Certificate Technical
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日本電波法・事業法登録認証機関 018

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Obligation to conform to Construction Type Certification

(excerpted ver.)

A person who has received a construction type certification from a Registered Certification Body (RCB) undertakes the obligation to conform to certified construction type under the Radio Act.

"A person who has received a construction type certification" means who listed as a "Certificate Holder" on the Construction Type Certification.

1. Obligation of Conformity to Construction Type

【Paragraph 1 of Article 38-25 of Radio Act】

A Certificate Holder shall ensure that said specified radio equipment conforms to said certified construction type.

2. Create and Maintain Inspection Records

【Paragraph 2 of Article 38-25 of Radio Act】

To implement obligation of 1 above, Certificate Holder shall inspect specified radio equipment in accordance with the method for verification pertaining to the construction type certification, prepare and maintain the inspection records pursuant to the provisions of the applicable to MIC ordinance. These records shall be maintained for 10 years.

Items to be recorded【Article 19 of Certification Ordinance】→Obliged to be maintained for 10 YEARS !!
(1)Certificate Number (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

#Even if the case of Certificate Holder≠Manufacturer, the same obligation is imposed.

In case of a Certificate Holder is Sales Agency but production goes at Chinese factory, Sales Agency is under the obligation to make the factory do 1 and 2 above appropriately.

3. Correct Marking for specified radio equipment

【Article 38-26 of Radio Act】

A Certificate Holder may affix to said specified radio equipment the mark specified by the appliance MIC ordinance when discharging the above obligation. When violating appropriate Marking obligation, there is a punished possibility.

4. Obligation of notification of change

【Article 17 of Certification Ordinance】

A Certificate Holder must submit, without any delay, a notification to the Minister for MIC, whenever there has been any change in registered items below.
The registration can be checked via below URL
http://www.tele.soumu.go.jp/j/sys/equ/tech/tech/index.htm

●Company Name、Address、Name of representative ●Model (type) name of specified radio equipment

In case of change in the other than above, Confirmation by RCB should be needed.

Detailed description of each item above obligation: refer to the following pages.

Obligations for Technical Regulations Conformity and for After Certification Approval

■ Obligations of applicant : Certification System

I. Obligations of notification

A certified dealer (hereinafter referred to as "certified dealer") must submit, without any delay, a notification to the Minister for Internal Affairs and Communications ("Minister") for the period of 10 years from the date of last inspection, whenever there has been any change in registered items, (such as, the name, address, company name for the applicant and the name of representative, type,and name of the company for corporate body) in which Registered Certification Body ("RCB") has reported to the Minister in accordance with the Radio Act.

When there has been any change in registered items (such as, the name, address, company name for the applicant and the name of representative, type,and name of the company for corporate body) in which RCB previously reported to the Minister based on the Radio Act, under Certification Ordinance of Article 17 paragraph 5 , a registrant shall report to the Minister or inform RCB. (Article 17 in Certification Ordinance)

II. Conformity obligations in construction types

The provision of Article 38-25 paragraph 1 of Radio Act provides as follows;

When dealing in specified radio equipment based on the construction type pertaining to said construction type certification ("certified construction type"), a certified dealer must ensure that said specified radio equipment conforms to technical regulations of said certified construction type.

III. Obligations for preparation of inspection and for retention of inspection record

The provision of Article 38-25 paragraph 2 of Radio Act provides as follows;

A certified dealer shall conduct an inspection on specified radio equipment provided for under the preceding paragraph that it deals, in accordance with the method to verify the certification of construction type, and prepare and maintain the inspection record in accordance with the applicable ministry ordinance.

Article 19 in Certification Ordinance specifies that the items to be recorded in the inspection record, for 10 years from the date of the inspection, as follows :

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

(6) Inspection result

IV. Certification mark as specified radio equipment conforms to the technical regulations

The provision of Article 38-26 of Radio Act provides as follows;

A certified dealer cannot affix the certification mark on the specified radio equipment as shown as diagram 5-31 as a regulations conformity certification until performing obligations pursuant to the provisions of article III (Article 38-26 of Radio Act) with regard to specified radio equipment based on a certified construction type.

The certification mark should be affixed on an easily recognizable place of the specified radio equipment.

