

General Contractual Conditions on Technical Regulations Conformity Certification and Type Certification

Chapter 1 General Provisions

(Purpose)

Article 1

The Telecom Engineering Center (hereinafter “TELEC”), a Registered Certification Body under Article 38-2 of the Radio Law (Law No. 131 of 1950), institutes these General Contractual Conditions to implement services for the Technical Regulations Conformity Certification of specified radio equipment stipulated in Paragraph 1 of Article 38-6 (hereafter “Test Certification”) and the Certification of Construction Type for specified radio equipment stipulated in Paragraph 1 of Article 38-24 (hereafter “Type Certification”) of the Radio Law and to provide fair and smooth services to applicants for certification.

(Radio equipment certified by TELEC)

Article 2

Radio equipment certified by TELEC includes specified radio equipment stipulated in Paragraph 1 of Article 2 of the Ordinance concerning Technical Regulations Conformity Certification of Specified Radio Equipment (MPT Ordinance No. 37 of 1981, hereafter “Certification Ordinance”).

(Modification work)

Article 3

- 1) TELEC may omit part of an examination under Paragraph 3 of Article 6 or Paragraph 3 of Article 17 of the Certification Ordinance when certified radio equipment is modified and the modified radio equipment meets the separately regulated conditions.
- 2) An applicant requiring certification of modified equipment can apply for a simplified application for certification under Article 4 and Article 9 below.

Chapter 2 Technical Regulations Conformity Certification (Test Certification)
(Application)

Article 4

- 1) Applicants for Test Certification shall submit documents, such as the separately designated application form and type specifications (as specified in Attached Table No. 2 of the Certification Ordinance), and all pieces of specified radio equipment to the TELEEC office.
- 2) When applying under the previous article, instead of submitting the equipment, the applicant may submit photographs or drawings (hereafter "Photographs, etc.") showing component layout and external view with dimensions of the equipment and characteristic test results for the equipment.
- 3) TELEEC may request submission of an instruction manual for the equipment or jigs, etc., used for the test if necessary.
- 4) The maximum number of pieces of radio equipment covered by one application is limited to 500 sets.

(Examination)

Article 5

- 1) After TELEEC receives an application described in the preceding paragraph, TELEEC shall appoint an examiner to start examination on schedule.
- 2) For the preceding examination, TELEEC shall conduct a construction design examination, comparison check and characteristics test based on the provisions in Attached Table No.1 of Article 6 of the Certification Ordinance. The characteristics test shall be conducted only when the equipment is submitted.
When the equipment is not submitted, TELEEC shall examine whether descriptions in the report on the results of the characteristics test are in compliance with applicable technical standards. In this case, TELEEC shall conduct the certification work on the assumption that the applicant is responsible for the results of the characteristics test.
- 3) When equipment is submitted, TELEEC may request submission of documents containing the results of the characteristics test conducted in advance if TELEEC considers that the documents are necessary for their examination.
- 4) When equipment is not submitted, TELEEC may request submission of additional documents and/or equipment if TELEEC considers that it cannot judge whether the equipment is in compliance with the technical standards from the submitted documents.

(Notification of examination results)

Article 6

- 1) TELEC shall notify the applicant of the examination results by issuing a certificate when the equipment passes the examination by TELEC.
- 2) If TELEC refuses the certification as a result of the examination, TELEC shall notify the applicant of the results in writing in accordance with the provision in Article 7 of the Certification Ordinance.
- 3) TELEC shall notify the applicant about the results of the examination within seven (7) working days (excluding days for amendment of documents by applicant and TELEC holidays) from the date of receipt of the application.

(Report of examination results)

Article 7

TELEC shall report on the equipment certified as a result of the examination to the Minister of Internal Affairs and Communications (hereafter “Minister of MIC”) in accordance with Paragraph 4 of Article 6 of the Certification Ordinance.

(Labeling)

Article 8

- 1) TELEC shall affix the label specified in Form No. 7 of Article 8 of the Certification Ordinance to an easily recognizable place on the certified equipment.
- 2) When specified radio equipment with an affixed label is modified, the person modifying the equipment shall remove the certification label as specified in Paragraph 2 of Article 8 of the Certification Ordinance.

