technical conditions compliance approval issued by a registered approval agency, file an application with the Minister to order said registered approval agency to examine terminal equipment for a technical conditions compliance approval or to reexamine thereof.
- (2) The Minister shall, upon receipt of application under the preceding paragraph, when it is deemed that the registered approval agency pertaining to said application violates the provisions of Article 53 paragraph (1) or Article 91, order the registered approval agency pertaining to said application in accordance with the provisions of paragraph (2) of the preceding article.
- (3) The Minister shall, in the case of the preceding paragraph, when the Minister issued an order of paragraph (2) of the preceding article or made a decision to issue no order, notify the person who filed said application to that effect without delay.

(Suspension and Discontinuation of Business Activities)**Article 99.**

- (1) Any registered approval agency shall, when it intends to suspend or discontinue technical conditions compliance approval service pertaining to its registration, as specified in the applicable ministerial ordinance of the MIC, submit a prior notification to that effect to the Minister.
- (2) When a registered approval agency has discontinued all of the operations of technical conditions compliance approval service, the registration of said registered approval agency becomes invalid.
- (3) The Minister shall, upon receipt of the notification under the provisions of paragraph (1), issue a public notice to that effect.

(Revocation, Etc. of Registration)**Article 100.**

- (1) The Minister shall, when a registered approval agency has come to fall under Article 87 paragraph (2) item i) or item iii), revoke its registration.

- (2) The Minister may, when a registered approval agency falls under any of the following items, revoke its registration or order to suspend part or all of the operations of technical conditions compliance approval service pertaining to its registration for a term to be specified by the Minister:
- i) When the registered approval agency has violated the provisions of this Sub-Section
 - ii) When the registered approval agency has violated an order in accordance with the provisions of Article 97 paragraph (1) or paragraph (2)
 - iii) When the registered approval agency has obtained registration or renewal thereof through dishonest means
- (3) The Minister shall, when the Minister has revoked the registration in accordance with the provisions of paragraph (1) or the preceding paragraph, or the Minister has ordered the suspension of part or all of the operations of technical conditions compliance approval service in accordance with the provisions of the same paragraph, issue a public notice to that effect.

(Striking Out of Registration Record)

Article 101.

The Minister shall, when a registration of a registered approval agency has become invalid in accordance with the provisions of Article 88 paragraph (1) or Article 99 paragraph (2), or when the Minister has revoked a registration of a registered approval agency in accordance with the provisions of paragraph (1) or paragraph (2) of the preceding article, the Minister shall strike out the registration record of said registered approval agency.

(Execution of Technical Conditions Compliance Approval by the Minister)

Article 102.

- (1) When there is no person who is given a registration of Article 86 paragraph (1); or, when a registered approval agency has suspended or discontinued its technical conditions compliance approval service in accordance with the provisions of Article 99 paragraph (1); or when the Minister has revoked a registration in accordance with the provisions of Article 100 paragraph (1) or paragraph (2); or when the Minister has ordered a registered approval agency to suspend part or all of the operations of technical conditions compliance approval service in accordance with the provisions of the same paragraph; or when a registered approval agency has fallen into difficulties in conducting part or all of the operations of technical conditions compliance approval service due to a natural disaster or any other reasons; the Minister shall, when it is deemed necessary to conduct technical conditions compliance approval service, conduct itself part or all of the operations of technical conditions compliance approval service.
- (2) The Minister shall, before the Minister carries out the technical conditions compliance approval service in accordance with the provisions of the preceding paragraph or discontinues the technical conditions compliance approval service executed by the Minister in accordance with the provisions of the same paragraph, issue a prior public notice to that effect.
- (3) When the Minister has decided to carry out the technical conditions compliance approval service in accordance with the provisions of paragraph (1), the succession of technical conditions compliance approval service and other necessary matters shall be stipulated in the applicable ministerial ordinance of the MIC.

(Application, Mutatis Mutandis)

Article 103.

The provisions of Article 91 through Article 93, Article 96, Article 97 paragraph (2) and Article 98 shall apply, mutatis mutandis, to the cases where a registered approval agency issues a certification of type of terminal equipment and the provisions of Article 94, Article 99, Article 100 paragraph (2) and paragraph (3), and the preceding article shall apply, mutatis mutandis, to the cases where a registered approval agency carries out technical conditions compliance approval service and

certification service of type of terminal equipment. In these cases, "being given" in Article 92 paragraph (1) shall be read as "based on a type pertaining to"; "said service" in Article 94 shall be read as "these services"; "Article 53 paragraph (1)" in Article 97 paragraph (2), and Article 98 paragraph (1) and paragraph (2) shall be read as "Article 56 paragraph (2)"; and "terminal equipment" in paragraph (1) of the same article shall be read as "type (including the method to verify that each terminal equipment coincides with said type)".

Sub-Section 3) Recognized Approval Body (Article 104 and Article 105)

(Recognition, Etc. of Recognized Approval Body)

Article 104.

- (1) When an application has been submitted by a person who engages in inspection or examination of terminal equipment under regulations for the inspection of terminal equipment in accordance with foreign laws or rules and regulations similar to the regulatory frameworks for the technical conditions compliance approval and who intends to issue technical conditions compliance approvals for terminal equipment which will be used in Japan being dealt by foreign dealers in said foreign country to comply with the technical conditions, the Minister may recognize that person in each classification of business.
- (2) The person who has been given the recognition (hereinafter referred to as a "recognized approval body") in accordance with the provisions of the preceding paragraph shall, when the person has suspended or has discontinued the technical conditions compliance approval service pertaining to its recognition, submit a notification to that effect without delay to the Minister.
- (3) The Minister shall, upon receipt of a notification in accordance with the provisions of the preceding paragraph, issue a public notice to that effect.
- (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 shall apply, mutatis mutandis, to a recognized approval body; the provisions of Article 54 shall apply, mutatis mutandis, to a person being given a technical conditions compliance approval from a recognized approval body; and the provisions of Article 86 paragraph (2) and paragraph (3), Article 87, and Article 90 paragraph (1) shall apply, mutatis mutandis, to the recognition of paragraph (1) granted by the Minister.
- (5) In the cases of the preceding paragraph, the words and phrases listed in the middle column of the following table in the provisions listed in the left column in the same table shall be read as the words and phrases listed in the right column of the same table.

Article 53 paragraph (1) and paragraph (2), Article 91 paragraph (1), Article 92 paragraph (1), and Article 94	registration	recognition
Article 54	registered approval agency	recognized approval body
	order	request
Other part except items listed under Article 87 paragraph (1)	applicant for registration	applicant for recognition
	when	only when
	shall	shall not
Article 87 paragraph (1) Item iii) (except a))	applicant for registration	applicant for recognition
Article 87 paragraph (1) Item iii) a)	applicant for registration	applicant for recognition
	parent company	person equivalent to a parent company in a foreign country
Article 87 paragraph (2) Item ii)	Article 100 paragraph (1) or (2) (including the cases where Article 100 paragraph (1) or (2) is applied, mutatis mutandis, in Article 103)	Article 105 paragraph (1) or (2)
Article 87 paragraph (3)	the preceding article and the preceding two paragraphs	paragraph (2) and paragraph (3) of the preceding article, the preceding two paragraphs and Article 104 paragraph (1)
Article 90 paragraph (1)	registered approval agency	recognized approval body
Article 97	order	request
Article 98 paragraph (1)	order	request
Article 98 paragraph (2) and paragraph (3)	order	request

- (6) A recognized approval body may, upon receipt of a request from a foreign dealer, certify a type of 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 shall apply, mutatis mutandis, to the cases where a recognized approval body certifies a type of terminal equipment; the provisions of Article 57 through Article 60, Article 54 applied, mutatis mutandis, in Article 61, and Article 62 paragraph (3) and paragraph (4) shall apply, mutatis mutandis, to a person being given a certification of type of terminal equipment from a recognized approval body; and the provisions of Article 94, and paragraph (2) and paragraph (3) shall apply, mutatis mutandis, to the cases where a recognized approval body carries out technical conditions compliance approval service and certification service of type of terminal equipment.
- (8) In the cases of the preceding paragraph, the words and phrases listed in the middle column of the following table in the provisions listed in the left column in the same table shall be read as the words and phrases listed in the right column of the same table.

Article 55 paragraph (1)	being given	based on a type pertaining to
	Article 53 paragraph (2)	Article 58
Article 56 paragraph (2) and Article 91 paragraph (1)	registration	recognition
Article 59 and Article 54 applied, mutatis mutandis, in Article 61	order	request
Article 60 paragraph (1) item iii)	has violated the order	has not met the request
	violation	request
Article 60 paragraph (1) item iv)	registered approval agency	recognized approval body
Article 60 paragraph (1) item v)	registered approval agency	recognized approval body
	Article 103	Article 104 paragraph (7)
Article 62 paragraph (3) item i) and item ii)	paragraph (3)	paragraph (6)
Article 62 paragraph (3) item iii)	paragraph (6)	paragraph (7)
Article 92 paragraph (1)	registration	recognition
	being given	based on a type pertaining to
Article 94	registration	recognition
	said service	these services
Article 97 paragraph (2)	Article 53 paragraph (1)	Article 56 paragraph (2)
	order	request
Article 98 paragraph (1)	Article 53 paragraph (1)	Article 56 paragraph (2)
	terminal equipment	type (including the method to verify that each terminal equipment coincides with said type)
Article 98 paragraph (2)	order	request
	Article 53 paragraph (1)	Article 56 paragraph (2)
	order	request
Article 98 paragraph (3)	order	request

(Revocation of Recognition)**Article 105.**

- (1) The Minister shall revoke the recognition when a recognized approval body has lost the status in its own country stipulated in paragraph (1) of the preceding article or when it comes to fall under Article 87 paragraph (2) item i) or iii) applied, mutatis mutandis, in paragraph (4) of the preceding article.
- (2) The Minister may, when a recognized approval body falls under any of the following items, revoke the recognition:
 - i) When the recognized approval body has violated the provisions of paragraph (2) of the preceding article (including the cases where paragraph (2) of the preceding article shall apply, mutatis mutandis, in paragraph (7) of the same article), the provisions of Article 90 paragraph (2), Article 91, Article 92 paragraph (1), Article 94 or Article 96 applied, mutatis mutandis, in paragraph (4) of the preceding article, or, the provisions of Article 91, Article 92 paragraph (1), Article 94 or Article 96 applied, mutatis mutandis, in paragraph (7) of the preceding article
 - ii) When the recognized approval body has not met the request in accordance with the provisions of Article 97 applied, mutatis mutandis, in paragraph (4) of the preceding article or the provisions of Article 97 paragraph (2) applied, mutatis mutandis, in paragraph (7) of the preceding article
 - iii) When the recognized approval body has been recognized through dishonest means
 - iv) When a report is not submitted, or a false report is submitted by the recognized approval body, where the Minister requested the recognized approval body to report in accordance with the provisions of Article 166 paragraph (4) applied, mutatis mutandis, in paragraph (4) of the same article
 - v) When the inspection was refused, obstructed or evaded, in the cases where the Minister delegated any ministerial staff to enter and to inspect business offices or workplaces belonging to the recognized approval body in accordance with the provisions of Article 166 paragraph (4) applied, mutatis mutandis, in paragraph (4) of the same article
- (3) When the Minister has revoked any recognition in accordance with the provisions of the preceding two paragraphs, the Minister shall issue a public notice to that effect.

Section 6. Universal Telecommunications Service Support Institution (Article 106 through Article 116)

(Designation of the Universal Telecommunications Service Support Institution)**Article 106.**

The Minister may, upon application, designate a juridical person under Article 34 of the Civil Code, which is established for the purpose of contributing to ensure the provision of universal telecommunications services, where the juridical person is deemed that it conforms to the following standards concerning the service stipulated in the following article (hereinafter referred to as the "support service".), as the Universal Service Support Institution (hereinafter referred to as the "support institution".), limited to one throughout the country.

- i) The applicant's plan for the execution of the support service regarding staff, facilities, execution methods of the support service and other matters shall be appropriate for the proper execution of the support service.
- ii) The applicant shall have an adequate financial basis and technical capability to properly execute the plan of the preceding item for the execution of the support service.
- iii) When the applicant engages in business activities other than the support service, there should be no risk of the support service becoming unfair.

(Activities)**Article 107.**

The support institution shall conduct the following activities:

- i) Toward eligible telecommunications carriers as designated in accordance with the provisions of paragraph (1) of the following article, the support institution shall, where the amount of costs for providing universal telecommunications services pertaining to said designation is deemed to exceed the amount of revenues gained from universal telecommunications services pertaining to said designation, provide supports as part of financial compensation for said estimated amount exceeding costs.
- ii) To conduct activities accompanying activities of the preceding paragraph

(Designation of Eligible Telecommunications Carriers)**Article 108.**

- (1) The Minister may, when designated the support institution, designate a telecommunications carrier providing universal telecommunications services, which is deemed to be in compliance with the following standards, as an eligible telecommunications carrier upon its application.
 - i) Matters including the profit and loss statement concerning activities for providing universal telecommunications services pertaining to application, specified in the applicable ministerial ordinance of the MIC, shall be made public, as specified in the applicable ministerial ordinance of the MIC.
 - ii) Where telecommunications facilities installed for providing universal telecommunications services pertaining to application are telecommunications facilities other than Category I and II designated telecommunications facilities, interconnection tariffs prescribing the amount of money to be obtained by said telecommunications carrier providing universal telecommunications services and terms and conditions of interconnections shall be set forth concerning interconnections between said telecommunications facilities and other telecommunications carriers' telecommunications facilities, and the interconnection tariffs shall be made public, as specified in the applicable ministerial ordinance of the MIC.
 - iii) The scope of service areas for providing universal telecommunications services pertaining to application shall be in compliance with standards specified in the applicable ministerial ordinance of the MIC.
- (2) The designation of the provisions of the preceding paragraph shall be made by type of universal telecommunications services specified in the applicable ministerial ordinance of the MIC.
- (3) An eligible telecommunications carrier (limited to a telecommunications carrier installing Category I designated telecommunications facilities or other telecommunications carriers excepting telecommunications carriers installing Category II telecommunications facilities) shall, when intending to change interconnection tariffs stipulated in paragraph (1) item ii), as specified in the applicable ministerial ordinance of the MIC, prior to implementation thereof, submit a notification of the interconnection tariffs to the Minister and publish the interconnection tariffs.
- (4) Where there is succession of a telecommunications carrier status in accordance with the provisions of Article 17 paragraph (1), when said telecommunications carrier is an eligible telecommunications carrier, a telecommunications carrier which succeeds to said telecommunications carrier status shall succeed to the status of eligible telecommunications carrier.
- (5) The Minister may, when an eligible telecommunications carrier falls under any of the following items, or when an eligible telecommunications carrier filed an application for revocation of designation of paragraph (1), revoke the designation.
 - i) When the eligible telecommunications carrier has violated the provisions of paragraph (2) or (3) of the following article
 - ii) When it is deemed not to conform to any of the items of paragraph (1)

(Provision of the Universal Service Support)**Article 109.**

- (1) The support institution shall, through the method specified in the applicable ministerial ordinance of the MIC, calculate the amount of money of compensations of Article 107 item i) (hereinafter in this Section simply referred to as the "universal service support".), and obtain authorization from the Minister of said amount of money and support methods for each business year (starting from April 1 of each year and ending on March 31 of the next year. The same shall apply in this Section.).
- (2) Any eligible telecommunications carrier shall, as specified in the applicable ministerial ordinance of the MIC, notify the support institution of matters as a basis for calculating the amount of compensations prescribing the costs for providing universal telecommunications services pertaining to designation of paragraph (1) of the preceding article in the previous business year and the revenues gained from providing universal telecommunications services pertaining to said designation and other matters specified in the applicable ministerial ordinance of the MIC.
- (3) The costs of the preceding paragraph shall be calculated by the method specified in the applicable ministerial ordinance of the MIC as a basis for calculating reasonable costs under efficient management.
- (4) The support institution shall, when obtained authorization of paragraph (1), publish the amount of funds for compensations, as specified in the applicable ministerial ordinance of the MIC.

(Collection of the Contributions)**Article 110.**

- (1) The support institution may, each business year, collect contributions for funding all or part of expenditures necessary for the support service from the following telecommunications carriers whose scale of business exceeds standards specified in the applicable cabinet order (hereinafter in this article referred to as "interconnecting telecommunications carriers, etc."). However, the amount of said contributions (hereinafter in this Section simply referred to as the "contributions".) to the ratio of the amount of money, calculated by the methods specified in the applicable ministerial ordinance of the MIC, as the amount of revenues (where the person is, where there is merger, division (limited to those causing succession to all of the operations of telecommunications business.) or inheritance with respect to other interconnecting telecommunications carriers, etc. in the previous business year or the business year (limited to the term until the day of notification in accordance with the provisions of paragraph (3).), a surviving juridical person after merger or a juridical person established as a result of merger, or a juridical person or an inheritor who has succeeded to all of the operations of said business, or a person who has succeeded to the all of the operations of telecommunications business from other interconnecting telecommunications carriers, etc., the amount includes revenues gained from the provision of telecommunications services of a juridical person dissolved after merger, a juridical person after division or a predecessor, or interconnecting telecommunications carriers, etc. who are succeeded to said business in the previous business year) gained from telecommunications services in the previous business year provided by interconnecting telecommunications carriers, etc., shall not exceed the ratio specified in the applicable cabinet order.
 - i) A telecommunications carrier which concludes an agreement concerning interconnection with telecommunications facilities for providing universal telecommunications services pertaining to designation of Article 108 paragraph (1) that are installed by an eligible telecommunications carrier.
 - ii) Telecommunications carriers that conclude agreements concerning interconnections with telecommunications facilities of telecommunications carriers stipulated in the preceding item and telecommunications carriers who install telecommunications facilities that interconnect with telecommunications facilities stipulated in the same item via telecommu-

- nications facilities of other telecommunications carriers.
- iii) A telecommunications carrier which concludes a contract to receive wholesale telecommunications services using telecommunications facilities which interconnect with telecommunications facilities stipulated in item i) via telecommunications facilities stipulated in the same item, telecommunications facilities that interconnect with telecommunications facilities thereof or telecommunications facilities of telecommunications carriers.
- (2) The support institution shall, every business year, calculate the amount of contributions by the methods specified in the applicable ministerial ordinance of the MIC, and obtain authorization of the amount of contributions and collection methods from the Minister.
 - (3) The support institution shall, upon reception of authorization of the preceding paragraph, notify interconnecting telecommunications carriers, etc. of the amount of contributions to pay, the due date and collection methods with written documents prescribing matters authorized attached thereto.
 - (4) Interconnecting telecommunications carriers, etc. shall, in accordance with the notification of the preceding paragraph, bear obligations to pay the contributions to the support institution.
 - (5) Interconnecting telecommunications carriers, etc. shall, upon reception of the notification of paragraph (3), when they have not paid the contributions to the support institution by the deadline, bear obligations to pay arrears on overdue contributions, reckoned according to the number of days from the day following the deadline to the preceding day of its payment, with the rate being specified in the applicable ministerial ordinance of the MIC, to the support institution.
 - (6) The support institution shall, by setting a deadline, press for payment by sending a reminder to interconnecting telecommunications carriers, etc. that have not paid their due contributions.
 - (7) The support institution may, when interconnecting telecommunications carriers, etc. who have received the reminder in accordance with the provisions of the preceding paragraph have not paid their due contributions pertaining to the reminder and arrears specified in the provisions of paragraph (5) by the deadline, petition the Minister to that effect.
 - (8) The Minister may, upon being petitioned in accordance with the preceding paragraph, order said interconnecting telecommunications carriers, etc. to pay the contributions and arrears in accordance with the provisions of paragraph (5).

(Request for Submission of Documents)

Article 111.

The support institution may, when it deems necessary for conducting the support service, request telecommunications carriers to submit necessary documents.

(Segment Accounting)

Article 112.

The support institution shall, where it conducts services other than the support service, shall put accounts in order by separating said services account from the support service account.

(Support Service Consulting Commission)

Article 113.

- (1) The support institution shall establish a support service consulting commission.
- (2) The support service consulting commission may, in response to inquiry from the representative of the support institution, study and deliberate upon important matters concerning execution of the support service including the amount of funds for compensations and support methods, the amount of contributions and collection methods, and make necessary opinions concerning thereof to the representative of the support institution.
- (3) Members of the support service consulting commission shall, among telecommunications carriers and experts, be appointed by the representative of the support institution, with

authorization from the Minister.

(Transitional Measures upon Revocation of Designation of the Support Institution)

Article 114.

- (1) Where the Minister has revoked designation of a support institution in accordance with the provisions of Article 84 paragraph (1) or (2) applied, mutatis mutandis, in Article 116 paragraph (1), when the Minister has newly designated a support institution after the revocation, assets pertaining to the support service of the support institution pertaining to the revocation shall belong to the newly-designated support institution.
- (2) In addition to matters stipulated in the preceding paragraph, where the Minister has revoked designation of a support institution in accordance with the provisions of Article 84 paragraph (1) or (2) applied, mutatis mutandis, in Article 116 paragraph (1), management of assets pertaining to the support service and other necessary transitional measures (including transitional measures concerning penal provisions) shall, to the extent deemed to be reasonably necessary, be stipulated in accordance with the applicable cabinet order.

(Provision, Etc. of Information for the Support Institution)

Article 115.

