

Guidelines for preventing the distribution of wireless devices
that do not conform with technical regulations

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Ministry of Internal Affairs and Communications

Japan

DISCLAIMER: This English version of the guidelines are provided for reference only. In case of a discrepancy, the Japanese original document will prevail.

Chapter 1 Basic concepts

1. Purpose

The Radio Law of Japan stipulates the technical regulations for wireless devices in order to ensure the fair and efficient use of the radio spectrum, and the smooth operation of other radio stations and receiving equipment, and in principle, wireless devices are required to conform to these technical regulations when they are used to emit radio waves. In addition, Article 102-11, Paragraph 1 of the Radio Law imposes obligations on manufacturers, importers, and distributors of wireless devices to make efforts not to manufacture, import or sell wireless devices that do not conform with the relevant technical regulations (Devices that are Non-conformant with Technical Regulations (DNTR)).

However, since a significant number of non-compliant devices are still manufactured, imported, and retailed, and there are cases where appropriate explanations are not given to purchasers when these DNTR are retailed, further efforts are expected from all wireless device manufacturers, importers and distributors. In addition, with the development of online shopping and the diversification of distribution, there are increasing cases in which vendors not familiar with the rules on the use of radio waves are retailing DNTR without providing appropriate explanations or information. These DNTR have subsequently been purchased and used by general consumers. Underneath these circumstances, there have been cases in which the use of DNTR has significantly hindered the operations of radio stations that are operated legally.

The purpose of these guidelines is to secure the promotion of public welfare by ensuring the fair and efficient use of radio waves through the suppression of the distribution of DNTR and by securing appropriate information provision when wireless devices are distributed. This is to be achieved by making wireless device manufacturers, importers and distributors fulfill their obligations based on Article 102-11, Paragraph 1 of the Radio Law, as well as by implementing efforts to optimize the manufacture, import and retail of wireless devices and by clarifying the voluntary efforts of Internet shopping mall operators providing online marketplaces for wireless device products, to optimize the online listing of wireless devices.

2. Scope of application

- (1) The guidelines cover distribution activities in which wireless devices are manufactured, imported, and retailed for the Japanese domestic market by manufacturers, importers, and distributors, as well as the distribution activities of Internet shopping mall operators which retail wireless devices as products for the Japanese domestic market.
- (2) In the guidelines, manufacturers, importers and distributors of wireless devices are collectively referred to as "wireless device manufacturers, etc."
- (3) In the guidelines, the operators of electronic shopping malls that provide systems for posting products retailed by others on their websites and taking orders, out of Internet shopping sites that retail wireless devices as products online, are referred to as "Internet shopping mall operators."
- (4) In the guidelines, radio equipment (regardless of whether or not a radio station license

is required) as defined in Article 2, Item 4 of the Radio Law (Act No. 131 of 1945), and products that incorporate such equipment (including products that incorporate wireless modules), are referred to as "wireless devices."

- (5) In the guidelines, "distribution" refers to the manufacture, import, shipment, arrival, retail, online listing and retail of wireless device products on Internet shopping sites for the Japanese market, and activities associated with these activities, which are carried out by wireless device manufacturers, etc., and Internet shopping mall operators.
- (6) In the guidelines, "manufacturing" means the act of manufacturing or shipping wireless devices to be retailed mainly within Japan.
- (7) In the guidelines, "import" means the act of importing wireless devices from abroad to Japan.
- (8) In the guidelines, "retail" means the act of retailing wireless devices mainly in the Japanese market, and this includes sales through Internet shopping sites
- (9) In the guidelines, "technical regulations" refer to the provisions of Chapter 3 of the Radio Law, the provisions of the Ordinance of the Ministry of Internal Affairs and Communications based on the same provisions, and the provisions of the Ordinance of the Ministry of Internal Affairs and Communications based on Article 4, Item 1 of the Radio Law.

