



## Revision of MRA Law in Japan

### 1. Summary

The Japanese Government revised its Mutual Recognition Agreement Law as a result of the signing of Agreement of Mutual Recognition of Results of Conformity Assessment Procedures between Japan and The United States of America (hereinafter referred to as "the Japan-U.S. MRA"). The bill to revise part of the Law for Implementation of the Mutual Recognition between Japan and the European Community and the Republic of Singapore in Relation to Conformity Assessment of Specified Equipment was passed in the Diet after deliberation. The revised law, which was promulgated on June 20, 2007, will come into force by the end of this year.

### 2. The Revised Law

#### (1) Responding to the Japan-U.S. MRA and Future MRAs

On February 16, 2007, Japan and the United States of America signed the Japan-U.S. MRA on telecommunications terminal equipment and radio equipment. In the future, other MRAs on telecommunications equipment may be signed between Japan and other countries.

Therefore, in order to cover the Japan-U.S. MRA and future MRAs to be signed, the current MRA Law, which specifies the names of MRA Parties in the "individual law form," was changed to "general law form" stipulating general MRA aspects in the Law and stipulating specific MRA aspects, i.e., names of MRA Parties in Cabinet Order.

As a result of this amendment, revision of the MRA Law to add a new Party's name, etc, will not be required in the future when a new MRA is signed with a new country, enabling us to quickly implement the new MRA.

#### (2) Review of the Applicant Requirements for Registered Foreign Conformity Assessment Bodies

The current MRA Law sets forth exceptions to the Telecommunications Business Law (hereinafter referred to as "the Business Law") and the Radio Law, enabling Japan to accept the results of the conformity assessment procedures for type certification of telecommunications terminal equipment or radio equipment conducted by registered foreign conformity assessment bodies (hereinafter referred to as "registered foreign CABs"). However, the exceptions allow only "foreign dealers" to apply for such conformity assessment procedures.

This means that companies who perform the designing, production, sales, and other activities of specified equipment in Japan and do no business in foreign countries can not

enjoy services to be provided by registered foreign CABs.

The revised MRA Law will permit such Japanese companies to use registered foreign CABs without restrictions. (Articles 31 through Article 34 of the revised MRA Law)

### (3) Revised Obligations Applicable to a Person Who Receives Conformity Assessment Services from a Registered Foreign CAB

#### i. Procedures to Affix the Mark stipulated in the Business Law or the Radio Law

The Business Law or the Radio Law gives a person who obtains certification from a conformity assessment body (CAB) the right to affix the certification mark only when he/she fulfills the obligations set forth in Article 57 of the Business Law or Article 38-25 of the Radio Law. This means that when a person, who obtains certification from a registered foreign CAB, affixes the certification mark to equipment to be exported to Japan, he/she is obliged to carry out quality assurance inspection in accordance with the quality assurance method certified by the same CAB and to prepare the records of inspection results and keep them for a specified period of time.

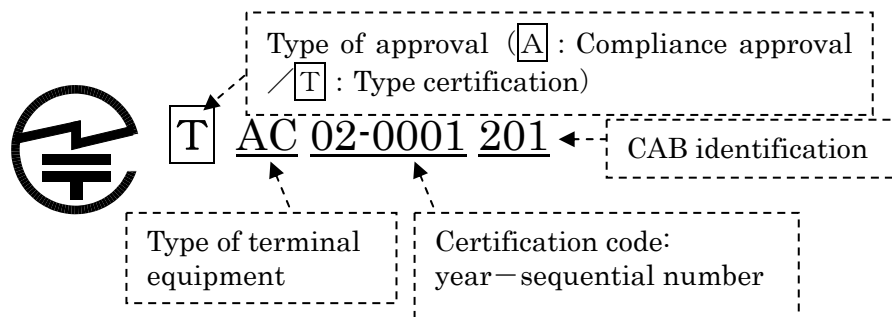
When any person who obtains certification from a registered foreign CAB under the new MRA Law and affixes the certification mark to equipment, he/she is also obliged to fulfill the above obligations prior to affixing.