The Minister shall provide the support institution with information and documents necessary for executing the support service, or instruction and advice.

(Application, Mutatis Mutandis)

Article 116.

- (1) The provisions of Article 75 paragraph (2) item ii) through item iv), Article 77 paragraph (1) and paragraph (3), Article 78 through Article 84, and Article 90 shall apply, mutatis mutandis, to the support institution.
- (2) In the cases of the preceding paragraph, the words and phrases listed in the middle column of the following table in the provisions listed in the left column in the same table shall be read as the words and phrases listed in the right column of the same table.

Article 75 paragraph (2)	paragraph (2) of the preceding paragraph	Article 106
Article 77 paragraph (3)	officer or qualification examiner	officer
	examination affairs rules	support service rules
Article 78	staff (including qualification examiners)	staff
	examination work	support service
Article 79 and Article 84 paragraph (2) item iv)	examination work	support service
	examination affairs rules	support service rules
Article 81, Article 82, Article 83 paragraph (1), and other part than items listed in Article 84 paragraph (2) and paragraph (3)	examination work	support service
Article 84 paragraph (1)	Article 75 paragraph (2) item i), item ii) or item iv)	Article 75 paragraph (2) item ii) or item iv) applied, mutatis mutandis, in Article 116 paragraph (1)
Article 84 paragraph (2) item i)	this Sub-Section	this Sub-Section applied, mutatis mutandis, in the provisions of Article 109 paragraph (1) or paragraph (4), Article 110 paragraph (2), Article 112 or Article 113 paragraph (3), or Article 116 paragraph (1)
Article 84 paragraph (2) item ii)	items of Article 75 paragraph (1)	items of Article 106
Article 90 paragraph (1)	registering a registered approval agency of Article 86 paragraph (1)	designating a support institution
	name and address of the registered approval agency, and class of business pertaining to the registration, address of offices where the work of the technical conditions compliance approval	name and address of the designated support institution, and address of offices where the work of the support service
Article 90 paragraph (2)	and date of the commencement of the work of the technical conditions compliance approval	, and date of the commencement of the work of the support service
	matters listed in Article 86 paragraph (2) item i) or item iii)	its name or address, or the address of the office where the work of the support service is to be executed

Chapter III. Use of the Land, Etc.

Section 1. Approval of Business (Article 117 through Article 127)

(Approval of Business)

Article 117.

- (1) A telecommunications carrier operating telecommunications business of providing telecommunications services by installing telecommunications circuit facilities or a person who intends to operate said telecommunications business may, when intending to be applied the provisions of the following Section, by submitting an application, obtain approval for all or part of the operations of telecommunications business from the Minister by filing an application form.
- (2) Any person who intends to obtain approval shall, as specified in the applicable ministerial ordinance of the MIC, submit an application describing the following matters to the Minister.
 - i) Name and address and, in the cases where the applicant is a juridical person, name of the representative
 - ii) Service areas of the telecommunications business pertaining to the application
 - iii) Outline of telecommunications facilities for the use of telecommunications business pertaining to the application
- (3) Documents which include the business plan specified in the applicable ministerial ordinance of the MIC shall be attached to the application.

(Reasons for Disqualification)

Article 118.

- (1) Any person who falls under any of the following items may not obtain approval of paragraph (1) of the preceding article:
 - i) Any person who has been sentenced to a fine or severer penalty in accordance with the provisions of this Law, the Wire Telecommunications Law or the Radio Law and a term of two years has not yet elapsed since the day on which the sentence suspended sentence served out was served out or suspended
 - ii) Any person whose approval became invalid by falling under Article 125 item i) and a term of two years has not yet elapsed since the day of invalidation, or any person whose approval was revoked in accordance with the provisions of Article 126 paragraph (1) and a term of two years has not yet elapsed since the day of revocation
 - iii) Any juridical person or association, any of whose officers falls under any of the preceding two items

(Approval Standards)

Article 119.

The Minister shall not grant approval under Article 117 paragraph (1), unless it is deemed that an application for approval of the same paragraph meets any of the following items:

- i) The applicant shall have an adequate financial basis and a technical capability to properly perform a telecommunications business pertaining to its application.
- ii) The plan of the telecommunications business pertaining to its application shall be reliable and rational.
- iii) The applicant shall have a registration of Article 9 necessary for operating a telecommunications business pertaining to its application or a registration of changes of Article 13 paragraph (1), or said applicant has notified Article 16 paragraph (1) or paragraph (3).

(Obligation to Commence Business)**Article 120.**

- (1) Any person who has obtained approval of Article 117 paragraph (1) (hereinafter referred to as an "approved telecommunications carrier") shall commence the telecommunications business pertaining to its approval (hereinafter referred to as an "approved telecommunications business") within the term prescribed by the Minister.
- (2) The Minister may, when the Minister deems it especially necessary, prescribe the term of the preceding paragraph for each part of classified service areas of Article 117 paragraph (2) item ii).
- (3) The Minister may, at the application of an approved telecommunications carrier, extend the term of paragraph (1), when the Minister deems that there is due reason to do so.
- (4) When an approved telecommunications carrier has commenced its approved telecommunications business (in the case of the term having been prescribed for each classified service area in accordance with the provisions of paragraph (2), the approved telecommunications business pertaining to the classification), it shall submit without delay a notification to that effect to the Minister.

(Obligation to Provide Services)**Article 121.**

- (1) Any approved telecommunications carrier shall not, without due reason, refuse to provide telecommunications services pertaining to its approved telecommunications business.
- (2) The Minister may, when an approved telecommunications carrier has violated the provisions of the preceding paragraph, insofar as necessary to ensure the users' benefit or public interest, order said approved telecommunications carrier to take measures for improving operations methods and other actions.

(Approval of Changes, Etc.)**Article 122.**

- (1) Any approved telecommunications carrier shall, when intending to change matters of Article 117 paragraph (2) item ii) or item iii), obtain approval from the Minister. However, this shall not apply to minor changes specified in the applicable ministerial ordinance of the MIC.
- (2) Any approved telecommunications carrier shall, when having made the minor changes stipulated in the proviso of the preceding paragraph, without delay, submit a notification to that effect to the Minister to that effect.
- (3) The provisions of Article 117 paragraph (3), Article 118 item i) and item iii), and Article 119 shall apply, mutatis mutandis, to the approval of paragraph (1).
- (4) The provisions of Article 120 shall apply, mutatis mutandis, to the cases of paragraph (1) (except the cases where its service areas decrease). In these cases, "Article 117 paragraph (1)" in paragraph (1) of the same article shall be read as "Article 122 paragraph (1)".
- (5) Any approved telecommunications carrier shall, when matters of Article 117 paragraph (2) item i) have been changed, without delay, submit a notification to that effect to the Minister.

(Succession)**Article 123.**

- (1) In the cases where an approved telecommunications carrier has died, the inheritor (where there are two or more inheritors, one who has succeeded to said approved telecommunications business after consultations among inheritors concerned, the one.) shall succeed to the status of decedent as the approved telecommunications carrier.
- (2) Where the inheritor of the preceding paragraph does not apply, within sixty days from the death of the decedent, for authorization of its succession with the Minister, or when an administrative disposition that the Minister will not grant authorization to the application of the same paragraph

from the inheritor has been made, the approval of said approved telecommunications business becomes invalid after the term has elapsed or the administrative disposition has been made.

- (3) When an approved telecommunications carrier who is a juridical person has completed merger or break-up (limited to those succeeding to all of the operations of approved telecommunications business), the juridical person who survives continues to exist after merger or who has been established as a result of merger, or the juridical person who has succeeded to all of the operations of said business after break-up may, with authorization from the Minister, succeed to the status of approved telecommunications carrier.
- (4) When an approved telecommunications carrier has transferred all of its operations of approved telecommunications business, the transferee of all of the operations of the approved telecommunications business may, with authorization from the Minister, succeed to the status of approved telecommunications carrier.
- (5) The provisions of Article 118 and Article 119 shall apply, mutatis mutandis, to the authorization of the preceding three paragraphs.

(Suspension and Discontinuation of Business)

Article 124.

- (1) When an approved telecommunications carrier has suspended or discontinued all or part of the operations of its approved telecommunications business, said telecommunications carrier shall submit without delay a notification to that effect to the Minister.
- (2) The term of suspension of the preceding paragraph shall not exceed one year.

(Invalidation of Approval)

Article 125.

When an approved telecommunications carrier has come to fall under any of the following items, its approval shall become invalid.

- i) When the approved telecommunications carrier has been revoked its registration in accordance with the provision of Article 14 paragraph (1)
- ii) When the approved telecommunications carrier has discontinued all of the operations of its approved telecommunications business

(Revocation of Approval)

Article 126.

- (1) The Minister may, when an approved telecommunications carrier falls under any of the following items, revoke its approval.
 - i) When the approved telecommunications carrier has come to fall under Article 118 item i) or item iii)
 - ii) When the approved telecommunications carrier does not commence its approved telecommunications business within the term (when the term was extended in accordance with the provisions of paragraph (3) of the same article, the extended term) specified in the provisions of Article 120 paragraph (1)
 - iii) In addition to the cases stipulated in the preceding two items, in the cases where the approved telecommunications carrier has violated this Law, or the order or disposition based on this Law, when the Minister deems that the public interest is being hindered
- (2) The Minister shall, when the Minister has revoked an approval in accordance with the provisions of the preceding paragraph, notify the approved telecommunications carrier to that effect in writing with reasons attached thereto.

(Revocation of Approval of Changes)

Article 127.

- (1) When an approved telecommunications carrier, who has been given an approval of changes in

matters of Article 117 paragraph (2) item ii) or item iii) in accordance with the provisions of Article 122 paragraph (2) does not change the matters within the term (when the term has been extended in accordance with the provisions of Article 120 paragraph (3) applied, mutatis mutandis, in Article 122 paragraph (4), the extended term) specified in accordance with the provisions of Article 120 paragraph (1) applied, mutatis mutandis, in Article 122 paragraph (4), the Minister may revoke the approval.

- (2) The provisions of paragraph (2) of the preceding article shall apply, mutatis mutandis, to the cases of the preceding paragraph.

Section 2. Use of Land (Article 128 through Article 143)

(Rights-of-Way)

Article 128.

- (1) An approved telecommunications carrier may, when it is necessary and reasonable to use other persons' land and works firmly affixed thereto, including buildings, etc. (except administrative properties stipulated in Article 3 paragraph (2) of the National Property Law (Law No. 73 of 1948), administrative properties stipulated in Article 238 paragraph (3) of the Local Autonomy Law (Law No. 67 of 1947) and others specified in the applicable cabinet order (referred to as "administrative properties, etc." in paragraph (4)); hereinafter referred to as the "land, etc.") for establishment of wires and cables, antennas (with respect to wires and cables, antennas which are installed in premises, etc. for use of communications for persons who are in said premises or buildings, limited to wires and cables, antennas installed in premises, etc. open to the public for a free passage or assembling) and other facilities accessory thereto for the use of its telecommunications business (in this Section referred to collectively as "lines"), request the owner of the land, etc. (to the owner and any other person, if any, using the land, etc. by virtue of title other than ownership, the same shall apply hereinafter.) to negotiate the creation of a right to use the land, etc. (hereinafter referred to as "rights-of-way") subject to the authorization of the Minister. The same shall apply to the cases where the approved telecommunications carrier intends to continuously use the land, etc. after the expiration of the term of paragraph (3), by extending it.
- (2) The approval of the preceding paragraph may be granted insofar as the use of an approved telecommunications carrier does not seriously interfere with the use of the land, etc. However, such use based on the rights-of-way shall be limited, in the cases of the land, etc. in use for the business for which the land, etc. may be expropriated or used in accordance with other laws, to the extent that the use may not interfere with the use of the land, etc. for such business, and shall be limited, in the cases of buildings or other structures, for the purpose of supporting lines.
- (3) The duration of the rights-of-way of paragraph (1) shall be fifteen years (or fifty years if the purpose of use is the establishment of underground cables or other underground structures or steel- or concrete-made ground structures). This shall not apply, however, where a shorter duration is agreed upon in the negotiations of the same paragraph or is decided on in the award of Article 132 paragraph (2) or (3).
- (4) Upon application for authorization of paragraph (1), the Minister shall, when deemed necessary, hear the opinion of the owner of the land, etc. (where the land, etc. are buildings or other works firmly affixed to administrative properties, etc., managers of said administrative properties, etc. and other persons specified in the applicable cabinet order shall be included. The same shall apply in the following paragraph, and Article 130 paragraph (1) and Article 131.).
- (5) The Minister shall, where the Minister has granted authorization of paragraph (1), issue a notice to the owner of the land, etc. to that effect and issue a public notice thereof.
- (6) Where an agreement has been reached in the negotiation of paragraph (1), the approved telecommunications carrier and the owner of the land, etc. shall, as specified in the provisions of the applicable ministerial ordinance of the Minister, submit a notification specifying the

matters agreed upon during the negotiation to the Minister.

- (7) When the notification of the preceding paragraph has been submitted, the rights-of-way concerning the land, etc. shall be acquired by the approved telecommunications carrier concerned, or the duration of the rights-of-way shall be extended, in accordance with the notification.
- (8) An approved telecommunications carrier and owners of the land, etc. may extinguish the rights-of-way by mutual agreement. In this case, the parties shall, without delay, submit a notification to that effect to the Minister.

(Application for an Award)

Article 129.

- (1) When negotiations in accordance with the provisions of paragraph (1) of the preceding article fail to come to an agreement or to start, the approved telecommunications carrier may, in accordance with the procedures stipulated in the applicable ministerial ordinance of the MIC, apply to the Minister for his or her award on the use of the land, etc. This shall not apply, however, to the cases where three months have elapsed since the day on which the authorization of the same paragraph was granted.
- (2) An approved telecommunications carrier may, when it has applied for an award on the extension of the duration of the rights-of-way in accordance with the provisions of the preceding paragraph, continue to use the land, etc. until the award is made.

(An award)

Article 130.

- (1) When the Minister has accepted an application for an award in accordance with the provisions of paragraph (1) of the preceding article, the Minister shall, within three days, forward a copy of the application to said mayor of the city or said chief administrative officer of the town or village, and issue a notice to the owner of the land, etc. that the application for an award has been lodged.
- (2) When the mayor of the city or the chief administrative officer of the town or village has received the copy of the preceding paragraph, he or she shall, within three days, issue a public notice to that effect and submit the copy to public inspection for one week from the day of the public notice.
- (3) The mayor of the city or the chief administrative officer of the town or village shall, upon issuing the public notice in accordance with the provisions of the preceding paragraph, report the Minister of the date of the public notice.
- (4) With respect to the application of the provisions of the preceding three paragraphs, the "mayor of the city or the (said) chief administrative officer of the town or village" in those provisions shall be read as the "chief administrative officer of the special ward" for places where a special ward exists; as the "chief administrative officer of the ward" for a designated city of Article 252-19 paragraph (1) of the Local Autonomy Law; as the "manager of the whole-affairs association" for places where a whole-affairs association exists; and as the "manager of the town and village office-administration association" for places where a town and village office-administration association exists.

Article 131.

When the public notice in accordance with the provisions of paragraph (2) of the preceding article has been issued, the owner of the land, etc. or any other interested person may present his or her opinions in writing to the Minister within ten days from the day of the public notice.

Article 132.

- (1) The Minister shall issue an award promptly after the term of the preceding article has elapsed.
- (2) The award which stipulates that the rights-of-way be created shall specify the following matters:

- i) Location and limits of the land, etc. on or across which the rights-of-way is to be created
 - ii) Kind and number of lines
 - iii) Time of the commencement of use
 - iv) Term of the rights-of-way, when determined
 - v) Amount of compensations, and the time and method of the payment
- (3) An award which stipulates that the term of the rights-of-way be extended shall stipulate the term of the extension (where the matters specified in item v) of the preceding paragraph are to be amended at the occasion of the extension, the term to be extended and the matters, as amended, shall be specified in the same item).
- (4) The Minister shall, with respect to the matters specified in item v) of paragraph (2) (including those, as amended, stipulated in the preceding paragraph), hear the opinions of the expropriation committee of the prefecture to which the jurisdiction over the land, etc. belongs beforehand and then issue an award based on these opinions. In this case, the standards for sum of compensations of said item shall be specified in the applicable cabinet order for each kind of lines and land, etc. to cover the loss ordinarily arising from the use thereof.
- (5) When the Minister has issued an award of Article 129 paragraph (1), the Minister shall without delay issue a notice to the approved telecommunications carrier and the owner of the land, etc. to that effect and issue a public notice thereof.
- (6) When an award which stipulates that the rights-of-way be created has been issued, the rights-of-way of the land, etc. will be acquired by the approved telecommunications carrier at the time of the commencement of the use stipulated in the award.
- (7) When an award which stipulates that the term of the right-of-way be extended has been issued, the term of said rights-of-way will be extended for the term stipulated in the award.
- (8) The provisions of Article 35 paragraph (8) through paragraph (10) shall apply, mutatis mutandis, to the award of Article 129 paragraph (1). In these cases, "the amount of money to be paid or received by the party (or parties)" in Article 35 paragraphs (8) and (10), shall be read as "the amount of compensations".

(Temporary Use of the Land, Etc.)

Article 133.

- (1) With respect to implementation of an authorized telecommunications business, an approved telecommunications carrier may, when it is necessary and unavoidable to use other persons' land, etc. for the purposes specified in the following items, temporarily use it insofar as such use does not seriously interfere with the utilizing of the land, etc. However, in the cases of buildings or other structures, such use shall be limited for the purpose of supporting lines.
- i) Establishing of storage yards for materials and motor pools and soil and stone dumps which are necessary for the execution of line installation
 - ii) Establishing of lines and other telecommunications facilities necessary to ensure essential communications in the cases where a natural disaster, accident or any other emergency has occurred or where any other especially compelling reason exists
 - iii) Setting up of land survey markers
- (2) Any approved telecommunications carrier shall obtain permission from the Minister before it temporarily uses other persons' land, etc. in accordance with the provisions of the preceding paragraph. This shall not apply, however, to temporary use for a term of not exceeding fifteen days where a natural disaster, accident or any other emergency has occurred.
- (3) Any approved telecommunications carrier shall issue a prior notice to the occupant of the land, etc. before it temporarily uses this person's land etc. in accordance with the provisions of paragraph (1). However, when it is difficult to issue such notice beforehand, it shall suffice for the telecommunications carrier to issue a notice without delay after the commencement of the use.
- (4) If the land, etc. intended for temporary use in accordance with the provisions of paragraph (1)

is currently in use for a residence, the consent of the residents thereof shall be obtained.

- (5) The term of the temporary use in accordance with the provisions of paragraph (1) shall not exceed six months (or one year, where temporary lines or land survey markers have been set up in the cases stipulated in item ii) of the same paragraph).
- (6) Any person who enters upon other person's land, etc. for the purpose of temporary use in accordance with the provisions of paragraph (1) shall carry a document certifying that permission has been given under paragraph (2) (or an identification card in the cases of the proviso of the same paragraph) and shall produce it to the persons concerned.

(Entry upon Land)

Article 134.

- (1) An approved telecommunications carrier may enter other person's land when it is necessary for a survey, on-site investigation, or installation in relation to telecommunications lines.
- (2) The provisions of paragraphs (2), (3), (4) and (6) of the preceding article shall apply, mutatis mutandis, to the cases where an approved telecommunications carrier enters upon other person's land in accordance with the provisions of the preceding paragraph.

(Passage)

Article 135.

- (1) An approved telecommunications carrier may pass through other person's land when it is necessary for the installation in relation to lines or for the maintenance of lines.
- (2) The provisions of Article 69 paragraph (3) and Article 133 paragraphs (3) and (4) shall apply, mutatis mutandis, to the cases where an approved telecommunications carrier passes through other person's land in accordance with the provisions of the preceding paragraph.

(Removing Trees and Foliage)

Article 136.

- (1) Where any trees or foliage cause a trouble or are at a risk of causing a trouble to lines or interfere with surveys, on-site investigations or installation in relation to lines, an approved telecommunications carrier may, when it is unavoidable, cut or transplant the trees or foliage after obtaining permission from the Minister.
- (2) An approved telecommunications carrier shall, before it cuts down or transplants such trees or foliage in accordance with the provisions of the preceding paragraph, issue a notice to the owner of the trees or foliage to that effect. However, if it is difficult to issue a notice beforehand, it shall suffice for the approved telecommunications carrier to issue a notice without delay after the cutting down or transplanting.
- (3) Where trees or foliage cause a trouble to lines and when an approved telecommunications carrier deems that they would, unless removed, cause serious damage to the lines and result in serious interference with ensuring of communications, the carrier may cut or transplant them without obtaining permission of the Minister, notwithstanding the provisions of paragraph (1). In this case, the approved telecommunications carrier shall submit without delay, after the cutting or transplanting, a notification to that effect to the Minister and shall issue a notice to the owner of the trees or foliage to that effect.

(Compensation for Loss)

Article 137.