3. Principles for the distribution of wireless devices

It should be noted that based on the provisions of Article 102-11, Paragraph 1 of the Radio Law, wireless device manufacturers, etc., shall endeavor not to manufacture, import or retail wireless devices that do not conform with the technical regulations so as to contribute to maintaining the order of radio communications. Furthermore, it should be noted that Internet shopping mall operators, from the perspective of being involved in the retail of wireless devices advertised on their websites, are also required to make efforts to prevent the retail of wireless devices that do not conform with the technical regulations.

Chapter 2 Obligations of wireless device manufacturers, etc.

1. Efforts by wireless device manufacturers, etc., in the distribution of wireless devices

The following efforts (1) to (3) shall be implemented by wireless device manufacturers, etc., in the distribution of wireless devices. When the manufacture, import, or retail of wireless devices is outsourced, the outsourcer shall be the person responsible for the implementation of these efforts.

(1) The following matters shall be implemented for the manufacture of wireless devices.

a) Confirmation of conformity with technical regulations for manufactured wireless devices

When manufacturing wireless devices, manufacturers shall check if the specifications, such as frequencies of the radio waves emitted by said devices, are usable in Japan and if the same devices conform with the technical regulations. Likewise, manufacturers shall identify the information (e.g. articles of the Ordinance on Radio Equipment to conform with, serial numbers of Technical Regulations Conformity Certification etc. (Technical Regulations Conformity Certification, Attestation of Construction Type and Self-Confirmation of Technical Regulations Conformity are included and are hereinafter referred to as Technical Regulations Conformity Certification, etc.) or private certification marks for extremely low power wireless devices, etc.) that will enable retailers or purchasers to confirm conformity with the technical regulations.

b) Marking for Technical Regulations Conformity Certification, etc., and construction type conformity obligations

In the manufacture of wireless devices, manufacturers shall acquire and display Technical Regulations Conformity Certification etc. as much as possible, for wireless devices subject to Technical Regulations Conformity Certification, etc., even if the wireless devices are not subject to Article 4, item 2 or item 3 of the Radio Law. Furthermore, manufacturers shall keep in mind that they are required to observe the construction type conformity obligations based on Article 38-25 or Article 38-34 of the Radio Law when they are granted an Attestation of Construction Type or self-confirmation of technical regulations conformity is carried out.

c) Avoid the manufacture of DNTR

Manufacturers shall not manufacture wireless devices that do not conform with the technical regulations, but as an exception, it would be possible to manufacture or

to ship wireless devices intended to be used in experimental test stations or used exclusively in a foreign country, on the condition that a warning is communicated to the consignees, such as; “This wireless device does not meet the technical regulations stipulated in the Radio Law. If any person uses this wireless device in Japan without obtaining a radio station license, then that person may be accused of violating the Radio Law.”

- d) Notification of technical regulation conformity information to consignees and other measures to confirm conformity

When shipping manufactured wireless devices, manufacturers shall provide a notification or mark with information (identifying information as described in paragraph a)) that enables confirmation of conformity with the technical regulations to consignees. If manufacturers take other measures (e.g. setting up a homepage to enable referral to information for checking conformity to technical regulations based on the name or model number written on the product packaging) so that the consignees can understand information to check conformity with the technical regulations, then such measures will replace the notification or mark for conformity set out in this paragraph.

- e) Avoid the sale of wireless devices in the DNTR list

If a manufacturer is shipping or retailing any wireless devices in the DNTR list published by the Ministry of Internal Affairs and Communications, or wireless devices manufactured based on designs similar to those in the DNTR list, then the manufacturer shall take measures to stop the shipping and retailing of these wireless devices immediately.

- f) Notifications to the Ministry of Internal Affairs and Communications regarding DNTRs

If it is found that a wireless device that is being manufactured does not meet the technical regulations, even though it is not in the DNTR list published by the Ministry of Internal Affairs and Communications, then its manufacturer shall immediately stop the manufacture, shipping and retailing of this device and notify the Ministry of Internal Affairs and Communications with information on the wireless device.