It should be kept in mind that only a person who obtains certification from a registered foreign CAB is permitted to affix the certification mark to his/her equipment under the Business Law or the Radio Law and that other persons who obtain no certification are prohibited from affixing the mark under the law. (see the Business Law, Article 53, para. 3 and the Radio Law, Article 38-7, para. 2)

#### ii. Amendment of Marking

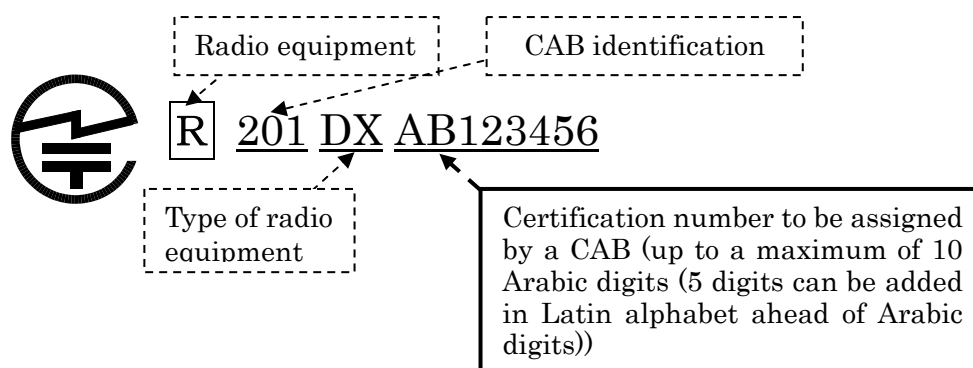
##### • Marking for Telecommunications Terminal Equipment

Under the current MRA Law, a registered foreign CAB is allowed to set forth its own certification number besides the marking method set forth in the public notice. However, this rule is revised.



• **Marking for Specified Radio Equipment**

Under the current MRA Law, a registered foreign CAB is permitted to use any alphanumeric without restriction besides alphanumeric codes set forth for the identification of registered foreign CAB and the type of specified radio equipment. Under the new rules, the certification code of Arabic digits must not exceed 10 digits (5 digits can be added in Latin alphabet ahead of Arabic digits) due to the technical limitation for the Japanese government database.



**iii. Obligations of a Person Whose Equipment Is Certified by a Registered Foreign CAB**

Obligations, which are the same as those imposed on a person whose equipment is certified by a registered CAB under the Business Law or the Radio Law, will be imposed on a person whose equipment is certified by a registered foreign CAB under MRAs.

(See the revised MRA Law, Articles 31 through Article 34.)

① **Business Law**

The provisions of the Business Law, including those on order to prevent disturbance and order to report, etc., shall apply to a person who obtains technical conditions compliance approval from a registered foreign CAB.

Obligations to coincide with certified telecom equipment type specification and obligations to inspect produced terminal equipment, record inspection results and keep them shall be imposed on persons who obtain certification of telecom equipment type from registered foreign CABs. Also, the provisions of the Business Law, such as those on order to take measures, prohibition of affixing the mark, order to prevent disturbance, and reporting, etc., shall apply to those persons.

② **Radio Law**

The provisions of the Radio Law, including those on order for prevention of jamming and order to report etc., shall apply to a person who obtains technical regulations conformity certification from a registered foreign CAB.

Obligations to coincide to certified construction types and obligations to inspect produced radio equipment and to record inspection results and keep them shall be imposed on persons who obtain construction type certification from registered foreign CABs. Also, the provisions of the Radio Law, such as those on order to take measures, prohibition of affixing the mark, order for prevention of jamming, and reporting, etc., shall apply to those persons.