- (1) When an approved telecommunications carrier has caused a loss by having temporarily used other person's land, etc. in accordance with the provisions of Article 133 paragraph (1), by having entered other person's land in accordance with the provisions of Article 134 paragraph (1), by having passed other person's land in accordance with the provisions of Article 135 paragraph (1), or by having cut or transplanted any trees or foliage in accordance with the provisions of

- paragraph (1) or (3) of the preceding article, the approved telecommunications carrier shall pay to the person who has suffered a loss compensations for the loss.
- (2) When negotiations between an approved telecommunications carrier and a person who has suffered a loss fail to come to an agreement or to start with respect to the compensations for a loss in accordance with the provisions of the preceding paragraph, the approved telecommunications carrier or the person who has suffered a loss may, in accordance with the procedures stipulated in the applicable ministerial ordinance of MIC, apply to the prefectural governor for an award.
 - (3) The provisions of Article 35 paragraphs (5) through (10) shall apply, mutatis mutandis, to the award of the preceding paragraph. In this case, "the Minister" in Article 39 paragraph (5) shall be read as "the prefectural governor" and "answers in writing" in Article 35 paragraph (5) shall be read as "answers in writing (or opinions in writing in the case of a notice to be given to the person who has suffered a loss)"; "the Minister" in paragraph (6) of the same article shall be read as "the prefectural governor"; "the amount of money to be paid or received by the party (or parties)" in paragraphs (8) and (10) of the same article shall be read as the "amount of compensations".
 - (4) The award which stipulates that compensations be paid shall specify the amount of compensations, and the time and method of the payment.

(Relocation, Etc. of Lines)

Article 138.

- (1) When lines have come to seriously interfere with the use of the land, etc. on or across which the lines are established based on rights-of-way or of the land, etc. adjacent thereto due to alteration in the purpose or method of use of the land, etc., the owner of the land, etc. concerned may request the approved telecommunications carrier concerned to take measures necessary to remove the interference such as relocating the lines.
- (2) Any approved telecommunications carrier shall take the measures in accordance with the preceding paragraph, except in the cases where those measures adversely affect the carrying out of its business activities or involve technical difficulties to a significant extent.
- (3) Where negotiations between an approved telecommunications carrier and an owner of the land, etc. fail to come to an agreement or to start with respect to the measures in accordance with paragraph (1), the approved telecommunications carrier or the owner of the land, etc. may, in accordance with the procedures stipulated in the applicable ministerial ordinance of the MIC, apply to the Minister for an award.
- (4) The provisions of Article 130 and Article 131, and Article 132 paragraphs (1) and (5) shall apply, mutatis mutandis, to the award of the preceding paragraph.
- (5) The award which stipulates that the measures of paragraph (1) be taken may stipulate that the all or part of the expenses for the measures be borne by the owner of the land, etc. concerned.
- (6) The award which stipulates that the measures of paragraph (1) be taken shall stipulate the time when such measures should be taken (in the cases of the preceding paragraph, the time when such measures should be taken, the amount of money to be borne by the owner of the land, etc. concerned and the time and method of the payment).
- (7) When a public notice has been issued in accordance with the provisions of paragraph (4) applied, mutatis mutandis, in Article 132 paragraph (5), it shall be deemed that an agreement has been reached between the approved telecommunications carrier and the owner of the land, etc. concerned, as stipulated in the award.
- (8) The provisions of Article 35 paragraphs (8) through (10) shall apply, mutatis mutandis, to the award of paragraph (3). In this case, "the amount of money to be paid or received by the party (or parties)" in paragraphs (8) and (10) of the same article shall be read as "the amount of expenses to be borne".

(Obligation to Restore to Status Quo Ante)**Article 139.**

When an approved telecommunications carrier has terminated the use of the land, etc. or when its use of the land, etc. for its approved telecommunications business that is no longer necessary, the approved telecommunications carrier shall return the land, etc. after restoring it to status quo ante or paying to the owner compensations for the loss due to not restoring it to status quo ante

(Use of Public Waters)**Article 140.**

- (1) Any approved telecommunications carrier shall, before it lays an underwater cable to be used for its approved telecommunications business (hereinafter referred to as an "underwater cable") under any waters used for public use (hereinafter referred to as "waters"), submit a notification to the Minister and the relevant prefectural governor (including the Minister for Agriculture, Forestry and Fisheries, where the waters are fishing places over which the Minister exercises the power of the prefectural governor in accordance with the provisions of Article 136 of the Fisheries Law (Law No. 267 of 1949), the same shall apply to the following paragraph.) on the following matters:
 - i) Locations of the underwater cable and areas for which an application of paragraph (1) of the following article is to be filed
 - ii) Time of the commencement and completion of the installation work
 - iii) Outline of the installation work
- (2) When the relevant prefectural governor, upon receipt of a notification in accordance with the provisions of the preceding paragraph, deems it necessary to alter any of the matters pertaining to the notification in accordance with the provisions of the preceding paragraph after hearing the opinions of any person interested in the rights to fish (meaning fishery rights under the Fisheries Law; hereinafter the same shall apply.) or of any other person actually and duly engaged in fishing stipulated in the applicable cabinet order of paragraph (4) of the following article within the area of item i) of the preceding paragraph or after taking into account the effect of the telecommunications cable laying on fishing, he or she may, after a necessary consultation with any other prefectural governor involved, if any, issue a notice to the Minister and said approved telecommunications carrier to that effect within thirty days from the day on which said notification was submitted to the governor.
- (3) The provisions of Article 11 paragraph (6) of the Fisheries Law shall apply, mutatis mutandis, to the cases in accordance with the provisions of the preceding paragraph. In this case, "the prefectural governor" in Article 11 paragraph (6) of the Fisheries Law shall be read as "relevant prefectural governor who received the notification in accordance with the provisions of Article 140 paragraph (1) of the Telecommunications Business Law".
- (4) The approved telecommunications carrier shall, upon receiving the notice in accordance with the provisions of paragraph (2), change said matters. This shall not apply, however, to such matters that would seriously interfere with the carrying out of its business activities insofar as authorization has been obtained from the Minister not to make such changes with respect to said matters.

(Protection of Underwater Cable)**Article 141.**

- (1) When an application from an approved telecommunications carrier has been submitted, the Minister may, when it is deemed necessary for the protection of the underwater cable concerned with respect to which the laying procedures stipulated in the preceding article has been completed, designate an area not exceeding one thousand meters (or fifty meters with respect to a river to which the River Law (Law No. 167 of 1964) shall apply, or shall apply, mutatis mutandis; hereinafter referred to as a "river") from the underwater cable as a protected area.

- (2) The designation of the provisions of the preceding paragraph shall be made by a notice.
- (3) Any approved telecommunications carrier shall, as specified in the provisions of the applicable ministerial ordinance of the MIC, when a protected area has been designated in accordance with the provisions of paragraph (1), place landmarks indicating such area and issue a public notice of the locations of the landmarks.
- (4) In a protected area of paragraph (1), no person shall anchor a boat or ship, engage in fishing with a bottom dragnet or in such manners as specified in the applicable cabinet order, dig and gather earth and sand or moor a boat or raft to the landmarks of the preceding paragraph. This shall not apply, however, in the cases, specified in the applicable cabinet order, where unavoidable circumstances exist in the case of construction work for a river to be conducted by a river conservator; in the case of construction work for coastal conservation installations stipulated in Article 2 paragraph (1) of the Sea Coast Law (Law No. 101 of 1956) (in this paragraph referred to as "coastal conservation installations") to be executed by a coastal conservator stipulated in Article 2 paragraph (3) of the same law (in this article referred to as "coastal conservator"); or in the case of construction work for coastal conservation installations to be executed by the competent Minister in accordance with the provisions of Article 6 paragraph (1) of the same law; or in other cases specified in the applicable cabinet order.
- (5) When an application from an approved telecommunications carrier has been submitted, the prefectural governor (or the Minister for Agriculture, Forestry and Fisheries, where the governor exercises the power of the prefectural governor in accordance with the provisions of Article 136 of the Fisheries Law, the same shall apply in paragraph (7).) may, when it is deemed necessary to protect the underwater cable, revoke or change the fishery rights which have been created in waters within the protected area of paragraph (1), or may order to suspend the exercise of such rights.
- (6) The provisions of Article 11 paragraph (6) of the Fisheries Law shall apply, *mutatis mutandis*, to the cases of revocation or changes of the fishery rights, or suspension of the exercise of such rights in accordance with the provisions of the preceding paragraph. In these cases, "the prefectural governor" in Article 11 paragraph (6) of the Fisheries Law shall be read as "relevant prefectural governor who has received the application in accordance with the provisions of Article 141 paragraph (5) of the Telecommunications Business Law".
- (7) The prefectural governor shall, in creating a fishery right in waters within the protected area of paragraph (1), pay necessary consideration for the protection of the underwater cable concerned.
- (8) A coastal conservator shall, in permitting the establishment of installations or structures on and under waters within the protected area of paragraph (1) or in permitting any act on and under such waters, pay necessary consideration for the protection of the underwater cable concerned.

Article 142.

- (1) Any approved telecommunications carrier shall pay to any person holding a fishery right compensations for any loss caused by the revocation or changes of this person's fishery rights or by the suspension of the exercise thereof in accordance with the provisions of paragraph (5) of the preceding article.
- (2) The provisions of Article 39 paragraphs (7) through (12) of the Fisheries Law shall apply, *mutatis mutandis*, to the compensations for loss in accordance with the provisions of the preceding paragraph. In this case, "prefectures" in paragraphs (10) and (11) of the same article shall be read as "approved telecommunications carriers".

Article 143.

No vessel shall navigate in waters within the boundary stipulated in the applicable ministerial ordinance of the MIC, not exceeding one thousand meters (or fifty meters with respect to a river) from a vessel which is laying or repairing an underwater telecommunications cable belonging to an approved telecommunications carrier, and which displays a symbol indicating that activity, or within

the boundary stipulated in the applicable ministerial ordinance of the MIC, not exceeding four hundred meters (or thirty meters with respect to a river) from a buoy which marks the location of the underwater cable being laid or repaired and which displays a symbol indicating such a buoy.

Chapter IV. Telecommunications Business Dispute Settlement Commission

Section 1. Establishment and Organization (Article 144 through Article 153)

(Establishment and Authority)

Article 144.

- (1) A Telecommunications Business Dispute Settlement Commission (hereinafter referred to as the “Commission”) shall be established under the MIC.
- (2) The Commission shall deal with matters attributed to the authority thereof in accordance with the provisions of this Law.

(Organization)

Article 145.

- (1) The Commission shall be composed of five Commissioners.
- (2) The Commissioners shall be part time. However, two of the Commissioners may be full time.

(Chair)

Article 146.

- (1) A Chair shall be established in the Commission, who is elected via mutual vote from among the Commissioners.
- (2) The Chair shall preside over the operations of the Commission and shall represent the Commission.
- (3) The Chair shall nominate beforehand an acting chair from the Commissioners, who shall act on behalf of the Chair when the Chair is incapable of fulfilling the duties.

(Appointment of the Commissioners)

Article 147.

- (1) The Commissioners shall be appointed by the Minister, from persons capable of making fair judgment with rich experience and knowledge in telecommunications, with consent from both the House of Representatives and the House of Councillors.
- (2) Where a Commissioner has served out the full term of office or where the necessity has arisen to fill up a vacancy of Commissioners, the Minister may, notwithstanding the provisions of the preceding paragraph, appoint a person from qualified persons specified in the preceding paragraph to a Commissioner without the consent of both the House of Representatives and the House of Councillors when impossible, due to the Diet being out of session or due to the House of Representatives being dissolved, to obtain the consent of both the House of Representatives and the House of Councillors for the appointment of the Commissioner.
- (3) In the cases of the preceding paragraph, at the first Diet session after the appointment the Minister shall obtain the ex post facto approval of both the House of Representatives and the House of Councillors. In this case, if the appointment cannot obtain the ex post facto approval of both the House of Representatives and the House of Councillors, the Minister shall discharge the Commissioner.

(Term of Office)

Article 148.

- (1) The Commissioner's term of office shall be three years. However, a Commissioner who has been appointed to fill up a vacancy shall hold the office for the remainder of the predecessor's term.
- (2) Any of the Commissioners can be reappointed.
- (3) When the term of office of a Commissioner passes, said Commissioner shall perform the official

duties until the successor is appointed.

(Discharge)

Article 149.

When the Minister deems that a Commissioner is incapable of performing the official duties due to mental or physical disability or that a Commissioner has committed a breach of the official duties or any other misconduct not befitting Commissionership, the Minister may discharge the Commissioner with the approval of both the House of Representatives and the House of Councillors.

(Standards of Conduct for the Commissioners)

Article 150.

- (1) Any Commissioner shall not divulge secrets obtained through duties. The same shall apply after the Commissioner retires from office.
- (2) Any Commissioner shall not become, during the term of office, an official of political parties or any other political organizations, or shall not engage actively in political movement.
- (3) Any full-time Commissioner shall not, during the term of office, except the cases where there is an approval of the Minister, engage in other jobs with remuneration, operate for-profit business, or conduct any business for pecuniary profit.

(Salary of Commissioners)

Article 151.

Salaries of Commissioners shall be separately specified by law.

(Secretariat)

Article 152.

- (1) In order to deal with work of the Commission, a Secretariat shall be set up in the Commission.
- (2) In the Secretariat, a Director-General and other necessary officials shall be employed.
- (3) The Director-General shall, under the order of the Chair, handle the work of the Secretariat.

(Entrustment to Cabinet Order)

Article 153.

In addition to matters stipulated in this Section, necessary matters concerning the Commission shall be stipulated in the applicable cabinet order.

Section 2. Mediation and Arbitration (Article 154 through Article 159)

(Mediation Concerning Interconnection of Telecommunications Facilities)

Article 154.

- (1) Between telecommunications carriers, when one party offers to enter into an agreement concerning interconnections of telecommunications facilities but the other party does not accede to consult or said consultation fails to come to an agreement, or when the parties do not agree in consultation on the amount of money the parties receive or pay or other details of agreement including terms and conditions of interconnections, a party may apply the Commission for mediation. However, where the parties have already filed petition of Article 35 paragraph (1) or (2), applied for an award in accordance with the provisions of Article 35 paragraph (3), or applied for arbitration in accordance with the provisions of paragraph (1) of the following article, this shall not apply.
- (2) The Commission shall, except when it is deemed that the case is not appropriate for mediation by its nature, or that the parties have applied for mediation improperly for undue purposes, conduct mediation.
- (3) The mediation of the Commission shall be conducted by mediation commissioners appointed by

the Commission at each case from the Commissioners or other officials of the Commission (limited to those who have been appointed by the Commission beforehand; the same shall apply in paragraph (3) of the following article).

- (4) The mediation commissioners shall mediate the parties, confirm the points of both parties' arguments, and make efforts so that the case can be resolved.
- (5) The mediation commissioners may hear opinions from the parties or request the parties to report, compile a mediation plan necessary for resolution of the case, and present it to the parties.
- (6) The mediation commissioners shall, with respect to the case they are mediating, when the parties file petition of Article 35 paragraph (1) or (2), apply for an award in accordance with the provisions of Article 35 paragraph (3), or apply for arbitration in accordance with the provisions of paragraph (1) of the following article, terminate said mediation.

(Arbitration Concerning Interconnection of Telecommunications Facilities)

Article 155.

- (1) Between telecommunications carriers, when one party offers to enter into an agreement concerning interconnections of telecommunications facilities but the other party does not accede to consult or said consultation fails to come to an agreement, or when the parties do not agree in consultations on the amount of money the parties receive or pay or other details of agreement including terms and conditions of interconnections, both of the parties may apply to the Commission for arbitration. However, after the parties have already filed petition of Article 35 paragraph (1) or (2), or applied for an award in accordance with the provisions of paragraph (3) of the same article, this shall not apply.
- (2) Arbitration of the Commission shall be conducted by three arbitration commissioners.
- (3) The Commission shall appoint those whom chosen by agreement of the parties from Commissioners of the Commission or other officials as arbitration commissioners. However, when there is no choice of arbitration commissioners with agreement of the parties, the Commission shall appoint the arbitration commissioners from the Commissioners or other officials of the Commission.
- (4) For arbitration, unless otherwise specified in this article, deeming arbitration commissioners as arbitrators, the provisions of the Law Concerning Public Summons Procedure and Arbitration Procedure (Law No. 29 of 1890) Part VIII (Arbitration Procedure) shall apply, *mutatis mutandis*.

(Application, Mutatis Mutandis)

Article 156.

- (1) The provisions of the preceding two articles shall be applied, *mutatis mutandis*, to agreements concerning sharing of telecommunications facilities. In this case, "terms and conditions of interconnections" in Article 154 paragraph (1) and paragraph (1) of the preceding article shall be read as "terms and conditions for sharing"; "Article 35 paragraph (1) or (2)" in Article 154 paragraphs (1) and (6), and paragraph (1) of the preceding article shall be read as "Article 38 paragraph (1)"; "paragraph (3) of the same article" in Article 154 paragraphs (1) and (6), and paragraph (1) of the preceding article shall be read as "Article 35 paragraph (3) applied, *mutatis mutandis*, in paragraph (2) of the same article".
- (2) The provisions of the preceding two articles shall be applied, *mutatis mutandis*, to contracts concerning the provision of wholesale telecommunications services. In this case, "terms and conditions of interconnections" in Article 154 paragraph (1) and paragraph (1) of the preceding article shall be read as "terms and conditions"; "details of agreement" in Article 154 paragraph (1) and paragraph (1) of the preceding article shall be read as "details of contract"; "Article 35 paragraph (1) or (2)" in Article 154 paragraphs (1) and (6), and paragraph (1) of the preceding article shall be read as "Article 38 paragraph (1) applied, *mutatis mutandis*, in Article 39"; "Article 35 paragraph (3) of the same article" in Article 154 paragraphs (1) and (6), and paragraph (1) of the preceding article shall be read as "Article 35 paragraph (3) applied, *mutatis*

mutandis, in Article 39”.

(Mediation, Etc. Concerning Other Agreements, Etc.)

Article 157.

- (1) Between telecommunications carriers, concerning conclusion of an agreement or contract stipulated in the applicable cabinet order as necessary for ensuring the smooth provision of telecommunications services (referred to as an “agreement, etc.” in paragraph (3)), when the parties fail to come to an agreement in consultation on the amount of money the parties receive or pay or other details of agreement including terms and conditions, either party may apply to the Commission for mediation.
- (2) The provisions of Article 154 paragraphs (2) through (5) shall apply, mutatis mutandis, to the mediation of the preceding paragraph.
- (3) Between telecommunications carriers, concerning conclusion of an agreement, etc., when the parties fail to come to an agreement in consultations on the amount of money the parties receive or pay or other details of agreement including terms and conditions, the parties may apply to the Commission for arbitration.
- (4) The provisions of Article 155 paragraphs (2) through (4) shall apply, mutatis mutandis, to arbitration of the preceding paragraph.

(Application by Way of the Minister)

Article 158.

Any application for mediation or arbitration to the Commission in accordance with the provisions of this Section shall be made by way of the Minister.

(Entrustment to Cabinet Order)

Article 159.

In addition to matters stipulated in this Section, matters necessary for procedures for mediation and arbitration shall be stipulated in the applicable cabinet order.

Section 3. Inquiry, Etc. (Article 160 through Article 162)

(Inquiry of the Commission)

Article 160.

The Minister shall, with respect to matters listed in the following items, inquire of the Commission. However, on matters the Commission deems to be minor, this shall not apply.

- i) Orders concerning interconnections of telecommunications facilities in accordance with the provisions of Article 35 paragraph (1) or (2), awards concerning interconnections of telecommunications facilities in accordance with the provisions of paragraph (3) or (4) of the same article, orders concerning sharing of telecommunications facilities in accordance with the provisions of Article 38 paragraph (1), awards concerning sharing of telecommunications facilities in accordance with the provisions of Article 35 paragraph (3) or (4) which apply, mutatis mutandis, in Article 38 paragraph (2), awards concerning the provision of wholesale telecommunications service in accordance with the provisions of Article 35 paragraph (3) or (4) which apply, mutatis mutandis, in Article 39, orders concerning the provision of wholesale telecommunications service in accordance with the provisions of Article 38 paragraph (1) which apply, mutatis mutandis, in article 39, authorization concerning use of the land, etc. in accordance with the provisions of Article 128 paragraph (1), awards concerning use of the land, etc. in accordance with the provisions of Article 129 paragraph (1), or awards concerning measures necessary for elimination of interference in accordance with the provisions of Article 138 paragraph (3).
- ii) Orders to change tariffs in accordance with the provisions of Article 19 paragraph (2), orders

to change security tariffs in accordance with the provisions of Article 20 paragraph (3), orders to change charges for specified telecommunications services in accordance with the provisions of Article 21 paragraph (4), orders to improve business activities in accordance with the provisions of Article 29 paragraph (1), orders in accordance with the provisions of Article 30 paragraph (4) to cease or change acts violating the provisions of Article 30 paragraph (3), orders in accordance with the provisions of Article 31 paragraph (3) to cease or change acts violating the provisions of Article 31 paragraph (2), orders to apply for authorization of changes in interconnection tariffs in accordance with the provisions of Article 33 paragraph (6), orders to change interconnection tariffs in accordance with the provisions of paragraph (8) of the same article, orders to change interconnection tariffs in accordance with the provisions of Article 34 paragraph (3), recommendations to change a plan in accordance with the provisions of Article 36 paragraph (3), or orders to improve business activities in accordance with the provisions of Article 121 paragraph (2).

(Special Cases of Hearing)

Article 161.