- g) Measures when there are doubts about conformity with the technical regulations

When doubts arises about the conformity of a manufactured wireless device with the technical regulations based on notifications or product reviews from the shipping address, or purchasers, etc., the manufacturer of the device shall immediately recheck conformity with the technical regulations, and shall take necessary measures, such as

suspending the manufacture and shipment of the device if it can be objectively determined that it is non-conforming. The manufacturer shall continue or resume manufacturing and shipping the device only when compliance with technical regulations is confirmed following a recheck. If it is confirmed that the device does not conform with the technical regulations, then the manufacturer shall discontinue manufacturing and shipping and take appropriate measures for devices that have been shipped and retailed. In addition, they shall report the relevant facts and status of shipping/sales to the Ministry of Internal Affairs and Communications.

(2) The following matters shall be implemented with regard to the import of wireless devices.

a) Confirmation that wireless devices to be imported conform with technical regulations

Importers shall check the specifications of wireless devices to be imported, such as whether the frequencies of the radio waves they emit are usable in Japan and if they conform with the technical regulations. The importers should be aware that even if the product name is the same, the specifications and serial numbers, such as Technical Regulations Conformity Certification, etc., may be changed for different lots. Likewise, importers shall obtain the information (e.g. articles of the Ordinance on Radio Equipment to conform with, serial numbers of Technical Regulations Conformity Certification, etc. or private certification marks for extremely low power wireless devices, etc.) that will enable retailers or purchasers to confirm conformity with the technical regulations.

b) Marking for Technical Regulations Conformity Certification, etc., and construction type conformity obligations

Importers shall acquire and display Technical Regulations Conformity Certification, etc., as much as possible for wireless devices subject to Technical Regulations Conformity Certification, etc., even if the devices are not subject to Article 4, item 2 or item 3 of the Radio Law. Furthermore, importers shall keep in mind that they are required to observe the construction type conformity obligations based on Article 38-25 of the Radio Law.

c) Avoid the import of DNTR

Importers shall not import wireless devices that do not conform with the technical regulations. However, as an exception, it would be possible to import and ship wireless devices intended to be used in experimental test stations or those used exclusively in foreign countries, on the condition that a warning is communicated to consignees, such as; "It has not been confirmed that this wireless device meets the technical regulations

stipulated in the Radio Law (This wireless device does not meet the technical regulations stipulated in the Radio Law). If any person uses this wireless device in Japan without obtaining a radio station license, then that person may be accused of violating the Radio Law.”

- d) Notification of technical regulation conformity information on shipping addresses and other measures to confirm conformity

When shipping imported wireless devices, importers shall provide a notification or mark with information (identifying information as described in paragraph a)), that enables confirmation of conformity with the technical regulations to consignees. If importers take other measures so that the shipping address information can be confirmed in order to check conformity with the technical regulations, then such measures will replace the notification or mark for conformity set out in this section..

- e) Avoid imports of wireless devices that are in the DNTR list

If an importer is importing a wireless device that is in the DNTR list published by the Ministry of Internal Affairs and Communications, or wireless devices manufactured based on designs similar to those in the TRND list, then the importer shall take measures to stop the importation and shipping of these wireless devices immediately.

- f) Notifications to the Ministry of Internal Affairs and Communications regarding DNTRs

If it is found that a wireless device that is being imported does not meet the technical regulations even though it is not in the DNTR list published by the Ministry of Internal Affairs and Communications, then the importer shall immediately stop importing the device and notify the Ministry of Internal Affairs and Communications with information on the device.

- g) Measures when there are doubts about conformity with the technical regulations

When doubts arise about the conformity of an imported wireless device with the technical regulations based on notifications or product reviews from the consignees, or purchasers, etc., the importer of the wireless devices shall immediately recheck conformity with the technical regulations, and shall take necessary measures such as suspending the import and shipment of the device if it can be objectively determined that the wireless devices are non-conforming. The importer shall continue or resume importing and shipping the device only when compliance with technical regulations is confirmed as a result of the recheck. If it is confirmed that the device does not conform

with the technical regulations, then the importer shall discontinue importing and shipping, and take appropriate measures for devices that have been shipped and retailed. In addition, they shall report the relevant facts and status of shipping/sales to the Ministry of Internal Affairs and Communications.