**Table: Provisions Applicable to Persons Who Obtain Certification Etc. from Registered Foreign CABs**

<b>MRA Law</b>	<b>Applicable Provisions</b>	<b>Titles</b>
Article 31, para.1	Business Law, Article 53, para. 2	Equipment marking
„	Business Law, Article 54	Order to prevent disturbance
„	Business Law, Article 55, para. 1	Invalidation of marking
„	Business Law, Article 62, para. 1	Foreign dealer
„	Business Law, Article 166, para. 2	On-site inspection
„	Business Law, Article 167, para. 1	Submission of terminal equipment, etc.
„	Business Law, Article 167, para. 2	Compensation for the loss of terminal equipment submitted
„	Business Law, Article 167, para. 5	Foreign dealer
Article 31, para. 2	Business Law, Article 57, para. 1	Obligations to coincide with type
„	Business Law, Article 57, para. 2	Obligations to record inspection results and keep them
„	Business Law, Article 58	Equipment marking
„	Business Law, Article 59	Order to take measures
„	Business Law, Article 60, para. 1	Prohibition of affixing the mark
„	Business Law, Article 61	Application, mutatis mutandis
„	Business Law, Article 62, para. 2	Foreign dealer
„	Business Law, Article 62, para. 3	Prohibiting a foreign dealer from affixing the mark
„	Business Law, Article 166, para.3	On-site inspection
„	Business Law, Article 167, para. 4	Submission of terminal equipment, etc.
„	Business Law, Article 167, para. 6	Foreign dealer
Article 32	Business Law, Article 53, para. 3	Prohibition of any misleading similar mark
„	Business Law, Article 55, para. 2	Public notice in case of

		invalidation of marking
//	Business Law, Article 60, para. 2	Public notice when prohibiting a certified dealer from affixing the mark.
//	Business Law, Article 62, para. 4	Public notice when prohibiting a foreign dealer from affixing the mark
//	Business Law, Article 69, para. 1	Inspection of connection of terminal equipment
//	Business Law, Article 166, para. 7	On-site inspection staff identification card for their entry and inspection
//	Business Law, Article 166, para. 8	Provisions for on-site inspection not being construed for the purpose of detecting a crime
//	Business Law, Article 167, para. 3	Amount of compensation for the loss of terminal equipment submitted
//	Business Law, Article 168	Consultation in case of making orders, etc.
//	Business Law, Article 171	Hearing in procedures for lodging complaints
Article 33, para. 1	Radio Law, Article 38-7, para. 1	Equipment marking
//	Radio Law, Article 38-20, para 1	On-site inspection
//	Radio Law, Article 38-21, para. 1	Submission of radio equipment
//	Radio Law, Article 38-21, para. 2	Compensation for the loss of radio equipment submitted
//	Radio Law, Article 38-22, para. 1	Order to prevent of jamming, etc.
//	Radio Law, Article 38-23, para. 1	Invalidation of marking
//	Radio Law, Article 38-30, para. 1	Foreign dealer
Article 33, para. 2	Radio Law, Article 38-25, para. 1	Obligations to coincide with construction type
//	Radio Law, Article 38-25, para. 2	Obligations to record inspection results and keep them
//	Radio Law, Article 38-26	Equipment marking
//	Radio Law, Article 38-27	Order to take measures
//	Radio Law, Article 38-28, para. 1	Prohibition of affixing the mark
//	Radio Law, Article 38-29	Application, mutatis mutandis
//	Radio Law, Article 38-30, para. 2	Foreign dealer
//	Radio Law, Article 38-30, para. 3	Prohibiting a foreign dealer from affixing the mark
Article 34	Radio Law, Article 4, ii) and iii)	No requirement to obtain a license

"	Radio Law, Article 13, para. 2	Validity period of licenses
"	Radio Law, Article 15	Simplified licensing procedures
"	Radio Law, Article 27-2	Special case of a license for the specified radio station
"	Radio Law, Article 27-18, para. 1	Registration of radio stations
"	Radio Law, Article 38-7, para. 2	Prohibition of affixing misleadingly similar mark
"	Radio Law, Article 38-7, para. 3	Obligation to remove the mark
"	Radio Law, Article 38-20, para. 2	Application, mutatis mutandis, to the on-site inspection
"	Radio Law, Article 38-21, para. 3	Compensation for the loss of radio equipment submitted
"	Radio Law, Article 38-22, para. 2	Consultation with the Minister for Economy, Trade and Industry in ordering prevention of jamming, etc.
"	Radio Law, Article 38-23, para. 2	Public notice in case of invalidation of marking
"	Radio Law, Article 38-28, para. 2	Public notice in prohibition of affixing the mark
"	Radio Law, Article 38-30, para. 4	Public notice in prohibiting a foreign dealer from affixing the mark
"	Radio Law, Chapter 7	Protesting
"	Radio Law, Article 99-2	Establishment of the radio regulatory council
"	Radio Law, Article 103-2, para. 11, etc.	Collection of the spectrum user fee, etc.