- (1) The Minister shall, when the Minister intends to make administrative dispositions in accordance with the provisions of Article 19 paragraph (2), Article 20 paragraph (3), Article 21 paragraph (4), Article 29 paragraph (1) or (2), Article 30 paragraph (4), Article 31 paragraph (3), Article 33 paragraph (6) or (8), Article 34 paragraph (3), Article 35 paragraph (1) or (2), Article 38 paragraph (1) (including the cases where Article 38 paragraph (1) shall apply, mutatis mutandis, in Article 39), or Article 121 paragraph (2), notwithstanding the division of procedures for allegation of opinions in accordance with the provisions of Article 13 paragraph (1) of the Administrative Procedures Law (Law No. 88 of 1993), hold a hearing.
- (2) Where a hearing pertaining to an administrative disposition stipulated in the preceding paragraph is held, when said disposition is a disposition that is to be inquired of the Commission in accordance with the provisions of the preceding article, the chair of the hearing pertaining to said disposition shall be appointed from among the Commissioners upon recommendation from the Commission.
- (3) The chair of the hearing pertaining to the disposition stipulated in the paragraph (1) shall, when interested parties pertaining to said disposition have requested to participate in the procedures concerning said hearing in accordance with the provisions of Article 17 paragraph (1) of the Administrative Procedures Law, grant permission for such request.

(Recommendation)

Article 162.

- (1) The Commission may make necessary recommendations to the Minister with respect to matters under its authority in accordance with the provisions of this Law.
- (2) Upon receipt of a recommendation of the preceding paragraph, the Minister shall publish the recommendation.

Chapter V. Miscellaneous Provisions (Article 163 through Article 176)

(Conditions for Registration, Etc.)

Article 163.

- (1) Conditions may be attached to registration (except the registration of Article 86 paragraph (1). The same shall apply in the following paragraph.), authorization, permission or approval (except the technical conditions compliance approval. The same shall apply in the following paragraph.) and such conditions may be changed.
- (2) Conditions of the preceding paragraph shall be, in light of the purposes of registration, authorization, permission or approval, or the minimum necessary to facilitate the reliable execution of the matters pertaining to the registration, authorization, permission or approval, and such conditions shall not be those imposing undue obligations on a person who is to be given said registration, authorization, permission or approval.

(Exemption, Etc. from This Law)

Article 164.

- (1) The provisions of this Law shall not apply to the telecommunications business listed in the following items:
 - i) Any telecommunications business which exclusively provides telecommunications service to a single person (except one being a telecommunications carrier)
 - ii) Any telecommunications business which provides telecommunications services with telecommunications facilities a part of which is to be established on the same premises (including the areas regarded as the same premises) or in the same building where any other part thereof is also to be established, or with telecommunications facilities which are below in scale the standards stipulated in the applicable ministerial ordinance of the MIC
 - iii) Any telecommunications business installing no telecommunications circuit facilities which provides telecommunications services other than telecommunications services which intermediate communications of others by using telecommunications facilities
- (2) Notwithstanding the provisions of the preceding paragraph, the provisions of Article 3 and Article 4 shall apply to communications being handled by a person who operates a telecommunications business listed in each item of the preceding paragraph.

(Treatment of Local Public Entities Operating Telecommunications Business Not for Profit)

Article 165.

- (1) Any local public entity which intends to operate a telecommunications business not for profit (limited to a telecommunications business providing telecommunications services stipulated in the applicable ministerial ordinance of the MIC as those having a comparatively significant influence on the users' benefit from the perspective of its content, the scope of users, etc.) shall, as specified in the applicable ministerial ordinance of the MIC, submit a notification to that effect with documents describing the matters listed in items of Article 16 paragraph (1) to the Minister
- (2) The local public entity which has submitted the notification of the preceding paragraph shall be deemed to be a telecommunications carrier that has submitted a notification in accordance with the provisions of Article 16 paragraph (1). However, with respect to the application of provisions of Article 19 through Article 25, Article 30, Article 31, Article 33, Article 34, Article 36, Article 37, Article 40, Article 42, Article 44, Article 45, Article 52, Article 69, Article 70 and Chapter II Section 6, this shall not apply.

(Report and Inspection)**Article 166.**

- (1) The Minister may, to the extent necessary for the enforcement of this Law, order telecommunications carriers, etc. to report on its business, or delegate any ministerial staff to enter business offices, business establishments or other workplaces belonging to the telecommunications carrier, etc. and to inspect its telecommunications facilities, account books, documents and other articles.
- (2) The Minister may, to the extent necessary for the enforcement of this Law, order a person being given a technical conditions compliance approval from a registered approval agency to report on terminal equipment pertaining to said technical conditions compliance approval, or to delegate any ministerial staff to enter business offices or workplaces belonging to said person being given said technical conditions compliance approval, and to inspect said terminal equipment and other articles.
- (3) The provisions of the preceding paragraph shall apply, mutatis mutandis, to a certified dealer or a notified supplier, respectively. In this case, "said technical conditions compliance approval" in the same paragraph shall be read as "certification of type of terminal equipment given to said certified dealer" for the certified dealer, and shall be read as "its notification" for the notified supplier.
- (4) The Minister may, to the extent necessary for the enforcement of this Law, order a designated examination agency or the support institution to report on its services, or to delegate any ministerial staff to enter business offices or workplaces belonging to the designated examination agency or the support institution, and to inspect a record book, documents and other articles.
- (5) The provisions of the preceding paragraph shall apply, mutatis mutandis, to a registered approval agency.
- (6) The provisions of paragraph (2) shall apply, mutatis mutandis, to a person who has been given a technical conditions compliance approval from a recognized approval body or a person who has been given a certification of type of terminal equipment from a recognized approval body, respectively; the provisions of paragraph (4) shall apply, mutatis mutandis, to a recognized approval body. In these cases, "technical conditions compliance approval" in paragraph (2) shall be read as "certification of type of terminal equipment" for a person who has been given a certification of type of terminal equipment.
- (7) Any ministerial staff who enters and inspects in accordance with the provisions of paragraph (1), or paragraph (2) (including the cases where paragraph (2) shall apply, mutatis mutandis, in paragraph (3) or the preceding paragraph) or paragraph (4) (including the cases where paragraph (4) shall apply, mutatis mutandis, in paragraph (5) or the preceding paragraph) shall carry an identification card and shall produce it to the persons concerned.
- (8) The power of entry and inspection in accordance with the provisions of paragraph (1), or paragraph (2) (including the cases where paragraph (2) shall apply, mutatis mutandis, in paragraph (3) or paragraph (6)) or paragraph (4) (including the cases where paragraph (4) shall apply, mutatis mutandis, in paragraph (5) or paragraph (6)), shall not be construed as being invested in the ministerial staff for the purpose of detecting a crime.

(Submission of Terminal Equipment, Etc.)**Article 167.**

- (1) The Minister may, where the Minister has delegated ministerial staff to carry out inspection in accordance with the provisions of paragraph (2) of the preceding article, when there was terminal equipment that is deemed to be extremely difficult to be inspected on site or articles particularly necessary for inspecting said terminal equipment, order a person who has been given a technical conditions compliance approval from a registered approval agency to submit said terminal equipment or said articles within a term specified by the Minister.
- (2) The State shall pay compensations to the person who has been given said technical conditions

compliance approval for the loss caused by the order in accordance with the provisions of the preceding paragraph.

- (3) The loss to be compensated in accordance with the provisions of the preceding paragraph shall be ordinary loss occurred by the order of paragraph (1).
- (4) The provisions of the preceding three paragraphs shall apply, *mutatis mutandis*, to a certified dealer or a notified supplier, respectively. In these cases, "paragraph (2) of the preceding article" in paragraph (1) shall be read as "paragraph (2) of the same article applied, *mutatis mutandis*, in paragraph (3) of the preceding article".
- (5) In the cases where a person who has been given a technical conditions compliance approval is a foreign dealer, with respect to the application of the provisions of paragraph (1) through paragraph (3) to said foreign dealer, "order" in paragraph (1) shall be read as "request"; "order" in paragraph (2) and paragraph (3) shall be read as "request".
- (6) In the cases where a certified dealer is a foreign dealer, with respect to the application of the provisions of paragraph (1) through paragraph (3) applied, *mutatis mutandis*, in paragraph (4) to said foreign dealer, "order" in paragraph (1) shall be read as "request"; "order" in paragraph (2) and paragraph (3) shall be read as "request".
- (7) The provisions of paragraph (1) through paragraph (3) shall apply, *mutatis mutandis*, to a person who has been given a technical conditions compliance approval from a recognized approval body or a person who has been given a certification of type of terminal equipment from a recognized approval body, respectively. In these cases, "paragraph (2) of the preceding article" in paragraph (1) shall be read as "paragraph (2) of the preceding article applied, *mutatis mutandis*, in paragraph (6) of the same article"; and "order" in paragraph (1) shall be read as "request"; and "order" in paragraph (2) and paragraph (3) shall be read as "request".

(Consultation, Etc.)

Article 168.

The applicable cabinet order shall stipulate the provisions with respect to the necessary procedures including consultation with other administrative organizations concerned and the notice thereto in the cases where the Minister, in accordance with the provisions of this Law, establishes ordinances of the MIC (limited to those stipulated in the applicable cabinet order) or makes orders or other administrative dispositions (limited to those stipulated in the applicable cabinet order) with respect to telecommunications business (limited to those providing telecommunications services without installing telecommunications circuit facilities. Hereinafter in this article the same shall apply.), a person who performs conclusion of contracts as a business of intermediary, commission or procurement concerning the provision of telecommunications services from other telecommunications carriers, or terminal equipment, or where notifications (limited to those stipulated in the applicable cabinet order) relating to telecommunications business have been submitted to the Minister.

(Inquiry of the Councils, Etc.)

Article 169.

The Minister shall, with respect to matters listed in the following matters, inquire of the Councils, etc. (meaning those stipulated in Article 8 of the National Government Organization Law (Law No. 120 of 1948)) specified in the applicable cabinet order. This shall not apply, however, to such matters as the Councils, etc. deem to be minor.

- i) Authorization of charges concerning specified telecommunications services in accordance with the provisions of Article 21 paragraph (2), authorization of interconnection tariffs in accordance with the provisions of Article 33 paragraph (2), authorization of agreement concerning interconnections with Category I designated telecommunications facilities in accordance with the provisions of paragraph (10) of the same article, designation of eligible telecommunications carriers in accordance with the provisions of Article 108 paragraph (1),

authorization of the amount of compensations and provision methods in accordance with the provisions of Article 109 paragraph (1), authorization of the amount of contributions and collection methods in accordance with the provisions of Article 110 paragraph (2) or authorization of support service rules in accordance with the provisions of Article 79 paragraph (1) which shall apply, *mutatis mutandis*, in Article 116 paragraph (1)

- ii) Setting forth of the standard charge index in accordance with the provisions of Article 21 paragraph (1), designation of telecommunications carrier in accordance with the provisions of Article 30 paragraph (1), designation of telecommunications carriers having special relations in accordance with Article 31 paragraph (1), designation of Category I designated telecommunications facilities in accordance with Article 33 paragraph (1) or designation of Category II designated telecommunications facilities in accordance with Article 34 paragraph (1)
- iii) Planning of establishment, amendment or abolition of cabinet orders in accordance with the provisions of Article 110 paragraph (1)
- iv) Establishment, amendment or abolition of the applicable ministerial ordinances of the MIC in accordance with the provisions of Article 7, Article 8 paragraph (3), Article 9 proviso, Article 20 paragraph (1), Article 21 paragraph (1), Article 26, Article 30 paragraph (1) or paragraph (5), Article 31 paragraph (2) proviso or paragraph (4), Article 32 item iii), Article 33 paragraph (1), paragraph (3), paragraph (4) item i) a), b) or e), or item ii), paragraph (5), paragraph (11), paragraph (13) or paragraph (14), Article 34 paragraph (1) or (5), Article 36 paragraph (1) or (2), Article 41 paragraph (1) or (2), Article 45 paragraph (1) proviso, Article 50 paragraph (1), Article 52 paragraph (1), Article 70 paragraph (1) item i), Article 108 paragraph (1) item i) through item iii) or paragraphs (3), Article 109 paragraphs (1) through (3), or Article 110 paragraph (1) or (2)

(Special Case of Hearing)

Article 170.

The chair for the hearing pertaining to administrative dispositions in accordance with the provisions of Article 14 paragraph (1), Article 47 (including the cases where Article 47 shall apply, *mutatis mutandis*, in Article 72 paragraph (2)), Article 77 paragraph (3) (including the cases where Article 77 paragraph (3) shall apply, *mutatis mutandis*, in Article 116 paragraph (1)) or Article 126 paragraph (1) or Article 127 paragraph (1) shall, when the party (parties) interested in the administrative dispositions have (has) requested to participate in the procedures of said hearing in accordance with the provisions of Article 17 paragraph (1) of the Administrative Procedures Law, give permission for such request.

(Hearing in Procedures for Lodging Complaints)

Article 171.

- (1) Any arbitration or decision on an investigation request or a lodged of opposition with respect to an administrative disposition made in accordance with the provisions of this Law shall be effected after hearings are held, with a prior notice being given for a reasonable time period to the claimant for an investigation or the demurrant.
- (2) The prior notice of the preceding paragraph shall indicate the date, place and content of the case involved.
- (3) At the hearings of paragraph (1), the claimant for an investigation or the demurrant and the person(s) interested in the administrative disposition concerned shall be presented evidences relating to the case and be given opportunities to state their opinions on the case.

(Submission of Complaints or Opinions)

Article 172.

- (1) Any person who has complaints or other views on the cases of charge and other terms and

- conditions of telecommunications services or the operations methods of telecommunications carriers, etc. may submit these, in the form of documents describing the reasons, to the Minister.
- (2) The Minister, upon receipt of the opinion of the preceding paragraph, shall handle it in good faith and notify the results to those who have submitted it.

(Investigation Request on Administrative Dispositions of Designated Examination Agency)
Article 173.

Any person who is dissatisfied with an administrative disposition made by a designated examination agency in accordance with the provisions of this Law may request the Minister to investigate under the Administrative Appeals Law (Law No. 160 of 1962).

(Fee)
Article 174.

- (1) Any person who intends to take the examination for chief telecommunications engineers or installation technicians, who intends to obtain a registration in accordance with the provisions of Article 86 paragraph (1) or who intends to obtain renewal of registration in accordance with the provisions of Article 88 paragraph (1), who intends to obtain a technical conditions compliance approval in accordance with the provisions of Article 102 paragraph (1) or a certification of type of terminal equipment in accordance with the provisions of Article 102 paragraph (1) applied, *mutatis mutandis*, in Article 103, or who intends to have a chief telecommunications engineer's license or an installation technician's license granted or re-granted, shall pay fees the amount of which shall be specified in the applicable cabinet order in consideration of actual costs.
- (2) With respect to the fees of the preceding paragraph, those to be paid by persons who intend to take examination the affairs of which shall be conducted by a designated examination agency, shall be the revenues of said designated examination agency, and the other fees shall be the revenue of the National Treasury.

(Transitional Measures)
Article 175.

When orders should be established, amended or abolished in accordance with the provisions of this Law, necessary transitional measures (including those relating to Penal Provisions) may be stipulated in those orders to such extent as deemed to be reasonably necessary in establishing, amending or abolishing those orders.

(Division of Business)
Article 176.

The work that is to be handled by the local governments of cities, towns and villages in accordance with the provisions of Article 130 paragraph (2) and paragraph (3) (including the cases where these provisions shall apply, *mutatis mutandis*, in Article 138 paragraph (4)), shall be the item i) legal consignee business stipulated in Article 2 paragraph (9) item i) of the Local Autonomy Law.

Chapter VI. Penal Provisions (Article 177 through Article 193)

Article 177.

Any person who has operated a telecommunications business in violation of the provisions of Article 9 shall be guilty of an offense and liable to penal servitude for a term not exceeding three years or to a fine not exceeding two million yen or to both.

Article 178.

Any person who has refused to provide telecommunications services in violation of the provisions of Article 25 paragraph (1) or (2) shall be guilty of an offense and liable to penal servitude for a term not exceeding two years or to a fine not exceeding one million yen or to both.

Article 179.

- (1) Any person who has violated the secrecy of communications being handled by a telecommunications carrier (including communications stipulated in Article 164 paragraph (2)) shall be guilty of an offense and liable to penal servitude for a term not exceeding two years or to a fine not exceeding one million yen.
- (2) Any person who engages in the telecommunications business and has committed the act of the preceding paragraph shall be guilty of an offense and liable to penal servitude for a term not exceeding three years or to a fine not exceeding two million yen.
- (3) An attempted offense of the preceding two paragraphs shall be punished.

Article 180.

- (1) Any person who has operated without authority any telecommunications facilities for telecommunications business of a telecommunications carrier and thereby obstructed the provision of telecommunications services shall be guilty of an offense and liable to penal servitude for a term not exceeding two years or to a fine not exceeding five hundred thousand yen.
- (2) The provisions of the preceding paragraph shall also apply when any person who has engaged in the telecommunications business has failed to carry out, without due reason, the work of maintenance or operation of telecommunications facilities for telecommunications business of a telecommunications carrier and thereby caused the provision of telecommunications services to be impaired.
- (3) An attempted offense of paragraph (1) shall be punished.

Article 181.

Any person who falls under any of the following items shall be guilty of an offense and liable to penal servitude for a term not exceeding one year or to a fine not exceeding one million yen.

- i) Any person who has violated the order in accordance with the provisions of Article 54 (including the cases where Article 54 shall apply, *mutatis mutandis*, in Article 61 and Article 68)
- ii) Any person who has violated the prohibition in accordance with the provisions of Article 60 paragraph (1) (limited to part pertaining to item i)), Article 66 paragraph (1) (limited to part pertaining to item i)) or Article 67 paragraph (1)

Article 182.

Any person who has violated the order in accordance with the provisions of Article 100 paragraph (2) (including the cases where Article 100 paragraph (2) shall apply, *mutatis mutandis*, in Article 103) shall be guilty of an offense and liable to penal servitude for a term not exceeding one year or to a fine not exceeding five hundred thousand yen.

Article 183.

Any person who has divulged any secret which has come to such person's knowledge with respect to such person's duties in violation of the provisions of Article 78 paragraph (1) (including the cases where Article 78 paragraph (1) shall apply, *mutatis mutandis*, in Article 116 paragraph (1)) shall be guilty of an offense and liable to penal servitude for a term not exceeding one year or to a fine not exceeding five hundred thousand yen.

Article 184.

When a designated examination agency or support institution has violated an order to suspend its work in accordance with the provisions of Article 84 paragraph (2) (including the cases where Article 84 paragraph (2) shall apply, *mutatis mutandis*, in Article 116 paragraph (1)), any officer or staff of such designated examination agency or support institution who has committed such an act of violation shall be guilty of an offense and liable to penal servitude for a term not exceeding one year or to a fine not exceeding five hundred thousand yen.

Article 185.

Any person who has operated a telecommunications business in violation of the provisions of Article 16 paragraph (1) (except a person who is to obtain a registration of Article 9) shall be guilty of an offense and liable to penal servitude for a term not exceeding six months or to a fine not exceeding five hundred thousand yen.

Article 186.

Any person who falls under any of the following items shall be guilty of an offense and liable to a fine not exceeding two million yen:

- i) Any person who has changed the matters of Article 10 paragraph (1) item ii) or iii) in violation of the provisions of Article 13 paragraph (1)
- ii) Any person who has provided telecommunications services in violation of the provisions of Article 19 paragraph (3), Article 20 paragraph (5) or Article 21 paragraph (6)
- iii) Any person who has violated any order or administrative disposition made in accordance with the provisions of Article 19 paragraph (2), Article 20 paragraph (3), Article 21 paragraph (4), Article 29 paragraph (1) or (2), Article 30 paragraph (4), Article 31 paragraph (3), Article 33 paragraph (6) or (8), Article 34 paragraph (3), Article 35 paragraph (1) or (2), Article 38 paragraph (1) (including the cases where Article 38 paragraph (1) shall apply, *mutatis mutandis*, in Article 39), Article 43 paragraph (1) (including the cases where Article 43 paragraph (1) shall apply, *mutatis mutandis*, in paragraph (2) of the same article), Article 51 or Article 121 paragraph (2)
- iv) Any person who has entered into, amended or terminated an agreement or contract in violation of the provisions of Article 33 paragraph (9), Article 34 paragraph (4) or Article 40
- vi) Any person who has failed to appoint a chief telecommunications engineer in violation of the provisions of Article 45 paragraph (1)

Article 187.

Any person who falls under any of the following items shall be guilty of an offense and liable to a fine not exceeding five hundred thousand yen:

- i) Any person who has failed to submit a notification or submitted a false notification in accordance with the provisions of Article 16 paragraph (3)
- ii) Any person who has affixed the mark in violation of the provisions of Article 53 paragraph (3)

Article 188.

