

ANNEX III

**SCHEDULE OF RESERVATIONS AND NON-CONFORMING MEASURES FOR SERVICES AND
INVESTMENT**

JAPAN

LIST A

EXPLANATORY NOTES

1. This List A sets out, in accordance with paragraph 1 of Article 8.8 (Schedules of Non-Conforming Measures) and paragraph 1 of Article 10.8 (Reservations and Non-Conforming Measures), the entries made by Japan with respect to existing measures that do not conform with obligations imposed by:
 - (a) Article 8.4 (National Treatment) or Article 10.3 (National Treatment);
 - (b) Article 8.5 (Market Access);
 - (c) Article 8.6 (Most-Favoured-Nation Treatment) or Article 10.4 (Most-Favoured-Nation Treatment);
 - (d) Article 8.11 (Local Presence);
 - (e) Article 10.6 (Prohibition of Performance Requirements); or
 - (f) Article 10.7 (Senior Management and Board of Directors).^{1, 2}
2. Each entry sets out the following elements:
 - (a) **Sector** refers to the general sector for which the entry is made;
 - (b) **Subsector** refers to the specific sector for which the entry is made;
 - (c) **Industry Classification** refers, where applicable, and only for transparency purposes, to the activity covered by the entry according to domestic or international industry classification codes;
 - (d) **Level of Government** indicates the level of government maintaining the measure for which the entry is made;
 - (e) **Type of Obligation** specifies the obligations referred to in paragraph 1 for which the entry is made;
 - (f) **Description** sets out, with respect to the obligations referred to in paragraph 1, the non-conforming aspects of the existing measures for which the entry is made; and
 - (g) **Measures** identifies the existing laws, regulations, or other measures for which the entry is made. A measure cited in the Measures element:
 - (i) means the measure as amended, continued, or renewed as of the date of entry into force of this Agreement; and
 - (ii) includes any subordinate measure adopted or maintained under the authority of and consistent with the measure.
3. In the interpretation of an entry, all elements of the entry shall be considered. An entry shall be interpreted in the light of the relevant provisions of the Chapters against which the entry is made. The Measures element shall prevail over all the other elements.

¹ For the purposes of this List A, "Senior Management and Board of Directors" (Article 10.7) specified in the "Type of Obligation" includes the obligation in relation to any measure affecting the supply of a service, which is imposed in accordance with paragraph 3 of Article 10.2 (Scope).

² For transparency purposes, entries in this List A may include measures taken by Japan in accordance with Article 10.15 (Security Exceptions), Article 17.12 (General Exceptions), or Article 17.13 (Security Exceptions).

4. With respect to financial services:
 - (a) for prudential reasons within the context of Article 4 (Prudential Measures) of Annex 8A (Financial Services), Japan shall not be prevented from taking measures such as non-discriminatory limitations on juridical forms of a commercial presence. For the same reasons, Japan shall not be prevented from applying non-discriminatory limitations concerning admission to the market of new financial services which shall be consistent with a regulatory framework aimed at achieving such prudential objectives. In this context, securities firms are allowed to deal in securities defined in the relevant laws and regulations of Japan, and banks are not allowed to deal in those securities unless allowed in accordance with those laws and regulations; and
 - (b) services supplied in the territory of another Party to the service consumer in Japan without any active marketing from the service supplier are considered as services supplied under subparagraph (r)(ii) of Article 8.1 (Definitions).
5. With respect to air transport services, measures affecting traffic rights or measures affecting services directly related to the exercise of traffic rights are not listed in this List A, as these are excluded from the scope of Chapter 8 (Trade in Services) pursuant to Article 8.2 (Scope).
6. Laws and regulations of Japan with regard to spectrum availability affecting obligations under Article 8.5 (Market Access) are not included in this List A, taking into account the Attachment 6 of Guidelines for the Scheduling of Specific Commitments (WTO Document S/L/92, dated 28 March 2001).
7. For the purposes of Chapter 8 (Trade in Services), Japan reserves the right to adopt or maintain any measure with respect to permanent residents of another Party except those of a Party that has submitted a notification under subparagraph (k)(ii) 2 of Article XXVIII of GATS.
8. For the purposes of this List A, "JSIC" means Japan Standard Industrial Classification set out by the Ministry of Internal Affairs and Communications, and revised on 30 October 2013.

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| 1. | Sector | : | Agriculture, Forestry, and Fisheries, and Related Services (except those covered by entries No. 12 and No. 18 in List B of this Schedule) |
| | Subsector | : | - |
| | Industry Classification | : | <p>JSIC 01 Agriculture</p> <p>JSIC 02 Forestry</p> <p>JSIC 03 Fisheries, except aquaculture</p> <p>JSIC 04 Aquaculture</p> <p>JSIC 6324 Agricultural cooperatives</p> <p>JSIC 6325 Fishery and fishery processing cooperatives</p> <p>JSIC 871 Agriculture, forestry and fisheries cooperative associations, n.e.c.</p> |
| | Level of Government | : | Central Government |
| | Type of Obligation | : | National Treatment (Articles 8.4 and 10.3) |
| | Description | : | <p><u>Trade in Services and Investment</u></p> <ol style="list-style-type: none"> 1. The prior notification requirement and screening procedures under the <i>Foreign Exchange and Foreign Trade Law</i> apply to foreign investors who intend to make investments in agriculture, forestry, and fisheries, and related services (except those covered by entries No. 12 and No. 18 in List B of this Schedule) in Japan. 2. The screening is conducted from the viewpoint of whether the investment is likely to cause a situation in which significant adverse effect is brought to the smooth operation of the Japanese economy.³ 3. The investor may be required to alter the content of the investment or discontinue the investment process, depending on the screening result. |
| | Measures | : | <p><i>Foreign Exchange and Foreign Trade Law</i> (Law No. 228 of 1949), Article 27</p> <p><i>Cabinet Order on Foreign Direct Investment</i> (Cabinet Order No. 261 of 1980), Article 3</p> |

³ For greater certainty, absence of reference in this description to "national security", which is referred to in entries No. 10, 12, 13, 15, 37, 46, 47, 55 and 57 of this List A, does not mean that Article 10.15 (Security Exceptions) and Article 17.13 (Security Exceptions) does not apply to the screening or that Japan waives its right to invoke Article 10.15 (Security Exceptions) and Article 17.13 (Security Exceptions) to justify the screening.

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| 2. | Sector | : | Automobile Maintenance Business |
| | Subsector | : | Specified Motor Vehicle Maintenance and Repair Business |
| | Industry Classification | : | JSIC 89 Automobile maintenance services |
| | Level of Government | : | Central Government |
| | Type of Obligation | : | Market Access (Article 8.5) Local Presence (Article 8.11) |
| | Description | : | <p><u>Trade in Services</u></p> <p>A person who intends to conduct specified motor vehicle maintenance and repair businesses is required to establish a workplace in Japan and to obtain an approval of the Director-General of the District Transport Bureau having jurisdiction over the district where the workplace is located.</p> |
| | Measures | : | <i>Road Vehicle Law</i> (Law No. 185 of 1951), Chapter 6 |

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| 3. | Sector | : | Business Services |
| | Subsector | : | - |
| | Industry Classification | : | JSIC 9111 Employment services JSIC 9121 Worker dispatching services |
| | Level of Government | : | Central Government |
| | Type of Obligation | : | Market Access (Article 8.5) Local Presence (Article 8.11) |
| | Description | : | <p><u>Trade in Services</u></p> <p>1. A person who intends to supply the following services for enterprises in Japan is required to have an establishment in Japan and to obtain permission from, or to submit notification to, the competent authority, as applicable:</p> <p>(a) private job placement services including fee-charging job placement services for construction workers and job placement services for seafarers; or</p> <p>(b) worker dispatching services including stevedore dispatching services, mariner dispatching services and work opportunities securing services for construction workers.</p> <p>2. Labour supply services may be supplied only by a labour union which has obtained permission from the competent authority pursuant to the <i>Employment Security Law</i> or <i>Mariner's Employment Security Law</i>.</p> |
| | Measures | : | <p><i>Employment Security Law</i> (Law No. 141 of 1947), Chapters 3 and 3-3</p> <p><i>Law Concerning Securing the Proper Operation of Worker Dispatching Undertakings and Protecting Dispatched Workers</i> (Law No. 88 of 1985), Chapter 2</p> <p><i>Port Labour Law</i> (Law No. 40 of 1988), Chapter 4</p> <p><i>Mariner's Employment Security Law</i> (Law No. 130 of 1948), Chapter 3</p> <p><i>Law Concerning the Improvement of Employment of Construction Workers</i> (Law No. 33 of 1976), Chapters 5 and 6</p> |

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| 4. | Sector | : | Collection Agency Services |
| | Subsector | : | - |
| | Industry Classification | : | JSIC 6619 Miscellaneous financial auxiliaries JSIC 7299 Professional services, n.e.c. |
| | Level of Government | : | Central Government |
| | Type of Obligation | : | Market Access (Article 8.5) Local Presence (Article 8.11) |
| | Description | : | <p><u>Trade in Services</u></p> <p>1. A person who intends to supply collection agency services which constitute the practice of law in respect of legal cases is required to be qualified as an attorney-at-law under the laws and regulations of Japan ("<i>Bengoshi</i>"), a legal professional corporation under the laws and regulations of Japan ("<i>Bengoshi-hojin</i>"), or a legal person established under the <i>Special Measures Law Concerning Credit Management and Collection Business</i> and to establish an office in Japan.</p> <p>2. No person may take over and recover other person's credits as business except a legal person established under the <i>Special Measures Law Concerning Credit Management and Collection Business</i> that handles credits pursuant to provisions of that law.</p> |
| | Measures | : | <p><i>Special Measures Law Concerning Credit Management and Collection Business</i> (Law No. 126 of 1998), Articles 3 and 4</p> <p><i>Attorney Law</i> (Law No. 205 of 1949), Articles 72 and 73</p> |

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| 5. | Sector | : | Construction |
| | Subsector | : | - |
| | Industry Classification | : | <p>JSIC 06 Construction work, general including public and private construction work</p> <p>JSIC 07 Construction work by specialist contractor, except equipment installation work</p> <p>JSIC 08 Equipment installation work</p> |
| | Level of Government | : | Central Government |
| | Type of Obligation | : | <p>Market Access (Article 8.5)</p> <p>Local Presence (Article 8.11)</p> |
| | Description | : | <p><u>Trade in Services</u></p> <p>1. A person who intends to conduct construction business is required to establish a place of business in Japan and to obtain permission from the Minister of Land, Infrastructure, Transport and Tourism or from the prefectural governor having jurisdiction over the district where the place of business is located.</p> <p>2. A person who intends to conduct demolition work business is required to establish a place of business in Japan and to be registered with the prefectural governor having jurisdiction over the district where the place of business is located.</p> |
| | Measures | : | <p><i>Construction Business Law</i> (Law No. 100 of 1949), Chapter 2</p> <p><i>Law Concerning Recycling of Construction Materials</i> (Law No. 104 of 2000), Chapter 5</p> |

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| 6. | Sector | : | Distribution Services |
| | Subsector | : | Wholesale Trade Services, Retailing Services, and Commission Agents' Services, Related to Alcoholic Beverages |
| | Industry Classification | : | JSIC 5222 Liquors JSIC 5851 Liquor stores |
| | Level of Government | : | Central Government |
| | Type of Obligation | : | Market Access (Article 8.5) |
| | Description | : | <p><u>Trade in Services</u></p> <p>The number of licences conferred to service suppliers in those subsectors may be limited, where it is necessary to maintain a supply-demand balance of liquors in order to secure liquor tax revenue (paragraph 11 of Article 10 of the <i>Liquor Tax Law</i>).</p> |
| | Measures | : | <i>Liquor Tax Law</i> (Law No. 6 of 1953), Articles 9 through 11 |

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| 7. | Sector | : | Education and Learning Support |
| | Subsector | : | Higher Educational Services |
| | Industry Classification | : | JSIC 816 Institutions of higher education |
| | Level of Government | : | Central Government |
| | Type of Obligation | : | Market Access (Article 8.5) Local Presence (Article 8.11) |
| | Description | : | <p><u>Trade in Services</u></p> <p>1. Higher educational services supplied as formal education in Japan are required to be supplied by formal education institutions. Formal education institutions are required to be established by school juridical persons.</p> <p>2. “Formal education institutions” means elementary schools, lower secondary schools, secondary schools, compulsory education schools, upper secondary schools, universities, junior colleges, colleges of technology, schools for special needs education, kindergartens, and integrated centres for early childhood education and care.</p> <p>3. “School juridical person” means a non-profit legal person established for the purposes of supplying educational services under the laws and regulations of Japan.</p> |
| | Measures | : | <p><i>Fundamental Law of Education</i> (Law No. 120 of 2006), Article 6</p> <p><i>School Education Law</i> (Law No. 26 of 1947), Article 2</p> <p><i>Private School Law</i> (Law No. 270 of 1949), Article 3</p> |

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| 8. | Sector | : | Financial Services |
| | Subsector | : | Banking and Other Financial Services (excluding Insurance and Insurance-Related Services) |
| | Industry Classification | : | JSIC 622 Banks, except central bank JSIC 631 Financial institutions for small businesses |
| | Level of Government | : | Central Government |
| | Type of Obligation | : | National Treatment (Articles 8.4 and 10.3) |
| | Description | : | <u>Trade in Services and Investment</u> The deposit insurance system only covers financial institutions which have their head offices within the jurisdiction of Japan. The deposit insurance system does not cover deposits taken by branches of foreign banks. |
| | Measures | : | <i>Deposit Insurance Law</i> (Law No. 34 of 1971), Article 2 |