(3) The following matters shall be implemented with regard to the sale (including those retailed via Internet shopping sites operated by distributors) of wireless devices.

a) Confirmation that wireless devices to be retailed conform with technical regulations

Distributors shall check the specifications of wireless devices to be retailed, such as whether the frequencies of the radio waves they emit are usable in Japan and if they conform with the technical regulations. Distributors should be aware that even if the product name is the same, the specifications and serial numbers of Technical Regulations Conformity Certification, etc., may be changed for different lots. Likewise, distributors shall obtain the information (e.g. articles of the Ordinance on Radio Equipment to conform with, serial numbers of Technical Regulations Conformity Certification or private certification marks, etc., for extremely low power wireless devices, etc.) that will enable confirmation of conformity with the technical regulations.

b) Avoid the sale of DNTRs

Distributors shall not sell wireless devices that do not conform with the technical regulations. However, as an exception, it would be possible to purchase and sell wireless devices that do not conform with the technical regulations if it is confirmed they will be used legally, for example they could be used in experimental test stations or exclusively in foreign countries, on the condition that a warning is given to purchasers, such as; “It has not been confirmed that this wireless device meets the technical regulations stipulated in the Radio Law (This wireless device does not meet the technical regulations stipulated in the Radio Law). If any person uses this wireless device in Japan without obtaining a radio station license, then that person may be accused of violating the Radio Law.”

c) Notification of technical regulation conformity information to purchasers

When retailing wireless devices, distributors shall provide a notification or mark with information (identifying information as described in paragraph a)), that enables confirmation of conformity with the technical regulations. retailing At that time, in consideration of the fact that some purchasers do not understand the rules for radio wave usage, distributors shall endeavor to provide a mark or notification with this

information so that it is as clear as possible.

Furthermore, when retailing wireless devices on Internet shopping sites, distributors shall display information (identifying information as described in paragraph a)), or alert purchasers as described in paragraph b) via a webpage regarding the device. Distributors shall make displays which take into consideration positioning, as well as the size and color of letters, and use text formats in addition to picture embedding in order to make it easy for the viewer to understand.

d) Avoid the retail of wireless devices in the DNTR list

If a distributor is retailing any wireless devices in the DNTR list published by the Ministry of Internal Affairs and Communications, or wireless devices manufactured based on designs similar to those in the DNTR list, then the distributor shall take measures to stop the retailing of these wireless devices immediately.

e) Notifications to the Ministry of Internal Affairs and Communications regarding DNTRs

If it is found that a wireless device being retailed does not meet the technical regulations even though it is not in the DNTR list published by the Ministry of Internal Affairs and Communications, then the distributor shall immediately stop retailing the wireless device and notify the Ministry of Internal Affairs and Communications with information on the device.

f) Measures when there are doubts about conformity with the technical regulations

When there are doubts about the conformity of wireless devices on sale with the technical regulations, based on information or product reviews from purchasers, and Internet shopping mall operators, etc., then the distributor of the device shall immediately recheck conformity with the technical regulations in cooperation with the manufactures or importers of the device, and shall take necessary measures such as suspending their sale if it can be objectively determined that they are non-conforming. The distributor shall continue or resume retailing these devices only when compliance with the technical regulations is confirmed following a recheck. If it is confirmed that the device does not conform with the technical regulations, the distributor shall discontinue their retail, and take appropriate measures for devices that have been shipped and retailed. In addition, they shall report the relevant facts and status of shipping/sales to the Ministry of Internal Affairs and Communications.

2. Enhancement of systems

(1) Enhancement of internal systems

Upon undertaking the distribution of wireless devices, their manufacturers, etc., shall make efforts to ensure compliance with these guidelines by their employees or contractors, and to enhance their internal systems, for example, by drafting and putting into practice business rules and regulations, and business manuals, etc., that take into account the purpose of these guidelines.

