

III. Licenses for Radio Stations

Radio Law

Article 4. Any person who intends to establish a radio station shall obtain in advance of such an establishment a license from the Minister of Posts and Telecommunications.
(omitted)

1. Procedure for Obtaining a Radio Station License

Any person who wishes to establish a radio station shall obtain this license from the Minister of Posts and Telecommunications.

Establishing a radio station means to install radio equipment and to have it operated by persons who are capable of emitting radio waves, thereby constituting a radio station. An application for a radio station license must include:

- i.) A radio station license application form
- ii.) A separate document describing the following matters:
 - Radio station operation plans and construction plan.
 - A document providing that the radio equipment is granted certification of conformity with technical standards, if such radio equipment is to be used.

As of October 1997, Exceptional Licensing of Specified Radio Stations (Blanket License) took effect. In applying for a license of a special radio station, submission of the following paperwork is required:

- iii.) A Specified Radio Station license application form
- iv.) A separate document describing the following matters:
 - Specified Radio Station operation plans and construction designs

The benefits of low power radio equipment, if certified by the System for Certification of Conformity with the Technical Regulations for Specified Radio Equipment, include license exemption for equipment such as cordless phones and PHS terminals.

2. Examination

1.) Provisional License

The Minister of Posts and Telecommunications, in addition to determining that an application for a license does not fall in the disqualification category, confirm that:

- i.) Ensure the construction plan conforms to the technical regulations as specified by the Radio Law.
- ii.) Ascertain the assignment of a radio frequency is deemed possible.
- iii.) The application meets the fundamental standards for opening a radio station as stipulated in the MPT ordinance. A provisional license will be issued after the Minister has confirmed the above.

In cases where a Type I telecommunications carrier wishes to establish a new radio station, a provisional license will be issued upon receipt of a favorable reply to the Minister's consultation from the Radio Regulatory Council.

2.) Examination Standards

The standards used to determine if a radio station is licensable will be used as examination standards as well.

3.) Standard Processing Period

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

4.) Basis for Licensing Disqualification

Generally, no license shall be granted to:

- .) Any person who does not have Japanese nationality
- i.) Any foreign government or its representative
- ii.) Any foreign juridical person or organization
- iii.) Any juridical person or organization which is represented by any person or body referred to in the preceding three items, or one third or more of whose officers are such persons, or one third of whose voting rights is occupied by the aggregate of voting rights held by such persons or bodies. However, a license will be provided regardless of the abovementioned for persons or bodies opening a radio station for the purpose of conducting telecommunications activities. A license nevertheless may not be granted to any person or body who has been punished for a crime against the Radio Law or the Broadcast Law (Law No. 132 of 1950), or any person whose radio station license was revoked; if a period of two years has not yet elapsed since the day the sentence was served out or the stay of execution was granted.

5.) Inspection after Provisional Licensing>

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

However, for inspections of radio equipment and such items, where a record of inspection results written by an attested examiner authorized by the Minister of Posts and Telecommunications are submitted, the Minister of Posts and Telecommunications can use a system that partially curtails the inspection process (Inspection Simplification System), which has become available for use.

6.) Simplified Licensing Procedure, etc.

When using radio equipment, such as cellular phones, that have received the Minister's confirmation as meeting the technical regulations requirements, a license can be obtained through a simplified licensing procedure that bypasses the need for provisional licensing and the inspection thereafter.

As for certification of conformity with technical regulations, this is provided through Telecom Engineering Center, or TELEEC.

7.) Other Required Procedures

.) Procedure Required to Meet Radio Regulations (RR) of the International Telecommunication Union (ITU)

When constructing and operating a satellite communications network, international coordination and notification procedure in accordance with the RR is necessary.

Upon application for licensing of artificial satellite and earth stations, coordination status with existing or planned satellite networks of relating administrations is to be confirmed.

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

i.) Qualification of Radio Operator

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

a.) Procedure for Obtaining Radio Operator License

Passing the state examination or completing a training course, then applying for a license and receiving the same.

- b.) Forms Needed in Applying for Radio Operator License
 - Application form
 - Certificates indicating that the designated national examination had been passed or a designated course of studies completed

3. **System for Certification of Conformity with Technical Regulations**

0.) Outline

- .) This is the system for certifying that a "Specified Radio Equipment (SRE)," such as cellular, automobile and cordless phones conform with the Radio Law and MPT ordinances. (SRE refers to transmitters and transceivers used under MPT ordinances at most types of small radio stations.)
- i.) There are major benefits for licensees if they use SRE certified under this system: licensing procedures are simplified and such cordless phones are exempt from licensing. (Refer to <2. 6.) **Simplified Licensing Procedure, etc.>.)**

1.) The System

- .) System for Certifications of Conformity with Technical Regulations: the system in which each equipment model is examined and certified.
- i.) Type Certification System: the certification system in which each model design (type) is examined according to quality control (e.g. ISO 9000s). If the model design is certified, every facility or unit made with this design is regarded as being certified.