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| 9. | Sector | : | Financial Services |
| | Subsector | : | Insurance and Insurance-related Services |
| | Industry Classification | : | JSIC 672 Non-life insurance institutions JSIC 6742 Non-life insurance agents and brokers |
| | Level of Government | : | Central Government |
| | Type of Obligation | : | Market Access (Article 8.5) |
| | Description | : | <p><u>Trade in Services</u></p> <p>Commercial presence is in principle required for insurance contracts on the following items and any liability arising therefrom:</p> <ul style="list-style-type: none"> (a) goods being transported within Japan; and (b) ships of Japanese registration which are not used for international maritime transport. |
| | Measures | : | <p><i>Insurance Business Law</i> (Law No. 105 of 1995), Articles 185, 186, 275 through 277, 286, and 287</p> <p><i>Cabinet Order for Enforcement of Insurance Business Law</i> (Cabinet Order No. 425 of 1995), Articles 19 and 39-2</p> <p><i>Ministerial Ordinance for Enforcement of Insurance Business Law</i> (Ministerial Ordinance of the Ministry of Finance No. 5 of 1996), Articles 116 and 212-6</p> |

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| 10. | Sector | : | Heat Supply |
| | Subsector | : | - |
| | Industry Classification | : | JSIC 3511 Heat supply |
| | Level of Government | : | Central Government |
| | Type of Obligation | : | National Treatment (Articles 8.4 and 10.3) |
| | Description | : | <p><u>Trade in Services and Investment</u></p> <ol style="list-style-type: none"> 1. The prior notification requirement and screening procedures under the <i>Foreign Exchange and Foreign Trade Law</i> apply to foreign investors who intend to make investments in the heat supply industry in Japan. 2. The screening is conducted from the viewpoint of whether the investment is likely to cause a situation in which national security is impaired, the maintenance of public order is disturbed, or the protection of public safety is hindered. 3. The investor may be required to alter the content of the investment or discontinue the investment process, depending on the screening result. |
| | Measures | : | <p><i>Foreign Exchange and Foreign Trade Law</i> (Law No. 228 of 1949), Article 27</p> <p><i>Cabinet Order on Foreign Direct Investment</i> (Cabinet Order No. 261 of 1980), Article 3</p> |

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| 11. | Sector | : | Information and Communications |
| | Subsector | : | Telecommunications |
| | Industry Classification | : | <p>JSIC 3700 Head offices primarily engaged in managerial operations</p> <p>JSIC 3711 Regional telecommunications, except wired broadcast telephones</p> <p>JSIC 3731 Services incidental to telecommunications</p> |
| | Level of Government | : | Central Government |
| | Type of Obligation | : | <p>National Treatment (Articles 8.4 and 10.3)</p> <p>Market Access (Article 8.5)</p> <p>Senior Management and Board of Directors (Article 10.7)</p> |
| | Description | : | <p><u>Trade in Services and Investment</u></p> <p>1. Nippon Telegraph and Telephone Corporation may not enter the name and address in its register of shareholders if the aggregate of the ratio of the voting rights directly or indirectly held by the persons set forth in subparagraphs (a) through (c) reaches or exceeds one-third:</p> <ul style="list-style-type: none"> (a) a natural person who does not have Japanese nationality; (b) a foreign government or its representative; and (c) a foreign legal person or a foreign entity. <p>2. Any natural person who does not have Japanese nationality may not assume the office of member of the board of directors or auditor of Nippon Telegraph and Telephone Corporation, Nippon Telegraph and Telephone East Corporation, and Nippon Telegraph and Telephone West Corporation.</p> |
| | Measures | : | <i>Law Concerning Nippon Telegraph and Telephone Corporation, etc.</i> (Law No. 85 of 1984), Articles 6 and 10 |

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| 12. | Sector | : | Information and Communications |
| | Subsector | : | Telecommunications and Internet Based Services |
| | Industry Classification ⁴ | : | <p>JSIC 3711 Regional telecommunications, except wired broadcast telephones</p> <p>JSIC 3712 Long-distance telecommunications</p> <p>JSIC 3713 Wired broadcast telephones</p> <p>JSIC 3719 Miscellaneous fixed telecommunications</p> <p>JSIC 3721 Mobile telecommunications</p> <p>JSIC 4011* Web portal providers</p> <p>JSIC 4012* Application services providers</p> <p>JSIC 4013 Internet support services</p> |
| | Level of Government | : | Central Government |
| | Type of Obligation | : | National Treatment (Articles 8.4 and 10.3) |
| | Description | : | <p><u>Trade in Services and Investment</u></p> <ol style="list-style-type: none"> 1. The prior notification requirement and screening procedures under the <i>Foreign Exchange and Foreign Trade Law</i> apply to foreign investors who intend to make investments in telecommunications business and internet based services in Japan. 2. The screening is conducted from the viewpoint of whether the investment is likely to cause a situation in which national security is impaired, the maintenance of public order is disturbed, or the protection of public safety is hindered. 3. The investor may be required to alter the content of the investment or discontinue the investment process, depending on the screening result. |
| | Measures | : | <p><i>Foreign Exchange and Foreign Trade Law</i> (Law No. 228 of 1949), Articles 27 and 28</p> <p><i>Cabinet Order on Foreign Direct Investment</i> (Cabinet Order No. 261 of 1980), Articles 3 and 4</p> |

⁴ An asterisk (*) on the JSIC numbers indicates that the activities covered by this entry under such numbers are limited to the activities which are subject to the registration obligation under Article 9 of the *Telecommunications Business Law* (Law No. 86 of 1984).

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| 13. | Sector | : | Manufacturing and Information and Communications |
| | Subsector | : | Manufacture of Electronic Parts, Devices, and Electronic Circuits and Information Services |
| | Industry Classification | : | <p>JSIC 2814 Integrated circuits</p> <p>JSIC 2831 Semiconductor memory media</p> <p>JSIC 2832 Optical discs and magnetic tapes and discs</p> <p>JSIC 2842 Electronic circuit implementation board</p> <p>JSIC 3011 Communication equipment wired</p> <p>JSIC 3012 Mobile phone and PHS</p> <p>JSIC 3013 Radio communication equipment</p> <p>JSIC 3031 Computer, except personal computer</p> <p>JSIC 3032 Personal computer</p> <p>JSIC 3033 External storages</p> <p>JSIC 3911 Custom software services</p> <p>JSIC 3912 Embedded software services</p> <p>JSIC 3913 Package software services</p> <p>JSIC 3921 Data processing services</p> |
| | Level of Government | : | Central Government |
| | Type of Obligation | : | National Treatment (Articles 8.4 and 10.3) |
| | Description | : | <p><u>Trade in Services and Investment</u></p> <ol style="list-style-type: none"> 1. The prior notification requirement and screening procedures under the <i>Foreign Exchange and Foreign Trade Law</i> apply to foreign investors who intend to make investments in manufacturing industry of electronic parts, devices, and electronic circuits and information service industry in Japan. 2. The screening is conducted from the viewpoint of whether the investment is likely to cause a situation in which national security is impaired, the maintenance of public order is disturbed, or the protection of public safety is hindered. 3. The investor may be required to alter the content of the investment or discontinue the investment process, depending on the screening result. |
| | Measures | : | <p><i>Foreign Exchange and Foreign Trade Law</i> (Law No. 228 of 1949), Articles 27 and 28</p> <p><i>Cabinet Order on Foreign Direct Investment</i> (Cabinet Order No. 261 of 1980), Articles 3 and 4</p> |

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| 14. | Sector | : | Manufacturing |
| | Subsector | : | Shipbuilding and Repairing, and Marine Engines |
| | Industry Classification | : | JSIC 3131 Shipbuilding and repairing |
| | Level of Government | : | Central Government |
| | Type of Obligation | : | Market Access (Article 8.5) |
| | Description | : | <p><u>Trade in Services</u></p> <p>A person who intends to establish or extend docks, which can be used to manufacture or repair vessels of 500 gross tonnage or more or 50 metres in length or more, is required to obtain permission from the Minister of Land, Infrastructure, Transport and Tourism. The issuance of a licence is subject to the requirements of an economic needs test.</p> |
| | Measures | : | <p><i>Shipbuilding Law</i> (Law No. 129 of 1950), Articles 2 through 3-2</p> |

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| 15. | Sector | : | Manufacturing |
| | Subsector | : | Drugs and Medicines, and Medical Devices Manufacturing |
| | Industry Classification ⁵ | : | <p>JSIC 165* Medicines</p> <p>JSIC 1653 Biological preparations</p> <p>Pharmaceutical intermediates in JSIC Division E (Manufacturing), which relate to JSIC 165 and 1653.</p> <p>JSIC 274* Medical instruments and apparatus, and medical supplies</p> <p>JSIC 296* Electronic equipment</p> <p>JSIC 2973* Medical measuring instruments</p> |
| | Level of Government | : | Central Government |
| | Type of Obligation | : | National Treatment (Articles 8.4 and 10.3) |
| | Description ⁶ | : | <p><u>Trade in Services and Investment</u></p> <ol style="list-style-type: none"> 1. The prior notification requirement and screening procedures under the <i>Foreign Exchange and Foreign Trade Law</i> apply to foreign investors who intend to make investments in biological preparations manufacturing industry, manufacturing industry of agents against pathogenic organisms and parasites, and their pharmaceutical intermediates, and manufacturing industry of specially-controlled medical devices and their accessories, and components of specially-controlled medical devices or their accessories in Japan. 2. The screening is conducted from the viewpoint of whether the investment is likely to cause a situation in which national security is impaired, the maintenance of public order is disturbed, or the protection of public safety is hindered. 3. The investor may be required to alter the content of the investment or discontinue the investment process, depending on the screening result. |

⁵ An asterisk (*) on the JSIC numbers indicates that the activities covered by this entry under such numbers are limited to the activities related to manufacturing industry of agents against pathogenic organisms and parasites, their pharmaceutical intermediates and specially-controlled medical devices.

⁶ For the purposes of this entry:

- (a) "biological preparations manufacturing industry" deals with economic activities in an establishment which produces vaccine, serum, toxoid, antitoxin, and some preparations similar to the aforementioned products, or blood products;
- (b) "agents against pathogenic organisms and parasites" means the pharmaceutical products which are categorised as agents against pathogenic organisms and parasites, and which have received marketing approval, under the laws and regulations of Japan; and
- (c) "specially-controlled medical devices" means medical devices which have received marketing approval or certification as specially-controlled medical devices under the laws and regulations of Japan.

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| Measures | : | <i>Foreign Exchange and Foreign Trade Law</i> (Law No. 228 of 1949), Article 27 |
| | | <i>Cabinet Order on Foreign Direct Investment</i> (Cabinet Order No. 261 of 1980), Article 3 |

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| 16. | Sector | : | Manufacturing |
| | Subsector | : | Leather and Leather Products Manufacturing |
| | Industry Classification ⁷ | : | <p>JSIC 1189*1 Textile apparel and accessories, n.e.c.</p> <p>JSIC 1694*2 Gelatine and adhesives</p> <p>JSIC 192 Rubber and plastic footwear and its findings</p> <p>JSIC 2011 Leather tanning and finishing</p> <p>JSIC 2021 Mechanical and industrial leather products, except gloves and mittens</p> <p>JSIC 2031 Cut stock and findings for leather footwear</p> <p>JSIC 2041 Leather footwear</p> <p>JSIC 2051 Leather gloves and mittens</p> <p>JSIC 2061 Baggage</p> <p>JSIC 207 Handbags and small cases</p> <p>JSIC 2081 Fur skins</p> <p>JSIC 2099 Miscellaneous tanning leather products</p> <p>JSIC 3253*1 Sporting and athletic goods</p> |
| | Level of Government | : | Central Government |
| | Type of Obligation | : | National Treatment (Articles 8.4 and 10.3) |
| | Description | : | <p><u>Trade in Services and Investment</u></p> <ol style="list-style-type: none"> 1. The prior notification requirement and screening procedures under the <i>Foreign Exchange and Foreign Trade Law</i> apply to foreign investors who intend to make investments in leather and leather products manufacturing industry in Japan. 2. The screening is conducted from the viewpoint of whether the investment is likely to cause a situation in which significant adverse effect is brought to the smooth operation of the Japanese economy.⁸ 3. The investor may be required to alter the content of the investment or discontinue the investment process, depending on the screening result. |
| | Measures | : | <i>Foreign Exchange and Foreign Trade Law</i> (Law No. 228 of 1949), Article 27 |

⁷ An asterisk (*1) on the JSIC numbers indicates that the activities covered by this entry under such numbers are limited to the activities related to leather and leather products manufacturing. An asterisk (*2) on the JSIC number indicates that the activities covered by this entry under such number are limited to the activities related to animal glue (*nikawa*) and gelatine manufacturing.

⁸ For greater certainty, absence of reference in this description to “national security”, which is referred to in entries No. 10, 12, 13, 15, 37, 46, 47, 55 and 57 of this List A, does not mean that Article 10.15 (Security Exceptions) and Article 17.13 (Security Exceptions) does not apply to the screening or that Japan waives its right to invoke Article 10.15 (Security Exceptions) and Article 17.13 (Security Exceptions) to justify the screening.