(2) Responsibilities of representatives

Representatives of wireless device manufacturers, etc., shall confirm that their companies properly distribute wireless devices, and shall manage and supervise efforts that their companies should take. If the representatives find out that inappropriate wireless devices are being distributed by their companies, the representatives shall promptly take necessary measures such as investigating the facts, taking corrective action, and preventing recurrence.

Chapter 3 Efforts by Internet shopping mall operators

The following are the voluntary efforts to be taken by Internet shopping mall operators when retailing wireless devices on the website of an Internet shopping mall. Furthermore, Chapter 2 of these guidelines shall apply in the case that the operators of the Internet shopping malls manufacture, import or sell wireless devices themselves.

a) Request retailers to confirm conformity with the technical regulations

Retailers (distributors) are to be obliged to confirm conformity with specifications, such as the frequency of the radio waves emitted by the wireless device to be retailed, and the technical regulations as per Chapter 2, 1, (3), a).

b) Request retailers to provide marking with information on conformity with the technical regulations

Retailers (distributors) are to be obliged to display information that enables conformity confirmation as per Chapter 2, 1, (3), a), or to alert purchasers as described in b) of the same chapter via a webpage regarding the device. Displayed information should be made which takes into consideration positioning, as well as the size and color of letters, and use text formats in addition to picture embedding in order to ensure that it is easy for viewers to understand.

Further, Internet shopping mall operators should examine whether items that need to be displayed by retailers (distributors) are properly displayed before retailers (distributors) post information on the wireless device on the websites of Internet shopping malls, if possible.

c) Remove online information which does not properly display technical regulation conformity information

The content of pages with information on a wireless device should be periodically monitored, and when the Internet shopping mall operators find pages that do not properly display information, or provide alerts based on b), then the Internet shopping mall operators should remove the webpage. Based on the circumstances that Internet shopping mall operators do not distribute merchandises directly, the types of wireless devices to be monitored would be determined in consultation with the Ministry of Internal Affairs and Communications.

d) Remove online information on wireless devices in the DNTR list

The content of pages with information on a wireless device should be periodically

monitored, and if the Internet shopping mall operators find any pages with information on wireless devices in the DNTR list published by the Ministry of Internal Affairs and Communications, or devices considered to have the same specifications as devices in the list, then the Internet shopping mall operators must remove the page for the corresponding wireless device.

e) Measures when there are doubts about conformity with the technical regulations

When there are doubts about the conformity of a wireless device being sold online with the technical regulations based on information or product reviews from purchasers, etc., then Internet shopping mall operators should obligate the retailer (distributors) of the device to recheck conformity with the technical regulations, and make a report to the Ministry of Internal Affairs and Communications.

f) Application of rules

Internet shopping mall operators are to specifically determine matters relating to items a) to e) above, and other items such as compliance with the Radio Law, in their terms of service with retailers.

Chapter 4 Others

1. Efforts by the Ministry of Internal Affairs and Communications

The Ministry of Internal Affairs and Communications will appropriately monitor whether these guidelines are being observed by wireless device manufacturers, etc., and Internet shopping mall operators. Furthermore, the ministry checks whether wireless devices that are in circulation conform with the technical regulations, and regularly updates the list of wireless devices that do not conform with the technical regulations. Moreover, the ministry conducts public awareness activities for wireless device manufacturers and Internet shopping mall operators in order to prevent the distribution of wireless devices that do not conform with the technical regulations. Additionally, the ministry exchanges information with wireless device manufacturers, etc., and Internet shopping mall operators with a view to preventing the distribution of wireless devices that do not conform with the technical regulations.

2. Efforts by relevant industry groups

It is desirable that relevant industry groups comprised of wireless device manufacturers, etc., prevent the occurrence of problematic cases by providing necessary guidance and advice, etc., to member companies regarding the distribution of wireless devices by member companies. In addition, these same industry groups should comply with requests for reports or requests for action from the Ministry of Internal Affairs and Communications.