2.) Materials Required for Examination

- .) System for Certifications of Conformity with Technical Regulations
 - Application form
 - Construction specifications (type design)
 - Documents describing how to operate and maintain the equipment in conformity
 - The equipment to be certified (*Note)
- i.) Type Certification System
 - Application form
 - Construction specifications (type design)
 - Documents describing how to confirm the conformity of each equipment
 - One of the equipment based on the design to be certified (*Note)

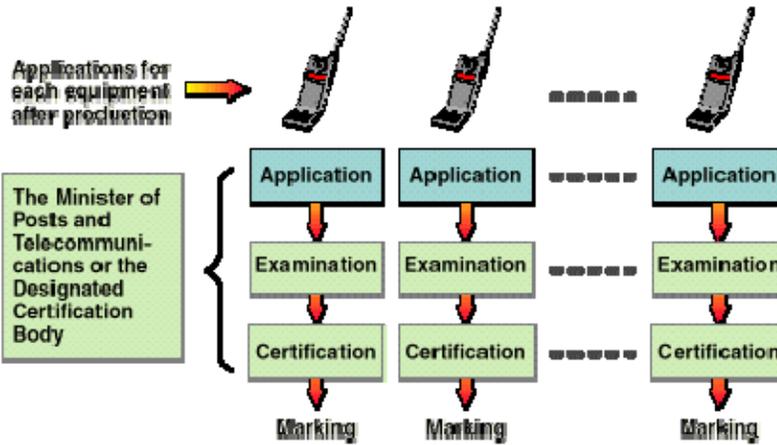
Note:

In case test data that have been examined by a private examination inspector recognized by the Minister of Posts and Telecommunications (Recognized Private (Foreign) inspector), and for which photographs of the equipment are submitted with the application, the equipment need not be submitted. (There is no technical examination.)

3.) Examination institutions
Telecom Engineering Center (TELEC)
URL: <http://www.mkk.or.jp/>

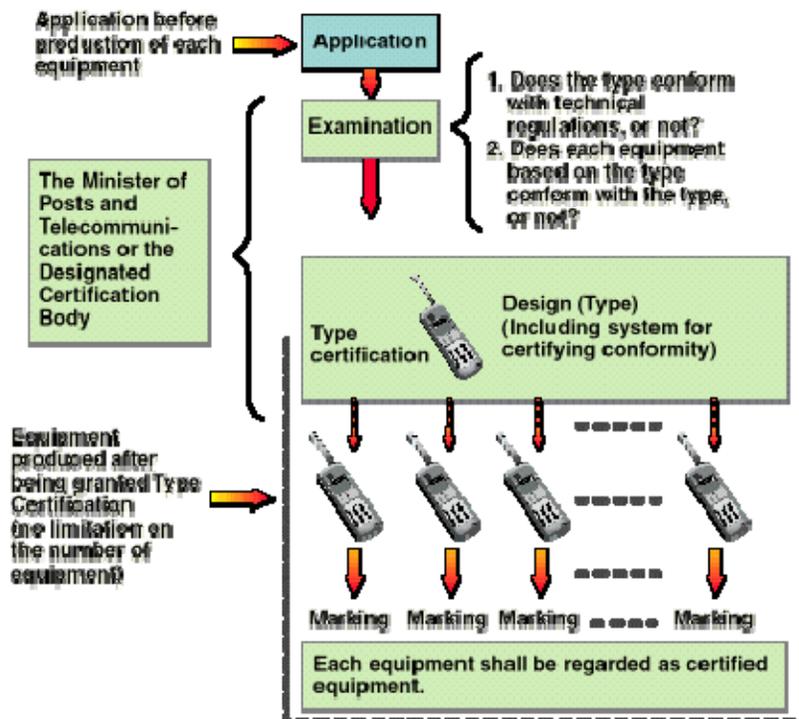
Comparison of "System for Certification of Conformity with Technical Regulations" and "Type Certification System"

1. System for Certification of Conformity with Technical Regulations



Certification on the basis of "equipment by equipment"
(Examination and certification made individually to assure conformity for each equipment after production)

2. Type Certification System



Certification on the basis of "type of equipment"
(Individual examination and certification not required to assure conformity for each equipment as produced based upon each design.)