

The Cabinet Order for Enforcement of the Broadcast Law

(Cabinet Order No. 163 of May 25, 1950)

The Cabinet Order for Enforcement of the Broadcast Law hereby shall be promulgated.

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The Cabinet enacts the Cabinet Order for Enforcement of the Broadcast Law in accordance with the provisions set forth in Article 12 Paragraph (1) and Article 42 Paragraph (7) as well as Supplementary Provisions 11 and 14 of the Broadcast Law (Law No. 132 of 1950).

(Keeping Broadcast Programs)

Article 1. Keeping broadcast programs pursuant to the provisions in Article 5 of the Broadcast Law (hereinafter referred to as the “Law”) shall be conducted by archiving sound-recorded or video-recorded programs that fall under any of the following items (Item ii) below shall not be applicable to the University of the Air Foundation (hereinafter referred to as the “University”) and any broadcasters defined in Article 3-5 of the Law.):

- i) A broadcast program other than those exclusively related to economic and market trends, natural phenomena, sporting news, and other items provided for in the applicable ministerial ordinance of the Ministry of Public Management, Home Affairs, Posts and Telecommunications;
- ii) A broadcast program which the Consultative Organization on Broadcast Programs (hereinafter referred to as the “Consultative Organization”) as defined in Article 3-4 Paragraph (1) of the Law has asked the examination of the content thereof;
- iii) A broadcast program intended as the correction broadcasting or the cancellation broadcasting pursuant to the provisions of Article 4 Paragraph (1) of the Law.

(Investment by NHK)

Article 2. The businesses in this Cabinet Order as provided for in Article 9-2 of the Law shall mean the following:

- i) Business, entrusted by the Japan Broadcasting Corporation (hereinafter referred to as “NHK”), to produce broadcast programs, make instrument necessary for program production, or construct or maintain facilities necessary for broadcasting;
- ii) Business to provide NHK with the instrument necessary for program production or the facilities necessary for broadcasting;

- iii) Business, entrusted by NHK, to conduct entrusted domestic broadcasting by transmitting broadcast programs of NHK;
- iv) Business, entrusted by NHK or in cooperation with NHK, to conduct broadcasting (including entrusting of broadcasting; the same shall apply to item vii) below) and research activities necessary for the improvement and development of broadcasting and reception of broadcasting;
- v) Business, entrusted by NHK, to conduct collection of receiver's fees or information processing related to the operations of NHK;
- vi) Business to organize public concerts and other events, the main purpose of which is for broadcasting by NHK or for entrusting of broadcasting by NHK;
- vii) Business, entrusted by NHK, to conduct public awareness campaigns or publication which are necessary for the diffusion and development of broadcasting;
- viii) Business, entrusted by NHK, to gather news and information necessary for producing NHK's broadcast programs, or to exchange such news and information with other persons;
- ix) Business, entrusted by NHK, to provide broadcast programs of NHK and relevant materials necessary for editing such programs to private broadcasters or to provide them to foreign broadcasters, or to make the results from NHK's research activities available for use by the general public;
- x) Business to copy or distribute copyrighted materials related to NHK's broadcast programs, or to transmit the content of said copyrighted materials through wired networks;
- xi) Business to conduct TV multiplex broadcasting using NHK's broadcasting facilities

(Mutatis Mutandis Application of the Commercial Code, Etc. to Broadcast Bonds)

Article 3. Provisions in Article 263 Paragraphs (1) and (2), Articles 297 through 303, and Articles 306 through 341 of the Commercial Code (Law No. 48 of 1899) and provisions in Articles 135-15 through 135-21 and Article 135-23 of the Law of Procedures in Non-Contentious Matters (Law No. 14 of 1898) shall apply mutatis mutandis to broadcast bonds. In these cases, "sign" in Article 301 Paragraph (1), Article 306 Paragraph (2) and Article 339 Paragraph (2) of the Commercial Code shall be read as "sign, or sign and seal".

(Regional Consultative Committees on Broadcast Programs)

Article 4. The districts prescribed by this Cabinet Order as provided for in Article 44-2 Paragraph (2) of the Law shall be those listed in Annex Table of the Law.

(Submission of Reference Materials)

Article 5. Matters which the Minister of Public Management, Home Affairs, Posts and Telecommunications may request a broadcaster falling under any of the following classifications to submit reference materials thereon pursuant to Article 53-8 of the Law shall be as follows:

- i) With regard to NHK
 - a) Matters related to the Standards of Broadcast Programs as defined in Article 3-3 Paragraph (1) of the Law and those related to the basic plan relating to the compilation of the broadcast programs as defined in Article 3-4 Paragraph (3);
 - b) Matters related to the structure and operations of the Consultative Organization, and those related to the outline of proceedings of the Consultative Organization, or those related to the action taken by a broadcaster to the Consultative Organization's reply or statement;
 - c) Matters related to the correction or cancellation broadcasting as defined in Article 4 Paragraph (1) of the Law;
 - d) Progress in operating the business (except the matters related to the content of broadcast programs) as defined in Article 9 Paragraph (1) Item iii) and Article 9 Paragraphs (2) and (3) of the Law;
 - e) Outline of progress in operating international broadcasting and NHK's international broadcast programming operations;
 - f) Matters related to the appointment and dismissal of officers that have been conducted pursuant to the provisions of Articles 27, 28-2 and 29 of the Law;
 - g) Matters related to the receiver's contracts with NHK as defined in Article 32 of the Law; and
 - h) Matters related to public-opinion polls as defined in Article 44 Paragraph (2) of the Law.
- ii) With regard to the University
Matters listed as c) of the preceding Item i)
- iii) With regard to private broadcasters (except facility-supplying broadcasters)
With regard to the matters listed below (except a) for broadcasters under Article 3-5 of the Law) and with regard to broadcasters engaged in the paid broadcasting as defined in Article 52-4 Paragraph (1) of the Law (including cases where provisions in Article 52-28 Paragraph (1) of the Law shall be applied mutatis mutandis; hereinafter in this Item the same shall apply) (hereinafter referred to as the "paid broadcasting"), the matters pertaining to the terms and conditions of providing such paid broadcasting service to domestic receivers under Article 52-4 Paragraph (1) of the Law, and the outline of facts

and reasons based on which the offering of such paid broadcasting service is denied to a person intending to receive the service by facilities constructed in Japan:

- a) Matters listed in a) and b) of Item i)
- b) Matters listed in c) of Item i)
- c) Matters related to the arrangement regarding the supply of broadcast programs under Article 52-3 of the Law
- iv) With regard to facility-supplying broadcasters
Matters related to the terms and conditions of providing the facility-supplying broadcast service under Article 52-10 Paragraph (1) of the Law (hereinafter referred to as the “facility-supplying broadcast service”), and the outline of facts and reasons based on which the provision of such facility-supplying broadcast service is denied.