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| | | <i>Cabinet Order on Foreign Direct Investment</i> (Cabinet Order No. 261 of 1980), Article 3 |
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| 17. | Sector | : | Matters Related to the Nationality of a Ship |
| | Subsector | : | - |
| | Industry Classification | : | - |
| | Level of Government | : | Central Government |
| | Type of Obligation | : | National Treatment (Articles 8.4 and 10.3) Market Access (Article 8.5) Senior Management and Board of Directors (Article 10.7) |
| | Description | : | <p><u>Trade in Services and Investment</u></p> <p>1. Nationality requirement applies to the supply of international maritime transport services (including services of passenger transportation and freight transportation) through establishment of a registered company operating a fleet flying the Japanese flag.</p> <p>2. “Nationality requirement” means that the ship is required to be owned by a Japanese national, or a company established under the laws and regulations of Japan, of which all the representatives and not less than two-thirds of the executives administering the affairs are Japanese nationals.</p> |
| | Measures | : | <i>Ship Law</i> (Law No. 46 of 1899), Article 1 |

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| 18. | Sector | : | Measuring Services |
| | Subsector | : | - |
| | Industry Classification | : | JSIC 7441 Commodity inspection services JSIC 745 Surveyor certification |
| | Level of Government | : | Central Government |
| | Type of Obligation | : | Market Access (Article 8.5) Local Presence (Article 8.11) |
| | Description ⁹ | : | <p><u>Trade in Services</u></p> <ol style="list-style-type: none"> 1. A person who intends to supply services of conducting the periodic inspection of specified measuring instruments is required to establish a legal person in Japan and to be designated by the prefectural governor having jurisdiction over the district where the person intends to conduct such inspection, or by the mayor of a designated city or the chief of a designated ward or village in case the place where the person intends to conduct such inspection is located within the district of such designated city, ward or village. 2. A person who intends to supply services of conducting the verification of specified measuring instruments is required to establish a legal person in Japan and to be designated by the Minister of Economy, Trade and Industry. |

⁹ For the purposes of this entry:

- (a) "measuring instruments" means appliances, machines, or equipment used for measurement;
- (b) "specified measuring instruments" means measuring instruments used in transactions or certifications, or measuring instruments principally for use in the life of general consumers, and those specified by a Cabinet Order as necessary to establish standards relating to their structure and instrumental error in order to ensure proper execution of measurements;
- (c) "measurement certification businesses" under the requirement described in paragraph 3 are listed in the following and the registration shall be in accordance with the business classification specified by the Ordinance of the Ministry of Economy, Trade and Industry:
 - (i) the business of measurement certifications of length, weight, area, volume, or heat concerning goods to be loaded or unloaded or entered or dispatched for transportation, deposit, or sale or purchase (excluding the measurement certifications of mass or volume of goods to be loaded on or unloaded from ship); and
 - (ii) the business of measurement certifications of concentration, sound pressure level or the quantity of other physical phenomena specified by a Cabinet Order (excluding what is listed in subparagraph (c)(i));

however, this requirement shall not apply to the case where a person engaged in the measurement certification business is a national government, a local government, or an incorporated administrative agency prescribed by paragraph 1 of Article 2 of the *Law on General Rules for Incorporated Administrative Agency* (Law No. 103 of 1999) who is designated by a Cabinet Order as competent to appropriately perform the measurement certification business, or where the measurement certification business is performed by a person who has been registered or designated or received any other disposition to conduct that business pursuant to the provision of the law specified by that Cabinet Order; and
- (d) "specified measurement certification business" means the business specified by a Cabinet Order as those requiring high levels of technology to certify measurement of considerably tiny quantities of physical phenomena prescribed in subparagraph (c)(ii).

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| | | <p>3. A person who intends to conduct measurement certification business, including specified measurement certification business, is required to have an establishment in Japan and to be registered with the prefectural governor having jurisdiction over the district where an establishment is located.</p> <p>4. A person who intends to supply services of conducting the inspection of specified measuring instruments used for the measurement certification is required to establish a legal person in Japan and to be designated by the prefectural governor having jurisdiction over the district where the person intends to conduct such inspection.</p> <p>5. A person who intends to supply services of conducting the accreditation for a person engaged in specified measurement certification business is required to establish a legal person in Japan, and to be designated by the Minister of Economy, Trade and Industry.</p> <p>6. A person who intends to supply services of conducting the calibration of measuring instruments is required to establish a legal person in Japan and to be designated by the Minister of Economy, Trade and Industry.</p> |
| | Measures | <p>:</p> <p><i>Measurement Law</i> (Law No. 51 of 1992), Chapters 3, 5, 6, and 8</p> <p><i>Regulations on Measurement Law</i> (Ministerial Ordinance of the Ministry of International Trade and Industry No. 69 of 1993)</p> <p><i>Ministerial Ordinance for Designated Inspection Body, Designated Verification Body, Designated Measurement Certification Inspection Body and Specified Measurement Certification Accreditation Body</i> (Ministerial Ordinance of the Ministry of International Trade and Industry No. 72 of 1993)</p> |

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| 19. | Sector | : | Medical, Health Care, and Welfare |
| | Subsector | : | - |
| | Industry Classification | : | JSIC 8599 Miscellaneous social insurance, social welfare and care services |
| | Level of Government | : | Central Government |
| | Type of Obligation | : | Market Access (Article 8.5) Local Presence (Article 8.11) |
| | Description | : | <p><u>Trade in Services</u></p> <p>Only an association of business proprietors or a federation of such associations approved by the Minister of Health, Labour and Welfare under the laws and regulations of Japan may conduct labour insurance businesses entrusted by business proprietors. An association which intends to conduct such labour insurance businesses under the laws and regulations of Japan is required to establish an office in Japan, and to obtain the approval of the Minister of Health, Labour and Welfare.</p> |
| | Measures | : | <p><i>Law Concerning Collection of Labour Insurance Premium</i> (Law No. 84 of 1969), Chapter 4</p> <p><i>Enforcement Regulations for the Law Concerning Collection of Labour Insurance Premium</i> (Ministerial Ordinance of the Ministry of Labour No. 8 of 1972)</p> |

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| 20. | Sector | : | Mining and Services incidental to Mining |
| | Subsector | : | - |
| | Industry Classification | : | JSIC 05 Mining and quarrying of stone and gravel |
| | Level of Government | : | Central Government |
| | Type of Obligation | : | National Treatment (Articles 8.4 and 10.3) Market Access (Article 8.5) Local Presence (Article 8.11) |
| | Description | : | <u>Trade in Services and Investment</u> Only a Japanese national or a Japanese legal person may have mining rights or mining lease rights. ¹⁰ |
| | Measures | : | <i>Mining Law</i> (Law No. 289 of 1950), Chapters 2 and 3 |

¹⁰ Services requiring mining rights or mining lease rights are required to be supplied by a Japanese national or a legal person established under the laws and regulations of Japan, in accordance with the Chapters 2 and 3 of the *Mining Law*.

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| 21. | Sector | : | Oil Industry |
| | Subsector | : | - |
| | Industry Classification ¹¹ | : | <p>JSIC 053 Crude petroleum and natural gas production</p> <p>JSIC 1711 Petroleum refining</p> <p>JSIC 1721 Lubricating oils and greases (not made in petroleum refineries)</p> <p>JSIC 1741*1 Paving materials</p> <p>JSIC 1799*1 Miscellaneous petroleum and coal products</p> <p>JSIC 4711*1 Ordinary warehousing, except refrigerated warehousing</p> <p>JSIC 4721*1 Refrigerated warehousing</p> <p>JSIC 5331 Petroleum</p> <p>JSIC 6051 Gasoline stations</p> <p>JSIC 6052*1 Fuel stores, except gasoline stations</p> <p>JSIC 9299*2 Miscellaneous business services, n.e.c.</p> |
| | Level of Government | : | Central Government |
| | Type of Obligation | : | National Treatment (Articles 8.4 and 10.3) |
| | Description | : | <p><u>Trade in Services and Investment</u></p> <ol style="list-style-type: none"> 1. The prior notification requirement and screening procedures under the <i>Foreign Exchange and Foreign Trade Law</i> apply to foreign investors who intend to make investments in the oil industry in Japan. 2. The screening is conducted from the viewpoint of whether the investment is likely to cause a situation in which significant adverse effect is brought to the smooth operation of the Japanese economy.¹² 3. The investor may be required to alter the content of the investment or discontinue the investment process, depending on the screening result. 4. All organic chemicals such as ethylene, ethylene glycol, and polycarbonates are outside the scope of the oil industry. Therefore, the prior notification requirement and screening procedures under the <i>Foreign Exchange and Foreign Trade Law</i> do not apply to the investments in the manufacture of these products. |

¹¹ An asterisk (*1) on the JSIC numbers indicates that the activities covered by this entry under such numbers are limited to those related to the oil industry. An asterisk (*2) on the JSIC number indicates that the activities covered by this entry under such number are limited to those related to the liquefied petroleum gas industry.

¹² For greater certainty, absence of reference in this description to "national security", which is referred to in entries No. 10, 12, 13, 15, 37, 46, 47, 55 and 57 of this List A, does not mean that Article 10.15 (Security Exceptions) and Article 17.13 (Security Exceptions) does not apply to the screening or that Japan waives its right to invoke Article 10.15 (Security Exceptions) and Article 17.13 (Security Exceptions) to justify the screening.

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| Measures | : | <i>Foreign Exchange and Foreign Trade Law</i> (Law No. 228 of 1949), Article 27 |
| | | <i>Cabinet Order on Foreign Direct Investment</i> (Cabinet Order No. 261 of 1980), Article 3 |

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| 22. | Sector | : | Professional Services |
| | Subsector | : | - |
| | Industry Classification | : | JSIC 7211 Lawyers' offices |
| | Level of Government | : | Central Government |
| | Type of Obligation | : | Market Access (Article 8.5) Local Presence (Article 8.11) |
| | Description | : | <p><u>Trade in Services</u></p> <p>1. A natural person who intends to supply legal services is required to be qualified as an attorney-at-law under the laws and regulations of Japan ("<i>Bengoshi</i>") and to establish an office within the district of the local bar association to which the natural person belongs.</p> <p>2. An enterprise which intends to supply legal services is required to establish a legal professional corporation under the laws and regulations of Japan ("<i>Bengoshi-Hojin</i>").</p> |
| | Measures | : | <i>Attorney Law</i> (Law No. 205 of 1949), Chapters 3 through 5 and 9 |

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| 23. | Sector | : | Professional Services |
| | Subsector | : | - |
| | Industry Classification | : | JSIC 7211 Lawyers' offices |
| | Level of Government | : | Central Government |
| | Type of Obligation | : | Market Access (Article 8.5) Local Presence (Article 8.11) |
| | Description | : | <p><u>Trade in Services</u></p> <p>1. A natural person who intends to supply legal advisory services concerning foreign laws is required to be qualified as a registered foreign lawyer under the laws and regulations of Japan ("<i>Gaikokuho-Jimu-Bengoshi</i>") and to establish an office within the district of the local bar association to which the natural person belongs.</p> <p>2. <i>Gaikokuho-Jimu-Bengoshi</i> under the laws and regulations of Japan is required to stay in Japan for not less than 180 days per year.</p> <p>3. An enterprise which intends to supply legal advisory services concerning foreign laws is required to establish a registered foreign lawyer corporation under the laws and regulations of Japan ("<i>Gaikokuho-Jimu-Bengoshi-Hojin</i>").</p> |
| | Measures | : | <i>Law on Special Measures Concerning the Handling of Legal Services by Foreign Lawyers</i> (Law No. 66 of 1986), Chapters 2, 4, and 5 |

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| 24. | Sector | : | Professional Services |
| | Subsector | : | - |
| | Industry Classification | : | JSIC 7212 Patent attorneys' offices |
| | Level of Government | : | Central Government |
| | Type of Obligation | : | Market Access (Article 8.5) Local Presence (Article 8.11) |
| | Description | : | <p><u>Trade in Services</u></p> <p>1. A natural person who intends to supply patent attorney services is required to be qualified as a patent attorney under the laws and regulations of Japan ("<i>Benrishi</i>").</p> <p>2. An enterprise which intends to supply patent attorney services is required to establish a patent business corporation under the laws and regulations of Japan ("<i>Tokkyo-Gyomu-Hojin</i>").</p> |
| | Measures | : | <i>Patent Attorney Law</i> (Law No. 49 of 2000), Chapters 3, 6, and 8 |

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| 25. | Sector | : | Professional Services |
| | Subsector | : | - |
| | Industry Classification | : | JSIC 7221 Notaries public's and judicial scriveners' offices |
| | Level of Government | : | Central Government |
| | Type of Obligation | : | National Treatment (Article 8.4) Market Access (Article 8.5) Local Presence (Article 8.11) |
| | Description | : | <u>Trade in Services</u> 1. Only a Japanese national may be appointed as a notary in Japan. 2. The notary is required to establish an office in the place designated by the Minister of Justice. |
| | Measures | : | <i>Notary Law</i> (Law No. 53 of 1908), Chapters 2 and 3 |

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| 26. | Sector | : | Professional Services |
| | Subsector | : | - |
| | Industry Classification | : | JSIC 7221 Notaries public's and judicial scriveners' offices |
| | Level of Government | : | Central Government |
| | Type of Obligation | : | Market Access (Article 8.5) Local Presence (Article 8.11) |
| | Description | : | <p><u>Trade in Services</u></p> <p>1. A natural person who intends to supply judicial scrivener services is required to be qualified as a judicial scrivener under the laws and regulations of Japan ("Shiho-Shoshi") and to establish an office within the district of the judicial scrivener association to which the natural person belongs.</p> <p>2. An enterprise which intends to supply judicial scrivener services is required to establish a judicial scrivener corporation under the laws and regulations of Japan ("Shiho-Shoshi-Hojin").</p> |
| | Measures | : | <i>Judicial Scrivener Law</i> (Law No. 197 of 1950), Chapters 3 through 5, 7, and 10 |

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| 27. | Sector | : | Professional Services |
| | Subsector | : | - |
| | Industry Classification | : | JSIC 7241 Certified public accountants' offices |
| | Level of Government | : | Central Government |
| | Type of Obligation | : | Market Access (Article 8.5) Local Presence (Article 8.11) |
| | Description | : | <p><u>Trade in Services</u></p> <p>1. A natural person who intends to supply certified public accountants services is required to be qualified as a certified public accountant under the laws and regulations of Japan ("Koninkaikeishi").</p> <p>2. An enterprise which intends to supply certified public accountants services is required to establish an audit corporation under the laws and regulations of Japan ("Kansa-Hojin").</p> |
| | Measures | : | <i>Certified Public Accountant Law</i> (Law No. 103 of 1948), Chapters 3, 5-2, and 7 |