Chapter 3 Certification of Construction Type (Type Certification)

(Application)

Article 9

- 1) Applicants for Type Certification shall submit the separately designated documents such as application form, type specifications and statement of verification method, and one set of the specified radio equipment to the TELEC office.
- 2) When submitting designated documents, instead of submitting the equipment, the applicant may submit Photographs, etc., and the results of the characteristics test for the equipment.
- 3) When the equipment included in the application is manufactured in a factory with ISO9000 series certification, instead of submitting the statement of verification method, the applicant may submit a copy of the ISO9000 certificate for the factory and any other documents permitting the examiner to confirm the conditions specified in Attached Table 4 of the Certification Ordinance.

(Examination)

Article 10

- 1) After TELEC receives an application described in the preceding paragraph, TELEC shall appoint an examiner to start examination on schedule.
- 2) TELEC shall conduct the examination of construction design, comparison check, characteristics test and examination of statement of verification method based on the provisions in Attached Table No. 3 of Article 17 of the Certification Ordinance. The characteristics test shall be conducted only when equipment under application is submitted.

When the equipment is not submitted, TELEC shall examine whether descriptions in the report on the results of the characteristics test are in compliance with applicable technical standards. In this case, TELEC shall conduct the certification work on the assumption that the applicant is responsible for the results of the characteristics test.

- 3) When equipment is submitted, TELEC may request submission of documents containing the results of the characteristics test conducted in advance if TELEC considers that the documents are necessary for the examination.
- 4) In the certification process, TELEC may request submission of additional documents if TELEC considers that it cannot judge whether all of the equipment manufactured under its construction design are in compliance with the construction design from the submitted documents.

(Notification of examination results)

Article 11

- 1) TELEC shall notify the applicant of the examination results by issuing a certificate when the equipment passes the examination by TELEC.
- 2) If TELEC refuses the certification as a result of the examination, TELEC shall notify the applicant of the results in writing in accordance with the provision in Article 18 of the Certification Ordinance.
- 3) TELEC shall notify the applicant about the results of the examination within fifteen (15) working days (excluding days for amendment of documents by applicant and TELEC holidays) from the date of receipt of the application.

(Report of examination results)

Article 12

TELEC shall report on the equipment certified as a result of the examination to the

Minister of MIC in accordance with Paragraph 4 of Article 17 of the Certification Ordinance.

(Labeling)

Article 13

1) In accordance with Article 20 of the Certification Ordinance, the applicant shall make labels (Form No. 7) and affix them to an easily recognizable place on every unit of the certified equipment.

2) The applicant may ask TELEC to make the labels.

3) When specified radio equipment with an affixed label is modified, the person modifying the equipment shall remove the certification label as specified in Paragraph 2 of Article 8 of the Certification Ordinance.

(Obligations to conform to construction design, etc)

Article 14

The applicant shall be responsible for keeping the specified radio equipment in conformance with the construction design in accordance with Article 38-25 of the Radio Law. The applicant shall: 1. Inspect the specified radio equipment according to the verification method pertaining to the certification of construction type, 2. Create an inspection record in accordance with the provision of Article 19 of the Certification Ordinance, and 3. Archive the records for 10 years from the inspection date.

Chapter 4 Charges, etc.

(Charges, etc)

Article 15

The applicant shall pay the separately described charges for certification.

(Payment of charges, etc)

Article 16

TELEC shall bill the applicant for the charges and the applicant shall pay the bill.

Chapter 5 Certifier

(Duties of certifier)

Article 17

The certifier shall take notice of the public importance of certification and execute the duty conscientiously.

(Protection of secrecy)

Article 18

The certifier shall not reveal any secrets acquired through the certification services to third parties. This matter shall apply, mutatis mutandis, to officers and staffs other than the certifier.