Any person who falls under any of the following items shall be guilty of an offense and liable to a fine not exceeding three hundred thousand yen:

- i) Any person who has failed to submit a notification or submitted a false notification in accordance with the provisions of Article 17 paragraph (2), Article 18 paragraph (1), Article 36 paragraph (1), Article 37 paragraph (1) or (2), Article 42 paragraph (3) (including the cases where Article 42 paragraph (3) shall apply, *mutatis mutandis*, in paragraph (4) of the same article), Article 44 paragraph (1) or (2), Article 45 paragraph (2), Article 108 paragraph (3), Article 120 paragraph (4) (including the cases where Article 120 paragraph (4) shall apply, *mutatis mutandis*, in Article 122 paragraph (4)) or Article 124 paragraph (1)
- ii) Any person who has failed to submit a notification in accordance with the provisions of Article 20 paragraph (1)
- iii) Any person who has failed to maintain records or who has made false records in accordance with the provisions of Article 22 or Article 33 paragraph (12)
- iv) Any person who has violated the provisions of Article 23 paragraph (1)
- v) Any person who has failed to report or made a false report in accordance with the provisions of the Article 28 or Article 31 paragraph (4)
- vi) Any person who has failed to publish interconnection tariffs in violation of the provisions of Article 33 paragraph (11), Article 34 paragraph (5) or Article 108 paragraph (3)
- vii) Any person who has failed to publish a plan in violation of the provisions of Article 36 paragraph (2)
- viii) Any person who has submitted a false notification in submitting a notification in accordance with the provisions of Article 63 paragraph (3)
- ix) Any person who has failed to prepare a record or made a false record, or has failed to keep a record in violation of the provisions of Article 63 paragraph (4)
- x) Any person who has failed to prepare a report or made a false report in accordance with the provisions of Article 92 paragraph (1) (including the cases where Article 92 paragraph (1) shall apply, *mutatis mutandis*, in Article 103)
- xi) Any person who has failed to prepare and keep a record book and made entries in it, or has made false entries or has failed to keep a record book in violation of the provisions of Article 96 (including the cases where Article 96 shall apply, *mutatis mutandis*, in Article 103)
- xii) Any person who has discontinued a business without submitting a notification in accordance with the provisions of Article 99 paragraph (1) (including the cases where Article 99 paragraph (1) shall apply, *mutatis mutandis*, in Article 103)
- xiii) Any person who has violated the provisions of Article 141 paragraph (4) or Article 143
- xiv) Any person who has failed to make a report in accordance with the provisions of Article 166 paragraph (1), paragraph (2) (including the cases where paragraph (2) shall apply, *mutatis mutandis*, in paragraph (3) of the same article) or paragraph (4) applied, *mutatis mutandis*, in paragraph (5) of the same article, or made a false report, or who has refused, hindered or evaded the inspection in accordance with these provisions
- xv) Any person who has violated the order in accordance with the provisions of Article 167 paragraph (1) (including the cases where Article 167 paragraph (1) shall apply, *mutatis mutandis*, in paragraph (4) of the same article)

Article 189.

When a designated examination agency or support institution falls under any of the following items, any officer or staff of such organizations who has committed such an act of violation shall be guilty of an offense and liable to a fine not exceeding three hundred thousand yen:

- i) When any of such organizations has failed to prepare or keep a record book or made no entry

or made false entries in it, or has failed to keep a record book in violation of Article 81 (including the cases where Article 81 shall apply, *mutatis mutandis*, in Article 116 paragraph (1))

- ii) When any of such organizations has discontinued all of the operations of either the examination business or support service in violation of the provisions of Article 83 paragraph (1) (including the cases where Article 81 shall apply, *mutatis mutandis*, in Article 116 paragraph (1))
- iii) When any of such organizations has failed to prepare a report or made any false report under the provisions of Article 166 paragraph (4), or when any of such organizations has refused, hindered or evaded the inspection specified in accordance with the provisions of the same paragraph

Article 190.

When any representative of a juridical person, any juridical person, any proxy of a person, any employee or other staff of a juridical person or person has committed an act of violation listed in the following items with respect to the business activities of either the juridical person or person(s) concerned, the violator shall be punished; in addition, the juridical person concerned shall be guilty of an offense and liable to a fine specified in each item, and the person shall be punished with the fine of the applicable article.

- i) Article 181: Fine not exceeding one hundred million yen
- ii) Article 177 through Article 188 (except Article 180, Article 181, Article 183 and Article 184): Fine under the applicable article

Article 191.

Any person who falls under any of the following items shall be liable to a non-penal fine not exceeding one million yen. However, when punishment is to be imposed for said act, this shall not apply.

- i) Any person who has violated the provisions of Article 24
- ii) Any person who has failed to publish or has made a false report in violation of the provisions of Article 30 paragraph (5) or Article 33 paragraph (13)
- iii) Any person who has been an interlocking officer in violation of the provisions of Article 31 paragraph (1)

Article 192.

Any person who falls under any of the following items shall be liable to a non-penal fine not exceeding three hundred thousand yen.

- i) Any person who has failed to submit a notification or has submitted a false notification in violation of the provisions of Article 63 paragraph (5)
- ii) Any person who has failed to submit a notification or has submitted a false notification in violation of the provisions of Article 90 paragraph (2)
- iii) Any person who has failed to retain financial statements, etc., has failed to enter the matters to be entered in financial statements, etc. or has made false entries in violation of the provisions of Article 95 paragraph (1), or has refused without due reason a request of paragraph (2) of the same article

Article 193.

Any person who falls under any of the following items shall be liable to a non-penal fine not exceeding one hundred thousand yen:

- i) Any person who has failed to submit a notification under the provisions of Article 13 paragraph (4), Article 16 paragraph (2) or Article 18 paragraph (2), or has submitted a false notification

- ii) Any person who has failed without due reason to return a chief telecommunications engineer's license or installation technician's license in violation of the order in accordance with the provisions of Article 47 (including the cases where Article 47 shall apply, mutatis mutandis, in Article 72 paragraph (2))
- iii) Any person who has violated the provisions of Article 141 paragraph (3)

Supplementary Provisions

Supplementary Provisions

(Day of Enforcement)

Article 1.

This Law shall come into force as of April 1, 1985.

(Review)

Article 2.

The government shall, within three years from the day of enforcement of this Law, review the situation under which this Law is executed and shall take necessary measures based upon the results of the review.

(Repeal of the Public Telecommunications Law)

Article 3.

The Public Telecommunications Law (Law No. 97 of 1953) shall be repealed.

(Transitional Measures)

Article 4.

- (1) Any business pertaining to the public telecommunications activities being actually conducted by Nippon Telegraph and Telephone Public Corporation before dissolution (hereinafter referred to as the "Ex-Corporation") at the time of enforcement of this Law and falls or is deemed to fall under a Type I telecommunications business shall be deemed to be the business of which Nippon Telegraph and Telephone Corporation (hereinafter referred to as "NTT") has obtained a permission of Article 9 paragraph (1) on the day of enforcement of this Law (hereinafter referred to as the "day of enforcement").
- (2) Any business pertaining to the public telecommunications activities being actually conducted by Kokusai Denshin Denwa Company, Limited (hereinafter referred to as "KDD") at the time of enforcement of this Law and comes or is deemed to come under the Type I telecommunications business shall be deemed to be the business of which KDD has obtained a permission of Article 9 paragraph (1) on the day of enforcement.
- (3) Both NTT and KDD shall, within one month from the day of enforcement, submit a notification on the matters specified in the applicable ordinance of the Ministry of Posts and Telecommunications with respect to the business stipulated in the preceding two paragraphs to the Minister of Posts and Telecommunications.

Article 5.

- (1) For the time being, the telegram business (including delivery, the same shall apply in this article) shall be deemed to be a telecommunications business, and the portion of said business pertaining to reception and delivery shall be conducted only by Nippon Telegraph and Telephone East Corporation, Nippon Telegraph and Telephone West Corporation, and the person who succeeded to the status of KDD Corporation (hereinafter referred to in this article as "KDD successor") established by the Kokusai Denshin Denwa Company, Limited Law (Law No. 301 of 1952), which was abolished under the provisions of Article 1 of the Law Concerning Rationalization of the Laws, Regulations and Legal Practices in the Field of Telecommunications (Law No. 58 of 1998). In this case, with respect to the telegram business, the provisions (except Article 16, Article 17 and the Supplementary Provisions Article 5 paragraph (1), and including Penal Provisions. This shall apply in the following paragraph.) of this Law (hereinafter in this article referred to as the "Old Law") before amendment by the provisions of Article 2 of

the "Law to Amend the Telecommunications Business Law and the Law Concerning Nippon Telegraph and Telephone Corporation, Etc." (Law No. 125 of 2003) shall remain in force.

- (2) In the case of the preceding paragraph, the telegram services provided by Nippon Telegraph and Telephone East Corporation, Nippon Telegraph and Telephone West Corporation, and the KDD successor to handle telegrams shall be deemed to be a telecommunications service stipulated in Article 2 item iii) of the Old Law; the business activities to provide said services shall be deemed to be telecommunications business activities stipulated in Article 2 item vi) of the Old Law; and the telegram business operated by Nippon Telegraph and Telephone East Corporation, etc. shall be deemed to be a Type I telecommunications business stipulated in Article 6 paragraph (2) of the Old Law, to which the provisions of the Old Law deemed to remain in force as specified in the preceding paragraph shall apply.
- (3) Notwithstanding the provisions of Article 15 paragraph (1) of the Old Law, Nippon Telegraph and Telephone East Corporation, etc. may, as specified in the applicable ministerial ordinance of the MIC, entrust part of the business activities pertaining to their telegram business to others.
- (4) In addition to matters stipulated in accordance with the provisions of the preceding three paragraphs, other matters necessary for business activities or services pertaining to the handling of telegrams shall be stipulated in the applicable ministerial ordinance of the MIC.

Article 6.

Any person who, at the time of enforcement of this Law, is operating a business which comes under the cases specified in the applicable ministerial ordinance of the Ministry of Posts and Telecommunications under Article 55-13 paragraph (2) of the Public Telecommunications Law which was repealed by this Law (hereinafter referred to as the "old Public Law") shall be deemed to have been operating a telecommunications business which is equivalent to the General Type II telecommunications business and has submitted a notification in accordance with the provisions of Article 22 paragraph (1) on the day of enforcement.

Article 7.

Any entrustment of part of public telecommunications activities being operated at the time of enforcement of this Law by the Ex-Corporation or KDD based upon the provisions of Articles 7 through 10 of the old Public Law, shall be deemed to be the entrustment of which NTT or KDD has obtained an authorization of Article 15 paragraph (1), or the entrustment based upon the provisions of Article 5 paragraph (2) of the Supplementary Provisions until the termination day specified in the entrustment contract on the day of enforcement.

Article 8.

- (1) With respect to the matters which require authorization under the provisions of this Law and relate to the provision of the telecommunications service pertaining to a Type I telecommunications business of which the permission of Article 9 paragraph (1) is deemed to have been granted in accordance with the provisions of Article 4 paragraph (1) or (2) of the Supplementary Provisions, NTT and KDD shall submit an application for authorization within two months of the day of enforcement.
- (2) NTT and KDD may continue, from the day of enforcement until the disposition is made on authorization of the application of the preceding paragraph, to provide their telecommunications services under the same terms and conditions as before.

Article 9.

- (1) With respect to the telephone subscriber's right in accordance with the provisions of the old Public Law based upon the contract between the Ex-Corporation and its subscriber, the provisions of Articles 38 through 38-3 thereof shall, for the time being, remain in force even after the day of enforcement. In this case, "the Public Corporation" in Article 38 paragraphs (1) of

the old Public Law shall be read as "either Nippon Telegraph and Telephone East Corporation or Nippon Telegraph and Telephone West Corporation who duly succeeded to the rights and obligations pertaining to the telephone subscribers' rights in accordance with the succession plan stipulated in Article 5 Paragraph 6 of the Supplementary Provisions of the Law Concerning Partial Amendment of the Nippon Telegraph and Telephone Corporation Law (Law No. 98 of 1997)"; and "the Public Corporation" in Article 38 paragraphs (2) of the old Public Law shall be read as " Nippon Telegraph and Telephone East Corporation or Nippon Telegraph and Telephone West Corporation" and "shall not be made the object of a pledge" in paragraph (4) of the same article shall be read as "shall not be made the object of a pledge with the exception of the case stipulated in the Law Concerning the Exceptional Measures on Pledge of Telephone Subscriber's Right (Law No. 138 of 1958)"; and "telephone offices" in Article 38-2 and Article 38-3 paragraph (1) of the old Public Law shall be read as "offices of Nippon Telegraph and Telephone East Corporation or Nippon Telegraph and Telephone West Corporation which handle customer business relating to telephone services".

- (2) With respect to the right based upon the contract concluded between NTT and its subscriber after the day of enforcement, and the contract concluded between Nippon Telegraph and Telephone East Corporation or Nippon Telegraph and Telephone West Corporation and their subscribers on or after the day of enforcement of the Law Concerning the Partial Amendment of Nippon Telegraph and Telephone Corporation Law (Law No. 98 of 1997), which meets the requirements specified in the applicable ministerial ordinance of the Ministry of Posts and Telecommunications for being equivalent to the telephone subscriber's right of the preceding paragraph, the provisions of Articles 38 through 38-3 of the old Public Law to be applicable to the telephone subscriber's right of the same paragraph shall, during the term within which the provisions of these articles of the old Public Law remain in force in accordance with the provisions of the same paragraph, still follow the cases of these provisions.

Article 10.

Any agreement or contract which KDD has, at the time of the enforcement of this Law, actually entered into with the authorization of Article 108 of the old Public Law, shall be deemed, until the termination day specified in said agreement or contract, to be an agreement or contract which KDD has entered into with an authorization of Article 40.

Article 11.

With respect to the application of Article 43 paragraph (1) to NTT and KDD, "prior to the commencement of business" in the same paragraph shall be read as "without delay after the enforcement of this Law".

Article 12.

The provisions of Article 44 paragraph (1) shall not apply to NTT or KDD for six months from the day of enforcement.

Article 13.

Terminal facilities or customer-owned and maintained telecommunications facilities which, at the time of enforcement of this Law, actually have been established by users, etc. of the public telecommunications services and connected to telecommunications circuit facilities based upon the provisions of Article 55-8, Article 55-11 paragraph (3) (including the cases where Article 55-11 paragraph (3) shall apply, mutatis mutandis, in Article 55-18), Article 55-13-2 paragraph (1), Article 55-21, Article 105 paragraph (1) or Article 108-2, or Articles 55-16 or Article 106 of the old Public Law shall be deemed to be terminal facilities or customer-owned and maintained telecommunications facilities which have been inspected and certified, in accordance with the former part of Article 51 paragraph (1) (including the cases where Article 51 paragraph (1) shall apply, mutatis mutandis,

in Article 52 paragraph (2)), to comply with the technical conditions.

Article 14.

- (1) Any person who, at the time of enforcement of this Law, is an installation technician based upon the provisions of Articles 55-17 or Article 105 paragraph (7) of the old Public Law, or the articles of tariffs stipulated in Article 108-2 thereof shall be deemed, within the scope of this person's old license, to be an installation technician stipulated in Article 53 paragraph (1) for six months from the day of enforcement. The same shall apply until a new installation technician's license is granted where a notification in accordance with the provisions of the following paragraph has been submitted.
- (2) Any person stipulated in the preceding paragraph, as specified in the applicable ministerial ordinance of the Ministry of Posts and Telecommunications, when the person has submitted, within the term stipulated in the same paragraph, a notification to the Minister of Posts and Telecommunications, shall be deemed to have been certified under Article 45 paragraph (3) item iii) applied, *mutatis mutandis*, in Article 54 paragraph (2).

Article 15.

Any notification submitted by the Ex-Corporation or KDD before the enforcement of this Law in accordance with the provisions of Article 100 paragraph (1) of the old Public Law shall be deemed to be a notification which NTT or KDD has submitted in accordance with the provisions of Article 85 paragraph (1).

Article 16.

Any area which, at the time of the enforcement of this Law, has actually been designated in accordance with the provisions of Article 101 paragraph (1) of the old Public Law shall be deemed to be a protected area which has been designated in accordance with the provisions of Article 86 paragraph (1).

Article 17.

Any disposition, procedure and other act that have been taken, before the enforcement of this Law, toward or by the Ex-Corporation or KDD under the old Public Law or orders thereunder, shall be deemed to be the disposition, procedure and other act that have been taken toward or by NTT or KDD in accordance with the corresponding provisions of this Law.

Article 18.

- (1) With respect to the application of the Penal Provisions to any act committed before the enforcement of this Law, the provisions then in force shall still apply.
- (2) With respect to the secrecy of communications being handled by the Ex-Corporation or KDD before the enforcement of this Law, the provisions of Article 112 of the old Public Law shall remain effective even after the enforcement of this Law. In this case, "any person who engages in the public telecommunications activities" in paragraph (2) of the same article shall be read as "any person who was engaged in the public telecommunications activities at the time of the enforcement of the Telecommunications Business Law and continues to be engaged in the telecommunications business after the enforcement of the same Law".

Article 19.

With respect to the application of the provisions of Article 12 paragraph (1) item i) and item iii), Article 75 paragraph (2) item ii) and item iv) a), and Article 87 paragraph (2) item i) and item iii), any person who has been sentenced to a fine or severer penalty (limited to such person, if a term of two years has not elapsed since the sentence or suspended sentence was served out) in accordance with the provisions of the old Public Telecommunications Law before the enforcement of this Law;

or in accordance with the provisions then in force to be applied in accordance with the preceding article after the enforcement of this Law; or in accordance with the provisions of the old Public Telecommunications Law which remain in force after the enforcement of this Law, or any juridical person or organization including any of officers who fall under those provisions are applied, shall be deemed to be a person who falls under those provisions.

(Entrustment to the Cabinet Order)

Article 20.

In addition to the provisions of Article 4 through the preceding article of the Supplementary Provisions, other transitional measures necessary for the enforcement of this Law shall be specified in the applicable cabinet order.

Supplementary Provisions (Law No. 57 of June 2, 1987)

This Law shall come into force as of the day specified in the applicable cabinet order within three months calculating from the day of promulgation. However, the amended provisions in Article 27 paragraph (3) shall come into force as of the day of promulgation.

Supplementary Provisions (Law No. 55 of June 28, 1989) (Excerpts)

(Day of Enforcement, Etc.)

1. This Law shall come into force as of October 1, 1989.

Supplementary Provisions (Law No. 61 of May 27, 1992)

This Law shall come into force as of the day specified in the applicable cabinet order within three months calculating from the day of promulgation.

Supplementary Provisions (Law No. 89 of November 12, 1993) (Excerpts)

(Day of Enforcement)

Article 1.

This Law shall come into force as of the day of enforcement of the Administrative Procedures Law (Law No. 88 of 1993).

(Transitional Measures Concerning Adverse Dispositions on Which Inquiries, Etc. Are Made)

Article 2.

Before this Law comes into force, where an inquiry and other requests which seek execution of procedures deemed to be equivalent to the procedures for providing hearing or justification opportunities and procedures for statement of opinions stipulated in Article 13 of the Administrative Procedures Law have been made to a council or other mutual consent-based entity on the basis of laws and ordinances, the provisions then in force shall still apply to the procedures of adverse dispositions pertaining to said inquiry and requests, notwithstanding the provisions of relevant laws amended by this Law.

(Transitional Measures Concerning the Penal Provisions)

Article 13.

With respect to the application of the Penal Provisions to any act committed before the enforcement of this Law, the provisions then in force shall still apply.

(Transitional Measures for Adjustment of Provisions Related to Hearings)**Article 14.**

A hearing held before the enforcement of this Law in accordance with the provisions of laws, a hearing or a hearing committee (except ones pertaining to adverse dispositions), or procedures thereof, shall be deemed to be conducted in accordance with the applicable provisions of relevant laws amended by this Law.

(Entrustment to the Cabinet Order)**Article 15.**

In addition to the provisions of Article 2 through the preceding article of the Supplementary Provisions, other transitional measures necessary for the enforcement of this Law shall be specified in the applicable cabinet order.

Supplementary Provisions (Law No. 73 of June 29, 1994)

This Law shall come into force as of the day of promulgation.

Supplementary Provisions (Law No. 82 of May 8, 1995)***(Day of Enforcement)***

This Law shall come into force as of the day specified in the applicable cabinet order within six months calculating from the day of promulgation

(Transitional Measures)

2. Charges being specified, at the time of enforcement of this Law, by tariffs authorized in accordance with the provisions of Article 31 paragraph (1) of the Telecommunications Business Law before amendment (hereinafter referred to as the "Old Law"), and those falling under the charges to which the provisions of Article 31 paragraph (1) of the Telecommunications Business Law after amendment (hereinafter referred to as the "New Law") shall be applied, shall be deemed to be charges as authorized in accordance with the provisions of the same paragraph.
3. Charges being specified, at the time of enforcement of this Law, by tariffs authorized in accordance with the provisions of Article 31 paragraph (1) of the Old Law, and those falling under the charges to which the provisions of Article 31 paragraph (1) of the New Law shall be applied, shall be deemed to be charges as notified in accordance with the provisions of the same paragraph.
4. Tariffs (except items pertaining to charges) being authorized, at the time of enforcement of this Law, in accordance with the provisions of Article 31 paragraph (1) of the Old Law, shall be deemed to be tariffs as authorized in accordance with the provisions of Article 31 paragraph (1) of the New Law.
5. Charges specified by tariffs that have been notified in accordance with the provisions of Article 31 paragraph (5) of the Old Law, prior to the enforcement of this Law, shall be deemed to be charges as notified in accordance with the provisions of Article 31 paragraph (6) of the New Law.
6. Tariffs (except items pertaining to charges) that have been notified in accordance with the provisions of Article 31 paragraph (5) of the Old Law, prior to the enforcement of this Law, shall be deemed to be tariffs as notified in accordance with the provisions of Article 31-2 paragraph (5) of the New Law.
7. Applications having been submitted, at the time of enforcement of this Law, for authorization of tariffs in accordance with the provisions of Article 31 paragraph (1) of the Old Law shall, where said applications pertaining to the charges to which the provisions of Article 31 paragraph (1) of the New Law shall be applied, be deemed to be the applications for authorization submitted

in accordance with the provisions of the same paragraph; where said applications pertaining to the charges to which the provisions of Article 31 paragraph (3) of the New Law shall be applied, be deemed to be the notifications submitted in accordance with the provisions of the same paragraph; and where said applications pertaining to the tariffs of Article 31-2 paragraph (1) of the New Law, be deemed to be the applications for authorization submitted in accordance with the provisions of the same paragraph.