In Japan, affixing the certification mark or affixing a misleading label on the specified radio equipment are forbidden unless following a proper procedure in accordance with law. Also, if any remodeling or alteration are made on the specified radio equipment with certification mark, the person who have made any changes must remove the certification mark from the specified radio equipment. Penalty for violating these provisions may be subject to less than five hundred thousand yen fine.

V. OEM supply

(1) A certified dealer

A certified dealer is a self-responsible body which ultimately affixes the certification mark as conformed specified radio equipment and performs each obligations of regulated provision conformed with construction type obligation. In addition, it is the intended subject to whom the Minister orders prevention orders of or prevention of jamming, etc. or recall products from the market.

Even if providing OEM, or regardless of OEM supplier nor OEM destination, those who performs each obligation of regulated provision of construction type conformity is defined as a certified dealer.

It is taken for granted that a certified dealer is subjected to obligations such as, to perform construction type obligation conformity, to create, and to maintain inspection record.

(2) Name of manufacturer in construction type

It is advisable to report the name of the second party (OEM destination) in the construction type.

When the second party (OEM destination) becomes an applicant, it is subject to obligation of (1) of V. the second party (OEM destination) can become manufacturer as well.

Or, it is possible to report the applicant and the name of manufacturer under the different names, for instance OEM supplier as an applicant and the second party (OEM destination) as a manufacturer. However, it is impossible to report the second party (OEM destination) as an applicant and the third party as a manufacturer.

Technical Regulations Conformity

I. Obligations of notification

A person who has received a certification of technical regulations conformity from RCB must submit, without any delay, a notification to the Minister whenever there has been any change in registered items such as, the name or address of the applicant, etc., for the period of 10 years from the date of last inspection. (Article 6 in Certification Ordinance)

II. Certification mark as specified radio equipment conforms to the technical regulations

The provision of Article 38-7 of Radio Act provides as follows;
When RCB issues certification of technical regulations conformity, it can affix the certification mark on the specified radio equipment as shown as diagram 6-12 as a regulations conformity certification.

The certification mark should be affixed on an easily recognizable place of the specified radio equipment.

In Japan, affixing the certification mark or affixing a misleading label on the specified radio equipment is forbidden unless following a proper procedure in accordance with law. Also, if any remodeling or alteration is made on the specified radio equipment with certification mark, the person who has made any changes must remove the certification mark from the specified radio equipment. Penalty for violating these provisions may be subject to less than five hundred thousand yen fine.

Penalty

I. Orders for prevention of jamming, etc. (Article 38-22 of Radio Act)

When the Minister recognize a specified radio equipment given a certification of conformity with technical regulations by RCB and the attached certification mark does not comply with the paragraph 3 of Radio Act, and the specified radio equipment might induce interference and other disturbance that jam other radio stations operation or cause harm to human bodies, if necessary, for preventing disturbance or harm, the Minister may order said person who was given said certification of conformity with technical regulations to take measures necessary for preventing disturbance or spread harm due to specified radio equipment.

Penalty for violating of order may be subject to less than one million yen fine or 1 year of imprisonment. Additionally, a corporation may be charged a fine of dual penalty not exceeding one hundred million yen. (Page 19 Manual for Regulations Conformity Certification System of telecommunications equipment)

II. When the certification mark deems invalid (Article 38-23 of Radio Act)

When the specified radio equipment with certification mark of technical regulations conformity certification does not suffice for technical regulations described in Article 3, and when the Minister

recognizes it might induce interference and other disturbance that jam other radio stations operation or cause harm to human bodies, if necessary, for preventing disturbance or harm, the Minister can exercise the action to make the affixed certification mark as in the status of "not affixed", meaning the same as not being affixed.

When the Minister takes this action, this issue becomes a public notice to that effect. (Page 19 Manual for Regulations Conformity Certification System of telecommunications equipment)

III. Violation of conformity obligations in construction types (Article 38-27 of Radio Act)

When the Minister recognizes a certified dealer violates the regulations of conformity obligations of construction types (Article 1 of 38-25 in Radio Act), the Minister can order necessary actions to improve the method of certification system of construction types.

IV. Notification to MIC

Based on Radio Act, C&S reports all the necessary registered information such as, name and address for the person who received certification or technical regulations conformity, corporate representative, type of specified radio equipment, model type, certification number or number of certification of technical regulations conformity, radio type, frequency, antenna power, date of certification/authentication, etc.