

Telecommunications Business Law

(Law No. 86 of December 25, 1984)

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(Unofficial Translation)

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The Ministry of Posts and Telecommunications, Japan

Chapter I. General Provisions

(Purpose)

Article 1.

The purpose of this Law is, considering the public nature of telecommunications business, by ensuring the proper and reasonable operation of such business, to secure the consistent provision of telecommunications service, to protect the interests of its users, and thereby to ensure both the sound development of telecommunications and the convenience of people, and to promote the public welfare.

(Definition)

Article 2.

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

- i) Telecommunications” means transmitting, conveying or receiving codes, sounds or images by wire, radio or any other electromagnetic method.
- ii) Telecommunications facilities” means machines, apparatuses, 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 service in order to meet the demand of others (excluding business related to facility supplying broadcast services as stipulated in Article 52-10 paragraph (1) of the Broadcast Law(Law No. 132 of 1950), wire radio broadcasting as stipulated in Article 2 of the Cable Sound Service Law (Law No. 135 of 1951), to wire broadcast telephone service as stipulated in Article 2 paragraph (1) of the Law Regarding Wire Broadcast Telephones (Law No. 152 of 1957), to wire television broadcasting service as 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 under the provisions of Article 9 of said Cable Television Law).
- v) Telecommunications carrier” mean any person who has obtained permission under Article 9 paragraph (1) to operate a telecommunications business, or has submitted a notification under the provisions of Article 22 paragraph (1), or has obtained registration under Article 24 paragraph (1) to operate such business.
- 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, preserve the secrets of others which have come to the knowledge with respect to the 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 particularly provided for in treaties with respect to telecommunications business, the provisions therefore shall prevail over this Law.

Chapter II. Telecommunications Business

Section 1. General Provisions

(Types of Business)

Article 6.

- (1) Types of telecommunications business shall be categorized into Type I telecommunications business and Type II telecommunications business.
- (2) Type I telecommunications business shall be the business which provides telecommunications services by establishing telecommunications circuit facilities (which mean transmission line facilities connecting transmitting points with receiving points, switching facilities installed as inseparable units therefrom, and other facilities accessory to such facilities, the same shall apply hereinafter).
- (3) Type II telecommunications business shall be any other telecommunications business than Type I telecommunications business.
- (4) A Type II telecommunications carrier (one who has submitted the notification specified in Article 22 paragraph (1) and who has been registered in accordance with the provisions of Article 24 paragraph (1); same definition shall apply hereinafter in this paragraph) may use the transmission facilities the carrier itself has established for provision of its telecommunications services, insofar as telecommunications circuits are established between the site of said carrier's telecommunications facilities (excluding transmission facilities; hereinafter referred to as "Type II telecommunications business facilities" in this paragraph) and the site of telecommunications facilities of a user (a person who is not a telecommunications carrier and has entered into a contract with the carrier to receive its telecommunications services; the same definition shall apply hereinafter in this paragraph) by interconnection via said carrier's Type II telecommunications business facilities to another telecommunications carrier's telecommunications circuits, which are used by said carrier in providing its telecommunications services; and insofar as said user has chosen these circuits instead of regular circuits (referring to telecommunications circuits of another telecommunications carrier, which said Type II telecommunications carrier uses in providing its telecommunications services between these two sites).

(Fairness in Use)

Article 7.

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

(Securing of Essential Communications)

Article 8.

- (1) Any telecommunications carrier shall, when a natural disaster, accident or any other emergency occurs or threatens to occur, give priority to communications whose contents are necessary for the prevention of or relief from calamitous situations, 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 which are stipulated in the applicable ordinance of the Ministry of Posts and Telecommunications.
- (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 ordinance of the Ministry of Posts and Telecommunications.

Section 2. Permission Etc. of Business

Sub-Section 1) Type I Telecommunications Business

(Permission for Type I Telecommunications Business)

Article 9.

- (1) Any person who intends to operate Type I telecommunications business shall obtain permission therefor from the Minister of Posts and Telecommunications.
- (2) Any person who intends to obtain permission under the preceding paragraph shall, in accordance with the provisions of the applicable ordinance of the Ministry of Posts and Telecommunications, file with the Ministry of Posts and Telecommunications an application which describes the following matters:
 - i) Name and address of the applicant, in the case where the applicant is a juridical person, name of the representative
 - ii) Classification and description of telecommunications service according to categories prescribed by the applicable ordinance of the Ministry of Posts and Telecommunications
 - iii) Service area
 - iv) Outline of telecommunications facilities
- (3) A business plan and any other documents specified in the applicable ordinance of the Ministry of Posts and Telecommunications shall be attached to the application referred to in the preceding paragraph.

(Permission Standards)

Article 10.

The Minister of Posts and Telecommunications shall grant permission under paragraph (1) of the preceding Article if the Minister of Posts and Telecommunications determines that an application for permission under the same paragraph conforms to each of the following items:

- i) The applicant shall have an adequate financial basis and a technical capability to properly perform his or her telecommunications business.
- ii) The plan of the telecommunications business shall be reliable and feasible.
- iii) In addition, the introduction of the telecommunications business shall be appropriate for the sound development of telecommunications in general.

(Disqualifications for Permission)

Article 11.

- (1) The Minister of Posts and Telecommunications shall, notwithstanding the provisions of the preceding Article, not grant permission under Article 9 paragraph (1) to those persons who fall under any of the following items:
 - 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) if a period of two years has not yet elapsed since the day on which the sentence was fulfilled or exempted from execution.
 - ii) Any person whose permission was revoked in accordance with the provisions of Article 19 paragraph (1), if a period 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.

(Obligations to Commence Business)**Article 12.**

- (1) Any person who has obtained permission under Article 9 paragraph (1) (in this Law referred to as a “Type I telecommunications carrier”) shall commence the telecommunications business within the period prescribed by the Minister of Posts and Telecommunications.
- (2) The Minister of Posts and Telecommunications may, if he or she deems it especially necessary, prescribe the period referred to in the preceding paragraph for each part of business classified with respect to category or provisioning descriptions of telecommunications service or to service area.
- (3) The Minister of Posts and Telecommunications may, at the request of a Type I telecommunications carrier, extend the period referred to in paragraph (1) above if the Minister determines that there is due reason to do so.
- (4) A Type I telecommunications carrier shall, prior to the commencement of its business, obtain confirmation from the Minister of Posts and Telecommunications that the telecommunications facilities (excluding those specified in the applicable ordinance of the Ministry of Posts and Telecommunications) relating to the permission under Article 9 paragraph (1) conform to the technical conditions referred to in Article 41 paragraph (1).
- (5) When a Type I telecommunications carrier has commenced its business (in the case of the period having been prescribed for each part of business classified with respect to the category or provisioning descriptions of telecommunications service or to the service area in accordance with the provisions of paragraph (2) above, then, that part of business shall apply), it shall submit without delay a notification to that effect to the Minister of Posts and Telecommunications.

(Change of Name Etc.)**Article 13.**

A Type I telecommunications carrier shall, when any of the matters specified in Article 9 paragraph (2) item i) has been changed, submit without delay a notification to that effect to the Minister of Posts and Telecommunications.

(Change of Telecommunications Service Category Etc.)**Article 14.**

- (1) A Type I telecommunications carrier shall obtain permission from the Minister of Posts and Telecommunications before it changes any of the matters specified in Article 9 paragraph (2) items ii) through iv). This shall not apply, however, to such minor changes as specified in the applicable ordinance of the Ministry of Posts and Telecommunications.
- (2) A Type I telecommunications carrier shall, when it has made such minor changes as specified in the applicable ordinance of the Minister of Posts and Telecommunications referred to in the latter part of the preceding paragraph, submit without delay a notification to that effect to the Minister of Posts and Telecommunications.
- (3) The provisions of Article 10 and Article 11 items i) and iii) shall apply, mutatis mutandis, to the permission under paragraph (1) above.
- (4) The provisions of Article 12 shall apply, mutatis mutandis, to the case mentioned in paragraph (1) above (excluding the case where the service area is to be reduced). In this case, “Article 9 paragraph (1)” in paragraphs (1) and (4) of the same Article shall be read as “Article 14 paragraph (1).”

(Entrustment of Business Activities)**Article 15.**

- (1) A Type I telecommunications carrier shall obtain authorization from the Minister of Posts and Telecommunications before it entrusts (consignment applies only to cases when a consignee conducts consigned jobs using their own telecommunications facilities or those installed by a

third party) part of its telecommunications activities to any other person.

- (2) The Minister of Posts and Telecommunications shall grant authorization under the preceding paragraph if the Minister determines that an application for authorization under the same paragraph conforms to each of the following items:
 - i) There shall be particular circumstances under which the entrustment is necessary to efficiently provide the telecommunications service.
 - ii) The trustee shall be person suitable for the execution of the business activities concerned.

(Transfer or Taking Over of Telecommunications Business and Merger of Juridical Person)

Article 16.

- (1) No transfer or taking over of the whole of Type I telecommunications business shall take effect unless it is authorized by the Minister of Posts and Telecommunications.
- (2) No merger with respect to a juridical person who is a Type I telecommunications carrier shall take effect unless it is authorized by the Minister of Posts and Telecommunications. This shall not apply, however, to merger between a juridical person who is a Type I telecommunications carrier and one who is not, insofar as the Type I telecommunications carrier continues to exist after merger.
- (3) The provisions of Articles 10 and 11 shall apply, mutatis mutandis, to the authorization under the preceding two paragraphs.
- (4) Where transfer of the whole of Type I telecommunications business or merger with respect to a juridical person who is a Type I telecommunications carrier has been completed, the transferee who has taken over the whole of that business or the juridical person who continues to exist after merger or who has been established as a result of merger, shall succeed to the Type I telecommunications carrier status.

(Inheritance)

Article 17.

- (1) When a person who is a Type I telecommunications carrier has died, this person's inheritor (in the case where more than one inheritor exists and where they have selected one inheritor after negotiation who shall inherit that Type I telecommunications business, then, that inheritor, the same shall apply hereinafter) shall succeed to the Type I telecommunications carrier status of his or her predecessor.
- (2) When an inheritor referred to in the preceding paragraph fails to file an application with the Minister of Posts and Telecommunications for authorization of the inheritance within sixty days of the predecessor's death, or where an administrative disposition has been made not to grant authorization to an application filed by an inheritor referred to in the same paragraph, the permission for Type I telecommunications business shall lose effect at the time when the period of sixty days elapses or when the administrative disposition takes effect.
- (3) The provisions of Articles 10 and 11 shall apply, mutatis mutandis, to the authorization under the preceding paragraph.

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

Article 18.

- (1) A Type I telecommunications carrier shall obtain permission from the Minister of Posts and Telecommunications before it suspends or discontinues part or the whole of its telecommunications business.
- (2) Such permission for the suspension of a telecommunications business under the preceding paragraph shall not extend over a period of more than one year.
- (3) No resolution for the dissolution of a juridical person who is a Type I telecommunications carrier or any consent thereto by all the members thereof shall take effect unless it is authorized by the Minister of Posts and Telecommunications.

- (4) The Minister of Posts and Telecommunications shall grant permission under paragraph (1) above or authorization under the preceding paragraph unless the Minister determines that the suspension or discontinuation of Type I telecommunications business or the dissolution of a juridical person may impair the public interest to a significant extent.

(Revocation of Business Permission)

Article 19.

- (1) The Minister of Posts and Telecommunications may revoke permission granted under Article 9 paragraph (1) if a Type I telecommunications carrier comes under any of the following items:
 - i) When the Type I telecommunications carrier has not commenced the business within the period prescribed by virtue of the provisions of Article 12 paragraph (1) (or within the extended period in the case where the initial period has been extended in accordance with the provisions of paragraph (3) of the same Article).
 - ii) When the Type I telecommunications carrier has, otherwise than in the case mentioned in the preceding item, contravened the provisions of this Law or any orders or administrative dispositions thereunder and, hence, is determined to impair the public interest.
 - iii) When the Type I telecommunications carrier has come under item i) or iii) of Article 11.
- (2) The Minister of Posts and Telecommunications shall, upon revoking permission under Article 9 paragraph (1) by virtue of the provisions of the preceding paragraph, send to the telecommunications carrier concerned a notification with the statement of reason for the revocation.

(Revocation of Permission for Change)

Article 20.

- (1) The Minister of Posts and Telecommunications may revoke permission if a Type I telecommunications carrier which obtained permission for change in accordance with the provisions of Article 14 paragraph (1), on the matters specified in Article 9 paragraph (2) items ii) through iv), has not changed the matter within the period prescribed by virtue of the provisions of Article 14 paragraph (4), to which Article 12 paragraph (1) shall apply, mutatis mutandis (or within the extended period in the case when the initial period has been extended in accordance with the provisions of Article 14 paragraph (4) to which Article 12 paragraph (3) shall apply, mutatis mutandis).
- (2) The provisions of paragraph (2) of the preceding Article shall apply, mutatis mutandis, to the case mentioned in the preceding paragraph.

Sub-Section 2) Type II Telecommunications Business

(Categories of Type II Telecommunications Business)

Article 21.

- (1) Type II telecommunications business shall be classified into General Type II telecommunications business and Special Type II telecommunications business.
- (2) General Type II telecommunications business shall be any other Type II telecommunications business than Special Type II telecommunications business.
- (3) Special Type II telecommunications business shall be a Type II telecommunications business which provides telecommunications facilities (excluding those designated by the applicable ordinance of the Ministry of Posts and Telecommunications as those used exclusively for transmission of signals and images) for the use of communications by many and unspecified persons, and for which said telecommunications facilities are configured to enable delivery of telecommunications services through the interconnection of both ends of leased circuits (referring circuits set by other telecommunications carriers between designated points for the exclusive use of users [those with contracts to use telecommunications services through facilities provided by other telecommunications carriers; the same definition shall apply hereinafter])

with public switched networks (telecommunications facilities including switching systems installed by Type I telecommunications carriers), or a Type II telecommunications business that provides telecommunications facilities designated for communications between Japan and foreign points for the use of communications by others.

(Notification of General Type II Telecommunications Business)

Article 22.

- (1) Any person who intends to operate a General Type II telecommunications business shall, in accordance with the provisions of the applicable ordinance of the Ministry of Posts and Telecommunications, submit a notification to that effect to the Minister of Posts and Telecommunications with documents which describe the following matters:
 - i) Name and address of the applicant, in the case where the applicant is a juridical person, name of the representative
 - ii) Classification and description of telecommunications service according to categories prescribed by the applicable ordinance of the Ministry of Posts and Telecommunications
- (2) Any person who has submitted a notification referred to in the preceding paragraph (hereinafter referred to as a “General Type II telecommunications carrier”) shall, where any of the matters specified in item i) of the same paragraph has been changed, submit without delay a notification to that effect to the Minister of Posts and Telecommunications.
- (3) A General Type II telecommunications carrier shall, before it changes any of the matters specified in paragraph (1) item ii) above, submit a notification to that effect to the Minister of Posts and Telecommunications. This shall not apply, however, to such minor changes as specified in the applicable ordinance of the Ministry of Posts and Telecommunications.

(Transfer Etc. of General Type II Telecommunications Business)

Article 23.

- (1) Where transfer of the whole of General Type II telecommunications business or merger or inheritance with respect to a General Type II telecommunications carrier has been completed, the transferee who has taken over the whole 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 inheritor, shall assume the General Type II telecommunications carrier status.
- (2) Any person who has assumed the General Type II telecommunications carrier status by virtue of the provisions of the preceding paragraph shall submit without delay a notification to that effect to the Minister of Posts and Telecommunications.
- (3) Any General Type II telecommunications carrier which has suspended or discontinued part or the whole of its telecommunications business shall submit without delay a notification to that effect to the Minister of Posts and Telecommunications.
- (4) Where a juridical person who is a General Type II 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 that effect to the Minister of Posts and Telecommunications.

(Registration of Special Type II Telecommunications Business)

Article 24.

- (1) Any person who intends to operate Special Type II telecommunications business shall obtain registration from the Minister of Posts and Telecommunications.
- (2) Any person who intends to obtain the registration stipulated in the preceding paragraph shall, in accordance with the applicable ordinance of the Ministry of Posts and Telecommunications, submit an application describing the following matters to the Minister of Posts and Telecommunications:
 - i) Name and address of the applicant, in the case where the applicant is a juridical person, name

- of the representative
 - ii) Classification and description of telecommunications service according to categories prescribed by the applicable ordinance of the Ministry of Posts and Telecommunications
 - iii) Outline of telecommunications facilities
- (3) A business plan and other documents prescribed in the applicable ordinance of the Ministry of Posts and Telecommunications shall be attached to the application referred to in the preceding paragraph.

(Effectuation of Registration)

Article 25.

- (1) When an application for the registration under paragraph (1) of the preceding Article is filed, the Minister of Posts and Telecommunications shall register the following matters on the Special Type II telecommunications carrier registration book, except where the Minister shall refuse the registration by virtue of the provisions of paragraph (1) of the following Article:
- i) Matters set forth in each item of Article 24 paragraph (2)
 - ii) Date and number of registration
- (2) The Minister of Posts and Telecommunications shall, when registration has been effected under the provisions of the preceding paragraph, send without delay to the applicant a notification to that effect.

(Refusal of Registration)

Article 26.

- (1) Where a person who has filed an application referred to in Article 24 paragraph (2) falls under any of the following items, or where said application or any document attached thereto includes any false information on any important matter or fails to provide any important information, the Minister of Posts and Telecommunications 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 or the Radio Law if a period of two years has not yet elapsed since the day on which the person's sentence was fulfilled or suspended
 - ii) Any person whose registration was revoked by virtue of the provisions of Article 28 paragraph (1) if a period 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
 - iv) Any person who does not have an adequate financial basis and technical capability to properly perform the telecommunications business
- (2) The Minister of Posts and Telecommunications shall, where registration has been refused by virtue of the provisions of the preceding paragraph, send to the telecommunications carrier concerned a notification with the statement of reason for the revocation.

(Registration of Change Etc.)

Article 27.

- (1) A person who has obtained registration under Article 24 paragraph (1) (hereinafter referred to as a "Special Type II telecommunications carrier") shall, before it changes any of the matters specified in item ii) or iii) of paragraph (2) of the same Article, obtain registration of change by the Minister of Posts and Telecommunications. This shall not apply, however, to such minor changes as specified in the applicable ordinance of the Ministry of Posts and Telecommunications.
- (2) Any person who intends to obtain registration of change under the preceding paragraph shall, in accordance with the provisions of the applicable ordinance of the Ministry of Posts and Telecommunications, file with the Minister of Posts and Telecommunications an application

which describes the matters of the change.

- (3) The provisions of Article 24 paragraph (3), Article 25 and the preceding Article shall apply, mutatis mutandis, to the registration of change under paragraph (1) above. In this case, “the following matters” in Article 25 paragraph (1) shall be read as “the matters of the change”; and “Where a person who has filed an application referred to in Article 24 paragraph (2) falls under any of the following items” in paragraph (1) of the preceding Article shall be read as “Where a person who has filed an application for registration of change falls under any of the following items (excluding item ii).”
- (4) A Special Type II telecommunications carrier shall, when any of the matters specified in Article 24 paragraph (2) item i) have been changed, submit without delay a notification to that effect to the Minister of Posts and Telecommunications. The Minister of Posts and Telecommunications shall, on receipt of said notification, change without delay the registration concerned.