8. With respect to the application of the Penal Provisions to any act committed before the enforcement of this Law, the provisions then in force shall still apply.

Supplementary Provisions (Law No. 97 of June 20, 1997)

(Day of Enforcement)

Article 1.

This Law shall come into force as of the day specified in the applicable cabinet order within six months calculating from the day of promulgation. However, the provisions in the following article shall come into force as of the day of promulgation.

(Inquiry of the Council)

Article 2.

The Minister of Posts and Telecommunications may, even prior to the enforcement of this Law, for the establishment of the ministerial ordinances of the Ministry of Posts and Telecommunications as specified in Article 38 item iii); Article 38-2 paragraph (1); a), b) or d) of item i), or item ii) of paragraph (3) of Article 38-2; paragraph (4), paragraph (7) or paragraph (9) of Article 38-2; paragraph (1) or paragraph (2) of Article 39-2, or Article 48-2 paragraph (1) of the Telecommunications Business Law after amendment (hereinafter referred to as the "New Law"), inquire of the council specified in the applicable cabinet order under Article 94 paragraph (1) of the New Law.

(Transitional Measures Concerning Interconnection, Etc.)

Article 3.

Orders issued, prior to the enforcement of this Law, in accordance with the provisions of Article 36 paragraph (3) of the Telecommunications Business Law before amendment (hereinafter referred to as the "Old Law") shall be deemed to be orders having been issued in accordance with the provisions of Article 36 paragraph (5) of the New Law.

Article 4.

Agreements on interconnection or on sharing that have been authorized, at the time of the enforcement of this Law shall, in accordance with the provisions of Article 38 paragraph (1) of the Old Law, where they are interconnection agreements, be deemed to be agreements as authorized in accordance with the provisions of Article 38-3 paragraph (1) of the New Law; and where they are agreements on sharing, be deemed to be agreements as authorized in accordance with the provisions of Article 39-3 paragraph (1) of the New Law.

Article 5.

Applications for authorization of agreements on interconnection or on sharing that have been submitted shall, at the time of the enforcement of this Law, in accordance with the provisions of Article 38 paragraph (1) of the Old Law, where they are interconnection agreements, be deemed to be applications for authorization as submitted in accordance with the provisions of Article 38-3 paragraph (1) of the New Law; and where they are agreements on sharing, be deemed to be applications for authorization as submitted in accordance with the provisions of Article 39-3 paragraph (1) of the New Law.

Article 6.

Contracts that have been authorized, at the time of the enforcement of this Law, in accordance with the provisions of Article 38 paragraph (2) of the Old Law shall be deemed to be contracts as authorized in accordance with the provisions of Article 39-3 paragraph (2) of the New Law.

Article 7.

Applications for authorization of contracts that have been submitted, at the time of the enforcement of this Law, in accordance with the provisions of Article 38 paragraph (2) of the Old Law shall be deemed to be applications for authorization as submitted in accordance with the provisions of Article 39-3 paragraph (2) of the New Law.

Article 8.

Agreements on interconnection or on sharing that have been notified, at the time of the enforcement of this Law, in accordance with the provisions of Article 38 paragraph (4) of the Old Law shall, where they are interconnection agreements, be deemed to be agreements as notified in accordance with the provisions of Article 38-3 paragraph (5) of the New Law; and where they are agreements on sharing, be deemed to be agreements as notified in accordance with the provisions of Article 39-3 paragraph (4) of the New Law.

Article 9.

Orders issued, prior to the enforcement of this Law, in accordance with the provisions of Article 39 paragraph (1) of the Old Law shall, where they are orders concerning interconnections, be deemed to be orders as issued in accordance with the provisions of Article 39 paragraph (1) or paragraph (2) of the New Law; and where they are orders concerning the provision of telecommunications services under the sharing or terms and conditions (except those pertaining to the charges specified in the applicable ministerial ordinance of the Ministry of Posts and Telecommunications under Article 31 paragraph (1) of the Old Law, the matters specified in the applicable ministerial ordinance of the Ministry of Posts and Telecommunications under Article 31-2 paragraph (1) of the Old Law, and the technical requirements to be authorized in accordance with the provisions of Article 49 paragraph (1) or Article 52 paragraph (1) item i) of the Old Law) different from the charges authorized in accordance with the provisions of Article 31 paragraph (1) of the Old Law, the charges notified in accordance with the provisions of paragraph (3) of the same article, and the terms and conditions specified in the tariffs authorized in accordance with Article 31-2 paragraph (1) of the Old Law (hereinafter referred to as a "non-tariff based service"), be deemed to be orders as issued in accordance with the provisions of Article 39-4 paragraph (1) of the New Law.

Article 10.

Requests filed for issuance of orders, prior to the enforcement of this Law, in accordance with the provisions of Article 39 paragraph (1) of the Old Law shall, where they are requests concerning interconnections, be deemed to be requests for issuance of orders as filed in accordance with the provisions of Article 39 paragraph (1) or paragraph (2) of the New Law; and where they are requests concerning the sharing or the provision of non-tariff based services, be deemed to be requests for issuance of orders as filed in accordance with the provisions of Article 39-4 paragraph (1) of the New Law.

Article 11.

Awards issued, prior to the enforcement of this Law, in accordance with the provisions of Article 39 paragraph (2) of the Old Law shall, where they are awards concerning interconnections, be deemed to be awards as issued in accordance with the provisions of Article 39 paragraph (4) of the New Law; and where they are awards concerning the sharing or the provision of non-tariff based services, be deemed to be awards as issued in accordance with the provisions of Article 39-4

paragraph (2) of the New Law.

Article 12.

Applications filed for award, prior to the enforcement of this Law, in accordance with the provisions of Article 39 paragraph (2) of the Old Law shall, where they are awards concerning interconnections, be deemed to be applications for awards as filed in accordance with the provisions of Article 39 paragraph (4) of the New Law, and where they are applications for awards concerning the sharing or the provision of non-tariff based services, be deemed to be applications for awards as filed in accordance with the provisions of Article 39-4 paragraph (2) of the New Law.

Article 13.

Hearings held and procedures thereof conducted, prior to the enforcement of this Law, in accordance with the provisions of Article 95 of the Old Law shall be deemed to be those as held and conducted in accordance with the provisions of Article 95 of the New Law.

(Transitional Measures Concerning the Penal Provisions)

Article 14.

With respect to the application of the Penal Provisions to any act committed before the enforcement of this Law, the provisions then in force shall still apply.

(Review)

Article 15.

The government shall, at about three years from the enforcement of this Law, if the government deems necessary, upon consideration of the situation under which the provisions pertaining to interconnections in the New Law are executed, review rules pertaining to interconnections and take necessary measures based upon the results of the review.

Supplementary Provisions (Law No. 98 of June 20, 1997) (Excerpts)

(Day of Enforcement)

Article 1.

This Law shall come into force as of the day specified in the applicable cabinet order within two years and six months calculating from the day of promulgation.

Supplementary Provisions (Law No. 100 of June 20, 1997)

(Day of Enforcement)

1. This Law shall come into force as of the day when the Fourth Protocol to the General Agreement on Trade in Services comes into force in Japan.

(Transitional Measures Concerning the Penal Provisions)

2. With respect to the application of the Penal Provisions to any act committed before the enforcement of this Law, the provisions then in force shall still apply.

Supplementary Provisions (Law No. 58 of May 8, 1998) (Excerpts)

(Day of Enforcement)

Article 1.

This Law shall come into force as of the day specified in the applicable cabinet order within six months calculating from the day of promulgation. However, the provisions in the following items

shall come into force as of the day specified in said respective items.

- ii) The provisions of Article 1, the amendment provisions concerning Article 5 of the Supplementary Provisions of the Telecommunications Business Law in Article 2, and the provisions of Article 4, Articles 7, 9, and Articles 11 through 16 of the Supplementary Provisions of the Telecommunications Business Law in Article 2 shall come into force as of the day specified in the applicable cabinet order within five months calculating from the day of promulgation.
- iii) The amendment provisions concerning the contents of the Telecommunications Business Law in Article 2, the amendment provisions of Article 50 of the same law, the amendment provisions to add three articles after the same article, the amendment provisions to change the Section title for Section 5 in Chapter II of the same law, the amendment provisions of Article 72 of the same law, the amendment provisions to add one article and one Sub-Section after the same article, the amendment provisions of Articles 92 and 98 in the same law, the amendment provisions of Article 108 of the same law (limited to the part pertaining to item iv)), the amendment provisions of Article 109 of the same law (limited to the part pertaining to item iii)) and the amendment provisions of Article 110 of the same law, and the amendment provisions of the contents of the Radio Law in Article 3, the amendment provisions of Articles 10 and 18 of the same law, the amendment provisions to add one article after Article 24-8 of the same law, the amendment provisions of Article 38-2 of the same law, the amendment provisions to add three articles after Article 38-15 of the same law, the amendment provisions of Article 73 of the same law, the amendment provisions of Article 99-11 of the same law (limited to the part to add "Article 38-17 paragraph (5) and" after "Article 38-5 paragraph (2) ("), the amendment provisions of Article 103 of the same law, the amendment provisions of Article 112 of the same law (limited to the part to replace "Article 38-2 paragraph (6) or paragraph (7)" with "Article 38-2 paragraph (7) or paragraph (8)"), the amendment provisions of Article 113 of the same law and the provisions in Article 8 of the Supplementary Provisions shall come into force as of the day specified in the applicable cabinet order within ten months calculating from the day of promulgation.

(Changes to Articles of Incorporation)

Article 2.

- (1) Kokusai Denshin Denwa Company, Limited (referred to as the "Company" in Article 4 of the Supplementary Provisions) which was established by the old Kokusai Denshin Denwa Company, Limited Law may, prior to the day of enforcement of the provisions of item ii) of the preceding article, make a resolution for changes to its articles of incorporation which shall come into force as of the day stipulated in the provisions of said item.
- (2) With respect to the resolution of the preceding paragraph, the provisions of Article 11 paragraph (1) of the old Kokusai Denshin Denwa Company, Limited Law shall not apply.

(Inquiry of the Council)

Article 3.

- (1) The Minister of Posts and Telecommunications may, even prior to the day of enforcement of this Law (hereinafter referred to as the "day of enforcement"), for the purpose of the establishment of the ministerial ordinances of the Ministry of Posts and Telecommunications under the provisions of Article 31 paragraph (3) of the Telecommunications Business Law after amendment (hereinafter referred to as the "new Telecommunications Business Law") in accordance with the provisions of Article 2 or for the purpose of setting forth of the standard charge index in accordance with the provisions of the same paragraph, inquire of the council specified in the applicable cabinet order under Article 94 of the new Telecommunications Business Law.
- (2) The Minister of Posts and Telecommunications may, even on or prior to the day of enforcement of the provisions of Article 1 item iii) of the Supplementary Provisions, inquire of the Radio

Regulatory Council, for the purpose of the establishment of the ministerial ordinances of the Ministry of Posts and Telecommunications for specifying functions in accordance with the provisions of Article 4 item iii) of the Radio Law after amendment (hereinafter referred to as the "new Radio Law") in accordance with the provisions of Article 3, or for the purpose of the establishment of the ministerial ordinances of the Ministry of Posts and Telecommunications in accordance with the provisions of Article 38-5 paragraph (2) of the new Radio Law applied, *mutatis mutandis*, in Article 38-17 paragraph (5) of the new Radio Law.

(Transitional Measures in Connection with Abolition of the old Kokusai Denshin Denwa Company, Limited Law)

Article 4.

With respect to bonds and interest coupons issued by the Company before the enforcement of the provisions in Article (1) item ii) of the Supplementary Provisions, and the bonds and interest coupons to be issued after the enforcement of the provisions in the same item by the Company so as to deliver them to those who have lost their bonds and interest coupons, the provisions of Article 7 of the old Kokusai Denshin Denwa Company, Limited Law shall still apply after the provisions in the same item come into force.

(Transitional Measures in Connection with Partial Amendment of the Telecommunications Business Law)

Article 5.

- (1) Any person who, at the time of the enforcement of this Law, actually operates a Type II telecommunications business after submitting a notification in accordance with the provisions of Article 22 paragraph (1) of the Telecommunications Business Law before amendment (hereinafter referred to as the "old Telecommunications Business Law") in accordance with the provisions of Article 2, and said Type II telecommunications business falls under the category of Special Type II telecommunications business in accordance with the provisions of Article 21 paragraph (3) of the new Telecommunications Business Law (except a Type II telecommunications business that provides telecommunications facilities for communications between Japan and foreign points for the use of communications of others; referred to as a "new Domestic Special Type II telecommunications business" in the following paragraph) may, within six months calculating from the day of enforcement, continue to operate said Type II telecommunications business under the same conditions as before, without being registered under Article 24 paragraph (1) of the new Telecommunications Business Law. Where such a person applied for registration under the same paragraph within the term and when the term has elapsed, said person may continue to do the same until the disposition for registration or rejection concerning such registration is made.
- (2) Any person who, at the time of the enforcement of this Law, actually operates a Type II telecommunications business after having been registered under Article 24 paragraph (1) of the old Telecommunications Business Law (except those who operate Type II telecommunications businesses that provides telecommunications facilities for communications between Japan and foreign points for the use of communications of others), and whose Type II telecommunications business does not fall under the category of new Domestic Special Type II telecommunications business, shall be deemed to have submitted a notification on the day of enforcement under Article 22 paragraph (1) of the new Telecommunications Business Law.

Article 6.

- (1) Charges that have been authorized, prior to the day of enforcement, in accordance with the provisions of Article 31 paragraph (1) of the old Telecommunications Business Law and charges which have been notified, prior to the day of enforcement, in accordance with the provisions of Article 31 paragraph (3) of the old Telecommunications Business Law shall be deemed to be

- charges as notified in accordance with the provisions of Article 31 paragraph (1) of the new Telecommunications Business Law.
- (2) Applications that have been submitted, at the time of the enforcement of this Law, for authorization of charges in accordance with the provisions of Article 31 paragraph (1) of the old Telecommunications Business Law shall be deemed to be notifications as submitted in accordance with the provisions of Article 31 paragraph (1) of the new Telecommunications Business Law.
 - (3) With respect to charges specified in the applicable ministerial ordinance of the MIC under Article 31 paragraph (3) of the new Telecommunications Business Law, which are for telecommunications services being provided, at the time of the enforcement of this Law, by a Type I telecommunications carrier actually installing designated telecommunications facilities specified in Article 38-2 paragraph (2) of the new Telecommunications Business Law through the use of said designated telecommunications facilities, the provisions of the preceding two paragraphs and the new Telecommunications Business Law (except Article 31 paragraph (3) of the new Telecommunications Business Law) shall not apply until the standard charge index stipulated in Article 31 paragraph (3) is applied, and the provisions then in force shall still apply.
 - (4) With respect to the charges to which the provisions then in force shall still apply in accordance with the provisions of the preceding paragraph, the provisions of paragraphs (1) and (2) shall apply, *mutatis mutandis*. In this case, "prior to the day of enforcement" in paragraph (1) shall be read as "prior to the day of application of the standard charge index stipulated in paragraph (3)"; and "old Telecommunications Business Law" in the same paragraph shall be read as "old Telecommunications Business Law to which the provisions then in force shall still apply in accordance with the provisions of paragraph (3)"; and "enforcement of this Law" in paragraph (2) shall be read as "application of the standard charge index stipulated in the following paragraph"; and "old Telecommunications Business Law" in the same paragraph shall be read as "old Telecommunications Business Law to which the provisions then in force shall still apply in accordance with the provisions of the following paragraph".
 - (5) With respect to the charges for telegram handling services of Article 5 paragraph (2) of the Supplementary Provisions of the Telecommunications Business Law after amendment in accordance with the provisions of Article 2 of the "Law to Amend the Telecommunications Business Law and the Law Concerning Nippon Telegraph and Telephone Corporation, Etc." (Law No. 125 of 2003. Hereinafter referred to as the "Amendment Law of 2003")., during the term that the telegram business is regarded as a telecommunications business in accordance with the provisions of Article 5 paragraph (1) of the Supplementary Provisions of the Telecommunications Business Law after amendment, the provisions of the Telecommunications Business Law before amendment in accordance with the provisions of provisions of Article 2 of the "Amendment Law of 2003" that shall be deemed to be still in force in accordance with the provisions of Article 5 paragraph (1) of the Supplementary Provisions of the Telecommunications Business Law after amendment shall not apply, and the provisions of the old Telecommunications Business Law shall remain in force. In this case, "ministerial ordinance(s) of the Ministry of Posts and Telecommunications" in the old Telecommunications Business Law shall be read as "ministerial ordinance(s) of the MIC" and "Minister of Posts and Telecommunications" in the same Law shall be read as "Minister".

(Transitional Measures Concerning the Penal Provisions)

Article 7.

With respect to the application of the Penal Provisions to any act committed before the enforcement of each amendment provisions of this Law and to any act committed after the day of enforcement where the provisions then in force shall still apply in accordance with the provisions of Article 5 paragraph (1) and paragraph (3) of the preceding article of the Supplementary Provisions, the provisions then in force shall still apply.

(Review)**Article 8.**

The government shall, at about ten years from the enforcement of the provisions of Article 1 item iii) of the Supplementary Provisions, if the government deems necessary in view of disciplines of telecommunications and radio regulations upon consideration of the situations under which the provisions of Articles 50-2, 50-3, 72-3 and 72-4 of the new Telecommunications Business Law, and the provisions of Articles 24-9, 38-17 and 38-18 of the new Radio Law are executed, review and take necessary measures based upon the results of the review.

Supplementary Provisions (Law No. 54 of May 28, 1999) (Excerpts)**(Day of Enforcement)****Article 1.**

This Law shall come into force as of the day specified in the applicable cabinet order within one year calculating from the day of promulgation

Supplementary Provisions (Law No. 87 of July 16, 1999) (Excerpts)**(Day of Enforcement)****Article 1.**

This Law shall come into force as of April 1, 2000. However, the provisions in the following items shall come into force as of the day stipulated in said each item.

- i) In Article 1, the amendment provisions to add five articles, a Section title, and two Sub-Sections and Sub-Section titles thereof after Article 250 of the Local Autonomy Law (limited to the parts pertaining to Article 250-9 paragraph (1) of the same law (limited to the parts pertaining to gaining consent from both the House of Representatives and the House of Councillors)); in Article 40, the amendment provisions of paragraphs (9) and (10) in the Supplementary Provisions of the Natural Parks Law (limited to the parts pertaining to paragraph (10) in the Supplementary Provisions of the same Law), the provisions of Article 244 (except the parts pertaining to the amendment provisions of Article 14-3 of the Agricultural Improvement Promotion Law) and the provisions of Article 472 (except the parts pertaining to the amendment provisions of Articles 6, 8 and 17 of the Law for Special Exceptions to Mergers of Cities, Towns and Villages), and the provisions of Article 7 of the Supplementary Provisions, the provisions of Articles 10, 12, the proviso of Article 59, the provisions of Article 60 paragraphs (4) and (5), the provisions of Articles 73, 77, Article 157 paragraphs (4) through (6), Articles 160, 163, and 164 and Article 202 of the Supplementary Provisions shall come into force as of the day of promulgation.

(Affairs of the State, Etc.)**Article 159.**

In addition to the affairs stipulated in each law prior to their amendments by this Law, the affairs of the state, other local public entities and public bodies (referred to as "affairs of the state, etc." in Article 161 of the Supplementary Provisions) which are managed or executed, prior to the enforcement of this Law, by institutions of local public entities in accordance with laws or applicable cabinet orders thereunder shall, after the enforcement of this Law, be dealt with by local public entities as the affairs of said local public entities in accordance with laws or applicable cabinet orders thereunder.

(Transitional Measures Concerning Dispositions, Applications, Etc.)**Article 160.**

- (1) With respect to dispositions of permission, etc. and other acts (hereinafter in this article, referred to as "acts of dispositions, etc.") carried out in accordance with the provisions of respective laws before amendment before this Law (with respect to the provisions listed in respective items of Article 1 of the Supplementary Provisions, said provisions shall apply. The same shall apply hereinafter in this article and in Article 163 of the Supplementary Provisions.) comes into force, or, with respect to applications for permission, etc. and other acts (hereinafter in this article, referred to as "acts of applications, etc.") being actually made, at the time of enforcement of this Law, in accordance with the provisions of respective laws before amendment and where administrative work pertaining to these acts has come into charge of different persons as of the day of enforcement of this Law, the application thereto of amended laws after the day of enforcement of this Law shall be deemed as acts of dispositions, etc. or acts of applications, etc. that have been carried out in accordance with the applicable provisions of respective laws after amendment, except those stipulated in the provisions of Article 2 through the preceding article of the Supplementary Provisions or those stipulated in the provisions concerning the transitional measures under respective laws after amendment (including orders thereunder).
- (2) With respect to the matters which shall have been reported, notified, submitted to the institutions of the state or local public entities or for which other procedures shall have been taken, prior to the enforcement of this Law, in accordance with the provisions of respective laws before amendment, and when such procedures have not yet been conducted prior to the day of enforcement of this Law, these matters shall be deemed as those not having been reported, notified, nor submitted to the institutions of the state or local public entities and for which other procedures have not yet taken under the applicable provisions of respective laws after amendment; to these matters, except the matters otherwise specified in this Law and applicable cabinet orders thereunder, the provisions of respective laws amended by this Law shall apply.