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| 28. | Sector | : | Professional Services |
| | Subsector | : | - |
| | Industry Classification | : | JSIC 7242 Certified tax accountants' offices |
| | Level of Government | : | Central Government |
| | Type of Obligation | : | Market Access (Article 8.5) Local Presence (Article 8.11) |
| | Description | : | <p><u>Trade in Services</u></p> <p>1. A natural person who intends to supply certified public tax accountant services is required to be qualified as a certified public tax accountant under the laws and regulations of Japan ("Zeirishi") and to establish an office within the district of the certified public tax accountant association to which the natural person belongs.</p> <p>2. An enterprise which intends to supply certified public tax accountant services is required to establish a certified public tax accountant corporation under the laws and regulations of Japan ("Zeirishi-Hojin").</p> |
| | Measures | : | <p><i>Certified Public Tax Accountant Law</i> (Law No. 237 of 1951), Chapters 3, 4, and 5-2 through 7</p> <p><i>Enforcement Regulation on Certified Public Tax Accountant Law</i> (Ministerial Ordinance of the Ministry of Finance No. 55 of 1951)</p> |

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| 29. | Sector | : | Professional Services |
| | Subsector | : | - |
| | Industry Classification | : | <p>JSIC 7231 Administrative scriveners' offices</p> <p>JSIC 7294 Certified real estate appraisers</p> <p>JSIC 7299 Professional services, n.e.c.</p> <p>JSIC 7421 Architectural design services</p> |
| | Level of Government | : | Central Government |
| | Type of Obligation | : | <p>Market Access (Article 8.5)</p> <p>Local Presence (Article 8.11)</p> |
| | Description | : | <p><u>Trade in Services</u></p> <p>An architect or building engineer, qualified as such under the laws and regulations of Japan ("Kenchikushī"), or a person employing such an architect or building engineer, who intends to conduct business of design, superintendence of construction work, administrative work related to construction work contracts, supervision of building construction work, survey and evaluation of buildings, and representation in procedures under the laws and regulations of Japan concerning construction, upon request from others for remuneration, is required to establish an office in Japan.</p> |
| | Measures | : | <p><i>Architect and Building Engineer Law</i> (Law No. 202 of 1950), Chapters 1, 2, and 6</p> |

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| 30. | Sector | : | Professional Services |
| | Subsector | : | - |
| | Industry Classification | : | JSIC 7251 Certified social insurance and labour consultants' offices |
| | Level of Government | : | Central Government |
| | Type of Obligation | : | Market Access (Article 8.5) Local Presence (Article 8.11) |
| | Description | : | <p><u>Trade in Services</u></p> <p>1. A natural person who intends to supply social insurance and labour consultant services is required to be qualified as a certified social insurance and labour consultant under the laws and regulations of Japan ("Shakai-Hoken-Romushi") and to establish an office in Japan.</p> <p>2. An enterprise which intends to supply social insurance and labour consultant services is required to establish a certified social insurance and labour consultant corporation under the laws and regulations of Japan ("Shakai-Hoken-Romushi-Hojin").</p> |
| | Measures | : | <i>Certified Social Insurance and Labour Consultant Law</i> (Law No. 89 of 1968), Chapters 2-2, and 4-2 through 5 |

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| 31. | Sector | : | Professional Services |
| | Subsector | : | - |
| | Industry Classification | : | JSIC 7231 Administrative scriveners' offices |
| | Level of Government | : | Central Government |
| | Type of Obligation | : | Market Access (Article 8.5) Local Presence (Article 8.11) |
| | Description | : | <p><u>Trade in Services</u></p> <p>1. A natural person who intends to supply administrative scrivener services is required to be qualified as an administrative scrivener under the laws and regulations of Japan ("Gyosei-Shoshi") and to establish an office within the district of the administrative scrivener association to which the natural person belongs.</p> <p>2. An enterprise which intends to supply administrative scrivener services is required to establish an administrative scrivener corporation under the laws and regulations of Japan ("Gyosei-Shoshi-Hojin").</p> |
| | Measures | : | <i>Administrative Scrivener Law</i> (Law No. 4 of 1951), Chapters 3 through 5 and 8 |

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| 32. | Sector | : | Professional Services |
| | Subsector | : | - |
| | Industry Classification | : | JSIC 7299 Professional services n.e.c. |
| | Level of Government | : | Central Government |
| | Type of Obligation | : | Market Access (Article 8.5) |
| | Description | : | <p><u>Trade in Services</u></p> <p>Maritime procedure agent services are required to be supplied by a natural person who is qualified as a maritime procedure agent under the laws and regulations of Japan ("Kaijidairishi").</p> |
| | Measures | : | <p><i>Maritime Procedure Agents Law</i> (Law No. 32 of 1951), Article 17</p> |

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| 33. | Sector | : | Professional Services |
| | Subsector | : | - |
| | Industry Classification | : | JSIC 7222 Land and house surveyors' offices |
| | Level of Government | : | Central Government |
| | Type of Obligation | : | Market Access (Article 8.5) Local Presence (Article 8.11) |
| | Description | : | <p><u>Trade in Services</u></p> <p>1. A natural person who intends to supply land and house surveyor services is required to be qualified as a land and house surveyor under the laws and regulations of Japan ("Tochi-Kaoku-Chosashi") and to establish an office within the district of the land and house surveyor association to which the natural person belongs.</p> <p>2. An enterprise which intends to supply land and house surveyor services is required to establish a land and house surveyor corporation under the laws and regulations of Japan ("Tochi-Kaoku-Chosashi-Hojin").</p> |
| | Measures | : | <i>Land and House Surveyor Law</i> (Law No. 228 of 1950), Chapters 3 through 5, 7 and 10 |

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| 34. | Sector | : | Real Estate |
| | Subsector | : | - |
| | Industry Classification | : | <p>JSIC 6811 Sales agents of buildings and houses</p> <p>JSIC 6812 Land subdividers and developers</p> <p>JSIC 6821 Real estate agents and brokers</p> <p>JSIC 6941 Real estate managers</p> |
| | Level of Government | : | Central Government |
| | Type of Obligation | : | <p>Market Access (Article 8.5)</p> <p>Local Presence (Article 8.11)</p> |
| | Description | : | <p><u>Trade in Services</u></p> <ol style="list-style-type: none"> 1. A person who intends to conduct building lots and buildings transaction business is required to establish an office in Japan and to obtain a licence from the Minister of Land, Infrastructure, Transport and Tourism or from the prefectural governor having jurisdiction over the district where the office is located. 2. A person who intends to conduct real estate syndication business is required to establish an office in Japan and to obtain permission from or to be registered with the competent Minister or from the prefectural governor having jurisdiction over the district where the office is located or to submit notification to the competent Minister. 3. A person who intends to conduct condominiums management business is required to establish an office in Japan and to be registered in the list maintained by the Ministry of Land, Infrastructure, Transport and Tourism. |
| | Measures | : | <p><i>Building Lots and Buildings Transaction Business Law</i> (Law No. 176 of 1952), Chapter 2</p> <p><i>Real Estate Syndication Law</i> (Law No. 77 of 1994), Chapters 2, and 5 through 7</p> <p><i>Law Concerning Improving Management of Condominiums</i> (Law No. 149 of 2000), Chapter 3</p> |

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| 35. | Sector | : | Real Estate Appraisal Services |
| | Subsector | : | - |
| | Industry Classification | : | JSIC 7294 Certified real estate appraisers |
| | Level of Government | : | Central Government |
| | Type of Obligation | : | Market Access (Article 8.5) Local Presence (Article 8.11) |
| | Description | : | <p><u>Trade in Services</u></p> <p>A person who intends to supply real estate appraisal services is required to establish an office in Japan and to be registered in the list maintained by the Ministry of Land, Infrastructure, Transport and Tourism or the prefecture having jurisdiction over the district where the office is located.</p> |
| | Measures | : | <i>Law Concerning the Appraisal of Real Estate</i> (Law No. 152 of 1963), Chapter 3 |

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| 36. | Sector | : | Seafarers |
| | Subsector | : | - |
| | Industry Classification | : | <p>JSIC 031 Marine fisheries</p> <p>JSIC 451 Oceangoing transport</p> <p>JSIC 452 Coastwise transport</p> |
| | Level of Government | : | Central Government |
| | Type of Obligation | : | <p>National Treatment (Article 8.4)</p> <p>Market Access (Article 8.5)</p> |
| | Description | : | <p><u>Trade in Services</u></p> <p>Foreign nationals employed by Japanese enterprises except for the seafarers referred to in the relevant official notifications may not work on vessels flying the Japanese flag.</p> |
| | Measures | : | <p><i>Mariners Law</i> (Law No. 100 of 1947), Chapter 4</p> <p><i>Official Notification of the Director General of Seafarers Department, Maritime Technology and Safety Bureau of the Ministry of Transport</i>, No. 115, 1990</p> <p><i>Official Notification of the Director General of Seafarers Department, Maritime Technology and Safety Bureau of the Ministry of Transport</i>, No. 327, 1990</p> <p><i>Official Notification of the Director General of Maritime Bureau of the Ministry of Land, Infrastructure and Transport</i>, No. 153, 2004</p> |

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| 37. | Sector | : | Security Guard Services |
| | Subsector | : | - |
| | Industry Classification | : | JSIC 923 Guard services |
| | Level of Government | : | Central Government |
| | Type of Obligation | : | National Treatment (Articles 8.4 and 10.3) |
| | Description | : | <p><u>Trade in Services and Investment</u></p> <ol style="list-style-type: none"> 1. The prior notification requirement and screening procedures under the <i>Foreign Exchange and Foreign Trade Law</i> apply to foreign investors who intend to make investments in security guard services in Japan. 2. The screening is conducted from the viewpoint of whether the investment is likely to cause a situation in which national security is impaired, the maintenance of public order is disturbed, or the protection of public safety is hindered. 3. The investor may be required to alter the content of the investment or discontinue the investment process, depending on the screening result. |
| | Measures | : | <p><i>Foreign Exchange and Foreign Trade Law</i> (Law No. 228 of 1949), Article 27</p> <p><i>Cabinet Order on Foreign Direct Investment</i> (Cabinet Order No. 261 of 1980), Article 3</p> |

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| 38. | Sector | : | Services Related to Occupational Safety and Health |
| | Subsector | : | - |
| | Industry Classification | : | <p>JSIC 7299 Professional services, n.e.c.</p> <p>JSIC 7441 Commodity inspection services</p> <p>JSIC 7452 Environmental surveying certification</p> <p>JSIC 8222 Vocational guidance centers</p> |
| | Level of Government | : | Central Government |
| | Type of Obligation | : | <p>Market Access (Article 8.5)</p> <p>Local Presence (Article 8.11)</p> |
| | Description | : | <p><u>Trade in Services</u></p> <p>A person who intends to supply inspection or verification services for working machines, skill training courses, and other related services in connection with occupational safety and health, or working environment measurement services is required to be resident or to establish an office in Japan, and to be registered with the Minister of Health, Labour and Welfare or Director-General of the Prefectural Labour Bureau.</p> |
| | Measures | : | <p><i>Industrial Safety and Health Law</i> (Law No. 57 of 1972), Chapters 5 and 8</p> <p><i>Ministerial Ordinance for Registration and Designation related to Industrial Safety and Health Law, and Orders based on the Law</i> (Ministerial Ordinance of the Ministry of Labour No. 44 of 1972)</p> <p><i>Working Environment Measurement Law</i> (Law No. 28 of 1975), Chapters 2 and 3</p> <p><i>Enforcement Regulation of the Working Environment Measurement Law</i> (Ministerial Ordinance of the Ministry of Labour No. 20 of 1975)</p> |

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| 39. | Sector | : | Surveying Services |
| | Subsector | : | - |
| | Industry Classification | : | JSIC 7422 Surveying services |
| | Level of Government | : | Central Government |
| | Type of Obligation | : | Market Access (Article 8.5) Local Presence (Article 8.11) |
| | Description | : | <p><u>Trade in Services</u></p> <p>A person who intends to supply surveying services is required to establish a place of business in Japan and to be registered with the Minister of Land, Infrastructure, Transport and Tourism.</p> |
| | Measures | : | <i>Survey Law</i> (Law No. 188 of 1949), Chapter 6 |

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| 40. | Sector | : | Transport |
| | Subsector | : | Air Transport |
| | Industry Classification | : | JSIC 4600 Head offices primarily engaged in managerial operations JSIC 4611 Air transport |
| | Level of Government | : | Central Government |
| | Type of Obligation | : | National Treatment (Articles 8.4 and 10.3) Most-Favoured-Nation Treatment (Articles 8.6 and 10.4) Senior Management and Board of Directors (Article 10.7) |
| | Description | : | <p><u>Trade in Services and Investment</u></p> <ol style="list-style-type: none"> 1. The prior notification requirement and screening procedures under the <i>Foreign Exchange and Foreign Trade Law</i> apply to foreign investors who intend to make investments in air transport business in Japan. 2. The screening is conducted from the viewpoint of whether the investment is likely to cause a situation in which significant adverse effect is brought to the smooth operation of the Japanese economy.¹³ 3. The investor may be required to alter the content of the investment or discontinue the investment process, depending on the screening result. 4. Permission of the Minister of Land, Infrastructure, Transport and Tourism for conducting air transport businesses as a Japanese air carrier is not granted to the following natural persons or entities applying for the permission: <ol style="list-style-type: none"> (a) a natural person who does not have Japanese nationality; (b) a foreign country, or a foreign public entity or its equivalent; (c) a legal person or other entity constituted under the laws and regulations of any foreign country; and (d) a legal person represented by the natural persons or entities referred to in subparagraph (a), (b), or (c); a legal person of which one-third or more of the directors are composed of the natural persons or entities referred to in subparagraph (a), (b), or (c); or a legal person of |

¹³ For greater certainty, absence of reference in this description to "national security", which is referred to in entries No. 10, 12, 13, 15, 37, 46, 47, 55 and 57 of this List A, does not mean that Article 10.15 (Security Exceptions) and Article 17.13 (Security Exceptions) does not apply to the screening or that Japan waives its right to invoke Article 10.15 (Security Exceptions) and Article 17.13 (Security Exceptions) to justify the screening.