(Revocation Etc. of Registration)

Article 28.

- (1) The Minister of Posts and Telecommunications may revoke registration under Article 24 paragraph (1) if a Special Type II telecommunications carrier comes under any of the following items:
- i) When the Special Type II telecommunications carrier has contravened the provisions of this Law or any orders or administrative dispositions thereunder and, hence, is determined to impair the public interest
 - ii) When the Special Type II telecommunications carrier has obtained registration under Article 24 paragraph (1) or registration of change under Article 27 paragraph (1) through dishonest means
 - iii) When the Special Type II telecommunications carrier has come to fall under Article 26 paragraph (1) item i) or iii)
- (2) The provisions of Article 26 paragraph (2) shall apply, mutatis mutandis, to the cases mentioned in the preceding paragraph.

(Striking Out of Registration Record)

Article 29.

When a notification of the discontinuation of the whole of telecommunications business or of the dissolution thereof has been submitted in accordance with the provisions of the following Article, to which Article 23 paragraph (3) or (4) shall apply, mutatis mutandis, or where the Minister of Posts and Telecommunications has revoked registration by virtue of the provisions of paragraph (1) of the preceding Article, the Minister shall strike out the registration record of the Special Type II telecommunications carrier.

(Provisions Applicable, Mutatis Mutandis)

Article 30.

The provisions of Article 23 shall apply, mutatis mutandis, to a Special Type II telecommunications carrier.

Section 3. Business Activities

(Charges of Type I Telecommunications Carrier)

Article 31.

- (1) A Type I telecommunications carrier shall establish charges relating to telecommunications service (excluding the charges specified in the applicable ordinance of the Ministry of Posts and Telecommunications; same shall apply hereinafter in this article) and shall report to the Minister of Posts and Telecommunications prior to their implementation in accordance with the

provisions in the ordinance of the Ministry of Posts and Telecommunications. The same shall also apply where such charges are to be amended.

- (2) The Minister of Posts and Telecommunications may order a Type I telecommunications carrier to change the charges within a proper period to be prescribed when the charges regarding which a report has been submitted in accordance with the provisions of the preceding paragraph should fall under any one of the following categories:
 - i) Calculating methods of charges are not stipulated either properly or clearly.
 - ii) Charges include provision that unfairly discriminates against any person.
 - iii) It may injure the benefit of users because it may give rise to unfair competition with other telecommunications carriers or it is extremely improper otherwise in view of social or economic conditions.
- (3) The Minister of Posts and Telecommunications shall, at least once a year, in accordance with the provisions under the applicable ordinance of the Ministry of Posts and Telecommunications, specify the level of charges that may be normally realized in consideration of reasonable cost in view of managerial efficiency, commodity prices and other economic conditions with use of the charge index (referring to figures representing the level of prices for individual categories of telecommunications services, which are calculated with the method stipulated by the applicable ordinance of the Ministry of Posts and Telecommunications based upon charges that depend on the distance and speed of communications or other conditions, and based upon the communications volume, number of circuits, etc. to which these charges are applied; henceforth the same shall apply) for a particular type of telecommunications services (hereinafter referred to as “specified telecommunications services”) that are provided by Type I telecommunications carriers installing designated telecommunications facilities prescribed in Article 38-2 paragraph (2) by use of such designated telecommunications facilities and that are regarded in the ordinance of the Ministry of Posts and Telecommunications as having significant impact on the benefit of general users from the perspective of its content and the scope of users, etc., concerning individual categories of the specified telecommunications services set forth under the applicable ordinance of the Ministry of Posts and Telecommunications (referring to the type and mode of telecommunications services being sub-classified further than the distinctions under the applicable ordinance of the Ministry of Posts and Telecommunications in accordance with the provision of Article 9 paragraph (2) item ii); the same shall apply hereinafter in this paragraph), and the Minister of Posts and Telecommunications shall notify the relevant Type I telecommunications carriers of the charge index (hereinafter referred to as “standard charge index”) the number of days before the date of its application as prescribed in the applicable ordinance of the Ministry of Posts and Telecommunications.
- (4) A Type I telecommunications carrier with designated telecommunications facilities provided in Article 38-2 paragraph (2), shall obtain, in spite of the provisions in paragraph (1), the authorization of the Minister of Posts and Telecommunications when it intends to change charges of specified telecommunications services and when the charge index after revision relating to the related specified telecommunications services should exceed the standard charge index.
- (5) The Minister of Posts and Telecommunications shall grant authorization under the preceding paragraph if it is determined that there are specific reasons which make it difficult to comply with the charge that are equivalent to or below the standard charge index, and when the charge after the change does not fall under any one of the items in paragraph (2).
- (6) The Minister of Posts and Telecommunications shall, after the implementation of the standard charge index and when the relative charge index of the charge of specified telecommunications services, which are subject to the application of the relative standard charge index, should exceed the relative standard charge index, order, with a reasonable time allowance, Type I telecommunications carriers who supply relevant specified telecommunications services, except when it is determined that there are particular reasons which make it difficult to depend on the amount of

charge being equivalent to or below the relative standard charge index, to change the charge of relevant specified telecommunications services.

- (7) The provisions in the preceding three paragraphs shall not apply to the charges of telecommunications services which are delivered using the telecommunications facilities that are newly specified in accordance with the provisions of Article 38-2 paragraph (1) for the period of six months from the date of the relative specification.
- (8) The charges of telecommunications services to be delivered by Type I telecommunications carriers with specified telecommunications facilities provided in Article 38-2 paragraph (2) using the relevant telecommunications facilities, and which had already received authorization in accordance with the provisions of paragraph (4) at the time of the release of the specification provided in the provisions of paragraph (1) of the same article, shall be deemed to be the charge notified in accordance with paragraph (1).
- (9) For the charges to be notified under paragraph (1) above or to be authorized under paragraph (4), no Type I telecommunications carrier shall provide telecommunications service otherwise than pursuant to such charges, respectively. This shall not apply, however, where the telecommunications service is provided to a General Type II telecommunications carrier or Special Type II telecommunications carrier (hereinafter in this section referred to as a "Type II telecommunications carrier") according to a contract authorized under Article 39-3 paragraph (2) and where charges for telecommunications service are reduced or exempted in accordance with the provisions of the following paragraph.
- (10) A Type I telecommunications carrier may, in accordance with the standards stipulated in the applicable ordinance of the Ministry of Posts and Telecommunications, reduce or exempt charges of telecommunications services notified under paragraph (1) or authorized under paragraph (4).

(Recording Communications Volume Etc.)

Article 31-2.

Type I telecommunications carriers installing designated telecommunications facilities as prescribed in Article 38-2 paragraph (2) shall keep records of the communications volume, number of circuits, etc. of their specified telecommunications services in accordance with the method set forth in the applicable ordinance of the Ministry of Posts and Telecommunications.

(Charges of Special Type II Telecommunications Carriers)

Article 31-3.

- (1) Special Type II telecommunications carriers shall set forth and notify, prior to (their) implementation, to the Minister of Posts and Telecommunications, the charges of telecommunications services (excluding those specified in the applicable ordinance of the Ministry of Posts and Telecommunications). The same shall apply where such charges are to be changed.
- (2) The provisions in Article 31 paragraphs (9) and (10) shall apply, mutatis mutandis, to the charges of telecommunications services to be delivered by Special Type II telecommunications carriers. In this case, "where the telecommunications service is provided to a General Type II telecommunications carrier or Special Type II telecommunications carrier (hereinafter in this section referred to as a "Type II telecommunications carrier") according to a contract authorized under Article 39-3 paragraph (2) and where charges for telecommunications service are reduced or exempted in accordance with the provisions of the following paragraph" in paragraph (9) of the same Article shall be read as "where charges for telecommunications service are reduced or exempted in accordance with the provisions of the following paragraph."

(Authorization Etc. of Tariff)

Article 31-4.

- (1) A Type I telecommunications carrier shall establish tariffs which set forth provisioning

conditions relating to telecommunications services (excluding charges, the matters stipulated in the applicable ordinance of the Ministry of Posts and Telecommunications, and the conditions concerning such technical requirements as shall be authorized under the provision of Article 49 paragraph (1) or Article 52 paragraph (1) item i)) of the Law and shall obtain authorization of those tariffs from the Minister of Posts and Telecommunications. The same shall also apply when such tariffs are to be amended.

- (2) The Minister of Posts and Telecommunications shall grant authorization under the preceding paragraph if it is determined that an application for the authorization under the same paragraph comforts to each of the following items:
 - i) Those matters related to the responsibilities to be assumed by a Type I telecommunications carrier and its users and allocation methods of costs related to installation and other works of telecommunications facilities shall be properly and clearly stipulated.
 - ii) Articles of agreement shall not unreasonably restrict utilization conditions of the telecommunications circuit facilities.
 - iii) Articles of agreement shall not include any provision that unfairly discriminates against any person.
 - iv) Due consideration shall be paid to the matters relating to communications provided for in Article 8 paragraph (1).
- (3) When the Minister of Posts and Telecommunications has established and published (or when the Minister has amended and published) the standard tariffs regarding the provisioning conditions which shall be set forth by tariffs under paragraph (1), if a Type I telecommunications carrier submits a prior notification to the Minister of Posts and Telecommunications, of the intention of adopting a tariff identical with the standard tariff or of changing the current tariff to the one identical with the standard tariff, such a tariff shall be deemed to be authorized as required under the same paragraph.
- (4) With respect to provisioning conditions which shall be set forth by tariffs under paragraph (1), a Type I telecommunications carrier shall not provide telecommunications services otherwise than pursuant to such tariffs as authorized under the same paragraph. This shall not apply, however, when the telecommunications services are provided to a Type II telecommunications carrier according to a contract authorized under Article 39-3 paragraph (2).
- (5) A Special Type II telecommunications carrier shall establish tariffs which set forth provisioning conditions relating to telecommunications services (excluding charges and those matters stipulated in the applicable ordinance of the Ministry of Posts and Telecommunications) and, prior to enforcement thereof, shall submit them to the Minister of Posts and Telecommunications. The same shall also apply where such tariffs are to be amended.
- (6) With respect to provisioning conditions which shall be set forth by tariffs under the provision of the preceding paragraph, a Special Type II telecommunications carrier shall not provide telecommunications services otherwise than pursuant to such tariffs as submitted under the provision of the same paragraph.

(Posting of Charges Etc.)

Article 32.

- (1) A Type I telecommunications carrier or Special Type II telecommunications carrier shall post any charges reported under the provision of Article 31 paragraph (1) or authorized under the provision of Article 31 paragraph (4), or any charges submitted under the provision of Article 31-3 paragraph (1), and any tariffs authorized under paragraph (1) of the preceding Article (including the technical requirements authorized under the provisions of Article 49 paragraph (1) or Article 52 paragraph (1) item i); the same shall apply in Article 111 item ii)), or any tariffs submitted in accordance with the provisions of paragraph (5) of the preceding Article, at its business offices and other work places in the manner in which such charge can easily be seen by the public.

- (2) The provisions of the preceding paragraph shall apply, *mutatis mutandis*, to the charges stipulated in the applicable ordinance of the Ministry of Posts and Telecommunications under Article 31 paragraph (1) or Article 31-3 paragraph (1), and the provisioning conditions relating to the matters stipulated in the applicable ordinance of the Ministry of Posts and Telecommunications under paragraph (1) or (5) of the preceding Article.

(Proper Accounting)

Article 33.

A Type I telecommunications carrier shall keep accounts in order in accordance with the classification of account items and accounting practices specified in the applicable ordinance of the Ministry of Posts and Telecommunications, with the purpose of facilitating the proper setting of charges relating to telecommunications service.

(Obligation to Provide Service)

Article 34.

Any Type I telecommunications carrier shall not, without due reason, refuse to provide telecommunications service within its service territory.

(Reporting on Suspension Etc. of Business Activities)

Article 35.

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

(Order to Improve Business Activities)

Article 36.

- (1) Insofar as the Minister of Posts and Telecommunications determines that the provisioning conditions of telecommunications services set forth in tariffs authorized under Article 31-4 paragraph (1) have come to be significantly improper as a result of changes in the social or economic circumstances as to impair the interests of users, the Minister may order the Type I telecommunications carrier concerned to apply within a proper period to be prescribed for authorization to amend the tariffs concerned.
- (2) The Minister of Posts and Telecommunications may order the Type I telecommunications carrier concerned to apply, within the proper period of time, for authorization to amend articles of interconnection agreement, insofar as the Minister recognizes that the amount of money which the Type I telecommunications carrier specified in Article 38-2 paragraph (2) will receive, the amount being set forth in the articles of interconnection agreement for which authorization has been granted under the same paragraph, becomes unsuitable in terms of the costs and expenses defined in Article 38 paragraph (3) item ii), or that the conditions of interconnection have become extremely inappropriate as a result of changes in social and economic circumstances and are considered to materially impair the promotion of public interest.
- (3) The Minister of Posts and Telecommunications may order the Type I telecommunications carrier concerned to amend articles of interconnection agreement within the proper period of time, insofar as the Minister recognizes that the amount of money which the Type I telecommunications carrier specified in Article 38-2 paragraph (2) will receive and that the conditions of interconnection, the amount and conditions being submitted as a prior notification under the provision of Article 38 paragraph (5), are considered to materially impair the promotion of public interest.

- (4) Insofar as the Minister of Posts and Telecommunications determines that there is hindrance in securing secrecy of communications with respect to the manner in which business activities of a Type I telecommunications carrier are carried out; or that said 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 service; or that the interests of users are impaired as a result of an inappropriate manner in which business activities of a Type I telecommunications carrier are carried out; or that the public interest is likely to be significantly impaired; in that a Type I telecommunications carrier fails to sincerely fulfill the obligations imposed by treaties or other international agreements with respect to the international telecommunications business; or in that proper operations of other telecommunications carriers are interfered, due to the fact that a Type I telecommunications carrier unreasonably discriminates against a specific telecommunications carrier in interconnecting or sharing telecommunications facilities or in providing telecommunications services according to the provision of Article 39-3 paragraph (2), or to the fact that the Type I telecommunications carrier conducts other unfair operations concerning such operation areas, the Minister may order, to the extent necessary to ensure the interests of users or the public interest, the Type I telecommunications carrier concerned to improve the manner in which its business activities are carried out, or to take other actions.

Article 37.

Insofar as the Minister of Posts and Telecommunications determines that there is hindrance in securing secrecy of communications with respect to the manner in which business activities of a Type II telecommunications carrier are carried out; or that a Type II 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; or that the interests of users are impaired as a result of an inappropriate manner in which business activities of a Type II telecommunications carrier are carried out; or that the public interest is likely to be significantly impaired in that a Type II telecommunications carrier fails to sincerely fulfill the obligations imposed by treaties or other international agreements with respect to international telecommunications business, or in that a Special Type II telecommunications carrier discriminates against a specific telecommunications carrier in interconnecting or sharing telecommunications facilities, or in that a Type II telecommunications carrier's operations make it difficult for a Type I telecommunications carrier to financially maintain its telecommunications circuit facilities which have been designed to satisfy the demand in competition with the Type II telecommunications carrier; the Minister may order, to the extent necessary to ensure the interests of users and the public interest, the Type II telecommunications carrier concerned to improve the manner in which its business activities are carried out, or to take other actions.

(Interconnection of Telecommunications Facilities Owned by Type I Telecommunications Carrier)

Article 38.

A type I telecommunications carrier shall agree to the request for interconnection of telecommunications facilities from other telecommunications carriers with the telecommunications facilities that the latter owns, except the cases listed below.

- i) When there is concern regarding the smooth delivery of telecommunications services
- ii) When there is concern that said interconnection may unfairly impair the interest of Type I telecommunications carrier
- iii) When there are legitimate reasons provided by the applicable ordinance of the Ministry of Posts and Telecommunications except the cases specified in preceding two paragraphs

(Interconnection of Designated Telecommunications Facilities)**Article 38-2.**

- (1) The Minister of Posts and Telecommunications may designate, in accordance with the procedures stipulated in the applicable ordinance of the Ministry of the Posts and Telecommunications, in each area which is specified in the applicable ordinance of the Ministry of the Posts and Telecommunications by dividing the nation in view of the area of prefectures and in view of the actual usage of telecommunications services, those total being of the telecommunications facilities, the other end of which is connected to the users' telecommunications facilities, and which is installed by a Type I telecommunications carrier, where the number of telecommunications lines of the transmission facilities in terms of the telecommunications facilities of the same kind installed in the same area exceeds the ratio specified by applicable ordinance of the Ministry of the Posts and Telecommunications, and the telecommunications facilities installed by said Type I telecommunications carrier as an integral part of said facilities and which is specified by the applicable ordinance of the Ministry of the Posts and Telecommunications, as the telecommunications facilities which interconnection with the telecommunications facilities of other telecommunications carrier is essential for the enhancement of user benefits and the general and rational development of telecommunications.
- (2) A Type I telecommunications carrier installing telecommunications facilities designated in accordance with Article 38-2 paragraph (1) (hereinafter referred to as "designated telecommunications facilities") shall establish articles of interconnection agreement which set forth the amount of money which said Type I telecommunications carrier will receive (hereafter in this Article referred to as "interconnection charges") and conditions of interconnection (excluding the interconnection charges and conditions of interconnections prescribed by Article 38-2 paragraph (5)) in terms of the interconnection of the designated telecommunications facilities with the telecommunications facilities of other telecommunications carriers, and shall obtain authorization from the Minister of Posts and Telecommunications. The same shall also apply where such articles of interconnection agreement are to be amended.
- (3) The Minister of Posts and Telecommunications shall grant authorization when the application according to the provision of preceding paragraph is deemed to conform to any one of the following provisions.
 - i) Following items shall be specified correctly and distinctly.
 - a) Technical requirements at those points which are specified as standard by the applicable ordinance of Ministry of Posts and Telecommunications among those interconnection points where the interconnection of telecommunications facilities with other telecommunications carriers is technically and economically feasible
 - b) Interconnection charge by individual function specified by the applicable ordinance of the Ministry of Posts and Telecommunications
 - c) Item related to the responsibilities of a Type I telecommunications carrier installing designated telecommunications facilities and those of other telecommunications carriers who establish interconnection with them
 - d) Besides the items listed in a) through c), the items stipulated in the applicable ordinance of Ministry of Posts and Telecommunications as necessary to accomplish smooth interconnection with designated telecommunications facilities
 - ii) The interconnection charges shall be fair and justifiable in terms of the cost calculated in accordance with the method specified by the applicable ordinance of the Ministry of Posts and Telecommunications as a fair amount based on efficient management cost.
 - iii) The conditions of interconnection shall be no less favorable than those applicable when a Type I telecommunications carrier installing designated telecommunications facilities accomplishes interconnection between the designated telecommunications facilities and the telecommunications facilities of their own.
 - iv) It shall not be unfairly discriminating against specific telecommunications carriers.