3. Compliance with laws and rules

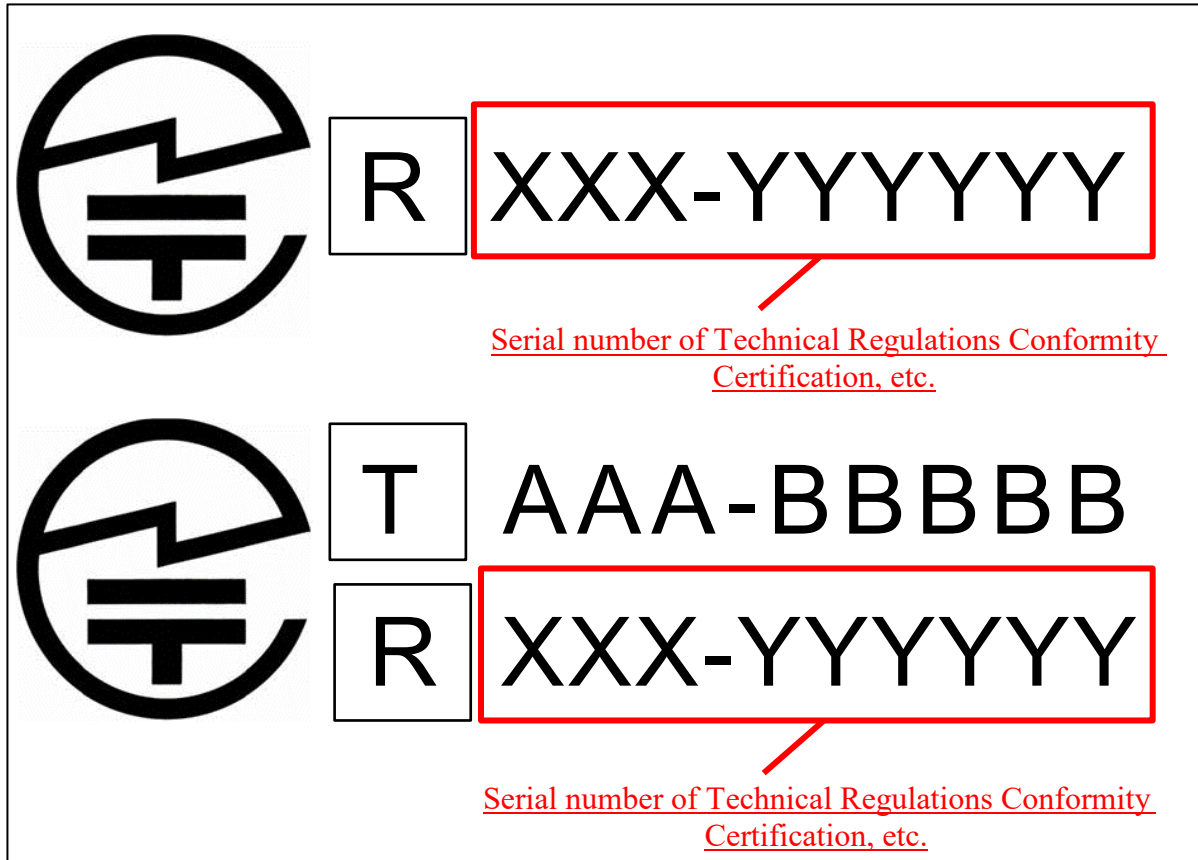
Wireless device manufacturers, etc., must comply with laws and regulations (including notifications, etc.) that relate to the Radio Law, in addition to these guidelines, and should observe any voluntary rules set by industry groups. In addition, wireless device manufacturers, etc., should make all effort to facilitate the confirmation of technical regulation conformity information, such as displaying private extremely low power radio equipment certification via marking, etc., for purchasers.

4. Date of application

These guidelines apply from December 15, 2020.

Reference: Examples of marks of Technical Regulations Conformity Certification, etc., and private extremely low power radio equipment certification marks

[Examples of marks of Technical Regulations Conformity Certification, etc.,]



[Examples of private extremely low power radio equipment certification marks]