(Transitional Measures Concerning Lodging Complaints)**Article 161.**

- (1) With respect to lodging of complaints made concerning dispositions pertaining to affairs of the state, etc. in accordance with the Administrative Appeals Law prior to the day of enforcement, where an administrative agency that had executed said dispositions (hereinafter in this article, referred to as a "disposition agency") had, prior to the day of enforcement, an upper-level administrative agency stipulated in the same Law (hereinafter in this article, referred to as an "upper-level administrative agency"), said disposition agency shall be deemed as continuing to have the upper-level administrative agency even after the day of enforcement and the provisions of the Administrative Appeals Law shall apply to such lodging. In this case, the administrative agency being regarded as an upper-level administrative agency of said disposition agency shall be deemed to have been, even prior to the day of enforcement, the upper-level administrative agency of said disposition agency.
- (2) In the case of the preceding paragraph, where the administrative agency being regarded as the upper-level administrative agency is an institution of a local public entity, the affairs which said institution shall deal with in accordance with the provisions of Administrative Appeals Law shall be deemed as the item i) legal consignee business stipulated in Article 2 paragraph (9) item i) of the new Local Autonomy Law.

(Transitional Measures Concerning Fee)**Article 162.**

With respect to fees which shall have been paid, prior to the day of enforcement, in accordance with the provisions of respective laws (including orders thereunder) before amendments made thereto by this Law, the provisions then in force, except those otherwise specified in this Law and

applicable cabinet orders thereunder, shall apply.

(Transitional Measures Concerning the Penal Provisions)

Article 163.

With respect to the application of the Penal Provisions to any act committed before the enforcement of this Law, the provisions then in force shall still apply.

(Entrustment of Other Transitional Measures to Cabinet Orders)

Article 164.

- (1) In addition to the provisions in these Supplementary Provisions, other transitional measures necessary for the enforcement of this Law (including transitional measures concerning the Penal Provisions) shall be specified in the applicable cabinet order.
- (2) Matters necessary for the application of the provisions of Articles 18, 51 and 184 of the Supplementary Provisions shall be specified in the applicable cabinet order.

(Review)

Article 250.

With respect to the item i) legal consignee business stipulated in Article 2 paragraph (9) item i) of the new Local Autonomy Law, as much effort as possible shall be made not to add new work to the business; whereas the items included in Table No. 1 of the new Local Autonomy Law and items indicated in the cabinet order based on the new Local Autonomy Law shall, when necessary, be reviewed appropriately in view of promoting decentralization.

Article 251.

The government shall, in order to help local public entities execute their affairs and business voluntarily and independently, study the methods, in view of the shift in economic conditions, etc., to ensure the securing of revenues from local taxes depending on the scope of roles played by the state and local public entities respectively, and take necessary measures based upon the results of the study.

Article 252.

The government shall, in proceeding with the reform of the medical insurance system, pension system, etc., review the system of social security-related administrative procedures and the status for the staff engaged in those services, from the viewpoint of ensuring benefits and convenience for the insured and of improving efficiency in such administrative procedures; if necessary, the government shall take necessary measures based upon the results of the review.

Supplementary Provisions (Law No. 137 of August 18, 1999) (Excerpts)

(Day of Enforcement)

1. This Law shall come into force as of the day specified in the applicable cabinet order within one year calculating from the day of promulgation.

Supplementary Provisions (Law No. 160 of December 22, 1999) (Excerpts)

(Day of Enforcement)

Article 1.

This Law (except Article 2 and Article 3) shall come into force as of January 6, 2001.

Supplementary Provisions (Law No. 79 of May 19, 2000)

(Day of Enforcement)

- (1) This Law shall come into force as of the day specified in the applicable cabinet order not exceeding six months calculating from the day of promulgation. However, the provisions in the following paragraph shall come into force as of the day of promulgation.

(Inquiry of the Council)

- (2) The Minister of Posts and Telecommunications may, even prior to the enforcement of this Law, for the establishment of the ministerial ordinances of the Ministry of Posts and Telecommunications under Article 38-2 paragraph (4) or paragraph (12) of the Telecommunications Business Law after amendment, inquire of the Council specified in the applicable cabinet order under Article 94 of the same law.

Supplementary Provisions (Law No. 91 of May 31, 2000)

(Day of Enforcement)

1. This Law shall come into force as of the day when the "Law to Amend the Commercial Code, Etc." (Law No. 90 of 2000) comes into force.

(Transitional Measures)

2. Where the day when this Law comes into force is before the day when the provisions of the Supplementary Provisions Article 8 of the "Independent Administrative Institution, Center for Food Quality, Labeling and Consumer Services Law" (Law No. 183 of 1999) come into force, "Article 27" in Article 19-5-2, Article 19-6 paragraph (1) item iv) and Article 27 in the amendment provisions of the "Law Concerning Standardization and Proper Labeling of Agricultural and Forestry Products" in Article 31 shall be read as "Article 26".

Supplementary Provisions (Law No. 62 of June 22, 2001)

(Day of Enforcement)

Article 1.

This Law shall come into force as of the day specified in the applicable cabinet order not exceeding six months calculating from the day of promulgation of this Law. Provided, however, that the provisions of the following items shall come into force as of the days as specified under said items.

- i) The amendment provisions in Article 1 to add one section after Section 3 of the Telecommunications Business Law (limited to the parts pertaining to gaining consent from both the House of Representatives and the House of Councillors) and the provisions of the following article shall come into force on the day of promulgation.
- ii) The provisions of Article 2 shall come into force on the day stipulated in the applicable cabinet order not exceeding one year calculating from the day of promulgation.

(Inquiry of the Councils, Etc.)

Article 2.

The Minister may, even before this Law comes into force, inquire of the Councils, etc. specified in Article 94 of the Telecommunications Business Law after amendment (hereinafter referred Article 37-2 paragraph (1) or paragraph (5), to as the "New Telecommunications Business Law") in accordance with the provisions of Article 1, for the purpose of establishing the applicable ministerial ordinances of the MIC in accordance with the provisions of Article 37-2 paragraph (1) or paragraph (5), Article 37-3 proviso of paragraph (3) or paragraph (5), Article 38-3 paragraph (1) or paragraph

(5), Article 38-4 paragraph (3) or Article 39-5 paragraph (4) of the New Telecommunications Business Law; or for the purpose of planning the enactment of the applicable cabinet order in accordance with the provisions of Article 72-10 paragraph (1) of the Telecommunications Business Law after amendment in accordance with the provisions of Article 2; or for the purpose of establishing the applicable ministerial ordinances of the MIC in accordance with the provisions of Article 72-5, Article 72-8 paragraph (1) item i) or item iii), Article 72-9 paragraph (1) through paragraph (3) or Article 72-10 paragraph (1) or paragraph (2) of the same law.

(Transitional Measures Related to the Partial Amendment of the Telecommunications Business Law)

Article 3.

- (1) Any tariff that, at the time of enforcement of this Law, actually has been authorized in accordance with the provisions of Article 31-4 paragraph (1) of the Telecommunications Business Law before amendment (hereinafter referred to as the "old Telecommunications Business Law") in accordance with the provisions of Article 1, shall, in the cases to which the provisions of Article 31-4 paragraph (1) of the new Telecommunications Business Law shall be applied, be deemed to be a tariff which has been notified in accordance with the provisions of the same paragraph; and shall, in the cases to which the provisions of paragraph (3) of the same paragraph shall be applied, be deemed to be a tariff which has been authorized in accordance with the provisions of the same paragraph.
- (2) Any application for authorization of tariff that, at the time of enforcement of this Law, actually has been submitted in accordance with the provisions of Article 31-4 paragraph (1) of the old Telecommunications Business Law, shall, in the cases of tariffs to which the provisions of Article 31-4 paragraph (1) of the new Telecommunications Business Law shall be applied, be deemed to be a notification which has been submitted in accordance with the provisions of the same paragraph; and shall, in the cases of tariffs to which the provisions of paragraph (3) of the same paragraph shall be applied, be deemed to be an application for authorization which has been submitted in accordance with the provisions of the same paragraph.
- (3) Any agreement that, at the time of enforcement of this Law, actually has been authorized in accordance with the provisions of Article 38-3 paragraph (1) of the old Telecommunications Business Law, shall be deemed to have been submitted in accordance with the provisions of Article 38-4 paragraph (1) of the new Telecommunications Business Law.
- (4) Any application for authorization that, at the time of enforcement of this Law, actually has been authorized in accordance with the provisions of Article 38-3 paragraph (1) of the old Telecommunications Business Law, shall be deemed to have been submitted in accordance with the provisions of Article 38-4 paragraph (1) of the new Telecommunications Business Law.
- (5) Any interconnection tariff that, at the time of enforcement of this Law, actually has been authorized in accordance with the provisions of Article 38-3 paragraph (2) of the old Telecommunications Business Law, or actually has been notified in accordance with the provisions of proviso of the same paragraph shall be deemed to be an interconnection tariff notified in accordance with the provisions of Article 38-4 paragraph (2) of the new Telecommunications Business Law.
- (6) Any application for authorization which, at the time of enforcement of this Law, actually has been submitted in accordance with the provisions of Article 38-3 paragraph (2) of the old Telecommunications Business Law, shall be deemed to have been notified in accordance with the provisions of Article 38-4 paragraph (2) of the new Telecommunications Business Law.
- (7) Any agreement that, at the time of enforcement of this Law, actually has been authorized in accordance with the provisions of Article 38-3 paragraph (2) of the old Telecommunications Business Law, or any agreement which actually has been concluded in accordance with an interconnection tariff which has been notified in accordance with the provisions of the proviso of the same paragraph, or any agreement which actually has been notified in accordance with the

provisions of paragraph (5) of the same article shall be deemed to have been notified in accordance with the provisions of Article 38-4 paragraph (1) of the new Telecommunications Business Law.

- (8) Any agreement that, at the time of enforcement of this Law, actually has been authorized in accordance with the provisions of Article 39-3 paragraph (1) of the old Telecommunications Business Law, shall, in the cases of agreements to which the provisions of Article 39-3 paragraph (1) of the new Telecommunications Business Law shall be applied, be deemed to be an agreement which has been authorized under the same paragraph; and shall, in the cases of agreements to which the provisions of paragraph (5) of the same article shall be applied, be deemed to be an agreement which has been notified in accordance with the provisions of the same paragraph.
- (9) Any application for authorization that, at the time of enforcement of this Law, actually has been submitted in accordance with the provisions of Article 39-3 paragraph (1) of the old Telecommunications Business Law, shall, in the cases of agreements to which the provisions of Article 39-3 paragraph (1) of the new Telecommunications Business Law shall be applied, be deemed to be an application for authorization which has been submitted in accordance with the provisions of the same paragraph; and shall, in the cases of agreements to which the provisions of paragraph (5) of the same article shall be applied, be deemed to have been notified in accordance with the provisions of the same paragraph.
- (10) Any contract that, at the time of enforcement of this Law, actually has been authorized in accordance with the provisions of Article 39-3 paragraph (2) of the old Telecommunications Business Law, shall be deemed to have been notified in accordance with the provisions of Article 39-5 paragraph (1) of the new Telecommunications Business Law.
- (11) Any application for authorization that, at the time of enforcement of this Law, actually has been submitted in accordance with the provisions of Article 39-3 paragraph (2) of the old Telecommunications Business Law, shall be deemed to have been notified in accordance with the provisions of Article 39-5 paragraph (1) of the new Telecommunications Business Law.
- (12) Any agreement that, at the time of enforcement of this Law, actually has been notified in accordance with the provisions of Article 39-3 paragraph (4) of the old Telecommunications Business Law, shall be deemed to have been notified in accordance with the provisions of Article 39-3 paragraph (5) of the new Telecommunications Business Law.
- (13) Any request that, at the time of enforcement of this Law, actually has been filed in accordance with the provisions of Article 39-4 paragraph (1) of the old Telecommunications Business Law, shall, in the cases of requests for sharing, be deemed to be a request of Article 39-4 paragraph (1) of the new Telecommunications Business Law; and shall, in the cases of requests for non-tariff based services (referring to non-tariff based services stipulated in Article 39-3 paragraph (2) of the old Telecommunications Business Law; the same shall apply in the following paragraph.), be deemed to be a request of Article 39-4 paragraph (1) of the new Telecommunications Business Law applied, *mutatis mutandis*, in Article 39-6 of the new Telecommunications Business Law.
- (14) Any application for award that, at the time of enforcement of this Law, actually has been filed in accordance with the provisions of Article 39-4 paragraph (2) of the old Telecommunications Business Law, shall, in the cases of applications on sharing, be deemed to be an application for award of Article 39 paragraph (4) of the new Telecommunications Business Law applied, *mutatis mutandis*, in Article 39-4 paragraph (2) of the new Telecommunications Business Law; and shall, in the cases of requests on non-tariff based services, be deemed to be an application for award of Article 39 paragraph (4) of the new Telecommunications Business Law applied, *mutatis mutandis*, in Article 39-6 of the new Telecommunications Business Law.
- (15) Any person who, at the time of enforcement of this Law, actually has been designated under Article 68 paragraph (1) of the old Telecommunications Business Law, shall be deemed to have been designated under Article 68 paragraph (1) of the new Telecommunications Business Law

at the time of enforcement of this Law.

- (16) Any disposition, procedure or other act that, except those stipulated in the preceding paragraphs, taken prior to the enforcement of this Law, when there are corresponding provisions in the new Telecommunications Business Law, shall be deemed to have been taken in accordance with the provisions of the new Telecommunications Business Law.

(Transitional Measures Concerning the Penal Provisions)

Article 4.

With respect to the application of the Penal Provisions to the acts that have been committed prior to the enforcement of this Law, the provisions then in force shall still apply.

(Entrustment of Other Transitional Measures to Cabinet Orders)

Article 5.

In addition to those stipulated in these Supplementary Provisions, the necessary transitional measures concerning the enforcement of this Law (including transitional measures concerning the Penal Provisions) shall be specified in the applicable cabinet order.

(Review)

Article 6.

The government shall, after taking into account changes, etc. in socioeconomic circumstances in Japan and abroad, including the progress of implementation of the provisions after amendment in accordance with this Law, trends of technologies pertaining to advanced information and communications networks such as the Internet and use thereof, and, considering smooth operations of international telecommunications businesses and improvement of international competitiveness of Japan's telecommunications technologies, and comprehensively studying the future legal frameworks pertaining to telecommunications including the classification of business pertaining to communications and broadcasting, take necessary measures based upon the results thereof.

Supplementary Provisions (Law No. 125 of July 24, 2003) (Excerpts)

(Day of Enforcement)

Article 1.

This Law shall come into force as of the day specified in the applicable cabinet order not exceeding nine months calculating from the day of promulgation of this Law. Provided, however, that the provisions of the following items shall come into force as of the days as specified under said items.

- i) The day of promulgation of the following article and the provisions of Articles 17 through 19 of these Supplementary Provisions
- ii) The day stipulated in the applicable cabinet order not exceeding three months calculating from the day of promulgation of the provisions of Article 3 for amendment adding one article to the Supplementary Provisions of the Law Concerning Nippon Telegraph and Telephone Corporation, Etc. (referred to as the "NTT Law" in the following item and in Article 16 of these Supplementary Provisions) and from the day of promulgation of the provisions of Article 16 of these Supplementary Provisions
- iii) The day stipulated in the applicable cabinet order not exceeding one year calculating from the day of promulgation of the provisions of Article 2, the amendment provisions of Article 11 paragraph (2) of the NTT Law under Article 3, and the provisions of Articles 6 through 15 of these Supplementary Provisions, Articles 21 through 31 of these Supplementary Provisions, Articles 34 through 41 of these Supplementary Provisions, and Articles 44 through 48 of these Supplementary Provisions.

(Inquiry of the Councils, Etc.)**Article 2.**

The Minister may, even before the provisions of Article 2 come into force, inquire of the Councils, etc. specified in the applicable cabinet order under Article 169 of the Telecommunications Business Law after amendment in accordance with the provisions of Article 2, for the purpose of establishing the applicable ministerial ordinances of the MIC in accordance with the provisions of Article 8 paragraph (3), Article 9 Proviso, Article 20 paragraph (1), Article 21 paragraph (1), Article 26, Article 41 paragraph (1) or paragraph (2), Article 45 paragraph (1) Proviso, Article 52 paragraph (1), Article 70 paragraph (1) item i), Article 108 paragraph (1) item ii) or paragraph (3) of the same article of the Telecommunications Business Law after amendment in accordance with the provisions of Article 2.

(Transitional Measures for Designated Approval Agency, Etc.)**Article 3.**

- (1) Any person who, at the time of enforcement of this Law, actually has been given a designation in accordance with the provisions of Article 68 paragraph (1) of the Telecommunications Business Law before amendment (hereinafter referred to as the "Old Law") in accordance with the provisions of Article 1, shall be deemed to have been given a registration in accordance with the provisions of Article 68 paragraph (1) of the Telecommunications Business Law as amended by the provisions of Article 1 on the day of enforcement of this Law (hereinafter referred to as the "New Law" from this article through Article 5 of these Supplementary Provisions). In this case, the term specified in Article 69-2 paragraph (1) shall be calculated from the day of designation or renewal of designation specified in the Old Law.
- (2) At the time of enforcement of this Law, any application for the designation that actually has been filed in accordance with the provisions of Article 68 paragraph (2) of the Old Law; any application for the renewal of designation that has been filed in accordance with the provisions of Article 69-2 paragraph (1) of the Old Law; or, any application for recognition that has been filed in accordance with Article 72-3 paragraph (1) of the Old Law, shall be deemed to be the application for the registration as prescribed in the provisions of Article 68 paragraph (1) of the New Law, the application for renewal of registration in accordance with the provisions of Article 69-2 paragraph (1) of the New Law or the application for recognition in accordance with the provisions of the Article 72-3 paragraph (1) of the New Law.
- (3) Any person who, at the time of enforcement of this Law, actually has been given a recognition in accordance with the provisions of Article 72-3 paragraph (1) of the Old Law, shall be deemed to have been given a recognition in accordance with the provisions of Article 72-3 paragraph (1) of the New Law at the time of enforcement of this Law.

(Transitional Measures for Technical Conditions Compliance Approval, Etc.)**Article 4.**

- (1) Any application for technical conditions compliance approval that, at the time of enforcement of this Law, actually has been actually filed in accordance with Article 50 paragraph (2) of the Old Law (including the cases where Article 50 paragraph (2) of the Old Law shall apply, mutatis mutandis, in Article 72 of the Old Law), any application for technical conditions compliance approval that has been actually filed in accordance with Article 50 paragraph (2) of the Old Law applied, mutatis mutandis, in Article 72-3 paragraph (5) of the Old Law, or any application for technical conditions compliance approval that has been actually filed in accordance with Article 72-2 paragraph (1) or Article 72-3 paragraph (6), shall be deemed to be requests for technical conditions compliance approval in accordance with Article 50 paragraph (1) (including the cases where Article 50 paragraph (1) shall apply, mutatis mutandis, in Article 72-3 paragraph (4) of the New Law), or requests for the certification of type of terminal equipment in accordance with 50-4 paragraph (1) or Article 72-3 paragraph (6) of the New Law, respectively.