- (4) The method specified by the applicable ordinance of the Ministry of Posts and Telecommunications under item ii) of the preceding paragraph (limited to the method which defines interconnection charges for, of the functions specified by the applicable ordinance of the Ministry of Posts and Telecommunications under b) of item i) of the preceding paragraph, those specified by the applicable ordinance of the Ministry of Posts and Telecommunications as having the potential to significantly improve efficiency in the provision of telecommunications services through introduction of advanced new technologies and interconnection with designated telecommunications facilities) shall, in cases where telecommunications services are reorganized to increase efficiency through incorporation of advanced new telecommunications technologies and through use of designated telecommunications facilities on a regular basis, enable calculation of the cost with due consideration to expenses of said designated telecommunications facilities which are incurred together with an increase in the communications volume or number of circuits in delivering telecommunications services by said telecommunications facilities through interconnection with the telecommunications facilities concerned.
- (5) A Type I telecommunications carrier installing designated telecommunications facilities shall establish the articles of interconnection agreement and submit a prior notification to the Minister of Posts and Telecommunications about items stipulated in the applicable ordinance of the Ministry of Posts and Telecommunications as those, among the interconnection charges and conditions of interconnections with designated facilities, having a comparatively small influence to the enhancement of user benefit as well as general and rational development of telecommunications. The same shall also apply where such articles of interconnection agreement are to be amended.
- (6) A Type I telecommunications carrier installing designated telecommunications facilities shall not enter into an agreement nor amend an agreement for interconnection with other telecommunications carriers about designated telecommunications facilities otherwise than pursuant to such articles of interconnection agreement (hereafter in this Article referred to as “authorized articles of interconnection agreement, etc.”) either authorized under Article 38-2 paragraph (2) or submitted as a prior notification under the provision in the preceding paragraph.
- (7) Notwithstanding the provision of the preceding paragraph, when there are specific circumstances prevailing which make conformity with authorized articles of interconnection agreement, etc. difficult, a Type I telecommunications carrier installing designated telecommunications facilities may, subject to the authorization of the Minister of Posts and Telecommunications, enter into or amend an agreement on interconnection with designated facilities under different interconnection charges and conditions of interconnection (limited to those sufficing each item [excluding a) and b) of item i)] in paragraph (3), for those falling under the category of interconnection charges and conditions of interconnection provided in paragraph (2)) than those stipulated in the authorized articles of interconnection agreement.
- (8) A Type I telecommunications carrier installing designated telecommunications facilities shall disclose the authorized articles of interconnection agreement, etc. in accordance with the applicable ordinance of Ministry of Posts and Telecommunications.
- (9) A Type I telecommunications carrier installing designated telecommunications facilities shall, without delay, submit a notification to the Minister of Posts and Telecommunications, when it enters into or amends an agreement for interconnection of designated telecommunications facilities with other telecommunications carriers based on the authorized articles of interconnection agreement, etc.
- (10) A Type I telecommunications carrier installing designated telecommunications facilities shall, by individual function specified by the applicable ordinance of the Ministry of Posts and Telecommunications under b) of item i) of paragraph (3) with respect to the interconnection with said designated telecommunications facilities in accordance with the applicable ordinance of the Ministry of Posts and Telecommunications, keep records of the communications volume or number of circuits or other items specified by the applicable ordinance of the Ministry of Posts

- and Telecommunications (referred to as “communications volume, etc.” in paragraph (12)).
- (11) A Type I telecommunications carrier installing designated telecommunications facilities shall keep accounts in order relating to the interconnection with designated telecommunications facilities in accordance with the applicable ordinance of the Ministry of Posts and Telecommunications, and based on the foregoing accounting results, shall disclose the profit and loss statement relating to the interconnection and other items stipulated in the applicable ordinance of the Ministry of Posts and Telecommunications.
- (12) A Type I telecommunications carrier installing designated telecommunications facilities shall, with respect to interconnection charges specified under paragraph (4), upon surpassing the period set forth by the applicable ordinance of the Ministry of Posts and Telecommunications not exceeding five years since it obtained authorization under paragraph (2), recalculate interconnection charges based on records of communications volume etc. and results of accounts kept in order as specified in the preceding paragraph, in order to keep the interconnection charges fair and justifiable against the cost calculated with the method specified by the applicable ordinance of the Ministry of Posts and Telecommunications under paragraph (3) item ii); with respect to interconnection charges other than the abovementioned case, the carrier shall do the same when it has settled accounts for each business year in accordance with the provisions of the preceding paragraph.
- (13) A Type I telecommunications carrier installing designated telecommunications facilities shall strive to offer information necessary for other telecommunications carriers to accomplish smooth interconnection of its telecommunications facilities with designated telecommunications facilities.
- (14) Among the agreements that a Type I telecommunications carrier installing designated telecommunications facilities enters into with other telecommunications carriers at the designation of designated telecommunications facilities in accordance with paragraph (1), any agreement of interconnection with designated telecommunications facilities that fall under any of the following items shall be deemed duly authorized under paragraph (7).
- i) The agreement authorized under paragraph (1) of the following Article
 - ii) The agreement entered into in accordance with the articles of the interconnection agreement which is authorized under paragraph (2) of the following Article or submitted as a prior notification in accordance with the proviso of paragraph (2) in the following Article
 - iii) The agreement submitted as a notification under the provision in paragraph (5) of the following Article
- (15) Among the agreements that a Type I telecommunications carrier installing ex-designated telecommunications facilities enters into with other telecommunications carriers at the cancellation of designation of designated telecommunications facilities in accordance with paragraph (1), any agreement of interconnection with ex-designated telecommunications facilities that fall under any of the following items shall be deemed duly authorized paragraph (1) of the following Article as for the agreement with Type I or Special Type II telecommunications carriers, or shall be deemed duly submitted as a notification under the provisions in paragraph (5) of the following Article as for the agreement with General Type II carrier.
- i) The agreement entered into in accordance with the authorized articles of the interconnection agreement, etc.
 - ii) The agreement authorized under paragraph (7)
- (16) The articles of the interconnection agreement that a Type I telecommunications carrier installing ex-designated telecommunications facilities obtained authorization under the provision of paragraph (2) or submitted as a prior notification under the provision of paragraph (5) at the cancellation of designation of designated telecommunications facilities in accordance with paragraph (1), shall be deemed authorized under paragraph (2) of the following Article or submitted as a prior notification in accordance with the proviso of paragraph (2) in the following Article.

(Agreement to Interconnect Telecommunications Facilities)**Article 38-3.**

- (1) A Type I telecommunications carrier or Special Type II telecommunications carrier shall obtain authorization from the Minister of Posts and Telecommunications before it enters into an agreement (except those related to the designated telecommunications facilities) with other Type I telecommunications carrier or Special Type II telecommunications carrier to interconnect telecommunications facilities, or amends such agreement. This shall not apply, however, where a Type I telecommunications carrier or Special Type II carrier will enter into or amend such interconnection agreement in accordance with the articles of the interconnection agreement authorized under the following paragraph or submitted as a prior notification under the provision in the latter part of the following paragraph (2) or where both of the parties of the agreement are Special Type II telecommunications carrier which do not provide telecommunications facilities designated for communications between Japan and foreign points for the use of communications of others (hereafter referred to as “Domestic Special Type II telecommunications carriers”).
- (2) A Type I telecommunications carrier shall obtain authorization from the Minister of Posts and Telecommunications when the Type I telecommunications carrier establishes or amends articles of interconnection agreement which set forth the amount of money which said Type I telecommunications carrier will receive and conditions of interconnection in terms of the interconnection of its telecommunications facilities (except those which are designated telecommunications facilities) with the telecommunications facilities of other telecommunications carriers. However, when the amount of money to be received and conditions of interconnection fall under the categories of interconnection charges and conditions of interconnection specified by the applicable ordinance of the Ministry of Posts and Telecommunications referred in paragraph (5) of the preceding Article, a prior notification to the Minister and Posts and Telecommunications is sufficient.
- (3) A Type I telecommunications carrier shall, without delay, submit a notification to the Minister of Posts and Telecommunications, when it enters into or amends an agreement for interconnection of telecommunications facilities with other telecommunications carrier based on the articles of interconnection agreement authorized under the preceding paragraph or submitted as a notification in accordance with the proviso of the preceding paragraph.
- (4) Minister of Posts and Telecommunications shall grant authorization under paragraph (1) or (2), insofar as such agreement under the provision in paragraph (1) or such articles of interconnection agreement under the provision in paragraph (2) promote the public interest.
- (5) A type I telecommunications carrier or Special Type II telecommunications carrier shall, before it enters into or amends an agreement to interconnect telecommunications facilities (excluding those related to the designated telecommunications facilities) with a General Type II telecommunications carrier (excluding those cases where they enter into or amend such agreement in accordance with the articles of interconnection agreement authorized under paragraph (2) or submitted as a notification in accordance with the proviso of paragraph (2)), submit a notification to the Minister of Posts and Telecommunications. The same shall apply when a Domestic Special Type II telecommunications carrier enters into an agreement with other Domestic Special Type II telecommunications carrier to interconnect or share telecommunications facilities or amends such agreement.

(Order of Interconnection Etc. of Telecommunications Facilities)**Article 39.**

- (1) Where a Type I telecommunications carrier, in spite of other telecommunications carrier’s proposal to enter into an agreement to interconnect telecommunications facilities with the Type I telecommunications carrier, does not accept entering into negotiation or where such negotiation fails to come to an agreement, the Minister of Posts and Telecommunications may, at the

request of the telecommunications carrier, order the Type I telecommunications carrier to start or reopen negotiation, excluding cases where such interconnection be deemed falling under any item of Article 31.

- (2) Where, excluding the cases provided in the preceding paragraph, in spite of one's proposal to enter into an agreement to interconnect telecommunications facilities between telecommunications carriers (excluding cases one or both of the parties concerned are General Type II telecommunications carrier or both of the parties concerned are domestic Special Type II telecommunications carrier), the other party does not accept entering into negotiation or where such negotiation fails to come to an agreement, the Minister of Posts and Telecommunications may, at the request of one of such telecommunications carriers, order the other telecommunications carrier to start or reopen negotiation if he or she deems such interconnection especially necessary and appropriate to promote the public interest.
- (3) Where negotiations between the parties concerned about the interconnection to telecommunications facilities of a Type I telecommunications carrier fail to come to an agreement with respect to such items as the amount of money to be received and paid by them or other matters including conditions for interconnection, a telecommunications carrier which installs telecommunications facilities to be connected to the telecommunications facilities of the Type I telecommunications carrier may apply to the Ministry of Posts and Telecommunications for arbitration.
- (4) When negotiations between the parties concerned, excluding the case provided in the preceding paragraph, after an order has been issued in accordance with the provisions of paragraph (1) or (2), fail to come to an agreement with respect to such particulars as the amount of money to be received and to be paid by them or other matters including conditions for interconnection, the party (or parties) concerned may apply to the Minister of Posts and Telecommunications for arbitration.
- (5) The Minister of Posts and Telecommunications shall, upon receipt of such application for the arbitration as stipulated in the provisions of the preceding two paragraphs, notify the other party (or parties) concerned of the application, and shall give the party (or parties) concerned an opportunity to present comments in writing within a period to be prescribed by the Minister.
- (6) The Minister of Posts and Telecommunications shall, upon effecting such arbitration under paragraph (3) or paragraph (4) above, notify without delay the party (parties) concerned of the arbitration being made.
- (7) Where the arbitration under paragraph (3) or paragraph (4) above has been effected, the negotiations between or among the parties concerned shall be deemed to have come to an agreement, as prescribed by the arbitration.
- (8) Any of the parties concerned who is dissatisfied with the arbitration under paragraph (3) or paragraph(4) above with respect to the amount of money to be paid or received by the party (or parties) concerned, 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 arbitration.
- (9) In the case of a lawsuit under the preceding paragraph, other party (or parties) concerned shall be the defendant(s).
- (10) In lodging a notice of opposition to the arbitration under paragraph (3) or paragraph (4) above, dissatisfaction with the amount of money to be paid or received by the party (or parties) concerned shall not constitute grounds for dissatisfaction with the arbitration.

(Plan as to Change of Function or Addition of Specified Telecommunications Facilities)

Article 39-2.

- (1) A Type I telecommunications carrier installing designated telecommunications facilities shall submit a notification to the Minister of Posts and Telecommunications when this carrier has a plan to change or add to the existing functions of designated telecommunications facilities (excluding those which are specified in the applicable ordinance of Ministry of Posts and Telecommunications) in accordance with applicable ordinance of Ministry of Posts and

Telecommunications prior to the days provided in the applicable ordinance of Ministry of Posts and Telecommunications. The same shall apply to the case where the plan duly submitted will be changed.

- (2) A Type I telecommunications carrier installing designated telecommunications facilities shall, as per the applicable ordinance of the Ministry of Posts and Telecommunications, disclose the plan submitted as per provisions in the preceding paragraph.
- (3) The Minister of Posts and Telecommunications may, when there has been a submission of a report specified in the first paragraph and when it is determined, as a result of the implementation of the plan, that it is likely that there is a hindrance in the smooth interconnection between the designated telecommunications facilities and the telecommunications facilities of other telecommunications carrier, instruct the Type I telecommunications carrier installing the designated telecommunications facilities to change the plan.

(Agreement Etc. on Sharing Telecommunications Facilities)

Article 39-3.

- (1) A Type I telecommunications carrier or Special Type II telecommunications carrier shall obtain authorization from the Minister of Posts and Telecommunications before it enters into an agreement with other Type I telecommunications carrier or Special Type II telecommunications carrier to share telecommunications facilities, or amends such agreement. This shall not apply, however, both of the parties concerned are domestic Special Type II telecommunications carriers.
- (2) A Type I telecommunications carrier shall obtain authorization from the Minister of Posts and Telecommunications before it enters into a contract for the provision of telecommunications services of which provisioning conditions (excluding charges stipulated in the applicable ordinance of the Ministry of Posts and Telecommunications under Article 31 paragraph (1), items stipulated in the applicable ordinance of the Ministry of Posts and Telecommunications under Article 31-4 paragraph (1), and conditions concerning technical requirement to be authorized under Article 49 paragraph (1) or Article 52 paragraph (1) item i)) differ from the charges notified under Article 31 paragraph (1), charges authorized under Article 31 paragraph (4) and provisioning conditions set forth in tariffs authorized under Article 31-4 paragraph (1) (hereinafter referred to as “non-tariff based service” in this Article and in paragraph (1) of the following Article) with a Type II telecommunications carrier or amends such a contract.
- (3) Minister of Posts and Telecommunications shall grant authorization under preceding two paragraphs insofar as such agreement or contract under the provisions of the preceding two paragraphs promotes the public interest.
- (4) A Type I telecommunications carrier or Special Type II telecommunications carrier shall submit a notification to the Minister of Posts and Telecommunications before it enters into an agreement with a General Type II telecommunications carrier to share telecommunications facilities or amends such agreement. The same shall apply where a Domestic Special Type II telecommunications carrier enters into an agreement with other Domestic Special Type II telecommunications carrier to share telecommunications or amends such agreement.

(Order Concerning Share Etc. of Telecommunications Facilities)

Article 39-4.

- (1) Where, in spite of one’s proposal to enter into an agreement to share telecommunications facilities between telecommunications carriers (excluding cases one or both of the parties concerned are General Type II telecommunications carrier or both of the parties concerned are Domestic Special Type II telecommunications carrier), the other party does not accept entering into negotiation or where such negotiation fails to come to an agreement, or where, in spite of one’s proposal to enter into a contract on non-tariff based service between Type I and Special Type II telecommunications carriers, the other party does not accept entering into negotiation

or where such negotiation fails to come to an agreement, the Minister of Posts and Telecommunications may, at the request of one of such telecommunications carriers, order the other telecommunications carrier to start or reopen negotiation if he or she deems such sharing or non-tariff based service (hereafter in the following Article referred to as sharing, etc.) especially necessary and appropriate to promote the public interest.

- (2) Where negotiations between the parties concerned, after an order has been issued in accordance with the provisions of the preceding paragraph, fail to come to an agreement with respect to such particulars as the amount of money to be received and paid by them or other matters including conditions for interconnection, the party (parties) concerned may apply to the Ministry of Posts and Telecommunications for arbitration.
- (3) Provisions in Article 39 paragraph (5) through paragraph (10) shall apply, mutatis mutandis, to arbitration under the preceding paragraph.

(Authorization of Agreements Etc. with Foreign Governments Etc.)

Article 40.

A Type I telecommunications carrier or Special Type II telecommunications carrier shall obtain authorization from the Minister of Posts and Telecommunications before this carrier enters into, amends or terminates an agreement or contract with a foreign government, person or juridical person in relation to telecommunications activities and includes such important matters as stipulated in the applicable ordinance of the Ministry of Posts and Telecommunications.

Section 4. Telecommunications Facilities

Sub-Section 1) Telecommunications Facilities for Use of Telecommunications Business

(Maintenance of Telecommunications Facilities)

Article 41.

- (1) A Type I telecommunications carrier and a Special Type II telecommunications carrier shall maintain their telecommunications facilities to be used for the telecommunications business (hereinafter referred to as “telecommunications facilities for telecommunications business”) in conformity with the technical conditions stipulated in the applicable ordinance of the Ministry of Posts and Telecommunications.
- (2) The technical conditions referred to in the preceding paragraph shall be so provided as to secure the following conditions:
 - i) The provision of telecommunications service shall not be significantly hindered by damage or failure of telecommunications facilities.
 - ii) Telecommunications service shall always be of adequate quality.
 - iii) Secrecy of communications shall not be violated.
 - iv) Telecommunications facilities connected to those referred to in the paragraph (1) above by users or other telecommunications carriers shall not be damaged or impaired, nor shall functions thereof be impaired.
 - v) The demarcation of responsibility between the telecommunications facilities of a telecommunications carrier and those of others shall be clearly stipulated.

(Order to Conform to Technical Conditions)

Article 42.

When the Minister of Posts and Telecommunications determines that telecommunications facilities for telecommunications business fails to conform to the technical conditions stipulated in the applicable ordinance of the Ministry of Posts and Telecommunications under paragraph (1) of the preceding Article, the Minister may order the Type I telecommunications carrier or the Special

Type II telecommunications carrier concerned to repair or improve its telecommunications facilities so as to make them conform to the technical conditions, or may restrict the use thereof.

(Administrative Rules)

Article 43.

- (1) A Type I telecommunications carrier and a Special Type II telecommunications carrier shall establish their administrative rules in accordance with the provisions of the applicable ordinance of the Ministry of Posts and Telecommunications, in order to secure the reliable and stable provision of telecommunications services, and (shall) submit those administrative rules to the Minister of Posts and Telecommunications prior to the commencement of their telecommunications business.
- (2) When a Type I telecommunications carrier or Special Type II telecommunications carrier has amended its administrative rules, it shall submit without delay the amendment to the Minister of Posts and Telecommunications.

(Chief Telecommunications Engineer)

Article 44.

- (1) A Type I telecommunications carrier and a Special Type II telecommunications carrier shall, in accordance with the provisions of the applicable ordinance of the Ministry of Posts and Telecommunications, 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.
- (2) When a Type I telecommunications carrier or Special Type II telecommunications carrier has appointed chief telecommunications engineers in accordance with the provisions of the preceding paragraph, it shall submit without delay a notification to that effect to the Minister of Posts and Telecommunications. The same shall apply to the case of the dismissal of any of its chief telecommunications engineers.

(Chief Telecommunications Engineer's License)

Article 45.