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| | | <p>which one-third or more of the voting rights are held by the natural persons or entities referred to in subparagraph (a), (b), or (c).</p> <p>In the event that an air carrier becomes a natural person or an entity referred to in subparagraphs (a) through (d), the permission will lose its effect. The conditions for the permission also apply to companies, such as holding companies, which have substantial control over the air carriers.</p> <ol style="list-style-type: none"> 5. A Japanese air carrier or a company having substantial control over such air carrier, such as a holding company, may reject the request from a natural person or an entity set forth in subparagraphs 4(a) through (c), who owns equity investments in such air carrier or company, to enter its name and address in the register of shareholders, in the event that such air carrier or company becomes a legal person referred to in subparagraph 4(d) by accepting such request. 6. Foreign air carriers are required to obtain permission of the Minister of Land, Infrastructure, Transport and Tourism to conduct international air transport business. 7. Permission of the Minister of Land, Infrastructure, Transport and Tourism is required for the use of foreign aircraft for air transportation of passengers or cargoes to and from Japan for remuneration. 8. A foreign aircraft may not be used for a flight between points within Japan. |
| | Measures | <p>:</p> <p><i>Foreign Exchange and Foreign Trade Law</i> (Law No. 228 of 1949), Article 27</p> <p><i>Cabinet Order on Foreign Direct Investment</i> (Cabinet Order No. 261 of 1980), Article 3</p> <p><i>Civil Aeronautics Law</i> (Law No. 231 of 1952), Chapters 7 and 8</p> |

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| 41. | Sector | : | Transport |
| | Subsector | : | Air Transport |
| | Industry Classification | : | <p>JSIC 4600 Head offices primarily engaged in managerial operations</p> <p>JSIC 4621 Aircraft service, except air transport</p> |
| | Level of Government | : | Central Government |
| | Type of Obligation | : | <p>National Treatment (Articles 8.4 and 10.3)</p> <p>Market Access (Article 8.5)</p> <p>Senior Management and Board of Directors (Article 10.7)</p> |
| | Description | : | <p><u>Trade in Services and Investment</u></p> <ol style="list-style-type: none"> 1. The prior notification requirement and screening procedures under the <i>Foreign Exchange and Foreign Trade Law</i> apply to foreign investors who intend to make investments in aerial work business in Japan. 2. The screening is conducted from the viewpoint of whether the investment is likely to cause a situation in which significant adverse effect is brought to the smooth operation of the Japanese economy.¹⁴ 3. The investor may be required to alter the content of the investment or discontinue the investment process, depending on the screening result. 4. Permission of the Minister of Land, Infrastructure, Transport and Tourism for conducting aerial work business is not granted to the following natural persons or entities applying for the permission: <ol style="list-style-type: none"> (a) a natural person who does not have Japanese nationality; (b) a foreign country, or a foreign public entity or its equivalent; (c) a legal person or other entity constituted under the laws and regulations of any foreign country; and (e) a legal person represented by the natural persons or entities referred to in subparagraph (a), (b), or (c); a legal person of which one-third or more of the directors are composed of the natural persons or entities referred to in subparagraph (a), (b), or (c); or a legal person of which one-third or more of the voting rights are |

¹⁴ For greater certainty, absence of reference in this description to "national security", which is referred to in entries No. 10, 12, 13, 15, 37, 46, 47, 55 and 57 of this List A, does not mean that Article 10.15 (Security Exceptions) and Article 17.13 (Security Exceptions) does not apply to the screening or that Japan waives its right to invoke Article 10.15 (Security Exceptions) and Article 17.13 (Security Exceptions) to justify the screening.

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| | | <p>held by the natural persons or entities referred to in subparagraph (a), (b), or (c).</p> <p>In the event that a person conducting aerial work business becomes a natural person or an entity referred to in subparagraphs (a) through (d), the permission will lose its effect. The conditions for the permission also apply to companies, such as holding companies, which have substantial control over the person conducting aerial work business.</p> <p>5. A foreign aircraft may not be used for a flight between points within Japan.</p> |
| Measures | : | <p><i>Foreign Exchange and Foreign Trade Law (Law No. 228 of 1949), Article 27</i></p> <p><i>Cabinet Order on Foreign Direct Investment</i> (Cabinet Order No. 261 of 1980), Article 3</p> <p><i>Civil Aeronautics Law</i> (Law No. 231 of 1952), Chapters 7 and 8</p> |

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| 42. | Sector | : | Transport |
| | Subsector | : | Registration of Aircraft in the National Register |
| | Industry Classification | : | - |
| | Level of Government | : | Central Government |
| | Type of Obligation | : | National Treatment (Articles 8.4 and 10.3) Market Access (Article 8.5) Senior Management and Board of Directors (Article 10.7) |
| | Description | : | <p><u>Trade in Services and Investment</u></p> <p>1. An aircraft owned by any of the following natural persons or entities may not be registered in the national register:</p> <ul style="list-style-type: none"> (a) a natural person who does not have Japanese nationality; (b) a foreign country, or a foreign public entity or its equivalent; (c) a legal person or other entity constituted under the laws and regulations of any foreign country; and (d) a legal person represented by the natural persons or entities referred to in subparagraph (a), (b), or (c); a legal person of which one-third or more of the directors are composed of the natural persons or entities referred to in subparagraph (a), (b), or (c); or a legal person of which one-third or more of the voting rights are held by the natural persons or entities referred to in subparagraph (a), (b), or (c). <p>2. A foreign aircraft may not be registered in the national register.</p> |
| | Measures | : | <i>Civil Aeronautics Law</i> (Law No. 231 of 1952), Chapter 2 |

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| 43. | Sector | : | Transport |
| | Subsector | : | Customs Brokerage |
| | Industry Classification | : | JSIC 4899 Services incidental to transport, n.e.c. |
| | Level of Government | : | Central Government |
| | Type of Obligation | : | Market Access (Article 8.5) Local Presence (Article 8.11) |
| | Description | : | <u>Trade in Services</u> A person who intends to conduct customs brokerage business is required to have a place of business in Japan and to obtain permission of the Minister of Finance. |
| | Measures | : | <i>Customs Brokerage Law</i> (Law No. 122 of 1967), Chapter 2 |

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| 44. | Sector | : | Transport |
| | Subsector | : | Freight Forwarding Business (excluding freight forwarding business using air transportation) |
| | Industry Classification | : | JSIC 4441 Collect-and-deliver freight transport JSIC 4821 Freight transport, except collect-and-deliver freight transport |
| | Level of Government | : | Central Government |
| | Type of Obligation | : | National Treatment (Articles 8.4 and 10.3) Market Access (Article 8.5) Most-Favoured-Nation Treatment (Articles 8.6 and 10.4) Local Presence (Article 8.11) Senior Management and Board of Directors (Article 10.7) |
| | Description | : | <p><u>Trade in Services and Investment</u></p> <p>1. The following natural persons or entities are required to be registered with, or to obtain permission or approval of, the Minister of Land, Infrastructure, Transport and Tourism for conducting freight forwarding business using international shipping. Such registration shall be made, or such permission or approval shall be granted, on the basis of reciprocity:</p> <ul style="list-style-type: none"> (a) a natural person who does not have Japanese nationality; (b) a foreign country, or a foreign public entity or its equivalent; (c) a legal person or other entity constituted under the laws and regulations of any foreign country; and (d) a legal person represented by the natural persons or entities referred to in subparagraph(a), (b), or (c); a legal person of which one-third or more of the directors are composed of the natural persons or entities referred to in subparagraph (a), (b), or (c); or a legal person of which one-third or more of the voting rights are held by the natural persons or entities referred to in subparagraph (a), (b), or (c). <p>2. A person who intends to conduct freight forwarding business is required to establish an office in Japan, and to be registered with, or to obtain permission or approval of, the Minister of Land, Infrastructure, Transport and Tourism.</p> |
| | Measures | : | <i>Freight Forwarding Business Law (Law No. 82 of 1989), Chapters 2 through 4</i> |

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| | | <p><i>Enforcement Regulation of Freight Forwarding Business Law</i> (Ministerial Ordinance of the Ministry of Transport No. 20 of 1990)</p> |
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| 45. | Sector | : | Transport |
| | Subsector | : | Freight Forwarding Business (only freight forwarding business using air transportation) |
| | Industry Classification | : | JSIC 4441 Collect-and-deliver freight transport JSIC 4821 Freight transport, except collect-and-deliver freight transport |
| | Level of Government | : | Central Government |
| | Type of Obligation | : | National Treatment (Articles 8.4 and 10.3) Most-Favoured-Nation Treatment (Articles 8.6 and 10.4) Senior Management and Board of Directors (Article 10.7) |
| | Description | : | <p><u>Trade in Services and Investment</u></p> <p>1. The following natural persons or entities may not conduct freight forwarding business using air transportation between points within Japan:</p> <ul style="list-style-type: none"> (a) a natural person who does not have Japanese nationality; (b) a foreign country, or a foreign public entity or its equivalent; (c) a legal person or other entity constituted under the laws and regulations of any foreign country; and (d) a legal person represented by the natural persons or entities referred to in subparagraph (a), (b), or (c); a legal person of which one-third or more of the directors are composed of the natural persons or entities referred to in subparagraph (a), (b), or (c); or a legal person of which one-third or more of the voting rights are held by the natural persons or entities referred to in subparagraph (a), (b), or (c). <p>2. The natural persons or entities referred to in paragraph 1 are required to be registered with, or to obtain permission or approval of, the Minister of Land, Infrastructure, Transport and Tourism for conducting freight forwarding business using international air transportation. Such registration shall be made, or such permission or approval shall be granted, on the basis of reciprocity.</p> |
| | Measures | : | <p><i>Freight Forwarding Business Law</i> (Law No. 82 of 1989), Chapters 2 through 4</p> <p><i>Enforcement Regulation of Freight Forwarding Business Law</i> (Ministerial Ordinance of the Ministry of Transport No. 20 of 1990)</p> |

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| 46. | Sector | : | Transport |
| | Subsector | : | Railway Transport |
| | Industry Classification | : | JSIC 421 Railway transport JSIC 4851 Railway facilities services |
| | Level of Government | : | Central Government |
| | Type of Obligation | : | National Treatment (Articles 8.4 and 10.3) |
| | Description | : | <p><u>Trade in Services and Investment</u></p> <p>1. The prior notification requirement and screening procedures under the <i>Foreign Exchange and Foreign Trade Law</i> apply to foreign investors who intend to make investments in railway transport industry in Japan.</p> <p>2. The screening is conducted from the viewpoint of whether the investment is likely to cause a situation in which national security is impaired, the maintenance of public order is disturbed, or the protection of public safety is hindered.</p> <p>3. The investor may be required to alter the content of the investment or discontinue the investment process, depending on the screening result.</p> <p>4. The manufacture of vehicles or parts and components for the railway transport industry is not included in railway transport industry. Therefore, the prior notification requirement and screening procedures under the <i>Foreign Exchange and Foreign Trade Law</i> do not apply to the investments in the manufacture of these products.</p> |
| | Measures | : | <p><i>Foreign Exchange and Foreign Trade Law</i> (Law No. 228 of 1949), Article 27</p> <p><i>Cabinet Order on Foreign Direct Investment</i> (Cabinet Order No. 261 of 1980), Article 3</p> |

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| 47. | Sector | : | Transport |
| | Subsector | : | Road Passenger Transport |
| | Industry Classification | : | JSIC 4311 Common omnibus operators |
| | Level of Government | : | Central Government |
| | Type of Obligation | : | National Treatment (Articles 8.4 and 10.3) |
| | Description | : | <p><u>Trade in Services and Investment</u></p> <ol style="list-style-type: none"> 1. The prior notification requirement and screening procedures under the <i>Foreign Exchange and Foreign Trade Law</i> apply to foreign investors who intend to make investments in the omnibus industry in Japan. 2. The screening is conducted from the viewpoint of whether the investment is likely to cause a situation in which national security is impaired, the maintenance of public order is disturbed, or the protection of public safety is hindered. 3. The investor may be required to alter the content of the investment or discontinue the investment process, depending on the screening result. 4. The manufacture of vehicles or parts and components for the omnibus industry is not included in the omnibus industry. Therefore, the prior notification requirement and screening procedures under the <i>Foreign Exchange and Foreign Trade Law</i> do not apply to the investments in the manufacture of these products. |
| | Measures | : | <p><i>Foreign Exchange and Foreign Trade Law</i> (Law No. 228 of 1949), Article 27</p> <p><i>Cabinet Order on Foreign Direct Investment</i> (Cabinet Order No. 261 of 1980), Article 3</p> |

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| 48. | Sector | : | Transport |
| | Subsector | : | Road Transport |
| | Industry Classification | : | <p>JSIC 431 Common omnibus operators</p> <p>JSIC 432 Common taxicab operators</p> <p>JSIC 433 Chartered omnibus operators</p> <p>JSIC 4391 Motor passenger transport (particularly-contracted)</p> <p>JSIC 441 Common motor trucking</p> <p>JSIC 442 Motor trucking (particularly-contracted)</p> <p>JSIC 443 Mini-sized vehicle freight transport</p> |
| | Level of Government | : | Central Government |
| | Type of Obligation | : | <p>Market Access (Article 8.5)</p> <p>Local Presence (Article 8.11)</p> |
| | Description | : | <p><u>Trade in Services</u></p> <ol style="list-style-type: none"> 1. A person who intends to conduct road passenger transport business or road freight transport business is required to establish a place of business in Japan, and to obtain permission of, or to submit notification to, the Minister of Land, Infrastructure, Transport and Tourism. 2. In respect of common taxicab operators business, the Minister of Land, Infrastructure, Transport and Tourism may not grant permission to a person who intends to conduct the businesses, or may not approve a modification of the business plan of such businesses in the “specified regions” and in the “semi-specified regions” designated by the Minister of Land, Infrastructure, Transport and Tourism. Such permission may be granted, or such modification of the business plan may be approved with respect to “semi-specified regions” when the standards set out in <i>Special Measures Law concerning the proper management and revitalisation of the taxi business in specified and semi-specified regions</i> (Law No. 64 of 2009) are met, including those that the capacity of common taxicab operators businesses in that region does not exceed the volumes of the traffic demand. Such designation would be made when the capacity of common taxicab transportation businesses in that region exceeds or is likely to exceed the volumes of traffic demand to the extent that it would become difficult to secure the safety of transportation and the benefits of passengers. 3. In respect of common motor trucking business or motor trucking business (particularly-contracted), the Minister of Land, Infrastructure, Transport and |