Chapter 6 Denial of Certification

(Denial of certification)

Article 19

1) TELEC shall refuse certification under any of the following conditions:

- (1) If the equipment does not comply with the technical requirements stipulated in the Radio Law and the Ordinance Regulating Radio Equipment
- (2) If TELEC's charges have not been paid
- (3) If documents to be amended are not submitted

2) The applicant may withdraw the application. On the other hand, TELEC may claim to withdraw the application to the applicant and may charge the applicant a withdrawal fee if the applicant does not take action within 20 days after TELEC notifies the applicant of the situation described in (2) or (3) above.

(Notification of denial of certification)

Article 20

If TELEC refuses certification, TELEC shall give the reason(s) in writing.

Chapter 7 Information Disclosure

(Information Disclosure)

Article 21

When TELEC receives a request for information disclosure from a third party and intends to disclose any information other than the information to be reported to the Minister of MIC under the provisions of Article 7 and 12, TELEC shall not disclose the information without prior consent of the applicant.

Chapter 8 Compensation for Damage

(Compensation for damage)

Article 22

1) If TELEC damages specified radio equipment by intention or serious mistake,

TELEC shall pay the full cost of repair. However, TELEC shall not bear responsibility for damage caused by Acts of God, such as natural disasters.

2) TELEC shall indemnify radio equipment certified by TELEC against liability for personal injury or physical damage to goods or property to the limit of 100 times the certification charge when the cause of the injury or damage is known to be due to erroneously certified equipment, provided that TELEC shall not bear responsibility for injury or damage caused by person(s) or entity(ies) other than TELEC.

Chapter 9 Measures for Fraudulent Means

(Measures for fraudulent means)

Article 23

1) When it becomes clear that an applicant has acquired certification by or through fraudulent means, TELEC shall immediately report the fact to the Minister of MIC in accordance with the provisions of Paragraph 8 of Article 6 or Paragraph 8 of Article 17 of the Certification Ordinance.

2) When TELEC determines that certified equipment does not comply with the technical regulations, TELEC shall report the fact to the Minister of MIC in accordance with the provisions of Paragraph 9 of Article 17 of the Certification Ordinance.

3) In either of the above cases, TELEC shall notify the grantee of certification that the certification is invalid and shall request return of the certificate to TELEC. If necessary, TELEC may delegate its staffs to enter the associated facilities and confirm the fact.

Chapter 10 Statement of Protest

(Statement of protest to government)

Article 24

If an applicant has an objection to the result of the examination conducted by TELEC, the applicant may submit a statement of protest to the government under Article 38-14 of the Radio Law (including *mutatis mutandis* of Paragraph 3 of Article 38-24).

(Statement of protest to TELEC)

Article 25

1) If the applicant has an objection to the result of the examination conducted by TELEC, the applicant may submit a statement of protest to TELEC within 30 days from the applicant's date of receipt of notification of the result.

2) The following shall be included in the statement of protest.

- (1) Name of applicant and representative in case of corporate body
 - (2) Classification of specified radio equipment, and type name or equipment name
 - (3) Purpose and reason for statement of protest
 - (4) Notification No. issued by TELEC
- 3) When TELEC receives the statement of protest, TELEC shall hold a meeting and take action based on the decision of the meeting.
- 4) TELEC shall notify the applicant of its decision in writing within 60 days from the date of receipt of the statement of protest.

Chapter 11 Others

(Declaration of grievance)

Article 26

When TELEC receives a complaint from a user, etc., relating to specified radio equipment certified by TELEC, TELEC shall investigate the facts of the complaint and shall send the complainant a written response. In such a case, TELEC may request submission of the radio equipment to the certified applicant.

(Market research)

Article 27

TELEC may conduct market research by purchasing radio equipment from the market to confirm whether certified equipment is maintaining compliance with the technical regulations and the uniformity of construction design.

(Agreement Jurisdiction)

Article 28

Tokyo District Court shall be the exclusive “agreement jurisdictional court” for any and all disputes arising out of or in relation to this General Contractual Conditions or rights and duties under this General Contractual Conditions.

Supplementary Provisions

This General Contractual Conditions shall come into force on July 1, 2006.