- (1) Chief telecommunications engineer's licenses for switching and transmission technology and for line technology shall be classified in the applicable ordinance of the Ministry of Posts and Telecommunications.
- (2) The scope of work, with respect to the installation, maintenance and operation of telecommunications facilities, to be supervised by a person who has a chief telecommunications engineer's license shall be specified in the applicable ordinance of the Ministry of Posts and Telecommunications, according to the class of the chief telecommunications engineer's license under the preceding paragraph.
- (3) The Minister of Posts and Telecommunications 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 of Posts and Telecommunications as conforming to the standards stipulated in the applicable ordinance of the Ministry of Posts and Telecommunications, for persons wishing to have a chief telecommunications engineer's license granted
 - iii) A person whom the Minister of Posts and Telecommunications recognizes as having expert knowledge and ability not less than that of the persons referred to in the preceding two paragraphs
- (4) The Minister of Posts and Telecommunications may, regardless of 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 period 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 period 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 stipulated in the applicable ordinance of the Ministry of Posts and Telecommunications.

(Revocation and Return of Chief Telecommunications Engineer's License)

Article 46.

When a person who has a chief telecommunications engineer's license contravenes the provisions of this Law or the orders issued thereunder, the Minister of Posts and Telecommunications may revoke this chief telecommunications engineer's license and order this person to return it to the Minister.

(Qualification Examination for Chief Telecommunications Engineer)

Article 47.

- (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 of Posts and Telecommunications 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 stipulated in the applicable ordinance of the Ministry of Posts and Telecommunications.

(Obligations of Chief Telecommunications Engineer)

Article 48.

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

(Conditions of Telecommunications Number)

Article 48-2.

- (1) Telecommunications carriers shall assure that the telecommunications number (a telecommunications number shall be the number, sign or other mark which a telecommunications carrier, in its delivery 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 facility is to deliver; the same shall apply hereinafter) shall conform to the conditions specified by the applicable ordinance of the Ministry of Posts and Telecommunications.
- (2) The conditions provided by the preceding paragraph shall include specifications by which following items will be secured.
 - i) By using the telecommunications number, telecommunications carrier and the user shall clearly and easily identify telecommunications facility or the type or contents of the telecommunications service.
 - ii) To firmly secure the necessary telecommunications number which is needed for the supply

- of telecommunications service
- iii) To avoid as much as possible the change of telecommunications number iv) To ensure fair and efficient use of telecommunications number

(Compliance Order)

Article 48-3.

When the telecommunications number which a telecommunications carrier uses in making connection of its telecommunications facilities with those of other telecommunications carriers (except the case where a General Type II telecommunications carrier makes connection of its telecommunications facilities with other General Type II telecommunications carriers), or which the telecommunications carrier uses for dealing urgently with communications in light of public interest, is deemed not to comply with the conditions specified in the applicable ordinance of the Ministry of Posts and Telecommunications provided under paragraph (1) of preceding Article, the Minister of Posts and Telecommunications may order the telecommunications carrier to change said telecommunications number to comply with said conditions, or may prohibit usage thereof.

Sub-Section 2) Connection Etc. of Terminal Facilities

(Technical Conditions for Connection of Terminal Facilities)

Article 49.

- (1) When a Type I telecommunications carrier receives a request from a user for the connection of his or her terminal facilities (telecommunications facilities which are to be connected to one end of telecommunications circuit facilities and 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, the same shall apply hereinafter) and its telecommunications circuit facilities, the carrier shall not refuse the request, except in those cases specified in the applicable ordinance of the Ministry of Posts and Telecommunications, including the case where the connection does not conform to the technical conditions (including technical requirements established, subject to the authorization of the Minister of Posts and Telecommunications, by the Type I telecommunications carrier concerned, the same shall apply to the following paragraph and Article 51) stipulated in the applicable ordinance of the Ministry of Posts and Telecommunications.
- (2) The technical conditions referred to in the preceding paragraph shall be so provided as to secure the following conditions:
- i) The telecommunications circuit facilities shall not be damaged or impaired, 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 responsibility between the telecommunications circuit facilities established by a Type I telecommunications carrier and terminal facilities connected to them by a user shall be clearly stipulated.

(Technical Conditions Compliance Approval of Terminal Equipment)

Article 50.

- (1) The Minister of Posts and Telecommunications shall, on an application, grant approval that equipment constituting terminal facilities which comes under the classes specified in the applicable ordinance of the Ministry of Posts and Telecommunications (hereinafter referred to as “terminal equipment”) conforms to the technical conditions stipulated in the applicable ordinance of the Ministry of Posts and Telecommunications under paragraph (1) of the preceding Article (hereinafter referred to as “technical conditions compliance approval”).
- (2) In case that an application in accordance with the preceding paragraph has been handed, the

Minister of Posts and Telecommunications judges in accordance with the provisions in the applicable ordinance of the Ministry of Posts and Telecommunications, and shall grant technical conditions compliance approval only when the terminal equipment pertinent to the application is deemed to conform to the technical conditions specified in the applicable ordinance of the Ministry of Posts and Telecommunications in accordance with paragraph (1) of the preceding Article.

- (3) The judgment in the preceding paragraph may be partially omitted when the application in accordance with paragraph (1) is accompanied with documents describing the results of the examination pertinent to the approval that the person, received the attestation in paragraph (1) of the following Article or Article 50-3 paragraph (1), conducted in accordance with the applicable ordinance of the Ministry of Posts and Telecommunications on the terminal equipment pertinent to the application.
- (4) When the Minister of Posts and Telecommunications grants technical conditions compliance approval, he or she shall attach to the terminal equipment an indication to that effect in accordance with the provisions of the applicable ordinance of the Ministry of Posts and Telecommunications.

(5) No person shall attach, except when an indication is attached under the provisions of the preceding paragraph (and Article 72 or Article 72-3 paragraph (5) to which the same paragraph shall apply, mutatis mutandis) or the provisions in paragraph (5) of Article 50-4 paragraph (5) (and Article 72-2 paragraph (3) or Article 72-3 paragraph (8) to which the same shall apply, mutatis mutandis), such an indication or any other misleading indication to any terminal equipment within Japan.

(Attestation of an Examiner's Qualification)

Article 50-2.

- (1) A person who undertakes to examine terminal equipment may submit an application to the Minister of Posts and Telecommunications for each category specified in the applicable ordinance of the Ministry of Posts and Telecommunications and receive the attestation to the effect that his or her undertaking duly satisfies the following items:
 - i) The qualification to examine terminal equipment shall satisfy the technical standards specified in the applicable ordinance of the Ministry of Posts and Telecommunications.
 - ii) The examination of terminal equipment shall be undertaken by using the measuring instruments or other equipment, specified in the applicable ordinance of the Ministry of Posts and Telecommunications, and which have been calibrated according to the applicable ordinance of the Ministry of Posts and Telecommunications.
 - iii) The execution methods of business activities necessary to undertake the examination of terminal equipment shall be defined.
- (2) The Minister of Posts and Telecommunications may revoke attestation, when the attested person, according to the preceding paragraph, has come under any of the following items:
 - i) When he or she fails to conform to any of the items in the preceding paragraph
 - ii) When the attestation according to the preceding paragraph has been obtained through dishonest means
- (3) In addition to the provisions in the preceding two paragraphs, the necessary items for the attestation in paragraph (1) and the revocation shall be provided by the applicable ordinance of the Ministry of Posts and Telecommunications.

(Attestation of Foreign Examiner's Qualification)

Article 50-3.

- (1) A person who undertakes to examine terminal equipment in a foreign country, may submit an application to the Ministry of Posts and Telecommunications for each category specified in the applicable ordinance of the Ministry of Posts and Telecommunications in paragraph (1) of the preceding Article and receive the attestation to the effect that his or her undertaking duly satisfies

- each item of paragraph (1) of the preceding Article.
- (2) The Minister of Posts and Telecommunications may, when the attested person according to the preceding paragraph has come under any of the following item, revoke attestation:
 - i) When it fails to conform to any of the items of paragraph (1) of the preceding Article
 - ii) When attestation according to the preceding paragraph has been obtained through dishonest means
 - iii) When a report is not submitted, or a false report is submitted, in response to the request by the Minister of Posts and Telecommunications that those who have received the attestation in the preceding paragraph should make a report in accordance with the provisions of Article 92 paragraph (5), where paragraph (2) of the same Article shall apply, *mutatis mutandis*
 - iv) When the inspection was refused, obstructed or evaded, in the case of the Minister of Posts and Telecommunications delegated any ministerial staff to enter and to inspect business offices or work places belonging to the person attested in accordance with the provisions of Article 92 paragraph (5) where paragraph (2) of the same Article applies, *mutatis mutandis*
 - (3) In addition to the provisions in the preceding two paragraphs, the necessary items for the attestation in paragraph (1) and the revocation shall be provided by the applicable ordinance of the Ministry of Posts and Telecommunications.

(Certification of Type of Terminal Equipment)

Article 50-4.

- (1) The Minister of Posts and Telecommunications shall, upon receipt of an application, certify that terminal equipment conforms to the technical conditions stipulated in the applicable ordinance of the Ministry of Posts and Telecommunications under Article 49 paragraph (1), for the type (including the method to verify that each terminal equipment conforms to the type, the same in paragraph (5), Article 72-2 paragraph (1) and Article 72-3 paragraph (6)).
- (2) Any person in foreign countries who deals in terminal equipment which will be used in Japan (hereinafter referred to as “foreign dealer”) may apply for the certification according to the preceding paragraph.
- (3) In the case that an application in accordance with paragraph (1) is handed in, the Minister of Posts and Telecommunications judges in accordance with the provisions in the applicable ordinance of the Ministry of Posts and Telecommunications, and shall certify in accordance with paragraph (1) only when a type of terminal equipment pertinent to the application is deemed to conform to the technical conditions specified in the applicable ordinance of the Ministry of Posts and Telecommunications in accordance with Article 49 paragraph (1) and only when any of the terminal equipment based on the type is deemed to coincide with the type.
- (4) The judgment in the preceding paragraph may be partially omitted when the application in accordance with paragraph (1) is accompanied with documents describing the results of the examination to the attestation that the person, received the attestation in Article 50-2 paragraph (1) or Article 50-3 paragraph (1), conducted in accordance with the applicable ordinance of the Ministry of Posts and Telecommunications on the terminal equipment based on the type pertinent to the application.
- (5) Any of the terminal equipment based on the type pertinent to the certification in accordance with paragraph (1) and attached with the indication specified in the applicable ordinance of the Ministry of Posts and Telecommunications attached by the person who received the certification shall be deemed to be granted technical conditions compliance approval.
- (6) The Minister of Posts and Telecommunications may revoke the certification when the type pertinent to the certification in accordance with paragraph (1) fails to conform to the technical conditions specified in the applicable ordinance of the Ministry of Posts and Telecommunications in accordance with Article 49 paragraph 1 or when any of the terminal equipment based on the type is deemed not to be in conformity with the type.

- (7) In addition to the provisions in the preceding paragraph, the Minister of Posts and Telecommunications may revoke the certification when the foreign dealer pertinent to the certification in accordance with paragraph (1) has come under any of the following items:
- i) When a report is not submitted or a false report is submitted, in response to the request by the Minister of Posts and Telecommunications that a foreign dealer should make a report in accordance with the provision of Article 92 paragraph (3)
 - ii) When the inspection was refused, obstructed or evaded, in the case of the Minister of Posts and Telecommunications delegated any ministerial staff to enter and to inspect business offices or work places belonging to the foreign dealer in accordance with the provisions of Article 92 paragraph (3)

(Inspection of Connection of Terminal Equipment)

Article 51.

- (1) When terminal facilities of a user have been connected to the telecommunications circuit facilities of a Type I telecommunications carrier, he or she shall not use those terminal equipment before said Type I telecommunications carrier concerned has inspected the connection and certified that it conforms to the technical conditions under Article 49 paragraph (1), except in those cases specified in the applicable ordinance of the Ministry of Posts and Telecommunications, including the case where terminal equipment with technical conditions compliance approval has been connected. The same shall apply to the case of any change made in the connection.
- (2) A Type I telecommunications carrier may require the user concerned to have the connection of his or her terminal facilities inspected to decide whether it conforms to the technical conditions under Article 49 paragraph (1) if the carrier determines it to be necessary to do so in those cases where the consistent provision of telecommunications service is interfered with, including the case of malfunction of terminal facilities. In this case, the user shall not refuse to comply with this request, except in those cases specified in the applicable ordinance of the Ministry of Posts and Telecommunications, including the case where there is due reason not to comply with it.
- (3) Any person who executes such inspections shall carry an identification card and produce it to the persons concerned.

(Connection of Customer-Provided Telecommunications Facilities)

Article 52.

- (1) When a Type I telecommunications carrier receives a request from any person other than a Type I telecommunications carrier for the connection of his or her telecommunications facilities (excluding terminal facilities, hereinafter referred to as “customer-provided telecommunications facilities”) and the carrier’s telecommunications circuit facilities, the carrier shall not refuse the request except in those cases set forth below:
 - i) When the connection of the customer-provided telecommunications facilities does not conform to the technical conditions stipulated in the applicable ordinance of the Ministry of Posts and Telecommunications (including technical requirements established, subject to the authorization of the Minister of Posts and Telecommunications, by the Type I telecommunications carrier)
 - ii) When the Type I telecommunications carrier obtains a certification from the Minister of Posts and Telecommunications that the connection of the customer-provided telecommunications facilities would make it difficult for the carrier to financially maintain its telecommunications circuit facilities
- (2) The provisions of Article 49 paragraph (2) shall apply, mutatis mutandis, to the technical conditions under 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-provided telecommunications facilities with respect to the request referred to in the preceding paragraph.

In this case, “the technical conditions under Article 49 paragraph (1)” in paragraphs (1) and (2) of the preceding Article shall be read as “the technical conditions under Article 52 paragraph (1) item i) (including the technical requirements under the same item)”.

(Execution and Supervision of Installation by Installation Technician)

Article 53.

- (1) When a user connects his or her terminal facilities or customer-provided telecommunications facilities to telecommunications circuit facilities, he or she shall have a person who has an installation technician’s license (hereinafter referred to as an “installation technician”) execute or supervise on the site, according to the class of installation technician’s license, the installation of the connection, unless otherwise stipulated in the applicable ordinance of the Ministry of Posts and Telecommunications.
- (2) An installation technician shall faithfully exercise his or her functions of the execution or supervision of the installation.

(Installation Technician’s License)

Article 54.

- (1) The class of installation technician’s license and the scope of installation work, with respect to the connection of the terminal facilities or customer-provided terminal facilities, to be executed or supervised by an installation technician shall be specified in the applicable ordinance of the Ministry of Posts and Telecommunications.
- (2) The provisions of Article 45 paragraphs (3) through (5) and Article 46 shall apply, mutatis mutandis, to the installation technician’s license. In this case, “qualification examination for chief telecommunications engineers” in Article 45 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 Technician)

Article 55.

- (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 that of customer-provided telecommunications facilities.
- (2) The provisions of Article 47 paragraphs (2) and (3) shall apply, mutatis mutandis, to the qualification examination for installation technicians. In this case, “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

(Designation Etc. of Designated Examination Agency)

Article 56.

- (1) The Minister of Posts and Telecommunications 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 affairs”).
- (2) The designation of an examination agency shall be made, on application from a person who wishes to conduct examination affairs, according to the classification stipulated in the applicable ordinance of the Ministry of Posts and Telecommunications.

- (3) When the Minister of Posts and Telecommunications has designated an examination agency, the Minister shall issue a public notice to that effect.
- (4) When the Minister of Posts and Telecommunications has designated an examination agency, the Minister shall no longer conduct examination affairs in the class related to said designation.

(Designation Standards for Designated Examination Agency)

Article 57.

- (1) The Minister of Posts and Telecommunications shall not designate an examination agency unless no other examination agency has been designated to conduct examination affairs in the class related to the application under paragraph (2) of the preceding Article and unless it is determined that the application conforms to each of the following items:
 - i) The applicant's plan for the execution of examination affairs regarding staff, facilities, execution methods of examination affairs and other matters shall be appropriate for the proper execution of the examination affairs.
 - ii) The applicant shall have an adequate financial basis and technical capability to properly execute the plan referred to in the preceding item for the execution of examination affairs.
 - iii) When the applicant engages in business activities other than examination affairs, there should be no likelihood of these activities making the examination affairs unfair.
- (2) The Minister of Posts and Telecommunications shall not designate any person who has filed an application under paragraph (2) of the preceding Article if that person falls under any of the following items:
 - i) The applicant is any person other than a juridical person incorporated under 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 period 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 66 paragraph (1) or (2), if a period 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 comes under item ii) above
 - b) Any person who has been dismissed by an order made under the provisions of Article 59 paragraph (3), if a period of two years has not yet elapsed since the day of dismissal

(Qualification Examiner)

Article 58.

The designated examination agency shall, in execution of examination affairs, have a person who has the qualifications stipulated in the applicable ordinance of the Ministry of Posts and Telecommunications (hereinafter referred to as a "qualification examiner") conduct affairs 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 59.

- (1) No appointment and dismissal of officers of a designated examination agency shall take effect unless authorized by the Minister of Posts and Telecommunications.
- (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 of Posts and Telecommunications.

- (3) When an officer or qualification examiner of a designated examination agency has contravened this Law, the orders or administrative dispositions issued thereunder or the examination affairs rules stipulated in Article 61 paragraph (1), the Minister of Posts and Telecommunications may order the designated examination agency to dismiss the officer or qualification examiner.

(Obligation Etc. to Preserve Secrecy)

Article 60.

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

(Examination Affairs Rules)

Article 61.

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

(Business Plan Etc.)

Article 62.

- (1) A designated examination agency shall formulate its business plan and its revenue and expense budget for each business year, and shall obtain authorization from the Minister of Posts and Telecommunications before the commencement of that 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 report on the final accounts for each business year, and shall submit them to the Minister of Posts and Telecommunications within three months after the end of that business year.

(Keeping Etc. of Record Book)

Article 63.

A designated examination agency shall, in accordance with the applicable ordinance of the Ministry of Posts and Telecommunications, keep and preserve a record book and make entries in it of such matters related to examination affairs as stipulated in the applicable ordinance of Ministry of Posts and Telecommunications.

(Supervisory Orders)

Article 64.

The Minister of Posts and Telecommunications may, if it is determined necessary to enforce this Law, issue to a designated examination agency orders necessary for the supervision with respect to examination affairs.

(Suspension and Discontinuation of Business Activities)

Article 65.

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

(Revocation Etc. of Designation)

Article 66.

- (1) The Minister of Posts and Telecommunications shall, when a designated examination agency has come under any of the items (excluding item iii) of Article 57 paragraph (2), revoke its designation.
- (2) The Minister of Posts and Telecommunications may, when a designated examination agency comes under any of the following items, revoke its designation or suspend part or the whole of examination affairs for a period to be specified by the Minister:
 - i) When the agency has contravened the provisions of this Sub-Section
 - ii) When it has been determined by the Minister of Posts and Telecommunications not to conform to any of the items of Article 57 paragraph (1)
 - iii) When it has contravened an order made under the provisions of Article 59 paragraph (3), Article 61 paragraph (2) or Article 64
 - iv) When it has executed examination affairs otherwise than pursuant to the examination affairs rules authorized under the provisions of Article 61 paragraph (1)
 - v) When it has obtained designation through dishonest means
- (3) The Minister of Posts and Telecommunications shall, when the designation has been revoked in accordance with the provisions of paragraph (1) above or the preceding paragraph, or the Minister has ordered the suspension of part or the whole of examination affairs in accordance with the provisions of the preceding paragraph, issue a public notice to that effect.