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| | | | <p>Tourism may not grant permission to a person who intends to conduct the businesses, or may not approve a modification of the business plan of such businesses, in the “emergency supply or demand adjustment area” designated by the Minister of Land, Infrastructure, Transport and Tourism. Such designation would be made when the capacity of common motor trucking businesses or motor trucking businesses (particularly-contracted) in that area has significantly exceeded the volumes of transportation demand to the extent that the operation of such businesses would become difficult.</p> |
| | Measures | : | <p><i>Road Transport Law</i> (Law No. 183 of 1951), Chapter 2</p> <p><i>Special Measures Law concerning the proper management and revitalisation of the taxi business in specified and semi-specified regions</i> (Law No. 64 of 2009), Chapters 2 and 7</p> <p><i>Trucking Business Law</i> (Law No. 83 of 1989), Chapter 2</p> |

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| 49. | Sector | : | Transport |
| | Subsector | : | Services Incidental to Transport |
| | Industry Classification | : | JSIC 4852 Fixed facilities for road transport |
| | Level of Government | : | Central Government |
| | Type of Obligation | : | Market Access (Article 8.5) |
| | Description | : | <p><u>Trade in Services</u></p> <p>A person who intends to conduct motorway businesses is required to obtain a licence from the Minister of Land, Infrastructure, Transport and Tourism. The issuance of a licence is subject to an economic needs test, such as whether the proposed motorway is appropriate in scale compared with the volume and nature of traffic demand in the proposed area.</p> |
| | Measures | : | <i>Road Transport Law (Law No. 183 of 1951), Chapter 4</i> |

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| 50. | Sector | : | Transport |
| | Subsector | : | Services Incidental to Transport |
| | Industry Classification | : | - |
| | Level of Government | : | Central Government |
| | Type of Obligation | : | National Treatment (Article 8.4) Market Access (Article 8.5) Local Presence (Article 8.11) |
| | Description | : | <u>Trade in Services</u> 1. Only a Japanese national may become a pilot in Japan. 2. Pilots directing ships in the same pilotage district are required to establish a pilot association for the pilotage district. |
| | Measures | : | <i>Pilotage Law</i> (Law No. 121 of 1949), Chapters 2 through 4 |

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| 51. | Sector | : | Transport |
| | Subsector | : | Water transport |
| | Industry Classification | : | JSIC 451 Oceangoing transport |
| | Level of Government | : | Central Government |
| | Type of Obligation | : | National Treatment (Articles 8.4) Market Access (Article 8.5) Most-Favoured-Nation Treatment (Articles 8.6) |
| | Description | : | <u>Trade in Services</u> Oceangoing ship operators of another Party may be restricted or prohibited from entering Japanese ports or from loading and unloading cargoes in Japan in cases where Japanese oceangoing ship operators are prejudiced by that Party. |
| | Measures | : | <i>Law Concerning Special Measures against Unfavourable Treatment to Japanese Oceangoing Ship Operators by Foreign Government</i> (Law No. 60 of 1977) |

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| 52. | Sector | : | Transport |
| | Subsector | : | Water Transport |
| | Industry Classification | : | JSIC 452 Coastwise transport JSIC 453 Inland water transport JSIC 4542 Coastwise ship leasing |
| | Level of Government | : | Central Government |
| | Type of Obligation | : | National Treatment (Articles 8.4 and 10.3) |
| | Description | : | <p><u>Trade in Services and Investment</u></p> <ol style="list-style-type: none"> 1. The prior notification requirement and screening procedures under the <i>Foreign Exchange and Foreign Trade Law</i> apply to foreign investors who intend to make investments in water transport industry in Japan. 2. The screening is conducted from the viewpoint of whether the investment is likely to cause a situation in which significant adverse effect is brought to the smooth operation of the Japanese economy.¹⁵ 3. The investor may be required to alter the content of the investment or discontinue the investment process, depending on the screening result. 4. For greater certainty, “water transport industry” refers to oceangoing or seagoing transport, coastwise transport (i.e. maritime transport between ports in Japan), inland water transport and ship leasing industry. However, oceangoing or seagoing transport industry and ship leasing industry excluding coastwise ship leasing industry are exempted from the prior notification requirement and screening procedures under the <i>Foreign Exchange and Foreign Trade Law</i>. |
| | Measures | : | <p><i>Foreign Exchange and Foreign Trade Law</i> (Law No. 228 of 1949), Article 27</p> <p><i>Cabinet Order on Foreign Direct Investment</i> (Cabinet Order No. 261 of 1980), Article 3</p> |

¹⁵ For greater certainty, absence of reference in this description to “national security”, which is referred to in entries No. 10, 12, 13, 15, 37, 46, 47, 55 and 57 of this List A, does not mean that Article 10.15 (Security Exceptions) and Article 17.13 (Security Exceptions) does not apply to the screening or that Japan waives its right to invoke Article 10.15 (Security Exceptions) and Article 17.13 (Security Exceptions) to justify the screening.

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| 53. | Sector | : | Transport |
| | Subsector | : | Water Transport |
| | Industry Classification | : | - |
| | Level of Government | : | Central Government |
| | Type of Obligation | : | National Treatment (Articles 8.4 and 10.3) Market Access (Article 8.5) Most-Favoured-Nation Treatment (Articles 8.6 and 10.4) |
| | Description | : | <u>Trade in Services and Investment</u> Unless otherwise specified in the laws and regulations of Japan, or international agreements to which Japan is a party, ships not flying the Japanese flag are prohibited from entering ports in Japan which are not open to foreign commerce and from carrying cargoes or passengers between ports in Japan. |
| | Measures | : | <i>Ship Law</i> (Law No. 46 of 1899), Article 3 |

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| 54. | Sector | : | Vocational Skills Test |
| | Subsector | : | - |
| | Industry Classification | : | - |
| | Level of Government | : | Central Government |
| | Type of Obligation | : | Market Access (Article 8.5) Local Presence (Article 8.11) |
| | Description | : | <p><u>Trade in Services</u></p> <p>Some of specific type of non-profit organisation (the employers' organisations, their federations, general incorporated associations, general incorporated foundations, incorporated labour unions or miscellaneous incorporated non-profit organisations) can supply the service. Such organisation which intends to carry out the vocational skills test for workers is required to establish an office in Japan and to be designated by the Minister of Health, Labour and Welfare.</p> |
| | Measures | : | <i>Human Resources Development Promotion Law</i> (Law No. 64 of 1969), Chapter 5 |

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| 55. | Sector | : | Water Supply and Waterworks |
| | Subsector | : | - |
| | Industry Classification | : | JSIC 3611 Water for end users, except industrial users |
| | Level of Government | : | Central Government |
| | Type of Obligation | : | National Treatment (Articles 8.4 and 10.3) |
| | Description | : | <p><u>Trade in Services and Investment</u></p> <ol style="list-style-type: none"> 1. The prior notification requirement and screening procedures under the <i>Foreign Exchange and Foreign Trade Law</i> apply to foreign investors who intend to make investments in water supply and waterworks industry in Japan. 2. The screening is conducted from the viewpoint of whether the investment is likely to cause a situation in which national security is impaired, the maintenance of public order is disturbed, or the protection of public safety is hindered. 3. The investor may be required to alter the content of the investment or discontinue the investment process, depending on the screening result. |
| | Measures | : | <p><i>Foreign Exchange and Foreign Trade Law</i> (Law No. 228 of 1949), Article 27</p> <p><i>Cabinet Order on Foreign Direct Investment</i> (Cabinet Order No. 261 of 1980), Article 3</p> |

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| 56. | Sector | : | Wholesale and Retail Trade |
| | Subsector | : | Livestock |
| | Industry Classification | : | JSIC 5219 Miscellaneous agricultural, livestock and aquatic products |
| | Level of Government | : | Central Government |
| | Type of Obligation | : | Local Presence (Article 8.11) |
| | Description | : | <p><u>Trade in Services</u></p> <p>A person who intends to conduct livestock trading business is required to be resident in Japan, and to obtain a licence from the prefectoral governor having jurisdiction over the place of residence. For greater certainty, "livestock trading" means the trading or exchange of livestock, or the good offices for such trading or exchange.</p> |
| | Measures | : | <i>Livestock Dealer Law</i> (Law No. 208 of 1949), Article 3 |

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| 57. | Sector | : | Aerospace Industry |
| | Subsector | : | Aircraft Manufacturing and Repairing Industry |
| | Industry Classification ¹⁶ | : | <p>JSIC 16* Manufacture of chemical and allied products</p> <p>JSIC 18* Manufacture of plastic products, except otherwise classified</p> <p>JSIC 19* Manufacture of rubber products</p> <p>JSIC 21* Manufacture of ceramic, stone and clay products</p> <p>JSIC 23* Manufacture of non-ferrous metals and products</p> <p>JSIC 24* Manufacture of fabricated metal products</p> <p>JSIC 25* Manufacture of general-purpose machinery</p> <p>JSIC 27* Manufacture of business oriented machinery</p> <p>JSIC 28* Electronic parts, devices and electronic circuits</p> <p>JSIC 29* Manufacture of electrical machinery, equipment and supplies</p> <p>JSIC 30* Manufacture of information and communication electronics equipment</p> <p>JSIC 31* Manufacture of transportation equipment</p> <p>JSIC 39* Information services</p> <p>JSIC 90* Machine, etc. repair services, except otherwise classified</p> |
| | Level of Government | : | Central Government |
| | Type of Obligation | : | <p>National Treatment (Articles 8.4 and 10.3)</p> <p>Market Access (Article 8.5)</p> <p>Local Presence (Article 8.11)</p> <p>Prohibition of Performance Requirements (Article 10.6)</p> |
| | Description | : | <p><u>Trade in Services and Investment</u></p> <ol style="list-style-type: none"> 1. The prior notification requirement and screening procedures under the <i>Foreign Exchange and Foreign Trade Law</i> apply to foreign investors who intend to make investments in aircraft industry in Japan. 2. The screening is conducted from the viewpoint of whether the investment is likely to cause a situation in which national security is impaired, the maintenance of public order is disturbed, or the protection of public safety is hindered. |

¹⁶ An asterisk (*) on the JSIC numbers indicates that the activities covered by this entry under such numbers are limited to those related to aerospace industry.

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| | | <p>3. The investors may be required to alter the content of the investment or discontinue the investment process, depending on the screening result.</p> <p>4. A technology introduction contract between a resident and a non-resident related to aircraft industry is subject to the prior notification requirement and screening procedure under the <i>Foreign Exchange and Foreign Trade Law</i>.</p> <p>5. The screening is conducted from the viewpoint of whether the conclusion of the technology introduction contract is likely to cause a situation in which national security is impaired, the maintenance of public order is disturbed, or the protection of public safety is hindered.</p> <p>6. The resident may be required to alter the provisions of the technology introduction contract or discontinue the conclusion of that contract, depending on the screening result.</p> <p>7. The number of licences conferred to manufacturers and service suppliers in those sectors may be limited.</p> <p>8. An enterprise which intends to produce aircraft and supply repair services is required to establish a factory related to manufacture or repair aircraft under the laws and regulations of Japan.</p> |
| | Measures | <p>:</p> <p><i>Foreign Exchange and Foreign Trade Law</i> (Law No. 228 of 1949), Articles 27, 28 and 30</p> <p><i>Cabinet Order on Foreign Direct Investment</i> (Cabinet Order No. 261 of 1980), Articles 3 through 5</p> <p><i>Aircraft Manufacturing Industry Law</i> (Law No. 237 of 1952), Articles 2 through 5</p> |

LIST B

EXPLANATORY NOTES

1. This List B sets out, in accordance with paragraph 2 of Article 8.8 (Schedules of Non-Conforming Measures) and paragraph 2 of Article 10.8 (Reservations and Non-Conforming Measures), the entries made by Japan with respect to specific sectors, subsectors, or activities for which it may maintain existing, or adopt new or more restrictive, measures that do not conform with obligations imposed by:
 - (a) Article 8.4 (National Treatment) or Article 10.3 (National Treatment);
 - (b) Article 8.5 (Market Access);
 - (c) Article 8.6 (Most-Favoured-Nation Treatment) or Article 10.4 (Most-Favoured-Nation Treatment);
 - (d) Article 8.11 (Local Presence);
 - (e) Article 10.6 (Prohibition of Performance Requirements); or
 - (f) Article 10.7 (Senior Management and Board of Directors).^{17, 18}
2. Each entry sets out the following elements:
 - (a) **Sector** refers to the general sector for which the entry is made;
 - (b) **Subsector** refers to the specific sector for which the entry is made;
 - (c) **Industry Classification** refers, where applicable, and only for transparency purposes, to the activity covered by the entry according to domestic or international industry classification codes;
 - (d) **Type of Obligation** specifies the obligations referred to in paragraph 1 for which the entry is made;
 - (e) **Description** sets out the scope of the sector, subsector, or activities covered by the entry; and
 - (f) **Existing Measures** identifies, for transparency purposes, existing measures that apply to the sector, subsector, or activities covered by the entry.
3. In the interpretation of an entry, all elements of the entry shall be considered. The Description element shall prevail over all the other elements.
4. With respect to financial services:
 - (a) for prudential reasons within the context of Article 4 (Prudential Measures) of Annex 8A (Financial Services), Japan shall not be prevented from taking measures such as non-discriminatory limitations on juridical forms of a commercial presence. For the same reasons, Japan shall not be prevented from applying non-discriminatory limitations concerning admission to the market of new financial services which shall be consistent with a regulatory framework aimed at achieving such prudential objectives. In this context,

¹⁷ For the purposes of this List B, “Senior Management and Board of Directors” (Article 10.7) specified in the “Type of Obligation” includes the obligation in relation to any measure affecting the supply of a service, which is imposed in accordance with paragraph 3 of Article 10.2 (Scope).

