

Obligations to Conform to Construction Types, etc. under Radio Act

Issued by Registered Certification Body Council

A person who has received a construction type certification from a registered certification body undertakes the obligation to conform to certified construction type under the Radio Act when the person deals with the specified radio equipment.

Registered Certification Body Council provides brief explanation on the system of “obligations to conform to construction types, etc.” as mentioned below for the persons who have been granted construction type certification and the persons concerned.

1. Obligations to conform to construction types, etc.

For the obligation, paragraph 1 of Article 38-25 of Radio Act provides as follows;

A person who has received construction type certification (hereinafter referred to as a “certified dealer”) from a registered certification body shall, when dealing in specified radio equipment based on the construction type pertaining to said construction type certification (hereinafter referred to as “certified construction type”) ensure that said specified radio equipment conforms to said certified construction type.

Further there is the following provision in the paragraph 2;

A certified dealer shall inspect specified radio equipment that it deals in under the preceding paragraph, in accordance with the method for verification pertaining to the construction type certification, and prepare and maintain the inspection records pursuant to the provisions of the applicable MIC ordinance.

Items to be recorded in the inspection record are specified as follows in Article 19 of “Ordinance concerning Technical Regulations Conformity Certification of Specified Radio Equipment” (hereinafter “Certification Ordinance”).

- (1) Certification number of construction type
- (2) Date and place of inspection
- (3) Name of responsible person for inspection
- (4) Quantity of specified radio equipment inspected
- (5) Inspection method
- (6) Inspection result

It is obligated to maintain the inspection record for ten years from the date of the inspection. The inspection record may be stored by an electromagnetic means. However, in this case, it is required to immediately display the record using a personal computer etc.

2. Mark for specified radio equipment based on certified construction type

As for the mark, Article 38-26 of Radio Act provides as follows;

A certified dealer may, upon performing the obligations pursuant to the provisions of paragraph (2) of the preceding article (Article 38-25 of Radio Act) with regard to specified radio equipment based on a certified construction type, affix to said specified radio equipment the mark specified by the applicable MIC ordinance.

When a certified dealer violates the provision of paragraph (2) of the preceding article (Article 38-25 of Radio Act), the dealer may be prohibited from affixing the mark to the certified radio equipment by paragraph (2) of Article 38-28 of Radio Act.

Further Article 20 of Certification Ordinance regulates that the mark shall be made in accordance with the applicable MIC ordinance (Form 7 of Certification Ordinance) and affixed to an easily recognizable place of the specified radio equipment.

3. Penalty for violence of provisions on “obligations to conform to construction type”

There are penal provisions for the violence of provisions on “obligations to conform to construction type”. Penalties are provided in Article 110, 112, 113 and 114 of Radio Act. Penalties for juridical persons are provided in Article 114 of Radio Act and a fine not exceeding one hundred million yen is imposed in accordance with the provisions.

The following items are included in the penal provisions.

- (1) When a certified dealer violates a prohibition provision on the marks;
- (2) When a certified dealer affixes a mistakable mark;

[For reference]

1. The “certification of construction type” is to certify that the specified radio equipment conforms to the technical standards by examining the construction type including the design drawings etc and the method of quality management for the radio equipment. Further the quality management system is examined to ensure that all of the specified radio equipment are properly manufactured in accordance with the design drawings.
2. The registered certification body council is a voluntary organization aimed to smoothly operate the technical regulations conformity certification and the construction type certification and therewith to maintain the orderly utilization of radio waves and secure the convenience for radio wave users. The conference is constituted of all registered certification bodies and the members are as being indicated to the following webs.

<http://www.tele.soumu.go.jp/e/sys/equ/tech/index.htm>