(Execution of Examination Affairs by the Minister of Posts and Telecommunications)

Article 67.

- (1) When a designated examination agency has suspended part or the whole of examination affairs in accordance with the provisions of Article 65 paragraph (1); or when the Minister of Posts and Telecommunications has ordered a designated examination agency to suspend part or the whole of examination affairs in accordance with the provisions of paragraph (2) of the preceding Article; or when it is found necessary to do so in case a designated examination agency has fallen into difficulties in executing part or the whole of examination affairs due to a natural disaster or any other reason; the Minister of Posts and Telecommunications shall execute part or the whole of examination affairs, notwithstanding the provisions of Article 56 paragraph (4).
- (2) The Minister of Posts and Telecommunications shall, before having examination affairs carried out in accordance with the provisions of the preceding paragraph or discontinues examination affairs executed by the Ministry under the provisions of the same paragraph, issue a public notice to that effect.
- (3) When the Minister of Posts and Telecommunications has decided to carry out examination affairs in accordance with the provisions of paragraph (1) above; or when the Minister has permitted a designated examination agency to discontinue examination affairs in accordance with the provisions of Article 65 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 affairs and other necessary matters shall be stipulated in the applicable ordinance of the Ministry of Posts and Telecommunications.

Sub-Section 2) Designated Approval Agency

(Designation of Designated Approval Agency)

Article 68.

- (1) The Minister of Posts and Telecommunications may commission a designated person (hereinafter referred to as a “designated approval agency”) to conduct the technical conditions compliance approval.
- (2) The designation of a designated approval agency shall be made, on application from a person who wishes to conduct the technical conditions compliance approval, according to the classification stipulated in the applicable ordinance of the Ministry of Posts and Telecommunications.
- (3) When the Minister of Posts and Telecommunications has designated a designated approval agency, the Minister shall no longer conduct the technical conditions compliance approval in the class related to said designation.

(Designation Standards for Designated Approval Agency)

Article 69.

- (1) The Minister of Posts and Telecommunications shall not designate a designated approval agency unless it is determined that the application under paragraph (2) of the preceding Article conforms to each of the following items:
 - i) The applicant’s plan for the execution of the work of the technical conditions compliance approval regarding staff, facilities, execution methods of the work of the technical conditions compliance approval and other matters, shall be appropriate for the proper execution of the work of the technical conditions compliance approval.
 - ii) The applicant shall have an adequate financial basis and technical capability to properly execute the plan referred to in the preceding item for the execution of the work of the technical conditions compliance approval.
 - iii) When the applicant engages in business activities other than the work of the technical conditions compliance approval, there should be no likelihood of these activities making the work of the technical conditions compliance approval unfair.
 - iv) The designation of the approval agency shall not obstruct the proper execution of the work of the technical conditions compliance approval in the class related to the application.
- (2) The provisions of Article 57 paragraph (2) shall apply, mutatis mutandis, to the designation of a designated approval agency.

(Issuance Etc. of Public Notice of Designation)

Article 70.

- (1) The Minister of Posts and Telecommunications shall, when designating a designated approval agency, issue a public notice providing the name and address of the designated approval agency, class of the designation, 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) A designated approval agency shall, before it changes its name or address, or the address of the office where the work of the technical conditions compliance approval is executed, submit to the Minister of Posts and Telecommunications a notification to that effect at least two weeks prior to the day of the change.
- (3) The Minister of Posts and Telecommunications shall, after receiving a notification under the provisions of the preceding paragraph, issue a public notice to that effect.

(Obligation Etc. to Give Technical Conditions Compliance Approval)

Article 71.

- (1) A designated approval agency shall, when it is requested to give the technical conditions

compliance approval, conduct without delay an examination necessary for the technical conditions compliance approval unless there is due reason not to do so.

- (2) A designated approval agency shall, in giving the technical conditions compliance approval, have a person who has the qualifications stipulated in the applicable ordinance of the Ministry of Posts and Telecommunications (hereinafter referred to as an “approval examiner”) conduct an examination in accordance with the methods stipulated in the applicable ordinance of the Ministry of Posts and Telecommunications.

(Provisions Applicable, Mutatis Mutandis)

Article 72.

The provisions of Article 50 paragraph (2) through (4) shall apply, mutatis mutandis, to the technical conditions compliance approval to be granted by the designated approval agencies under paragraph (1) of the preceding Article, and the provisions from Article 59 through 67 shall apply, mutatis mutandis, to designated approval agency. In these cases, “Minister of Posts and Telecommunications” in Article 50 paragraph (2) and paragraph (4) shall be read as “designated approval agencies”, “application in accordance with the preceding paragraph” in paragraph (2) of the same Article shall be read as “application by those who intend to receive technical conditions compliance approval”; “application in accordance with paragraph (1)” shall be read as “application in accordance with the same paragraph”; “qualification examiner” in Article 59 paragraph (2) and (3) and Article 60 shall be read as “approval examiner under Article 71 paragraph (2)”; “examination affairs rules” in Article 59 paragraph (3), Article 61 and Article 66 paragraph (4) item iv) shall be read as “rules for the work”; “examination affairs” in Article 60, 61 and 64, Article 65 paragraph (1), Article 66 paragraph (2) and (3), and Article 67 shall be read as “the work of the technical conditions compliance approval”; “examination affairs” in Article 63 shall be read as “the technical conditions compliance approval”; “this Sub-Section” in Article 66 paragraph (2) item i) shall be read as “the provisions of Article 71 or Article 72 to which this Sub-Section shall apply, mutatis mutandis”; and “the items of Article 57 paragraph (1)” in item ii) of said paragraph shall be read as “items i) through iii) of Article 69 paragraph (1).”

(Certification of Type of Terminal Equipment)

Article 72-2.

- (1) A designated approval agency may, on an application, certify that terminal equipment conforms to the technical conditions specified in the applicable ordinance of the Ministry of Posts and Telecommunications in accordance with Article 49 paragraph (1) for the type.
- (2) In case that a designated approval agency certify in accordance with the preceding paragraph as the work, for applying the provisions of Article 68 paragraph (3), Article 71 and the preceding Article; “technical conditions compliance approval” in Article 68 paragraph (3) shall be replaced by “technical conditions compliance approval and the certification in accordance with Article 72-2 paragraph (1)”; “technical conditions compliance approval” in Article 71 shall be replaced by “technical conditions compliance approval or the certification in accordance with Article 72-2 paragraph (1)”; “the work of the technical conditions compliance approval” in the preceding Article shall be replaced by “the work of the technical conditions compliance approval and the work of certification in accordance with Article 72-2 paragraph (1)”; and “technical conditions compliance approval” in the same Article shall be replaced by “technical conditions compliance approval or the certification in accordance with Article 72-2 paragraph (1).”
- (3) The provisions of Article 50-4 paragraph (2) through paragraph (5) shall apply, mutatis mutandis, to the certification in paragraph (1) by the designated approval agency, and the provisions of paragraph (6) and (7) of the same Article shall apply, mutatis mutandis, to the revocation of the certification in paragraph (1) by the Minister of Posts and Telecommunications. In this case, “the Minister of Posts and Telecommunications” and “paragraph (1)” in paragraph (3) of the same Article shall be read as “the designated approval agency” and “Article 72-2

paragraph (1)”; and “application in accordance with paragraph (1)” shall be read as “application in accordance with Article 72-2 paragraph (1).”

Sub-Section 3) Recognized Approval Body

(Recognition Etc. of Recognized Approval Body)

Article 72-3.

- (1) When an application has been handed in by the person who engages in investigation or examination of terminal equipment under the regulation for the investigation of terminal equipment based on foreign laws or rules and regulations similar to technical conditions compliance approval and who intends to approve the terminal equipment which will be used in Japan treated by foreign dealers to comply with the technical conditions specified in the applicable ordinance of the Ministry of Posts and Telecommunications in accordance with Article 49 paragraph (1) in the foreign country, the Minister of Posts and Telecommunications may recognize that person as competent to approve in each category specified in the ordinance of the Ministry of Posts and Telecommunications in accordance with paragraph (2) of Article 68.
- (2) The terminal equipment approval in accordance with the preceding paragraph by those who have been recognized under the provisions of the preceding paragraph (hereinafter referred to as a “recognized approval body”) shall be deemed to be terminal equipment which has been granted technical conditions compliance approval.
- (3) A recognized approval body shall submit a notification without delay, when it suspends or terminates part or all of the work on the approval under paragraph (1), to the Minister of Posts and Telecommunications.
- (4) When the notification in accordance with the provisions of the preceding paragraph has been submitted, the Minister of Posts and Telecommunications shall issue public notice to that effect.
- (5) The provisions of Article 50 paragraph (2) through (4) shall apply, mutatis mutandis, to the approval in accordance with paragraph (1) by recognized approval body; the provisions of Article 57 paragraph (2) (except item i) and b) of item iv)), Article 69 paragraph (1) (except item iv)) and Article 70 paragraph (1) shall apply, mutatis mutandis, to the recognition by the Minister of Posts and Telecommunications in accordance with the provision of paragraph (1) and the provisions of Article 61, 63, 64, Article 74 paragraphs (2) and (3) and Article 71 shall apply, mutatis mutandis, to recognized approval body. In this case, “Minister of Posts and Telecommunications” in Article 50 paragraphs (2) and (4) shall be read as “recognized approval body”; “in accordance with the preceding paragraph” in paragraph (2) of the same Article shall be read as “by those who intend to be approved under Article 72-3 paragraph (1)”; “application in accordance with paragraph (1)” in paragraph (3) of the same Article shall be read as “application in accordance with the same paragraph”; “paragraph (2) of the preceding Article” in both Article 57 paragraph (2) and Article 69 paragraph (1) shall be read as “Article 72-3 paragraph (1)”; “designated examination agency” in Article 57 paragraph (2) shall be read as “recognized approval body”; “Article 66 paragraph (1) or (2)” in iii) of the same paragraph shall be read as “Article 72-4 paragraph (1) or (2)”; “examination affairs” in Article 61 shall be read as “the work of approval under Article 72-3 paragraph (1)”; “examination affairs rules” shall be read as “rules for the work”; “order” shall be read as “request”; “examination affairs” in Article 63 shall be read as “approval under Article 72-3 paragraph (1)”; “order necessary for the supervision with respect to examination affairs” in Article 64 shall be read as “request necessary with respect to the work of approval of Article 72-3 paragraph (1)”; “designated approval agency” in Article 69 paragraph (1) and Article 70 paragraph (1) shall be read as “recognized approval body”; “technical conditions compliance approval” in Article 69 paragraph (1), Article 70 paragraph (1) and (2) and Article 71 shall be read as “approval under Article 72-3 paragraph (1)”; and “those

who are equipped with (hereinafter referred to as “approval examiner”)” in paragraph (2) of the same Article shall be read as “those who are equipped with.”

- (6) The recognized approval body may, upon receipt of an application of a foreign dealer, certify that the terminal equipment to use in Japan conforms to the technical conditions stipulated in the applicable ordinance of the Ministry of Posts and Telecommunications under Article 49 paragraph (1) for the type.
- (7) In case that a recognized approval body certifies in accordance with the preceding paragraph as the work, for the provisions of paragraph (3) and (5), “approval” in paragraph (3) shall be replaced by “the work of approval and certification of paragraph (6)”; “the work” in paragraph (5) shall be replaced by “the work and certification under paragraph (6) of the same Article”; “examination affairs” shall be replaced by “approval under Article 72-3 paragraph (1) or certification under paragraph (6) of the same Article”; “with respect to the work” shall be replaced by “with respect to the work and certification under paragraph (6) of the same Article”; “paragraph (2) and Article 71” shall be replaced by “paragraph (2)”; “approval” and paragraph (2) of the same Article” shall be replaced by “approval” and “technical conditions compliance approval” in Article 71 shall be replaced by “the approval in Article 72-3 paragraph (1) or certification under paragraph (6) of the same Article” and paragraph (2) of the same Article.”
- (8) The provisions in accordance with Article 50-4 in paragraph (3) through paragraph (5) shall apply, mutatis mutandis, to the certification under paragraph (6) by the recognized approval body; the provisions in accordance with paragraph (6) and (7) of the same Article shall apply, mutatis mutandis, to the revocation of certification under paragraph (6) by the Minister of Posts and Telecommunications. In this case, “the Minister of Posts and Telecommunications” and “paragraph (1)” in paragraph (3) of the same Article shall be read as “the recognized approval body” and “Article 72-3 paragraph (6)” and “an application in accordance with paragraph (1)” in paragraph (4) of the same Article shall be read as “an application in accordance with Article 72-3 paragraph (6).”

(Revocation of Recognition)

Article 72-4.

- (1) The Minister of Posts and Telecommunications shall revoke the recognition when a recognized approval body has lost the status in its own country stipulated in the provision of paragraph (1) of the preceding Article or when it falls under the provisions of paragraph (5) of the same Article where Article 57 paragraph (2) item ii) or iv) (except b)) shall apply, mutatis mutandis.
- (2) The Minister of Posts and Telecommunications may, when a recognized approval body falls under any of the following items, revoke the recognition:
 - i) When it contravenes the provision of paragraph (3) of the preceding Article or the provisions of paragraph (5) of the same Article where Article 61 paragraph (1), Article 63, Article 70 paragraph (2) or Article 71 shall apply, mutatis mutandis
 - ii) When it engages in the work without abiding by the rules authorized in accordance with the provisions of paragraph (5) of the preceding Article where Article 61 paragraph (1) shall apply, mutatis mutandis
 - iii) When it does not comply with the request in accordance with the provisions of paragraph (5) of the preceding Article where Article 61 paragraph (2) or Article 64 shall apply, mutatis mutandis
 - iv) When it is deemed not to conform to any of items (except item iv)) of Article 69 paragraph (1), which shall apply, mutatis mutandis, to paragraph (5) of the preceding Article
 - v) When it has been recognized through dishonest means
 - vi) When a report is not submitted, or a false report is submitted, in response to the request by the Minister of Posts and Telecommunications in accordance with the provisions of Article 92 paragraph (5) where paragraph (4) of the same Article shall apply mutatis mutandis

- vii) When the inspection was refused, obstructed or evaded, in the case the Minister of Posts and Telecommunications delegated any ministerial staff to enter and to inspect business offices or work places belonging to the foreign dealer in accordance with the provisions of Article 92 paragraph (5) where paragraph (4) of the same Article shall apply, mutatis mutandis
- (3) When the Minister of Posts and Telecommunications has revoked a recognition under the provisions of the preceding two paragraphs, the Minister shall issue a public notice to that effect.

Chapter III. Use of Land

(Using Right of Land Etc.)

Article 73.

- (1) A Type I telecommunications carrier may, when it is necessary and reasonable to use other persons' land or buildings or other structures fixed thereto (hereinafter simply referred to as "land, etc.") for establishment of wires and cables, antennas or other facilities accessory thereto for the use of its Type I telecommunications business (in this chapter 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 "use right") subject to the authorization of the Minister of Posts and Telecommunications. The same shall apply to the case where a Type I telecommunications carrier intends to continuously use the land, etc. after the expiration of the duration under paragraph (3) below, by extending it.
- (2) The authorization under the preceding paragraph may be granted insofar as such use does not seriously interfere with the utilization of the land etc. However, such use shall be limited, in the case of the land etc. in use for the business for which the land etc. may be expropriated or used by virtue of other laws, to the extent that the use may not interfere with the utilization of the land etc. for such business, and shall be limited, in the case of buildings or other structures, for the purpose of supporting lines.
- (3) The duration of the right of use under paragraph (1) above 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 under the same paragraph or is decided on in the arbitration under Article 77 paragraph (2) or (3).
- (4) The Minister of Posts and Telecommunications shall, where he or she has granted authorization under paragraph (1) above, give notice to the owner of the land, etc. to that effect and give public notice thereof.
- (5) Where an agreement has been reached in the negotiation under paragraph (1) above, the Type I telecommunications carrier and the owner of land, etc. shall submit a notification to the Minister of Posts and Telecommunications specifying the matters agreed upon in the negotiation in accordance with the provisions of the applicable ordinance of the Minister of Posts and Telecommunications.
- (6) When the notification under the preceding paragraph has been submitted, the right of use concerning the land etc. will be acquired by the Type I telecommunications carrier concerned, or the duration of right of use will be extended, as specified in the notification.

(Application for Arbitration)

Article 74.

- (1) Where negotiations under the provisions of paragraph (1) of the preceding Article fail to be conducted or to come to an agreement, the Type I telecommunications carrier may, in accordance with the procedures stipulated in the applicable ordinance of the Ministry of Posts and Telecommunications, apply to the Minister of Posts and Telecommunications for his or her

arbitration on the use of the land, etc. This shall not apply, however, to those cases where three months have elapsed since the day on which the authorization under the same paragraph was granted.

- (2) A Type I telecommunications carrier may, where it has applied for arbitration on the extension of the duration of the using right under the provisions of the preceding paragraph, continue to use the land etc. until the arbitration is made.

(Arbitration)

Article 75.

- (1) Where the Minister of Posts and Telecommunications has accepted an application for arbitration under the provisions of paragraph (1) of the preceding Article, he or she shall, within three days, forward a copy of the application to the mayor of the city concerned or the chief administrative officer of the town or village concerned, and give notice to the owner of the land, etc. that the application for arbitration has been lodged.
- (2) Where the mayor of the city or the chief administrative officer of the town or village has received the copy referred to in the preceding paragraph, he or she shall, within three days, give 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 giving public notice under the provisions of the preceding paragraph, inform the Minister of Posts and Telecommunications 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 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 under Article 252-19 paragraph (1) of the Local Autonomy Law (Law No. 67 of 1947); 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 76.

Where the public notice under the provisions of paragraph (2) of the preceding Article has been given, the owner of the land, etc. or any other interested person may present his or her opinions in writing to the Minister of Posts and Telecommunications within ten days from the day of the public notice.

Article 77.

- (1) The Minister of Posts and Telecommunications shall make an arbitration promptly after the period referred to in the preceding Article has elapsed.
- (2) The arbitration which provides that the use right be created shall specify the following matters:
 - i) Location and limits of the land, etc. on or across which the use right is to be created
 - ii) Kind and number of lines
 - iii) Time of the commencement of use
 - iv) Duration of the use right, if determined
 - v) Amount of compensation, and the time and method of the payment
- (3) An arbitration which provides that the duration of the use right be extended shall stipulate the duration of the extension (where the matters set forth in item v) of the preceding paragraph are to be amended at the occasion of the extension, the duration of the extension and the matters, as amended, shall be provided for in the same item).
- (4) The Minister of Posts and Telecommunications shall, on the matters set forth in item v) of paragraph (2) above (including those, as amended, under the provisions of 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 make an arbitration based on these opinions. In this case, the standard sum of compensation referred to in said item shall be fixed in the applicable cabinet order for each kind of lines and land, etc. to cover the loss ordinarily arising from the use thereof.