¹⁸ For transparency purposes, entries in this List B may include measures taken by Japan in accordance with Article 10.15 (Security Exceptions), Article 17.12 (General Exceptions), or Article 17.13 (Security Exceptions).

securities firms are allowed to deal in securities defined in the relevant laws and regulations of Japan, and banks are not allowed to deal in those securities unless allowed in accordance with those laws and regulations; and

- (b) services supplied in the territory of another Party to the service consumer in Japan without any active marketing from the service supplier are considered as services supplied under subparagraph (r)(ii) of Article 8.1 (Definitions).
- 5. With respect to air transport services, measures affecting traffic rights or measures affecting services directly related to the exercise of traffic rights are not listed in this List B, as these are excluded from the scope of Chapter 8 (Trade in Services) pursuant to Article 8.2 (Scope).
- 6. Laws and regulations of Japan with regard to spectrum availability affecting obligations under Article 8.5 (Market Access) are not included in this List B, taking into account the Attachment 6 of Guidelines for the Scheduling of Specific Commitments (WTO Document S/L/92, dated 28 March 2001).
- 7. For the purposes of Chapter 8 (Trade in Services), Japan reserves the right to adopt or maintain any measure with respect to permanent residents of another Party except those of a Party that has submitted a notification under subparagraph (k)(ii) 2 of Article XXVIII of GATS.
- 8. For the purposes of this List B:
 - (a) "JSIC" means Japan Standard Industrial Classification set out by the Ministry of Internal Affairs and Communications, and revised on 30 October 2013.
 - (b) "CPC" means Provisional Central Product Classification (Statistical Papers Series M No. 77, Department of International Economic and Social Affairs, Statistical Office of the United Nations, New York, 1991).

| | | |
|-------------------------|---|--|
| 1. Sector | : | All Sectors |
| Subsector | : | - |
| Industry Classification | : | - |
| Type of Obligation | : | National Treatment (Articles 8.4 and 10.3) Market Access (Article 8.5) Senior Management and Board of Directors (Article 10.7) |
| Description | : | <p><u>Trade in Services and Investment</u></p> <p>1. When transferring or disposing of its equity interests in, or the assets of, a state enterprise or a governmental entity, Japan reserves the right to:</p> <ul style="list-style-type: none"> (a) prohibit or impose limitations on the ownership of such interests or assets by investors of another Party or their investments; (b) impose limitations on the ability of investors of another Party or their investments as owners of such interests or assets to control any resulting enterprise; or (c) adopt or maintain any measure relating to the nationality of executives, managers or members of the board of directors of any resulting enterprise. <p>2. Notwithstanding paragraph 1, the central level of the Government of Japan shall not adopt any prohibition, limitation, or measure referred to in paragraph 1 by new laws or regulations following the initial transfer from the central level of the Government of Japan to an investor of the interests or assets referred to in paragraph 1.¹⁹</p> |
| Existing Measures | : | - |

¹⁹ For greater certainty, the central level of the Government of Japan can maintain such prohibition, limitation, or measure that is adopted or maintained at the initial transfer.

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|----|-------------------------|---|---|
| 2. | Sector | : | All Sectors |
| | Subsector | : | - |
| | Industry Classification | : | - |
| | Type of Obligation | : | <p>National Treatment (Articles 8.4 and 10.3)</p> <p>Market Access (Article 8.5)</p> <p>Most-Favoured-Nation Treatment (Articles 8.6 and 10.4)</p> <p>Local Presence (Article 8.11)</p> <p>Prohibition of Performance Requirements (Article 10.6)</p> <p>Senior Management and Board of Directors (Article 10.7)</p> |
| | Description | : | <p><u>Trade in Services and Investment</u></p> <p>Japan reserves the right to adopt or maintain any measure relating to investment in or the supply of telegraph services, betting and gambling services, manufacture of tobacco products, manufacture of Bank of Japan notes, minting and sale of coinage, and postal services in Japan.²⁰</p> |
| | Existing Measures | : | <p><i>Telecommunications Business Law</i> (Law No. 86 of 1984) Supplementary Provisions, Article 5</p> <p><i>Postal Law</i> (Law No. 165 of 1947), Article 2</p> <p><i>Law Concerning Correspondence Delivery Provided by Private Operators</i> (Law No. 99 of 2002)</p> <p><i>Horse Racing Law</i> (Law No. 158 of 1948), Article 1-2</p> <p><i>Law relating to Motorboat Racing</i> (Law No. 242 of 1951), Article 2</p> <p><i>Bicycle Racing Law</i> (Law No. 209 of 1948), Article 1</p> <p><i>Auto Racing Law</i> (Law No. 208 of 1950), Article 3</p> <p><i>Lottery Law</i> (Law No. 144 of 1948), Article 4</p> <p><i>Bank of Japan Act</i> (Law No. 89 of 1997), Articles 46 and 49</p> <p><i>The Law relating to Unit of Currency and Issue of Coin</i> (Law No. 42 of 1987), Articles 4 and 10</p> <p><i>Sports Promotion Lottery Law</i> (Law No. 63 of 1998), Article 3</p> |

²⁰ For the purposes of this entry, "postal services" means delivery of other persons' correspondence ("tanin-no-shinsho-no-sotatsu") specified in paragraph 2 of Article 4 of *Postal Law* (Law No. 165 of 1947) and correspondence delivery service ("shinshobin-no-ekimu") within the meaning of the *Law Concerning Correspondence Delivery Provided by Private Operators* (Law No. 99 of 2002), but does not include special correspondence delivery services ("tokutei-shinshobin-ekimu") within the meaning of the latter Law. Services not included in this definition include delivery of parcels, packages, goods, direct mail, and periodicals.

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|----|-------------------------|---|---|
| 3. | Sector | : | All Sectors |
| | Subsector | : | - |
| | Industry Classification | : | - |
| | Type of Obligation | : | <p>National Treatment (Articles 8.4 and 10.3)</p> <p>Market Access (Article 8.5)</p> <p>Most-Favoured-Nation Treatment (Articles 8.6 and 10.4)</p> <p>Local Presence (Article 8.11)</p> <p>Prohibition of Performance Requirements (Article 10.6)</p> <p>Senior Management and Board of Directors (Article 10.7)</p> |
| | Description | : | <p><u>Trade in Services and Investment</u></p> <ol style="list-style-type: none"> 1. Japan reserves the right to adopt or maintain any measure relating to investment or the supply of services in industries other than those recognised or other than those that should have been recognised by the Government of Japan owing to the circumstances at the time of entry into force of this Agreement. 2. Any industries classified positively and explicitly in JSIC or CPC, at the time of entry into force of this Agreement should have been recognised by the Government of Japan at that time. 3. Japan reserves the right to adopt or maintain any measure relating to investment or the supply of services in industries which were not technically feasible at the time of entry into force of this Agreement. |
| | Existing Measures | : | - |

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|----|-------------------------|---|---|
| 4. | Sector | : | All Sectors |
| | Subsector | : | - |
| | Industry Classification | : | - |
| | Type of Obligation | : | Most-Favoured-Nation Treatment (Articles 8.6 and 10.4) |
| | Description | : | <p><u>Trade in Services and Investment</u></p> <p>1. Japan reserves the right to adopt or maintain any measure that accords differential treatment to countries under any bilateral or multilateral agreement in force on, or signed prior to, the date of entry into force of this Agreement, and any amendment to and the successor agreement of that bilateral or multilateral agreement.</p> <p>2. Japan reserves the right to adopt or maintain any measure that accords differential treatment to countries under any bilateral or multilateral agreement involving:</p> <p>(a) fisheries; or</p> <p>(b) maritime matters, including salvage.</p> |
| | Existing Measures | : | - |

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|----|-------------------------|---|--|
| 5. | Sector | : | All Sectors |
| | Subsector | : | - |
| | Industry Classification | : | - |
| | Type of Obligation | : | National Treatment (Article 8.4) Market Access (Article 8.5) Most-Favoured-Nation Treatment (Article 8.6) |
| | Description | : | <u>Trade in Services</u> Japan reserves the right to adopt or maintain any measure with respect to the supply of a service through the mode of supply referred to in subparagraph (r)(iv) of Article 8.1 (Definitions), subject to Chapter 9 (Temporary Movement of Natural Persons) and Japan's Schedule in Annex IV (Schedules of Specific Commitments on Temporary Movement of Natural Persons). |
| | Existing Measures | : | - |

| | | | |
|----|-------------------------|---|--|
| 6. | Sector | : | Aerospace Industry |
| | Subsector | : | Space Industry |
| | Industry Classification | : | - |
| | Type of Obligation | : | <p>National Treatment (Articles 8.4 and 10.3)</p> <p>Market Access (Article 8.5)</p> <p>Local Presence (Article 8.11)</p> <p>Prohibition of Performance Requirements (Article 10.6)</p> <p>Senior Management and Board of Directors (Article 10.7)</p> |
| | Description | : | <p><u>Trade in Services and Investment</u></p> <ol style="list-style-type: none"> 1. Japan reserves the right to adopt or maintain any measure relating to investment in space industry. 2. Japan reserves the right to adopt or maintain any measure relating to the supply of services in space industry including: <ol style="list-style-type: none"> (a) services based on technological introduction contracts for importing technology for development, production, or use; (b) production services on fee or contract basis; (c) repair and maintenance services; and (d) space transportation services. |
| | Existing Measures | : | <p><i>Foreign Exchange and Foreign Trade Law</i> (Law No. 228 of 1949), Articles 27, 28 and 30</p> <p><i>Cabinet Order on Foreign Direct Investment</i> (Cabinet Order No. 261 of 1980), Articles 3 through 5</p> |

| | | | |
|----|-------------------------|---|--|
| 7. | Sector | : | Arms and Explosives Industry |
| | Subsector | : | Arms Industry Explosives Manufacturing Industry |
| | Industry Classification | : | - |
| | Type of Obligation | : | National Treatment (Articles 8.4 and 10.3) Market Access (Article 8.5) Local Presence (Article 8.11) Prohibition of Performance Requirements (Article 10.6) Senior Management and Board of Directors (Article 10.7) |
| | Description | : | <p><u>Trade in Services and Investment</u></p> <p>1. Japan reserves the right to adopt or maintain any measure relating to investment in arms industry and explosives manufacturing industry.</p> <p>2. Japan reserves the right to adopt or maintain any measure relating to the supply of services in arms industry and explosives manufacturing industry, including:</p> <p>(a) services based on technological introduction contracts for importing technology for development, production, or use;</p> <p>(b) production services on fee or contract basis; and</p> <p>(c) repair and maintenance services.</p> |
| | Existing Measures | : | <p><i>Ordnance Manufacturing Law</i> (Law No. 145 of 1953), Article 5</p> <p><i>Foreign Exchange and Foreign Trade Law</i> (Law No. 228 of 1949), Articles 27, 28 and 30</p> <p><i>Cabinet Order on Foreign Direct Investment</i> (Cabinet Order No. 261 of 1980), Articles 3 through 5</p> |

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|----|-------------------------|---|--|
| 8. | Sector | : | Education and Learning Support |
| | Subsector | : | Primary and Secondary Educational Services |
| | Industry Classification | : | <p>JSIC 811 Kindergartens</p> <p>JSIC 812 Elementary schools</p> <p>JSIC 813 Lower secondary schools</p> <p>JSIC 814 Upper secondary schools, secondary schools</p> <p>JSIC 815 School for special needs education</p> <p>JSIC 819 Integrated centres for early childhood education and care</p> |
| | Type of Obligation | : | <p>National Treatment (Articles 8.4 and 10.3)</p> <p>Market Access (Article 8.5)</p> <p>Local Presence (Article 8.11)</p> |
| | Description | : | <p><u>Trade in Services and Investment</u></p> <p>Japan reserves the right to adopt or maintain any measure relating to investment in or the supply of primary and secondary educational services.</p> |
| | Existing Measures | : | <p><i>Fundamental Law of Education</i> (Law No. 120 of 2006), Article 6</p> <p><i>School Education Law</i> (Law No. 26 of 1947), Article 2</p> <p><i>Private School Law</i> (Law No. 270 of 1949), Article 3</p> <p><i>Law concerning Advancement of Comprehensive Service Related to Education, Child Care, etc. of Preschool Children</i> (Law No. 77 of 2006)</p> |

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|----|-------------------------|---|---|
| 9. | Sector | : | Energy |
| | Subsector | : | Electricity Utility Industry Gas Utility Industry Nuclear Energy Industry |
| | Industry Classification | : | - |
| | Type of Obligation | : | National Treatment (Articles 8.4 and 10.3) Market Access (Article 8.5) Most-Favoured-Nation Treatment (Articles 8.6 and 10.4) Local Presence (Article 8.11) Prohibition of Performance Requirements (Article 10.6) Senior Management and Board of Directors (Article 10.7) |
| | Description | : | <u>Trade in Services and Investment</u> Japan reserves the right to adopt or maintain any measure relating to investment or the supply of services in the energy industry listed in the "Subsector" element. |
| | Existing Measures | : | <i>Foreign Exchange and Foreign Trade Law</i> (Law No. 228 of 1949), Articles 27, 28, and 30 <i>Cabinet Order on Foreign Direct Investment</i> (Cabinet Order No. 261 of 1980), Articles 3 through 5 |

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|-----|-------------------------|---|--|
| 10. | Sector | : | Financial Services |
| | Subsector | : | Banking and Other Financial Services (excluding Insurance and Insurance-related Services) |
| | Industry Classification | : | - |
| | Type of Obligation | : | National Treatment (Article 8.4) Market Access (Article 8.5) Most-Favoured-Nation Treatment (Article 8.6) |
| | Description | : | <p><u>Trade in Services</u></p> <p>1. Japan reserves the right to adopt or maintain any measure with respect to trade in services as defined in subparagraph (r)(i) of Article 8.1 (Definitions) for banking and other financial services, other than provision and transfer of financial information and financial data processing as referred to in subparagraph (b)(xv) of Article 1 (Definitions) of Annex 8A (Financial Services) and advisory and other auxiliary services, excluding intermediation, relating to banking and other financial services as referred to in subparagraph (b)(xvi) of Article 1 (Definitions) of Annex 8A (Financial Services).²¹</p> <p>2. Japan reserves the right to adopt or maintain any measure with respect to trade in services as defined in subparagraph (r)(ii) of Article 8.1 (Definitions) for banking and other financial services, other than the services as referred to in subparagraphs (b)(v) through (xvi) of Article 1 (Definitions) of Annex 8A (Financial Services).</p> |
| | Existing Measures | : | <i>Financial Instruments and Exchange Law</i> (Law No. 25 of 1948), Articles 29, 29-2, and 61 |

²¹ With respect to this entry, Japan may require the registration or authorisation of financial service suppliers of another Party and of financial instruments.