- (2) Any terminal equipment that, prior to the enforcement of this Law, has been given a technical conditions compliance approval in accordance with the provisions of Article 50 paragraph (2) of the Old Law (including the cases where Article 50 paragraph (2) of the Old Law shall apply, *mutatis mutandis*, in Article 72 of the Old Law) or any terminal equipment that has been given a technical conditions compliance approval in accordance with the provisions of Article 50 paragraph (2) of the Old Law applied, *mutatis mutandis*, in Article 72-3 paragraph (5), shall be deemed to be terminal equipment that has been given a technical conditions compliance approval in accordance with Article 50 paragraph (1) of the New Law (including the cases where Article 50 paragraph (1) of the New Law shall apply, *mutatis mutandis*, in Article 72-3 paragraph (4) of the New Law), and shall be deemed to be affixed the mark thereto in accordance with the provisions of Article 50 paragraph (2) of the New Law (including the cases where Article 50 paragraph (2) of the New Law shall apply, *mutatis mutandis*, in Article 72-3 paragraph (4) of the New Law).
- (3) Any type that, prior to the enforcement of this Law, has been given a certification of type of terminal equipment in accordance with Article 50-4 paragraph (1), Article 72-2 paragraph (1), or Article 72-3 paragraph (6) of the Old Law, shall be deemed to be a type that has been given a certification of type of terminal equipment in accordance with Article 50-4 paragraph (2) of the New Law (including the cases where Article 50-4 paragraph (2) of the New Law shall apply, *mutatis mutandis*, in Article 72-3 paragraph (7) of the New Law).
- (4) Any person who, prior to the enforcement of this Law, has been given a certification of type of terminal equipment in accordance with the provisions of Article 50-4 paragraph (1), Article 72-2 paragraph (1), or Article 72-3 paragraph (6) of the Old Law shall be deemed to be a person who has been given a certification of type of terminal equipment in accordance with Article 50-4 paragraph (2) of the New Law (including the cases where Article 50-4 paragraph (2) of the New Law shall apply, *mutatis mutandis*, in Article 72-3 paragraph (7) of the New Law). In these cases, any person who has been given a certification of type of terminal equipment in accordance with the provisions of Article 50-4 paragraph (1), Article 72-2 paragraph (1), or Article 72-3 paragraph (6) of the Old Law shall be deemed to be a person who has fulfilled the obligations in accordance with the provisions of Article 50-5 paragraph (2) of the New Law (including the cases where Article 50-5 paragraph (2) of the New Law shall apply, *mutatis mutandis*, in Article 72-3 paragraph (7) of the New Law).
- (5) Any terminal equipment based on a type certified, prior to the enforcement of this Law, in accordance with the provisions of Article 50-4 paragraph (1), Article 72-2 paragraph (1), or Article 72-3 paragraph (6) of the Old Law and affixed the mark in accordance with the provisions of Article 50-4 paragraph (5) of the Old Law (including the cases where Article 50-4 paragraph (5) of the Old Law shall apply, *mutatis mutandis*, in Article 72-2 paragraph (3) and Article 72-3 paragraph (8) of the Old Law), shall be deemed to be the terminal equipment based on the type that has been certified in accordance with the provisions of Article 50-4 paragraph (2) of the New Law (including the cases where Article 50-4 paragraph (2) of the New Law shall apply, *mutatis mutandis*, in Article 72-3 paragraph (7) of the New Law) and that affixes the mark in accordance with the provisions of Article 50-6 of the New Law (including the cases where Article 50-6 of the New Law shall apply, *mutatis mutandis*, in Article 72-3 paragraph (7) of the New Law).
- (6) The provisions of Article 50-2 of the New Law (including the cases where Article 50-2 of the New Law shall apply, *mutatis mutandis*, in Article 50-9 of the New Law and Article 72-3 paragraph (4) and paragraph (7) of the New Law) shall not apply to the terminal equipment that has been given a technical conditions compliance approval in accordance with the provisions of Article 50 paragraph (2) of the Old Law (including the cases where Article 50 paragraph (2) of the Old Law shall apply, *mutatis mutandis*, in Article 72 of the Old Law) prior to the enforcement of this Law, and that has been given a technical conditions compliance approval in accordance with the provisions of Article 50 paragraph (2) of the Old Law applied, *mutatis mutandis*, in Article 72-3 paragraph (5) of the Old Law prior to the enforcement of this Law, and terminal

equipment based on the type that has been certified in accordance with provisions of Article 50-4 paragraph (3) of the Old Law (including the cases where Article 50-4 paragraph (3) of the Old Law shall apply, mutatis mutandis, in Article 72-2 paragraph (3) and Article 72-3 paragraph (8) of the Old Law) and that affixes the mark in accordance with the provisions of Article 50-4 paragraph (5) of the Old Law (including the cases where Article 50-4 paragraph (5) of the Old Law shall apply, mutatis mutandis, in Article 72-2 paragraph (3) and Article 72-3 paragraph (8) of the Old Law) prior to the enforcement of this Law.

(Transitional Measures for the Incorporated Administrative Agency National Institute of Information and Communications Technology)

Article 5.

With respect to the application of the provisions of Article 69 paragraph (1) item ii) of the New Law during the period from the day of enforcement of this Law to the day before the enforcement of the Law to Amend the Law Concerning the Incorporated Administrative Agency Communications Research Laboratory (Law No. 134 of 2002), "Incorporated Administrative Agency National Institute of Information and Communications Technology" in sub-item a) of the same item (referred to as the "Institution" in sub-item c))" shall be read as "Incorporated Administrative Agency Communications Research Laboratory" (referred to as the "Laboratory" in sub-item c))", and "Organization" in sub-item c) of the same item shall be read as "Laboratory".

(Transitional Measures for Registration, Etc. of Business)

Article 6.

- (1) Any person who, at the time of enforcement of the provisions of Article 2, is actually operating a Type I telecommunications business with a permission of Article 9 paragraph (1) of the Telecommunications Business Law before amendment (hereinafter referred to as the "Old Law"), and who falls under those to be registered in accordance with the provisions of Article 9 of the Telecommunications Business Law after amendment (hereinafter referred to as the "New Law") in accordance the provisions of Article 2, shall be deemed to be a person who has been given a registration in accordance with Article 9 of the New Law on the day of enforcement of the provisions of Article 2 (hereinafter referred to as the "day of enforcement"), and any person falling under those who shall submit a notification in accordance with the provisions of Article 16 paragraph (1) of the New Law shall be deemed to be a person who has submitted a notification on the day of enforcement.
- (2) Any application for permission that, at the time of enforcement of the provisions of Article 2, actually has been submitted in accordance with the provisions of Article 9 paragraph (1) of the Old Law, shall be deemed to be an application for registration in accordance with the provisions of Article 9 of the New Law pertaining to those who shall be registered in accordance with the same article, and to be a notification in accordance with the provisions of Article 16 paragraph (1) pertaining to those who shall submit a notification in accordance with the provisions of the same paragraph.
- (3) Any application for permission that, at the time of enforcement of the provisions of Article 2, actually has been submitted in accordance with the provisions of Article 14 paragraph (1) of the Old Law, shall be deemed to be an application for registration of changes in accordance with the provisions of Article 13 paragraph (1) of the New Law pertaining to those who shall be registered in accordance with the provisions of Article 9 of the New Law, and deemed to be a notification that has been submitted in accordance with the provisions of Article 16 paragraph (3) pertaining to those who shall submit a notification in accordance with the provisions of paragraph (1) of the same article of the New Law.
- (4) Any application for authorization that, at the time of enforcement of the provisions of Article 2, actually has been submitted in accordance with the provisions of Article 18 paragraph (3) of the Old Law, shall be deemed to be a notification that has been submitted in accordance with the

provisions of Article 18 paragraph (2) of the New Law.

- (5) Any person who, at the time of enforcement of the provisions of Article 2, actually has submitted a notification in accordance with the provisions of Article 22 paragraph (1) of the Old Law, or is actually operating a Type II telecommunications business with a registration of Article 24 paragraph (1) of the Old Law, shall be deemed to be a person who has submitted a notification of Article 16 paragraph (1) of the New Law on the day of enforcement.
- (6) Any application for registration that, at the time of enforcement of Article 2, actually has been submitted in accordance with the provisions of Article 24 paragraph (1) of the Old Law, shall be deemed to be a notification that has been submitted in accordance with the provisions of Article 16 paragraph (1) of the New Law.
- (7) Any application for registration of changes that, at the time of enforcement of Article 2, actually has been submitted in accordance with the provisions of Article 27 paragraph (1) of the Old Law, shall be deemed to be a notification that has been submitted in accordance with the provisions of Article 16 paragraph (3) of the New Law.

(Transitional Measures Concerning Approval, Etc. of Business)

Article 7.

- (1) Any person who, at the time of enforcement of the provisions of Article 2, is actually operating a Type I telecommunications business with permission of Article 9 paragraph (1) of the Old Law, shall be deemed to be a person who has been given an approval for said telecommunications business of Article 117 paragraph (1) of the New Law on the day of enforcement.
- (2) Any application for permission that, at the time of enforcement of the provisions under Article 2, actually has been submitted in accordance with the provisions of Article 9 paragraph (1) of the Old Law, shall be deemed to be an application for approval that has been submitted in accordance with the provisions of Article 117 paragraph (1) of the New Law.
- (3) Any term which, at the time of enforcement of the provisions of Article 2, actually has been prescribed in accordance with the provisions of Article 12 paragraph (1) of the Old Law (including the cases where Article 12 paragraph (1) of the Old Law shall apply, mutatis mutandis, in Article 14 paragraph (4) of the Old Law), shall be deemed to be a term prescribed in accordance with the provisions of Article 120 paragraph (1) of the New Law (including the cases where Article 120 paragraph (1) of the New Law shall apply, mutatis mutandis, in Article 122 paragraph (4) of the New Law).
- (4) Any application for permission that, at the time of enforcement of the provisions of Article 2, actually has been submitted in accordance with the provisions of Article 14 paragraph (1) of the Old Law, shall be deemed to be an application for approval in accordance with the provisions of Article 122 paragraph (1) of the New Law.
- (5) Any disposition, procedure or any other act that has been taken toward a Type I telecommunications carrier stipulated in Article 12 paragraph (1) of the Old Law in accordance with the provisions under Chapter III of the Old Law, or any procedure or any other act that has been taken by a Type I telecommunications carrier stipulated in Article 12 paragraph (1) of the Old Law in accordance with the provisions of Chapter III of the Old Law, shall be deemed to be a disposition, procedure or other act that has been taken toward an approved telecommunications carrier stipulated in Article 120 paragraph (1) of the New Law, or a disposition, procedure or other act, in accordance with the equivalent provisions of Section 2 of Chapter III of the New Law, or that has been taken by an approved telecommunications carrier stipulated in Article 120 paragraph (1) of the New Law in accordance with the equivalent provisions of Section 2 of Chapter III of the New Law.

(Transitional Measures Concerning Technical Conditions Compliance Confirmation)

Article 8.

Any person who, at the time of enforcement of the provisions of Article 2, has been given a

confirmation in accordance with Article 12 paragraph (4) of the Old Law (including the cases where Article 12 paragraph (4) of the Old Law shall apply, mutatis mutandis, in Article 14 paragraph (4) of the Old Law) with respect to telecommunications facilities pertaining to a permission of Article 9 paragraph (1) of the Old Law, shall be deemed to have submitted a notification in accordance with the provisions of Article 42 paragraph (3) of the New Law (including the cases where Article 42 paragraph (3) of the New Law shall apply, mutatis mutandis, in paragraph (4) of the same article) with respect to said telecommunications facilities.

(Transitional Measures Concerning Succession, Etc. of Business)

Article 9.

- (1) Any application for authorization which, at the time of enforcement of the provisions of Article 2, actually has been submitted in accordance with the provisions of Article 16 paragraph (1) of the Old Law, shall be deemed to be a notification submitted in accordance with the provisions of Article 17 paragraph (2) of the New Law and also an application for authorization in accordance with the provisions of Article 123 paragraph (4) of the New Law.
- (2) Any application for authorization which, at the time of enforcement of the provisions of Article 2, actually has been submitted in accordance with the provisions of Article 16 paragraph (2) of the Old Law, shall be deemed to be a notification that has been submitted in accordance with the provisions of Article 17 paragraph (2) of the New Law and an application for authorization in accordance with the provisions of Article 123 paragraph (3) of the New Law.
- (3) Any application for authorization which, at the time of enforcement of the provisions of Article 2, actually has been submitted in accordance with the provisions of Article 17 paragraph (2) of the Old Law, shall be deemed to be a notification that has been submitted in accordance with the provisions of Article 17 paragraph (2) of the New Law and an application for authorization that has been submitted in accordance with Article 123 paragraph (2) of the New Law.
- (4) Any application for permission which, at the time of enforcement of the provisions of Article 2, actually has been submitted in accordance with the provisions of Article 18 paragraph (1) of the Old Law, shall be deemed to be a notification that has been submitted in accordance with the provisions of Article 18 paragraph (1) of the New Law and a notification that has been submitted in accordance with the provisions of Article 124 paragraph (1) of the New Law.

(Transitional Measures Concerning Tariffs, Etc.)

Article 10.

- (1) Of the notifications of charges that, prior to the day of enforcement of this Law, have been submitted in accordance with the provisions of Article 31 paragraph (1) of the Old Law, the notifications of charges concerning universal telecommunications services stipulated in Article 7 of the New Law, shall be deemed to be the notifications of charges specified in the tariffs that have been submitted in accordance with the provisions of Article 19 paragraph (1) of the New Law.
- (2) Of the terms and conditions specified in the tariffs that, prior to the day of enforcement of this Law, has been submitted in accordance with the provisions of Article 31-4 paragraph (1) of the Old Law or the terms and conditions specified in the tariffs that have been authorized in accordance with the provisions of paragraph (3) of the same article, the terms and conditions concerning universal telecommunications services stipulated in Article 7 of the New Law, shall be deemed to be the terms and conditions specified in the tariffs that have been submitted in accordance with the provisions of Article 19 paragraph (1) of the New Law.
- (3) Of the applications for authorization of the tariffs that, at the time of enforcement of Article 2, actually have been submitted in accordance with the provisions of Article 31-4 paragraph (3) of the Old Law, the applications concerning universal telecommunications service stipulated in Article 7 of the New Law shall be deemed to be the notifications of the tariffs (except charges) in accordance with the provisions of Article 19 paragraph (1) of the New Law.

- (4) Of the notifications of charges that, prior to the day of enforcement of this Law, have been submitted in accordance with the provisions of Article 31 paragraph (1) of the Old Law, the notifications of charges concerning designated telecommunications services stipulated in Article 20 paragraph (1) of the New Law (except universal telecommunications service stipulated in Article 7 of the New Law. Hereinafter the same shall apply.) shall be deemed to be the notifications of charges specified in the tariffs that have been submitted in accordance with the provisions of Article 20 paragraph (1) of the New Law.
- (5) Of the terms and conditions specified in the tariffs that, prior to the day of enforcement of this Law, have been authorized in accordance with the provisions of Article 31-4 paragraph (3) of the Old Law, the terms and conditions concerning designated telecommunications services stipulated in Article 20 paragraph (1) of the New Law shall be deemed to be the terms and conditions specified in the tariffs that has been submitted in accordance with the provisions of the same paragraph.
- (6) Of the applications for authorization of the tariffs that, at the time of enforcement of the provisions of Article 2, actually have been submitted in accordance with the provisions of Article 31-4 paragraph (3) of the Old Law, the applications concerning designated telecommunications services stipulated in Article 20 paragraph (1) of the New Law shall be deemed to be the notifications of the tariffs (except charges) that have been submitted in accordance with the provisions of the same paragraph.

(Transitional Measures Concerning Orders to Change Tariffs, Etc.)

Article 11.

- (1) Of the orders having been issued, prior to the enforcement of this Law, in accordance with the provisions of Article 31 paragraph (2) of the Old Law or the orders having been issued in accordance with the provisions of Article 31-4 paragraph (2) of the Old Law, the orders concerning terms and conditions including charges for universal telecommunications services stipulated in Article 7 of the New Law shall be deemed to be the orders having been issued in accordance with the provisions of Article 19 paragraph (2) of the New Law; the orders concerning terms and conditions including charges for designated telecommunications services stipulated in Article 20 paragraph (1) of the New Law shall be deemed to be the orders having been issued in accordance with the provisions of paragraph (3) of the same article of the New Law; the orders concerning terms and conditions including charges for telecommunications services other than universal telecommunications services or designated telecommunications services shall be deemed to be the orders having been issued in accordance with the provisions of Article 29 paragraph (1) of the New Law.
- (2) Of the orders to apply for authorization of changes in tariffs, that have been issued, prior to the enforcement of this Law, in accordance with the provisions of Article 36 paragraph (1) of the Old Law, the orders concerning the tariffs for universal telecommunications services stipulated in Article 7 of the New Law, shall be deemed to be the orders having been issued in accordance with the provisions of Article 19 paragraph (2) of the New Law; the orders concerning the tariffs for designated telecommunications services stipulated in Article 20 paragraph (1) of the New Law shall be deemed to be the orders having been issued in accordance with the provisions of paragraph (3) of the same article; and the orders concerning the tariffs for telecommunications services other than universal telecommunications services or designated telecommunications services shall be deemed to be the orders having been issued in accordance with the provisions of Article 29 paragraph (1) of the New Law.

(Transitional Measures Concerning Posting, Etc. of Tariffs)

Article 12.

- (1) Of the charges and tariffs that have been published and posted, prior to the enforcement of this Law, in accordance with the provisions of Article 32 paragraph (1) of the Old Law, the charges

and tariffs concerning universal telecommunications services stipulated in Article 7 of the New Law, the charges and tariffs concerning designated telecommunications services stipulated in Article 20 paragraph (1) of the New Law or the charges and tariffs concerning specified telecommunications services stipulated in Article 21 paragraph (1) of the New Law, shall be deemed to be the charges and tariffs that have been published and posted in accordance with the provisions of Article 23 paragraph (1) of the New Law.

- (2) Of the charges and terms and conditions that have been published and posted, prior to the enforcement of this Law, in accordance with the provisions of Article 32 paragraph (1) of the Old Law applied, *mutatis mutandis*, in paragraph (2) of the same article, the charges and terms and conditions concerning universal telecommunications services stipulated in Article 7 of the New Law or the charges and terms and conditions concerning designated telecommunications services stipulated in Article 20 paragraph (1) of the New Law, shall be deemed to be the charges and terms and conditions published and posted in accordance with the provisions of Article 23 paragraph (1) applied, *mutatis mutandis*, in paragraph (2) of the same article.

(Transitional Measures Concerning Accounts in Order)

Article 13.

The provisions of Article 24 of the New Law shall apply to the accounts in order pertaining to the business year starting on or after the day of enforcement of this Law, and the provisions then in force shall still apply to the accounts in order pertaining to the business year that have started prior to the day of enforcement of this Law.

(Transitional Measures Concerning Agreements on Sharing Telecommunications Facilities)

Article 14.

- (1) Any agreement on sharing telecommunications facilities that has been authorized, prior to the enforcement of this Law, in accordance with the provisions of Article 39-3 paragraph (1) of the Old Law, shall be deemed to be the agreement on sharing telecommunications facilities that has been submitted in accordance with the provisions of Article 37 paragraph (1) of the New Law.
- (2) Any application for authorization of agreement on sharing telecommunications facilities that, at the time of enforcement of the provisions of Article 2, actually has been submitted in accordance with the provisions of Article 39-3 paragraph (1) of the Old Law, shall be deemed to be the notification of agreement on sharing telecommunications facilities that has been submitted in accordance with the provisions of Article 37 paragraph (1) of the New Law.

(Transitional Measures Concerning Local Public Entities)

Article 15.

Local public entities that, at the time of enforcement of the provisions of Article 2, are actually operating a telecommunications business subject to the provisions of Article 165 paragraph (1) of the New Law, may continue to operate its business for three months after the day of enforcement of this Law, without notification of the same paragraph.

(Effects of Dispositions, Etc.)

Article 17.

Any disposition, procedure and other act that has been taken prior to the enforcement of each provision for amendment under this Law, in accordance with the provisions of the individual laws before amendment thereof, and of which there are the equivalent provisions in the individual laws after amendment, shall be deemed to be the disposition, procedure and other act that have been taken in accordance with the provisions of the individual laws after amendment, except as may be otherwise stipulated in these Supplementary Provisions.

(Transitional Measures Concerning the Penal Provisions)

Article 18.

The application of the Penal Provisions to the acts that have been committed prior to the enforcement of the provisions for amendment under this Law, and the application of penalties to the acts committed after the enforcement of this Law in the cases where the provisions then in force in accordance with the provisions of Article 13 of these Supplementary Provisions shall still apply, shall still follow the provisions then in force.

(Entrustment of Other Transitional Measures to Cabinet Orders)

Article 19.

In addition to those stipulated in these Supplementary Provisions, the necessary transitional measures concerning the enforcement of this Law (including transitional measures concerning the Penal Provisions) shall be specified in the applicable cabinet order.

(Review)

Article 20.

In the cases after ten years have elapsed from the enforcement of the provisions of Article 1 or Article 2, if the government deems necessary, after review from the viewpoint of disciplines of telecommunications upon consideration of the situations in which the provisions of Article 1 and Article 2 are being enforced, the government shall take necessary measures based upon the results of the review.

Tables

Table No. 1 (related to Article 87, Article 91)

1. A person who has graduated from a university, under the School Education Law (Law No. 26 of 1947) (excluding junior colleges; the same shall apply in item iii)) or a university under the old Imperial Ordinance for University (Imperial Ordinance No. 388 of 1918), with a degree in electrical engineering or telecommunications engineering, or a person being given a chief telecommunications engineer's license who has a one-year or longer experience in the work of technical conditions compliance approval service or service for certification of type of terminal equipment, or for testing, tuning or maintenance of terminal equipment (hereinafter referred to as the "work experience")
2. A person who has graduated from a junior college or a college of technology under the School Education Law, or a under the old Imperial Ordinance for Technical College (Imperial Ordinance No. 61 of 1903), with a degree in electrical engineering or telecommunications engineering and has the work experience of three years or longer
3. A person who has graduated from a foreign school equivalent to a university under the School Education Law with a degree in electrical engineering or telecommunications engineering and has the service experience of one year or longer
4. A person who has graduated from a foreign school equivalent to a junior college or college of technology under the School Education Law with a degree in electrical engineering or telecommunications engineering and has the work experience of three years or longer

Table No. 2 (related to Article 87)

- i) Volt-ampere meter
- ii) Oscilloscope
- iii) Impedance analyzer
- iv) Insulation resistance meter
- v) Optical power meter
- vi) Level meter
- vii) Spectrum analyzer
- viii) Protocol analyzer
- ix) Oscillator

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