- (5) Where the Minister of Posts and Telecommunications has made an arbitration under Article 74 paragraph (1), he or she shall without delay give notice to the Type I telecommunications carrier and the owner of the land, etc. to that effect and give public notice thereof.
- (6) When an arbitration which provides that the right of use be created has been made, the right of use of the land etc. will be acquired by the Type I telecommunications carrier at the time of the commencement of the use stipulated in the arbitration.
- (7) When an arbitration which provides that the duration of the right of use be extended has been made, the duration of said right of use will be extended for the duration stipulated in the arbitration.
- (8) The provisions of Article 39 paragraphs (8) through (10) shall apply, mutatis mutandis, to the arbitration under Article 74 paragraph (1). In this case, “the amount of money to be paid or received by the party (or parties)” in Article 39 paragraphs (8) and (10), shall be read as “the amount of compensation.”

(Temporary Use of Land Etc.)

Article 78.

- (1) A Type I telecommunications carrier may, if it is necessary and unavoidable to use other persons' land, etc. for the purposes set forth below, temporarily use it insofar as such use does not seriously interfere with the utilizing of the land, etc. However, in the case 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 secure essential communications in the cases where a natural disaster, accidental event or any other emergency has occurred or where any other especially compelling reason exists
 - iii) Setting up of land survey markers
- (2) A Type I telecommunications carrier shall obtain permission from the Minister of Posts and Telecommunications before it temporarily uses other persons' land, etc. under the provisions of the preceding paragraph. This shall not apply, however, to temporary use for a period of not more than fifteen days where a natural disaster, accidental event or any other emergency has occurred.
- (3) A Type I telecommunications carrier shall give notice to the occupant of the land etc. before it temporarily uses this person's land etc. under the provisions of paragraph (1) above. However, if it is difficult to give notice beforehand, it shall suffice for the carrier to give notice without delay after the commencement of the use.
- (4) If the land etc. intended for temporary use under the provisions of paragraph (1) above is currently in use for a residence, the consent of the residents thereof shall be obtained.
- (5) The period of the temporary use under the provisions of paragraph (1) above shall not exceed six months (or one year, where temporary telecommunications lines or land survey markers have been set up under the provisions of item ii) of the same paragraph).
- (6) Any person who enters other person's land etc. for the purpose of temporary use under the provisions of paragraph (1) above shall carry a document certifying that permission has been obtained under paragraph (2) above (or an identification card in the cases referred to in the proviso of the same paragraph) and shall produce it to the persons concerned.

(Entry into Land)

Article 79.

- (1) A Type I telecommunications carrier may enter another person's land if 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 case when a Type I telecommunications carrier enters another person's land under the provisions of the preceding paragraph.

(Passage)

Article 80.

- (1) A Type I telecommunications carrier may pass through another person's land if it is necessary for the installation in relation to telecommunications lines or for the maintenance of lines.
- (2) The provisions of Article 51 paragraph (3) and Article 78 paragraphs (3) and (4) shall apply, mutatis mutandis, to the case when a Type I telecommunications carrier passes through another person's land under the provisions of the preceding paragraph.

(Removing Trees and Plants)

Article 81.

- (1) Where any trees or plants cause or threaten to cause trouble to lines or interfere with surveys, on-site investigations or installation in relation to lines, a Type I telecommunications carrier may, if it is unavoidable, cut or transplant the trees or plants after obtaining permission from the Minister of Posts and Telecommunications.
- (2) A Type I telecommunications carrier shall, before it cuts down or transplants such trees or plants in accordance with the provisions of the preceding paragraph, give notice to the owner of the trees or plants to that effect. However, if it is difficult to give notice beforehand, it shall suffice for the carrier to give notice without delay after the cutting down or transplanting.
- (3) Where trees or plants cause trouble to lines and where a Type I telecommunications carrier determines that they would, unless removed, cause serious damage to the lines and result in serious interference with securing of communications, the carrier may cut or transplant them without obtaining permission of the Minister of Posts and Telecommunications, notwithstanding the provisions of paragraph (1) above. In this case, the carrier shall submit without delay, after the cutting or transplanting, a notification to the Minister of Posts and Telecommunications and shall give notice to the owner of the trees or plants to that effect.

(Compensation for Loss)

Article 82.

- (1) Where a Type I telecommunications carrier has caused a loss by having temporarily used other persons' land, etc. under the provisions of Article 78 paragraph (1), by having entered other persons' land under the provisions of Article 79 paragraph (1), by having passed other persons' land under the provisions of Article 80 paragraph (1), or by having cut or transplanted any trees or plants under the provisions of paragraph (1) or (3) of the preceding Article, the Type I telecommunications carrier shall pay to the person who has suffered a loss compensation for the loss.
- (2) Where negotiations between a Type I telecommunications carrier and a person who has suffered a loss fail to be conducted or to come to an agreement with respect to the compensation for a loss under the provisions of the preceding paragraph, the Type I telecommunications carrier or the person who has suffered a loss may, in accordance with the procedures stipulated in the applicable ordinance of the Ministry of Posts and Telecommunications, apply to the prefectural governor for his or her arbitration.
- (3) The provisions of Article 39 paragraphs (5) through (10) shall apply, mutatis mutandis, to the arbitration under the preceding paragraph. In this case, "the Minister of Posts and Telecommu-

nications” and “comments in writing” in Article 39 paragraph (5) shall respectively read “the prefectural governor” and “comments 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 of Posts and Telecommunications” 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 compensation.”

- (4) The arbitration which provides that compensation be paid shall stipulate the amount of compensation and the time and method of the payment.

(Relocation Etc. of Lines)

Article 83.

- (1) Where lines have come to seriously interfere with the utilizing of the land, etc. on or across which the lines are established or of the land, etc. adjacent thereto due to alteration in purpose or method of utilization of the land, etc., the owner of the land, etc. concerned may request the Type I telecommunications carrier concerned to take measures necessary to remove the interference such as relocating the lines.
- (2) A Type I telecommunications carrier shall take the measures under 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 a Type I telecommunications carrier and an owner of land, etc. fail to be conducted or to come to an agreement with respect to the measures under paragraph (1) above, the Type I telecommunications carrier or the owner of land, etc. may, in accordance with the procedures stipulated in the applicable ordinance of the Ministry of Posts and Telecommunications, apply to the Minister of Posts and Telecommunications for his or her arbitration.
- (4) The provisions of Articles 75 and 76, and Article 77 paragraphs (1) and (5) shall apply, mutatis mutandis, to the arbitration under the preceding paragraph.
- (5) The arbitration which provides that the measures under paragraph (1) above be taken may stipulate that the whole or part of the expense of the measures be borne by the owner of land etc. concerned.
- (6) The arbitration which provides that the measures under paragraph (1) above be taken shall stipulate the time when such measures should be taken (in the case referred to in 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) Where a public notice has been given by virtue of the provisions of paragraph (4) above, to which Article 77 paragraph (5) shall apply, mutatis mutandis, it shall be deemed that an agreement has been reached between the Type I telecommunications carrier and the owner of land etc. concerned as stipulated in the arbitration.
- (8) The provisions of Article 39 paragraphs (8) through (10) shall apply, mutatis mutandis, to the arbitration under paragraph (3) above. 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 expense to be borne.”

(Obligation to Restore to Original State)

Article 84.

When a Type I telecommunications carrier terminates the use of land etc. or where its use of land etc. for Type I telecommunications business is no longer necessary, the Type I telecommunications carrier shall return the land etc. after first restoring it to its original state or paying to the owner compensation for the loss caused by not restoring it to its original state.

(Use of Public Waters)**Article 85.**

- (1) A Type I telecommunications carrier shall, before it lays an underwater cable to be used for 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 of Posts and Telecommunications and the relevant prefectural governor (including the Minister of Agriculture, Forestry and Fisheries, if the waters are fishing places over which he or she 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) Location of the underwater cable and area for which an application under 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) Where the relevant prefectural governor, upon receiving a notification under the provisions of the preceding paragraph, deems it necessary to alter any of the matters relating to the notification under the preceding paragraph after hearing the opinions of any person interested in the fishing rights (meaning piscary under the Fisheries Law; the same shall apply hereinafter) or of any other person duly engaged in fishing as stipulated in the applicable cabinet order under paragraph (4) of the following Article within the area referred to in 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 necessary consultation with any other prefectural governor involved, if any, give notice to the Minister of Posts and Telecommunications and said Type I telecommunications carrier to that effect within thirty days from the day on which said notification was submitted to the governor.
- (3) The provisions in Article 11 paragraph (6) of the Fishery Law shall apply, mutatis mutandis to the case in the preceding paragraph, in which case “the prefectural governor” of paragraph (6) in Article 11 of the Fishery Law shall be read as “relevant prefectural governor who received the notification stipulated in the provision of paragraph (1) of Article 85 of Telecommunications Business Law”.
- (4) The Type I telecommunications carrier shall, upon receiving the notice under paragraph (2), make alterations in the matters specified therein. 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 of Posts and Telecommunications not to make such alterations with respect to said matters.

(Protection of Underwater Cable)**Article 86.**

- (1) When an application from a Type I telecommunications carrier has been filed, the Minister of Posts and Telecommunications may, if it is determined necessary for the protection of the underwater cable concerned with respect to which the laying procedures as 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 under the provisions of the preceding paragraph shall be made by a public notice.
- (3) A Type I telecommunications carrier shall, when a protected area has been designated under the provision of paragraph (1) above, place landmarks indicating such area and give public notice of the locations of the landmarks in accordance with the provisions of the applicable ordinance of the Ministry of Posts and Telecommunications.

- (4) In a protected area under paragraph (1) above, 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 referred to in the preceding paragraph. This shall not apply, however, in those 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 (2) of the same law (in this Article referred to as a “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 a Type I telecommunications carrier has been filed, the prefectural governor (or the Minister of Agriculture, Forest and Fishery, where the governor exercises the power of the prefectural governor in accordance with the provisions of Article 136 of the Fishery Law, the same shall apply in paragraph (7)) may, if it is deemed necessary to protect the underwater cable, revoke or alter the fishing right which has been created in waters within the protected area under paragraph (1) above, or may order to suspend the exercise of such right.
- (6) The provisions in Article 11 paragraph (6) of the Fishery Law shall apply, mutatis mutandis, to the case of revocation or alteration of the fishing rights, or suspension of the exercise of such rights in the preceding paragraph. In this case “the prefectural governor” of paragraph (6) in Article 11 of the Fishery Law shall be read as “relevant prefectural governor who received the notification stipulated in the provision of paragraph (5) of Article 86 of Telecommunications Business Law”.
- (7) The prefectural governor shall, in creating a fishing right in waters within the protected area under paragraph (1) above, 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 under paragraph (1) above or in permitting any act on and under such waters, pay necessary consideration for the protection of the underwater cable concerned.

Article 87.

- (1) A Type I telecommunications carrier shall pay to any person holding a fishing right compensation for any loss caused by the revocation or alteration of this person’s fishing rights or by the suspension of the exercise thereof under the provisions of paragraph (5) of the preceding Article.
- (2) The provisions of Article 39 paragraphs (7) through (12) of the Fishery Law shall apply, mutatis mutandis, to the compensation for loss under the provisions of the preceding paragraph. In this case, “the prefectures” in paragraph (10) and (11) of the same Article shall be read as “the Type I telecommunications carrier”.

Article 88.

No ship shall navigate in waters within the boundary prescribed in the applicable ordinance of the Ministry of Posts and Telecommunications, not exceeding one thousand meters (or fifty meters with respect to a river) from a ship which is laying or repairing an underwater telecommunications cable belonging to Type I telecommunications carriers, and which displays a symbol indicating that activity, or within the boundary prescribed in the applicable ordinance of the Ministry of Posts and Telecommunications, 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. Miscellaneous Provisions

(Conditions for Permission Etc.)

Article 89.

- (1) Conditions may be attached to permission or authorization and such conditions may be changed.
- (2) Such conditions referred to in the preceding paragraph shall be the minimum necessary in view of the purport of the permission or authorization, or to facilitate the reliable execution of the matters with respect to which the permission or authorization is to be granted.

(Exemption from This Law, Etc.)

Article 90.

- (1) The provisions of this Law shall not apply to telecommunications business set forth below:
 - i) Any telecommunications business which exclusively provides telecommunications service to a single person (not being a telecommunications carrier)
 - ii) Any telecommunications business which provides telecommunications service 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 ordinance of the Ministry of Posts and Telecommunications
 - iii) Any Type II telecommunications business which provides telecommunications service other than telecommunications services which intermediate communications of others by using telecommunications facilities
- (2) Regardless of the provisions of the preceding paragraph, the provisions of Articles 3 and 4 shall apply to communications being handled by a person who operates telecommunications business set forth in any item of the preceding paragraph.

(Deletion)

Article 91.

(deleted)

(Report and Inspection)

Article 92.

- (1) The Minister of Posts and Telecommunications may, to the extent necessary for the enforcement of this Law, order a telecommunications carrier to report on its business, and delegate any ministerial staff to enter business offices, business establishments or other work places belonging to a Type I telecommunications carrier or Special Type II telecommunications carrier and to inspect its telecommunications facilities, account books, documents and other articles.
- (2) The Minister of Posts and Telecommunications may, to the extent necessary for the enforcement of this Law, order the attested person under Article 50-2 paragraph (1) to submit report on the work to be attested, and to delegate any ministerial staff to enter business offices or work places belonging to the attested person, and to inspect its facilities, accounting books or documents and other articles.
- (3) The Minister of Posts and Telecommunications may, to the extent necessary for the enforcement of this Law, order the certified person under Article 50-4 paragraph (1) or Article 72-2 paragraph (1) to submit reports on the terminal equipment to be certified, and to delegate any ministerial staff to enter business offices or work places belonging to the certified person, and to inspect the terminal equipment and other articles.
- (4) The Minister of Posts and Telecommunications may, to the extent necessary for the enforcement of this Law, order a designated examination agency or designated approval agency to report on

its work, and delegate any ministerial staff to enter business offices or work places belonging to a designated examination agency or designated approval agency to inspect its record books, documents and other articles.

- (5) The provisions in paragraph (2) shall apply, mutatis mutandis, to those who have been attested under Article 50-3 paragraph (1), and the provisions of paragraph (3) shall apply, mutatis mutandis, to those who have been certified under Article 72-3 paragraph (6). The provisions of the preceding paragraph shall apply, mutatis mutandis, to recognized approval body.
- (6) Any staff who enters and inspects under the provisions of paragraph (1) or paragraph (2) through (4) (including the cases where relevant provisions are applied, mutatis mutandis, in accordance with the preceding paragraph) shall carry an identification card and shall present it to the persons concerned.
- (7) The power of entry and inspection by virtue of the provisions of paragraph (1) or paragraph (2) through (4) above (including the cases where relevant provisions are applied, mutatis mutandis, in accordance with paragraph (5)), shall not be construed as being invested in the ministerial staff for the purpose of detecting a crime.

(Consultation Etc.)

Article 93.

The applicable cabinet order shall stipulate the provisions with respect to the necessary procedures including consultation with other administrative agencies concerned and the informing thereto in the cases where the Minister of Posts and Telecommunications, by virtue of the provisions of this Law, establishes ordinances of the Ministry of Posts and Telecommunications (only those stipulated in the applicable cabinet order) or makes orders or other administrative dispositions (only those stipulated in the applicable cabinet order) with respect to Type II telecommunications business, or where notifications (only those stipulated in the applicable cabinet order) or applications for registration relating to Type II telecommunications business have been submitted to the Minister of Posts and Telecommunications.

(Consultation with Council)

Article 94.

The Minister of Posts and Telecommunications shall, where he or she intends to make administrative dispositions etc. set forth below, consult councils etc. (those prescribed in Article 8 of the National Government Organization Law [Law No. 120 of 1948]) stipulated in the applicable cabinet order (hereinafter referred to as “councils etc.” in this Article and paragraph (2) of the following article). This shall not apply, however, to such matters as the councils etc. deem to be minor.

- i) Permission for Type I telecommunications business under the provisions of Article 9 paragraph (1)
- ii) Permission for a change in category etc. of telecommunications service of a Type I telecommunications carrier in accordance with the provisions of Article 14 paragraph (1)
- iii) Order based on the provisions of Article 31 paragraph (2) or paragraph (6)
- iv) Establishment, amendment or abolition of the applicable ordinance of the Ministry of Posts and Telecommunications under the provisions of Article 31 paragraph (3)
- v) Setting standard charge index in accordance with the provisions of Article 31 paragraph (3)
- vi) Approval of charge related to specified telecommunications services in accordance with the provisions of Article 31-4
- vii) Authorization with respect to tariffs of a Type I telecommunications carrier under the provisions of Article 31-4 paragraph (1)
- viii) Establishment, amendment or abolition of the standard tariffs stipulated in Article 31-4 paragraph (3)
- ix) Order under the provisions of Article 36

- x) Establishment, amendment or abolition of the applicable ordinance of the Ministry of Posts and Telecommunications under the provisions of Article 38 item iii); or Article 38-2 paragraph (1); or, a), b) or d) of item i) or item ii) of paragraph (3) of Article 38-2; or, paragraph (4), paragraph (5), paragraph (8), paragraph (11) or paragraph (12) of Article 38-2
- xi) Designation under the provisions of Article 38-2 paragraph (1)
- xii) Authorization of articles of interconnection agreement under the provisions of Article 38-2 paragraph (2)
- xiii) Authorization of an agreement on interconnection with designated facilities under the provisions of Article 38-2 paragraph (7)
- xiv) Order under the provisions of Article 39 paragraph (1) or (2)
- xv) Arbitration under the provisions of Article 39 paragraph (3) or (4)
- xvi) Establishment, amendment or abolition of the applicable ordinance of the Ministry of Posts and Telecommunications under the provisions of Article 39-2 paragraph (1) or paragraph (2)
- xvii) Recommendation of change of plan under Article 39-2 paragraph (3)
- xviii) Order under the provisions of Article 39-4 paragraph (1)
- xix) Arbitration under the provisions of Article 39-4 paragraph (2)
- xx) Establishment, amendment or abolition of the applicable ordinance of the Ministry of Posts and Telecommunications with respect to the technical conditions under the provisions of Article 41 paragraph (1), Article 49 paragraph (1), or Article 52 paragraph (1) item i)
- xxi) Establishment, amendment or abolition of the applicable ordinance of the Ministry of Posts and Telecommunications with respect to the telecommunications number standard under the provisions of Article 48-2 paragraph (1)

(Special Case of Hearing)

Article 95.

- (1) The Minister of Posts and Telecommunications shall, when intending to make administrative dispositions under the provisions of paragraph (2) or (6) of Article 31, Article 36, Article 37, paragraph (1) or (2) of Article 39 or paragraph (1) of Article 39-4, hold the hearing notwithstanding distinction of the procedures for statement stipulated in Article 13 paragraph (1) of the Administration Procedures Law (Law No. 88 of 1993).
- (2) When there is a hearing to be conducted relating to the disposition provided in the preceding paragraph and where the disposition shall be treated in accordance with the advice after referring same to councils etc., the chairperson of the hearing shall be nominated based on the recommendation by said councils etc. from among the members of said councils etc.
- (3) The chairperson for the hearing concerning administrative dispositions under the provisions of Article 19 paragraph (1), Article 20 paragraph (1), Article 28 paragraph (1), Article 31 paragraph (2) or paragraph (6), Article 36, Article 37, Article 39 paragraph (1) or (2), Article 39-4 paragraph (1), Article 46 (including Article 54 paragraph (2) to which Article 46 shall apply, mutatis mutandis), or Article 59 paragraph (3) (including Article 72 to which Article 59 paragraph (3) shall apply, mutatis mutandis) shall, where the person(s) interested in the administrative disposition concerned requests an entry for the procedures of the hearing concerned under the provisions of Article 17 paragraph (1) of the Administrative Procedures Law, give permission for the request.