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|-----|-------------------------|---|--|
| 11. | Sector | : | Financial Services |
| | Subsector | : | Insurance and Insurance-related Services |
| | Industry Classification | : | - |
| | Type of Obligation | : | National Treatment (Article 8.4) Market Access (Article 8.5) |
| | Description | : | <p><u>Trade in Services</u></p> <p>Japan reserves the right to adopt or maintain any measure with respect to trade in services as defined in subparagraphs (r)(i) and (ii) of Article 8.1 (Definitions) for insurance and insurance-related services, other than the following services supplied by a financial service supplier of another Party established in that other Party:</p> <p class="list-item-l1">(a) insurance of risks relating to:</p> <p class="list-item-l2">(i) maritime shipping and commercial aviation and space launching and freight (including satellites), with such insurance to cover any or all of the following: the goods being transported, the vehicle transporting the goods and any liability arising therefrom; and</p> <p class="list-item-l2">(ii) goods in international transit;</p> <p class="list-item-l1">(b) reinsurance, retrocession and the services auxiliary to insurance as referred to in subparagraphs (b)(ii) and (iv) of Article 1 (Definition) of Annex 8A (Financial Services); and</p> <p class="list-item-l1">(c) insurance intermediation, such as brokerage and agency as referred to in subparagraph (b)(iii) of Article 1 (Definitions) of Annex 8A (Financial Services), of insurance risks related to services listed in subparagraphs (a) and (b) of this entry.²²</p> |
| | Existing Measures | : | <p><i>Insurance Business Law</i> (Law No. 105 of 1995), Articles 185, 186, 275 through 277, 286, and 287</p> <p><i>Cabinet Order for Enforcement of Insurance Business Law</i> (Cabinet Order No. 425 of 1995), Articles 19 and 39-2</p> <p><i>Ministerial Ordinance for Enforcement of Insurance Business Law</i> (Ministerial Ordinance of the Ministry of Finance No. 5 of 1996), Articles 116 and 212-6</p> |

²² Insurance intermediation services may be supplied only for insurance contracts allowed to be supplied in Japan.

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| 12. | Sector | : | Fisheries and Services Incidental to Fisheries |
| | Subsector | : | Fisheries within the Territorial Sea, Internal Waters, Exclusive Economic Zone, and Continental Shelf |
| | Industry Classification | : | JSIC 031 Marine fisheries JSIC 032 Inland water fisheries JSIC 041 Marine aquaculture JSIC 042 Inland water aquaculture JSIC 8093 Recreational fishing guide business |
| | Type of Obligation | : | National Treatment (Articles 8.4 and 10.3) Market Access (Article 8.5) Most-Favoured-Nation Treatment (Articles 8.6 and 10.4) Local Presence (Article 8.11) Prohibition of Performance Requirements (Article 10.6) Senior Management and Board of Directors (Article 10.7) |
| | Description | : | <u>Trade in Services and Investment</u> Japan reserves the right to adopt or maintain any measure relating to investment or the supply of services in fisheries in the territorial sea, internal waters, exclusive economic zone, and continental shelf of Japan. ²³ |
| | Existing Measures | : | <i>Foreign Exchange and Foreign Trade Law (Law No. 228 of 1949), Article 27 <i>Cabinet Order on Foreign Direct Investment</i> (Cabinet Order No. 261 of 1980), Article 3 <i>Law for Regulation of Fishing Operation by Foreign Nationals</i> (Law No. 60 of 1967), Articles 3, 4, and 6 <i>Law Concerning the Exercise of Sovereign Rights Concerning Fisheries in the Exclusive Economic Zones</i> (Law No. 76 of 1996), Articles 4, 5, 7 through 12, and 14 </i> |

²³ For the purposes of this entry, "fisheries" means the work of taking and cultivation of aquatic resources, including the following fisheries related activities:

- (a) investigation of aquatic resources without taking such resources;
- (b) luring of aquatic resources;
- (c) preservation and processing of fish catches;
- (d) transportation of fish catches and fish products; and
- (e) provision of supplies to other vessels used for fisheries.

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|-----|-------------------------|---|--|
| 13. | Sector | : | Information and Communications |
| | Subsector | : | Broadcasting Industry |
| | Industry Classification | : | <p>JSIC 380 Establishments engaged in administrative or ancillary economic activities</p> <p>JSIC 381 Public broadcasting, except cablecasting</p> <p>JSIC 382 Private-sector broadcasting, except cablecasting</p> <p>JSIC 383 Cablecasting</p> |
| | Type of Obligation | : | <p>National Treatment (Articles 8.4 and 10.3)</p> <p>Market Access (Article 8.5)</p> <p>Local Presence (Article 8.11)</p> <p>Prohibition of Performance Requirements (Article 10.6)</p> <p>Senior Management and Board of Directors (Article 10.7)</p> |
| | Description | : | <p><u>Trade in Services and Investment</u></p> <p>Japan reserves the right to adopt or maintain any measure relating to investment or the supply of services in broadcasting industry.²⁴</p> |
| | Existing Measures | : | <p><i>Foreign Exchange and Foreign Trade Law</i> (Law No. 228 of 1949), Article 27</p> <p><i>Cabinet Order on Foreign Direct Investment</i> (Cabinet Order No. 261 of 1980), Article 3</p> <p><i>Radio Law</i> (Law No. 131 of 1950), Chapter 2</p> <p><i>Broadcast Law</i> (Law No. 132 of 1950), Chapters 2, and 5 through 8</p> |

²⁴ For the purposes of this entry, "broadcasting" means the transmission of telecommunications with the aim of direct reception by the public (paragraph 1 of Article 2 of the *Broadcast Law*) and does not include on-demand services including those services provided over the internet.

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|-----|-------------------------|---|---|
| 14. | Sector | : | Land Transaction |
| | Subsector | : | - |
| | Industry Classification | : | - |
| | Type of Obligation | : | National Treatment (Articles 8.4 and 10.3) Market Access (Article 8.5) Most-Favoured-Nation Treatment (Articles 8.6 and 10.4) |
| | Description | : | <u>Trade in Services and Investment</u> With respect to the acquisition or lease of land properties in Japan, prohibitions or restrictions may be imposed. |
| | Existing Measures | : | <i>Alien Land Law</i> (Law No. 42 of 1925) |

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|-----|-------------------------|---|---|
| 15. | Sector | : | Public Law Enforcement and Correctional Services and Social Services |
| | Subsector | : | - |
| | Industry Classification | : | - |
| | Type of Obligation | : | <p>National Treatment (Articles 8.4 and 10.3)</p> <p>Market Access (Article 8.5)</p> <p>Most-Favoured-Nation Treatment (Articles 8.6 and 10.4)</p> <p>Local Presence (Article 8.11)</p> <p>Prohibition of Performance Requirements (Article 10.6)</p> <p>Senior Management and Board of Directors (Article 10.7)</p> |
| | Description | : | <p><u>Trade in Services and Investment</u></p> <p>Japan reserves the right to adopt or maintain any measure relating to investment or the supply of services in public law enforcement and correctional services, and in social services such as income security or insurance, social security or insurance, social welfare, public training, health, child care, and public housing.</p> |
| | Existing Measures | : | - |

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|-----|-------------------------|---|--|
| 16. | Sector | : | Security Guard Services |
| | Subsector | : | - |
| | Industry Classification | : | JSIC 923 Guard services |
| | Type of Obligation | : | National Treatment (Article 8.4) Market Access (Article 8.5) Local Presence (Article 8.11) |
| | Description | : | <u>Trade in Services</u> Japan reserves the right to adopt or maintain any measure relating to the supply of security guard services. |
| | Existing Measures | : | <i>Security Business Law</i> (Law No. 117 of 1972), Articles 4 and 5 |

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|-----|-------------------------|---|--|
| 17. | Sector | : | Transport |
| | Subsector | : | Air Transport |
| | Industry Classification | : | - |
| | Type of Obligation | : | National Treatment (Articles 8.4 and 10.3) Market Access (Article 8.5) Prohibition of Performance Requirements (Article 10.6) Senior Management and Board of Directors (Article 10.7) |
| | Description | : | <u>Trade in Services and Investment</u> Japan reserves the right to adopt or maintain any measure with respect to investment or the supply of services in airports or airport operation services. ²⁵ |
| | Existing Measures | : | - |

²⁵ For the purposes of this entry, “airport operation services” means the supply of air terminal, airfield, and other airport infrastructure operation services on a fee or contract basis. Airport operation services do not include air navigation services.

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|-----|-------------------------|---|--|
| 18. | Sector | : | All Sectors |
| | Subsector | : | - |
| | Industry Classification | : | - |
| | Type of Obligation | : | <p>National Treatment (Articles 8.4 and 10.3)</p> <p>Market Access (Article 8.5)</p> <p>Most-Favoured-Nation Treatment (Articles 8.6 and 10.4)</p> <p>Local Presence (Article 8.11)</p> <p>Prohibition of Performance Requirements (Article 10.6)</p> <p>Senior Management and Board of Directors (Article 10.7)</p> |
| | Description | : | <p><u>Trade in Services and Investment</u></p> <p>Japan reserves the right to adopt or maintain any measure relating to investment or the supply of services in the territorial sea, internal waters, exclusive economic zone, and continental shelf of Japan.</p> |
| | Existing Measures | : | - |

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|-----|-------------------------|---|--|
| 19. | Sector | : | All Sectors |
| | Subsector | : | - |
| | Industry Classification | : | - |
| | Type of Obligation | : | Most-Favoured-Nation Treatment (Article 8.6) |
| | Description | : | <p><u>Trade in Services</u></p> <p>Japan reserves the right to adopt or maintain any measure with respect to the supply of the services through the mode of supply referred to in subparagraph (r)(iv) of Article 8.1 (Definitions).</p> |
| | Existing Measures | : | - |

| | | | |
|-----|-------------------------|---|---|
| 20. | Sector | : | Financial Services |
| | Subsector | : | - |
| | Industry Classification | : | - |
| | Type of Obligation | : | National Treatment (Article 8.4) Market Access (Article 8.5) Most-Favoured-Nation Treatment (Article 8.6) |
| | Description | : | <u>Trade in Services</u> Japan reserves the right to adopt or maintain any measure with respect to the supply of the financial services through the mode of supply referred to in subparagraph (r)(iv) of Article 8.1 (Definitions). |
| | Existing Measures | : | - |

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|-----|-------------------------|---|--|
| 21. | Sector | : | Audio-Visual Services |
| | Subsector | : | - |
| | Industry Classification | : | - |
| | Type of Obligation | : | National Treatment (Article 8.4) Market Access (Article 8.5) Most-Favoured-Nation Treatment (Article 8.6) Local Presence (Article 8.11) |
| | Description | : | <u>Trade in Services</u> Japan reserves the right to adopt or maintain any measure with respect to the supply of audio-visual post production services. |
| | Existing Measures | : | - |

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|-----|-------------------------|---|---|
| 22. | Sector | : | Private Households with Employed Natural Persons |
| | Subsector | : | - |
| | Industry Classification | : | JSIC 792 Domestic services |
| | Type of Obligation | : | National Treatment (Article 8.4) Market Access (Article 8.5) Most-Favoured-Nation Treatment (Article 8.6) Local Presence (Article 8.11) |
| | Description | : | <u>Trade in Services</u> Japan reserves the right to adopt or maintain any measure with respect to the supply of private households with employed natural persons services not related to nursing. |
| | Existing Measures | : | - |

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|-----|-------------------------|---|--|
| 23. | Sector | : | Telemarketing Services |
| | Subsector | : | - |
| | Industry Classification | : | - |
| | Type of Obligation | : | National Treatment (Article 8.4) Market Access (Article 8.5) Most-Favoured-Nation Treatment (Article 8.6) Local Presence (Article 8.11) |
| | Description | : | <u>Trade in Services</u> Japan reserves the right to adopt or maintain any measure with respect to the supply of telemarketing services. |
| | Existing Measures | : | - |

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|-----|-------------------------|---|---|
| 24. | Sector | : | Transport |
| | Subsector | : | Air Transport |
| | Industry Classification | : | - |
| | Type of Obligation | : | National Treatment (Articles 8.4 and 10.3) Market Access (Article 8.5) Most-Favoured-Nation Treatment (Articles 8.6 and 10.4) Local Presence (Article 8.11) Prohibition of Performance Requirements (Article 10.6) Senior Management and Board of Directors (Article 10.7) |
| | Description | : | <u>Trade in Services and Investment</u> Japan reserves the right to adopt or maintain any measure under any bilateral or multilateral agreement involving aviation. |
| | Existing Measures | : | - |