(Hearing in Procedures for Complaint Lodging)

Article 96.

- (1) Any arbitration or decision on an investigation request or a lodged notice of opposition with respect to an administrative disposition made by virtue of the provisions of this Law shall be

effected after hearings are held, with notice being given in advance for a reasonable period of time to the claimant for an investigation or the demurrant.

- (2) The notice referred to in the preceding paragraph shall indicate the date, place and content of the issue involved.
- (3) At the hearings referred to in paragraph (1) above, the claimant for an investigation or the demurrant and the person(s) interested in the administrative disposition concerned shall be presented evidence relating to the issue and be given opportunities to state their opinions on the issue.

(Submission of Complaints or Opinion)

Article 96-2.

- (1) Any person who has complaints or other views on the issues of charge and other terms of delivery of telecommunications services or the method of business execution by telecommunications carriers may submit these, in the form of documents describing the reasons, to the Minister of Posts and Telecommunications.
- (2) The Minister of Posts and Telecommunications, upon receipt of the opinion mentioned in the preceding paragraph, shall treat it in good faith and notify the results to those who have submitted it.

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

Article 97.

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

(Fee)

Article 98.

- (1) Any person who obtains confirmation under the provisions of Article 12 paragraph (4), or who intends to take the examination for chief telecommunications engineers or installation technicians, or who intends to receive the technical conditions compliance approval, or who intends to receive the attestation under Article 50-2 paragraph (1) or Article 50-3 paragraph (1), or who intends to receive the certification under Article 50-4 paragraph (1) or Article 72-2 paragraph (1), 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 prescribed in the applicable cabinet order in consideration of actual costs.
- (2) With respect to the fees referred to in 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 and those to be paid by persons who intend to receive the technical conditions compliance approval conducted by a designated certification agency, those to be paid by persons who intend to receive the certification under Article 72-2 paragraph (1) conducted by a designated approval agency, shall be the revenue of the respective agencies. The other fees referred to in the same paragraph shall be the revenue of the National Treasury.

(Transitional Measures)

Article 99.

When any order of the Ministry of Posts and Telecommunications should be established, amended or abolished under the provisions of this Law, necessary transitional measures (including those relating to penal provisions) may be stipulated in that order to such extent as deemed to be reasonably necessary in establishing, amending or abolishing that order.

(Division of Business)

Article 99-2.

The work that is supposed to be handled by the local governments of cities, towns and villages under the provision of Article 75 paragraph (2) and (3) (including the case where these stipulations are applied, mutatis mutandis, to Article 83 paragraph (4)), shall be the item i) legal consignee business provided for in Article 2 paragraph (9) item i) of the Local Autonomy Law.

Chapter V. Penal Provisions

Article 100.

Any person who operates Type I telecommunications business in contravention of the provisions of Article 9 paragraph (1) shall be guilty of an offense and liable to penal servitude for a term not exceeding three years or to a fine not exceeding one million yen or to both.

Article 101.

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 two years or to a fine not exceeding five hundred thousand yen or to both:

- i) Any person who suspends or discontinues part or the whole of Type I telecommunications business in contravention of the provisions of Article 18 paragraph (1)
- ii) Any person who refuses to provide telecommunications service in contravention of the provisions of Article 34

Article 102.

- (1) Any person who operates without authority any telecommunications facilities for telecommunications business of a telecommunications carrier and thereby obstructs the provision of telecommunications service shall be guilty of an offense and liable to penal servitude for a term not exceeding two years or to a fine not exceeding three hundred thousand yen.
- (2) The provision of the preceding paragraph shall also apply where any person who engages in Type I telecommunications business or Special Type II telecommunications business fails to perform, without due reason, the work of maintenance or operation of telecommunications facilities for telecommunications business of a telecommunications carrier and thereby causes the provision of telecommunications service to be impaired.
- (3) An attempted offense of paragraph (1) above shall be punished.

Article 103.

Any person who operates Special Type II telecommunications business in contravention of the provisions of Article 24 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 or to both.

Article 104.

- (1) Any person who violates the secrecy of communications being handled by a telecommunications carrier (including communications stipulated in the provisions of Article 90 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 five hundred thousand yen.
- (2) Any person who engages in the telecommunications business and commits the act referred to in 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 one million yen.
- (3) An attempted offense of the preceding two paragraphs shall be punished.

Article 105.

Any person who divulges any secret which has come to such person's knowledge with respect to such person's duties in contravention of the provisions of Article 60 paragraph (1) (and Article 72 to which Article 60 paragraph (1) shall apply, *mutatis mutandis*) shall be guilty of an offense and liable to penal servitude for a term not exceeding one year or to a fine not exceeding three hundred thousand yen.

Article 106.

When a designated examination agency or designated approval agency contravenes an order to suspend its work by virtue of the provisions of Article 66 paragraph (2) (and Article 72 to which Article 66 paragraph (2) shall apply, *mutatis mutandis*), any officer or staff of such agency who commits such a 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 three hundred thousand yen.

Article 107.

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

- i) Any person who changes the matters referred to in Article 9 paragraph (2) items ii) through iv) in contravention of the provisions of Article 14 paragraph (1)
- ii) Any person who entrusts any part of such person's telecommunications activities to another person in contravention of the provisions of Article 15 paragraph (1)
- iii) Any person who provides telecommunications services in contravention of the provisions of Article 31 paragraph (9) or Article 31-4 paragraph (4)
- iv) Any person who contravenes any order or administrative disposition made by virtue of the provisions of Article 31 paragraph (2) or (6), Article 36, Article 37, Article 39 paragraph (1) or paragraph (2), Article 39-4 paragraph (1), Article 42 or Article 48-3
- v) Any person who enters into, amends or terminates an agreement or contract in contravention of the provisions of Article 38-2 paragraph (6), Article 38-3 paragraph (1), Article 39-3 paragraph (1) or Article 40
- vi) Any person who fails to appoint a chief telecommunications engineer in contravention of the provisions of Article 44 paragraph (1)

Article 108.

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 operates General Type II telecommunications business in contravention of the provisions of Article 22 paragraph (1)
- ii) Any person who changes the matters referred to in Article 24 paragraph (2) item ii) or iii) in contravention of the provisions of Article 27 paragraph (1)
- iii) Any person who provides telecommunications services in contravention of Article 31-3 paragraph (2), where Article 31 paragraph (9) or Article 31-4 paragraph (6) shall apply, *mutatis mutandis*
- iv) Any person who attaches an indication in contravention of the provisions of Article 50 paragraph (5)

Article 109.

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

- i) Any person who fails to keep records under the provisions of Article 31-2 or Article 38-2 paragraph (10); or who makes false records

- ii) Any telecommunications carrier which fails to make a report under the provisions of Article 92 paragraph (1) or makes any false report, or any officer or staff of a Type I telecommunications carrier or a Special Type II telecommunications carrier who refuses, hinders or evades the inspection specified in the provisions of the same paragraph
- iii) Any person who fails to make a report under the provisions of Article 92 paragraph (2) or paragraph (3) or makes any false report, or any person who refuses, hinders or evades the inspection specified in these provisions

Article 110.

When a designated examination agency or designated approval agency comes under any of the following items, any officer or staff of such agency who commits such violation shall be guilty of an offense and liable to a fine not exceeding two hundred thousand yen:

- i) When any agency fails to keep or preserve a record book or makes no entry or makes a false entry in it in contravention of Article 63 (including Article 72 to which Article 63 shall apply, mutatis mutandis)
- ii) When any agency discontinues the whole of either the examination affairs or the work of the technical conditions compliance approval in contravention of the provisions of Article 65 paragraph (1) (including Article 72 to which Article 65 paragraph (1) shall apply, mutatis mutandis)
- iii) When any agency fails to make a report under the provisions of Article 92 paragraph (4) or makes any false report, or when the agency refuses, hinders or evades the inspection specified by the provisions of the same paragraph

Article 111.

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

- i) Any person who fails to submit a notification under the provisions of Article 12 paragraph (5) (including Article 14 paragraph (4) to which Article 12 paragraph (5) shall apply, mutatis mutandis), Article 22 paragraph (3), Article 23 paragraph (2) or (3) (including Article 30 to which Article 23 paragraph (2) or (3) shall apply, mutatis mutandis), Article 38-2 paragraph (9), Article 38-3 paragraph (3) or paragraph (5), Article 39-2 paragraph (1), Article 39-3 paragraph (4), Article 43 paragraph (1) or (2), or Article 44 paragraph (2), or submits any false notification
- ii) Any person who fails to post charges or tariffs in contravention of the provisions of Article 32 paragraph (1)
- iii) Any person who fails to make a report under the provision of Article 35, or makes any false report
- iv) Any person who fails to disclose articles of interconnection agreement in contravention of the provisions of Article 38-2 paragraph (8)
- v) Any person who fails to disclose a plan in contravention of the provisions of Article 39-2 paragraph (2)
- vi) Any person who contravenes the provisions of Article 86 paragraph (4) or Article 88

Article 112.

When any representative of a juridical person, or any agent, employee or other operator of a person or of a juridical person commits a violation referred to in Article 100 through the preceding Article (excluding any violation referred to in Article 102, Article 105, Article 106 and Article 110) with respect to the business activities of either the person or juridical person concerned, not only the violator shall be punished but also the person or juridical person concerned shall be punished with the fine under the applicable Article.

Article 113.

Any person who comes under any of the following items shall be liable to a non-penal fine not exceeding one million yen.

- i) Any person who contravenes the provisions of Article 33
- ii) Any person who fails to disclose or has made a false report in contravention of the provisions of Article 38-2 paragraph (11)

Article 114.

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

- i) Any person who fails to submit a notification under the provisions of Article 13, Article 14 paragraph (2), Article 22 paragraph (2), Article 23 paragraph (4) (including Article 30 to which Article 23 paragraph (4) shall apply, mutatis mutandis) or Article 27 paragraph (4), or submits any false notification
- ii) Any person who fails without due reason to return his or her chief telecommunications engineer's license or installation technician's license in contravention of the order made by virtue of the provisions of Article 46 (including Article 54 paragraph (2) to which Article 46 shall apply, mutatis mutandis)
- iii) Any person who contravenes the provisions of Article 86 paragraph (3)

Supplementary Provisions

(Date of Enforcement)

Article 1.

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

(Review)

Article 2.

The government shall, within three years of the enforcement date of this Law, review the situation under which this Law is executed and shall take necessary measures based upon the conclusion 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 which relates 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 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 permission under Article 9 paragraph (1) on the enforcement date of this Law (hereinafter referred to as the “enforcement date”).
- (2) Any business which relates to the public telecommunications activities being actually conducted by Kokusai Denshin Denwa Company, Ltd. (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 permission under Article 9 paragraph (1) on the enforcement date.
- (3) Both NTT and KDD shall, within one month of the enforcement date, 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 the following paragraph) shall be deemed to be a Type I telecommunications business, and the portion of business related to reception and delivery shall be conducted only by Nippon Telegraph and Telephone East Corporation, Nippon Telegraph and Telephone West Corporation, and KDD Corporation (when relevant corporation ceases to exist as a result of a merger, the corporation that survives the merger or a newly created corporation after the merger; hereinafter referred to in this Article as “KDD Corporation”) established by the Kokusai Denshin Denwa Company, Ltd. 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, the services provided by Nippon Telegraph and Telephone East Corporation, Nippon Telegraph and Telephone West Corporation, and KDD Corporation to handle telegrams shall be deemed to be telecommunications services, and the business activities to provide such services shall be deemed to be telecommunications services, to which the provisions of this Law (including Penal Provisions)

shall apply.

- (2) Notwithstanding the provisions of Article 15 paragraph (1), Nippon Telegraph and Telephone East Corporation, Nippon Telegraph and Telephone West Corporation, and KDD Corporation may entrust part of the business activities relating to their telegram business to others.
- (3) In addition to the provisions of the preceding two paragraphs other matters necessary for business activities or services relating to the handling of telegrams shall be stipulated in the applicable ordinance of the Ministry of Posts and Telecommunications.

Article 6.

Any person who, at the time of enforcement of this Law, is operating a business which comes under the cases stipulated in the ordinance of the Ministry of Posts and Telecommunications prescribed in 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 comes under the General Type II telecommunications business and has submitted a notification in accordance with the provisions of Article 22 paragraph (1) on the enforcement date.

Article 7.

Any entrustment of part of public telecommunications services being given at the time of enforcement of this Law by the Ex-Corporation or KDD by virtue of 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 authorization under Article 15 paragraph (1), or the entrustment given by virtue of the provisions of Article 5 paragraph (2) of the Supplementary Provisions until the termination date mentioned in the entrustment contract on the enforcement date.

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 involved in Type I telecommunications business of which the permission under Article 9 paragraph (1) is deemed to have been granted by virtue of the provisions of Article 4 paragraph (1) or (2) of this Supplementary Provisions, NTT and KDD shall file an application for authorization within two months of the enforcement date.
- (2) NTT and KDD may continue, from the enforcement date until the decision is made on authorization of the application referred to in the preceding paragraph, to provide their telecommunications services under the same conditions as before.

Article 9.

- (1) With respect to the telephone subscriber’s right stipulated in the provisions of the old Public Law and 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 effective even after the enforcement date. 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 the rights and obligations related to the telephone subscribers’ rights in accordance with the succession plan stipulated in the provisions in Article 5 Paragraph 6 of the Supplementary Provision 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) thereof 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 enforcement date, 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 enforcement date of the Law Concerning the Partial Amendment of Nippon Telegraph and Telephone Corporation Law (Law No. 98 of 1997), which meets the requirements stipulated in the applicable ordinance of the Ministry of Posts and Telecommunications for being equivalent to the telephone subscriber's right stipulated in 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 apply, *mutatis mutandis*, during the period in which these Articles of the old Public Law remain effective by virtue of the same paragraph.

Article 10.

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

Article 13.

Any telecommunications terminal facilities or private wire 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 in accordance with provisions of Article 55-8, Article 55-11 paragraph (3) (including Article 55-18 where Article 55-11 paragraph (3) shall apply, *mutatis mutandis*), Article 55-13-2 paragraph (1), Article 55-21, Article 105 paragraph (1) or Article 108-2, Articles 55-16 or Article 106 of the old Public Law shall be deemed to be telecommunications terminal facilities or customer-provided telecommunications facilities which have been inspected and certified, in accordance with the former part of Article 51 paragraph (1) (including Article 52 paragraph (2) where Article 51 paragraph (1) shall apply, *mutatis mutandis*), to conform to the technical standards.

Article 14.

- (1) Any person who, at the time of enforcement of this Law, is an installation technician under the provisions of Articles 55-17, or Article 105 paragraph (7) of the old Public Law or under the provisions 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 enforcement date. The same shall apply until a new installation technician's license is granted where a notification under the following paragraph has been submitted.
- (2) Any person stipulated in the preceding paragraph, who has submitted, within the period prescribed in the same paragraph, a notification to the Minister of Posts and Telecommunications

in accordance with the provisions of the applicable ordinance of the Ministry of Posts and Telecommunications, shall be deemed to have been recognized under Article 54 paragraph (2) where Article 45 paragraph (3) item iii) shall apply, mutatis mutandis.

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 administrative dispositions, procedures or other acts conducted, before the enforcement of this Law, to or by the Ex-Corporation or KDD under the old Public Law or orders thereunder, shall be deemed to be administrative dispositions, procedures or other acts which have been conducted to or by NTT or KDD in accordance with the corresponding provisions of this Law.

Article 18.

- (1) With respect to the application of Penal Provisions to any acts 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 11 paragraph (1) items i) and iii), Article 26 paragraph (1) items i) and iii) and Article 57 paragraph (2) item ii) and a) of item iv) (including Article 69 paragraph (2) where Article 57 paragraph (2) item ii) and a) of item iv) shall apply, mutatis mutandis), any person who has been sentenced to a fine or severer penalty (excluding such person, if a period of two years has elapsed since the sentence was fulfilled or suspended) under the provisions of the old Public Law before the enforcement of this Law; or under the provisions then in force to be applied in accordance with the preceding Article after the enforcement of this Law; or under the provisions of the old Public Law which remain effective after the enforcement of this Law, or any juridical person or association any of whose officers comes under these persons, shall be deemed to be a person to whom these provisions shall apply.

(Entrustment to 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 execution of this Law shall be stipulated in the applicable cabinet order.

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

This Law shall come into force as of the day stipulated in the applicable cabinet order within three months of 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)

(Date 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 stipulated in the applicable cabinet order within three months of the day of promulgation.

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

(Date of Enforcement)

Article 1.

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

(Transitional Measures concerning Adverse Dispositions on Which Consultations etc. Are Made)

Article 2.

Before this Law comes into force, where a consultation or other request which seeks execution of procedures deemed to be equivalent to the procedures for granting of hearing or justification opportunities and procedures for statement of opinions stipulated under Article 13 of the Administrative Procedures Law has been made to a council or other mutual consent-based entity on the basis of laws and ordinances, the provisions then in force shall apply to the procedures of adverse dispositions related to said consultation or request, notwithstanding provisions of relevant laws amended by this Law.

(Transitional Measures concerning Penal Provisions)

Article 13.

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

(Transitional Measures for Adjustment of Provisions related to Hearing)

Article 14.

A hearing, an inquiry or a hearing committee (except the one relating to adverse dispositions), or procedures thereof, all of which were conducted in accordance with applicable laws prior to the enforcement of this Law, shall be deemed as conducted in accordance with applicable provisions of relevant laws amended by this Law.

(Entrustment to 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 stipulated 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)

(Date of Enforcement)

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

(Transitional Measures)

2. Any charges being specified, at the time of enforcement of this Law, by tariffs authorized under the provisions of Article 31 paragraph (1) of the pre-amended Telecommunications Business Law (hereinafter referred to as the “Old Law”), and those coming under the provisions of Article 31 paragraph (1) of the amended Telecommunications Business Law (hereinafter referred to as the “New Law”), shall be deemed as authorized under the provisions of the same paragraph.
3. Any charges being specified, at the time of enforcement of this Law, by tariffs authorized under the provisions of Article 31 paragraph (1) of the Old Law, and those coming under the provisions of Article 31 paragraph (1) of the New Law, shall be deemed as notified in accordance with the provisions of the same paragraph.
4. Any tariffs (except items pertaining to charges) being authorized, at the time of enforcement of this Law, under the provisions of Article 31 paragraph (1) of the Old Law, shall be deemed as authorized under the provisions of Article 31 paragraph (1) of the New Law.
5. Any charges specified by tariffs which 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 as notified in accordance with the provisions of Article 31 paragraph (6) of the New Law.
6. Any tariffs (except items pertaining to charges) which 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 as notified in accordance with the provisions of Article 31-2 paragraph (5) of the New Law.
7. Any applications having been filed, at the time of enforcement of this Law, for the authorization of tariffs in accordance with the provisions of Article 31 paragraph (1) of the Old Law shall, where said applications relate to the charges coming into the provisions of Article 31 paragraph (1) of the New Law, be deemed to be the applications for authorization filed in accordance with the provisions of the same paragraph; where said applications relate to the charges coming into the provisions of Article 31 paragraph (3) of the New Law, be deemed to be the notifications submitted in accordance with the provisions of the same paragraph; and where said applications relate to the tariffs specified in Article 31-2 paragraph (1) of the New Law, be deemed to be the applications for authorization filed in accordance with the provisions of the same paragraph.
8. With respect to the application of Penal Provisions to any acts committed before the enforcement of this Law, the provisions then in force shall still apply.

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

(Date of Enforcement)

Article 1.

This Law shall come into force as of the day stipulated in the applicable cabinet order within six months of the day of promulgation. However, the provisions in the following Article shall come into force as of the day of promulgation.

(Consultation with Council)

Article 2.

The Minister of Posts and Telecommunications may, even prior to the enforcement of this Law, for the establishment of ordinances of the Ministry of Posts and Telecommunications as prescribed under 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 amended Telecommunications Business Law (hereinafter referred to as the “New Law”), consult with the council specified in the applicable cabinet order as prescribed under Article 94 paragraph (1) of the New Law.

(Transitional Measures concerning Interconnection Etc.)

Article 3.

Any orders issued, prior to the enforcement of this Law, in accordance with the provisions of Article 36 paragraph (3) of the pre-amended Telecommunications Business Law (hereinafter referred to as the “Old Law”) shall be deemed as having been issued in accordance with the provisions of Article 36 paragraph (5) of the New Law.

Article 4.

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

Article 5.

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

Article 6.

Any contracts which have been authorized, at the time of the enforcement of this Law, under the provisions of Article 38 paragraph (2) of the Old Law shall be deemed as authorized under the provisions of Article 39-3 paragraph (2) of the New Law.

Article 7.

Any applications for the authorization of contracts that have been filed, 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 as filed in accordance with the provisions of Article 39-3 paragraph (2) of the New Law.

Article 8.

Any agreements on interconnection or 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 as notified in accordance with the provisions of Article 38-3 paragraph (5) of the New Law; and where they are sharing agreements, be deemed as notified in accordance with the provisions of Article 39-3 paragraph (4) of the New Law.

Article 9.

Any 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 interconnection, be deemed as issued in accordance with the provisions of Article 39 paragraph (1) or paragraph (2) of the New Law; and where they are orders pertaining to telecommunications services being delivered

under the sharing or provisioning conditions (except those concerning the charges specified in the applicable ordinance of the Ministry of Posts and Telecommunications as prescribed in Article 31 paragraph (1) of the Old Law, the matters stipulated in the applicable ordinance of the Ministry of Posts and Telecommunications as prescribed in Article 31-2 paragraph (1) of the Old Law, and the technical conditions that shall 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, or the provisioning conditions described in the tariffs authorized in accordance with Article 31-2 paragraph (1) of the Old Law (hereinafter referred to as “non-tariff based service”), be deemed as those orders issued in accordance with the provisions of Article 39-4 paragraph (1) of the New Law.

Article 10.

Any 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 relate to interconnection, be deemed as having been filed in accordance with the provisions of Article 39 paragraph (1) or paragraph (2) of the New Law; and where they relate to sharing or provision of non-tariff based services, be deemed as having been filed in accordance with the provisions of Article 39-4 paragraph (1) of the New Law.

Article 11.

Any arbitrations conducted, prior to the enforcement of this Law, in accordance with the provisions of Article 39 paragraph (2) of Old Law shall, where they relate to interconnection, be deemed as conducted in accordance with the provisions of Article 39 paragraph (4) of the New Law; and where they relate to sharing or provision of non-tariff based services, be deemed as conducted in accordance with the provisions of Article 39-4 paragraph (2) of the New Law.

Article 12.

Any applications filed for arbitration, prior to the enforcement of this Law, in accordance with the provisions of Article 39 paragraph (2) of the Old Law shall, where they relate to interconnection, be deemed as having been filed in accordance with the provisions of Article 39 paragraph (4) of the New Law, and where they relate to sharing or provision of non-tariff based services, be deemed as having been filed in accordance with the provisions of Article 39-4 paragraph (2) of the New Law.

Article 13.

Any hearings 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 as conducted in accordance with the provisions of Article 95 of the New Law.

(Transitional Measures concerning Penal Provisions)

Article 14.

With respect to the application of Penal Provisions to any acts 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 interconnection in the New Law are executed, review rules pertaining to interconnection and take necessary measures based upon the conclusion of the review.

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

(Date of Enforcement)

Article 1.

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

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

(Date of Enforcement)

1. This Law shall come into force as of the day stipulated in the applicable cabinet order within three months of the day of promulgation.

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

(Transitional Measures concerning Penal Provisions)

2. With respect to the application of Penal Provisions to any acts 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)

(Date of Enforcement)

Article 1.

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

- ii) The provisions in Article 1, amendment provision concerning Article 5 of the Supplementary Provisions of the Telecommunications Business Law in Article 2, provisions in Article 4 of the Supplementary Provisions in the same Law, in addition to provisions in Articles 7, 9, and Articles 11 through 16 shall come into force as of the day stipulated in the applicable cabinet order within five months of the day of promulgation.
- iii) The amendment provision concerning contents of the Telecommunications Business Law in Article 2, amendment provision concerning Article 50 of the same Law, amendment provision to add three Articles after Article 50, amendment provision to change the Section title for Section 5 in Chapter II of the same Law, amendment provision concerning Article 72 of the same Law, amendment provision to add one Article and one Sub-Section after Article 72, amendment provision concerning Articles 92 and 98 in the same Law, amendment provision concerning Article 108 of the same Law (limited to the part concerning item iv)), amendment provision concerning Article 109 of the same Law (limited to the part concerning item iii)), amendment provision concerning Article 110 of the same Law, amendment provision concerning contents of the Radio Law in Article 3, amendment provision concerning Articles 10 and 18 of the same Law, amendment provision to add one Article after Article 24-8 of the same Law, amendment provision concerning Article 38-2 of the same Law, amendment provision to add three Articles after Article 38-15 of the same Law, amendment provision concerning Article 73 of the same Law, amendment provision concerning Article 99-11 of the same Law (limited to the part to add “Article 38-17 paragraph (5) and” after “Article 38-5 paragraph (5)”), amendment provision concerning Article 103 of the same Law, amendment provision concerning 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)”), amendment provision concerning Article 113 of the same Law as well as provisions in Article 8: of Supplementary Provisions shall come into force as of the day stipulated in the applicable cabinet order

within ten months of the day of promulgation.

(Change to Articles of Incorporation)

Article 2.

- (1) Kokusai Denshin Denwa Company, Ltd (referred to as the “Company” in Article 4 of the Supplementary Provisions) which was established by the old Kokusai Denshin Denwa Company, Ltd. Law may, prior to the enforcement dates described in the respective 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 under the provisions of said item.
- (2) With respect to resolutions specified in the preceding paragraph, the provisions in Article 11 paragraph (1) of the old Kokusai Denshin Denwa Company, Ltd. Law shall not apply.

(Consultation with Council)

Article 3.

- (1) The Minister of Posts and Telecommunications may, even prior to the enforcement date of this Law (hereinafter referred to as “enforcement date”), for the purpose of the establishment of ordinances of the Ministry of Posts and Telecommunications under the provisions in Article 31 paragraph (3) of the Telecommunications Business Law which has been amended in accordance with the provisions in Article 2 (hereinafter referred to as the “new Telecommunications Business Law”) or for the purpose of setting of the standard charge index in accordance with the provisions of the same paragraph, consult with a council specified in the applicable cabinet order as prescribed in Article 94 of the new Telecommunications Business Law.
- (2) The Minister of Posts and Telecommunications may, even on or prior to the enforcement dates described in the provisions of Article 1 item iii) of the Supplementary Provisions, consult with the Radio Regulatory Council, for the purpose of the establishment of ordinances of the Ministry of Posts and Telecommunications aimed at stipulating functions in accordance with the provisions in Article 4 item iii) of the Radio Law that was amended in accordance with the provisions in Article 3 (hereinafter referred to as the “new Radio Law”), or for the purpose of the establishment of ordinances of the Ministry of Posts and Telecommunications under the provisions of Article 38-5 paragraph (2) of the new Radio Law which shall apply, mutatis mutandis, to Article 38-17 paragraph (5) of the new Radio Law.

(Transitional Measures in connection with Abolition of the old Kokusai Denshin Denwa Company, Ltd. Law)

Article 4.

With respect to bonds and interest coupons issued by the Company before the enforcement of the provisions described in Article (1) item ii) of the Supplementary Provisions, as well as the bonds and interest coupons to be issued after the enforcement of the same provisions by the Company so as to distribute them to those who have lost their bonds and interest coupons, the provisions in Article 7 of the old Kokusai Denshin Denwa Company, Ltd. Law shall still apply after the provisions in said 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 enforcement of this Law, operates Type II telecommunications business after filing a notification in accordance with the provisions of Article 22 paragraph (1) of the pre-amended Telecommunications Business Law (hereinafter referred to as the “old Telecommunications Business Law”) as prescribed in the provisions of Article 2, and whose Type II telecommunications business falls into the category of Special Type II telecommunica-

tions business under the provisions of Article 21 paragraph (3) of the new Telecommunications Business Law (except a Type II telecommunications business that provides telecommunications facilities designated for communications between Japan and foreign points for the use of communications by others; referred to as “new Domestic Special Type II telecommunications business” in the following paragraph) may, within six months of the enforcement date, continue to engage in 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 the registration under the same paragraph within said period of time and when the period has elapsed, said person may continue to do the same until the disposition for registration or rejection of registration is made.

- (2) Any person who, at the time of enforcement of this Law, operates 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 business that provides telecommunications facilities designated for communications between Japan and foreign points for the use of communications by others), and whose Type II telecommunications business does not fall into the category of new Domestic Special Type II telecommunications business, shall be deemed to have filed a notification on the enforcement date in accordance with Article 22 paragraph (1) of the new Telecommunications Business Law.

Article 6.

- (1) Any charges which have been authorized, prior to the enforcement date, in accordance with the provisions in Article 31 paragraph (1) of the old Telecommunications Business Law and any charges which have been notified, prior to the enforcement date, in accordance with the provisions in Article 31 paragraph (3) of the old Telecommunications Business Law shall be deemed as notified in accordance with the provisions in Article 31 paragraph (1) of the new Telecommunications Business Law.
- (2) Any applications which have been filed, at the time of enforcement of this Law, for the authorization of charges in accordance with the provisions in Article 31 paragraph (1) of the old Telecommunications Business Law shall be deemed as having been filed in accordance with the provisions in Article 31 paragraph (1) of the new Telecommunications Business Law.
- (3) With respect to charges specified by the applicable ordinance of the Ministry of Posts and Telecommunications as prescribed in Article 31 paragraph (3) of the new Telecommunications Business Law, which are for telecommunications services being delivered, at the time of enforcement of this Law, by a Type I telecommunications carrier installing designated telecommunications facilities as prescribed in Article 38-2 paragraph (2) of the new Telecommunications Business Law through use of said designated telecommunications facilities, the provisions of the preceding paragraph and other provisions in the new Telecommunications Business Law (except Article 31 paragraph (3) of the new Telecommunications Business Law) shall not apply until the application of the standard charge index as prescribed in Article 31 paragraph (3), 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 as prescribed in the preceding paragraph, the provisions of paragraphs (1) and (2) shall apply, *mutatis mutandis*. In this case, “prior to the enforcement date” in paragraph (1) shall be read as “prior to the day of application of the standard charge index as prescribed in paragraph (3),” and the “old Telecommunications Business Law” in the same paragraph shall be read as the “old Telecommunications Business Law to which the provisions then in force shall still apply as prescribed in paragraph (3),” and “enforcement of this Law” in paragraph (2) shall be read as “application of the standard charge index as prescribed in the following paragraph,” and the “old Telecommunications Business Law” in the same paragraph shall be read as the “old Telecommunications Business Law to which the provisions then in force shall still apply as prescribed in the following paragraph.”

- (5) With respect to the charges for telegram handling services prescribed in Article 5 paragraph (1) of the Supplementary Provisions of the new Telecommunications Business Law, during the period that only Nippon Telegraph and Telephone East Corporation, Nippon Telegraph and Telephone West Corporation and KDD Corporation shall conduct telegram business as prescribed in the same paragraph, the provisions of the new Telecommunications Business Law shall not apply, and the provisions of the old Telecommunications Business Law shall remain effective. In this case, “ordinance(s) of the Ministry of Posts and Telecommunications” in the old Telecommunications Business Law shall be read as “ordinance(s) of the Ministry of General Affairs,” and “the Minister of Posts and Telecommunications” in the same Law shall be read as “the Minister of General Affairs.”

(Transitional Measures concerning Penal Provisions)

Article 7.

With respect to the application of Penal Provisions to any acts committed before the enforcement of respective amendment provisions of this Law as well as to any acts committed after the enforcement date which come into the cases where the provisions then in force shall still apply as prescribed in 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 in Article 1 item iii) of the Supplementary Provisions, if the government deems necessary in view of telecommunications rules and radio regulation upon consideration of the situations under which the provisions in Articles 50-2, 50-3, 72-3 and 72-4 of the new Telecommunications Business Law as well as the provisions in Articles 24-9, 38-17 and 38-18 of the new Radio Law are executed, review and take necessary measures based upon the conclusion of the review.

Supplementary Provisions (Law No. 54 of May 28, 1999) (Excerpts)

(Date of Enforcement)

Article 1.

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

Supplementary Provisions (Law No. 87 of July 16, 1999) (Excerpts)

(Date 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 the respective items.

- i) The amendment provisions in Article 1 to add five Articles, some Section titles and two Sub-Sections as well as to change some Sub-Section titles after Article 250 of the Local Autonomy Law (limited to the parts relating to Article 250-9 paragraph (1) of the same Law [limited to the parts relating to gaining consent from both the House of Representatives and the House of Councillors]), amendment provisions in Article 40 concerning paragraphs (9) and (10) in the Supplementary Provisions of the Natural Parks Law (limited to the parts relating to paragraph (10) in the Supplementary Provisions of the same Law), provisions in Article 244 (except the parts relating to the amendment provisions in Article 14-3 of the Agricultural Improvement Promotion Law), provisions in Article 472 (except the parts relating to the amendment provisions in Articles 6, 8 and 17 of the Law for Special Exceptions to Mergers of Cities, Towns and Villages), provisions in Article 7 of the

Supplementary Provisions, provisions in Articles 10, 12 and those in the proviso of Article 59, provisions in Article 60 paragraphs (4) and (5), provisions in Articles 73, 77 and in Article 157 paragraphs (4) through (6), and provisions in Articles 160, 163, 164 and 202 shall come into force as of the day of promulgation.

(Affairs of the State Etc.)

Article 159.

In addition to the affairs prescribed by other laws prior to their amendment by this Law, the affairs of the state, other local autonomous bodies 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 autonomous bodies in accordance with laws and cabinet orders thereunder shall, after the enforcement of this Law, be dealt with by local autonomous bodies as the affairs of said local autonomous bodies in accordance with laws and cabinet orders thereunder.

(Transitional Measures concerning Disposition and Application Etc.)

Article 160.

- (1) With respect to dispositions of permission, etc. and other acts carried out in accordance with the provisions of pre-amended respective laws (hereinafter in this Article, referred to as “acts of disposition etc.”) before this Law comes into force (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), or, with respect to applications for permission etc. and other acts being made, at the time of enforcement of this Law, in accordance with the provisions of pre-amended respective laws (hereinafter in this Article, referred to as “acts of application etc.”) and where administrative work concerning these acts has come into charge of different persons as of the enforcement date of this Law, the application thereto of amended laws after the enforcement date of this Law shall be deemed as acts of disposition etc. or acts of application etc. that have been carried out under the applicable provisions of amended respective laws, except those stipulated under the provisions of Article 2 through the preceding Article of the Supplementary Provisions or the provisions concerning the transitional measures prescribed in amended respective laws (including orders thereunder).
- (2) With respect to the matters which shall have been reported, notified, submitted to the institutions of the state or local autonomous bodies or for which other procedures shall have been taken, prior to the enforcement of this Law, in accordance with the provisions of pre-amended respective laws, and when such procedures have not yet been conducted prior to the enforcement date 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 autonomous bodies and for which other procedures have not yet taken under the applicable provisions of respective amended laws; to these matters as well as the matters specified otherwise in this Law and cabinet orders thereunder, the provisions of respective laws amended by this Law shall apply.

(Transitional Measures concerning Complaint Lodging)

Article 161.

- (1) With respect to lodging of complaints made concerning dispositions related to affairs of the state etc. in accordance with the Administrative Appeals Law prior to the enforcement date, where the administrative agency that had executed said dispositions (hereinafter in this Article, referred to as “disposition agency”) had, prior to the enforcement date, an upper-level administrative agency specified by the same Law (hereinafter in this Article, referred to as “upper-level administrative agency”), said disposition agency shall be deemed as continuing to have the upper-level administrative agency even after the enforcement date 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 enforcement date, 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 autonomous body, the affairs which said institution shall deal with in accordance with the provisions of Administrative Appeals Law shall be deemed as the item i) statutory consignee business as prescribed 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 enforcement date, in accordance with the provisions of respective laws (including orders thereunder) before amendments made thereto by this Law, the provisions then in force as well as provisions specified otherwise in this Law and cabinet orders thereunder shall apply.

(Transitional Measures concerning Penal Provisions)

Article 163.

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

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

(Entrustment of Other Transitional Measures to Cabinet Order)

Article 164.

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

(Review)

Article 250.

With respect to the item i) statutory consignee business as prescribed 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 items; whereas the items included in the Appendix Table No. 1 of the new Local Autonomy Law and items stipulated in the cabinet order based on the same Law shall be reviewed appropriately in view of promoting decentralization, if it is deemed necessary.

Article 251.

The government shall, in order to help local autonomous bodies execute their affairs and business voluntarily and independently, study the methods, in view of the shift in economic conditions, to ensure the securing of revenues from local taxes depending on the scope of roles played by the state and local autonomous bodies respectively, and take necessary measures based upon the conclusion 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 insurance-related administrative procedures and conditions

for the staff engaged in this service, from the standpoint of ensuring benefits and convenience for the insured and of improving efficiency in such administrative procedures; if it is deemed appropriate, the government shall take necessary measures based upon the conclusion of the review.

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

(Date of Enforcement)

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

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

(Date of Enforcement)

Article 1.

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

(Date of Enforcement)

1. This Law shall come into force as of the day stipulated in the applicable cabinet order within six months of the day of promulgation. However, the provisions in the following paragraph shall come into force as of the day of promulgation.

(Consultation with Council)

Article 2.

The Minister of Posts and Telecommunications may, even prior to the enforcement of this Law, for the establishment of ordinances of the Ministry of Posts and Telecommunications as prescribed under Article 38-2 paragraph (4) or paragraph (12) of the amended Telecommunications Business Law, consult with the council specified in the applicable cabinet order as prescribed under Article 94 of the same Law.