

# WORLD TRADE ORGANIZATION

RESTRICTED

**TN/S/O/JPN**

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**Council for Trade in Services  
Special Session**

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## **JAPAN**

### Conditional Initial Offer

The following initial conditional offer has been received from the delegation of Japan on 31 March with the request that it be circulated to Members of the Council for Trade in Services.

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Japan submits herewith its initial offer under the negotiations on trade in services, pursuant to paragraph 15 of the Ministerial Declaration of 14<sup>th</sup> Nov. 2001 (WT/MIN(01)/DEC/1). This offer is conditional. The modification to the consolidated Schedule of Specific Commitments is inscribed following the editorial conventions as stipulated in the secretariat document JOB(02)88.

Japan reserves the right to modify, extend, reduce or withdraw any part of this offer at any time prior to the closure of the current services negotiations, depending upon the willingness and the readiness of its negotiating partners to provide offers comparable to that of Japan and arrive at mutually acceptable commitments including the application of the most favoured nation treatment. In making such an assessment, Japan will also take into account the individual level of development of different trading partners.

This offer is also conditional to the outcome of the negotiations underway as stipulated in GATS, inter alia, the negotiation to develop disciplines on domestic regulations.

The categorization of each sector and sub-sector in the attached list is provisional and susceptible to modification subject to developments on the discussion on classification and other issues.

Japan further reserves its right to make technical changes and corrections to this offer.

Note for transparency

- (i) Alphabets and numbers indicated in each sector-specific commitments are reference to Services Sectoral Classification List (GATT Secretariat's Documents MTN.GNS/W/120, dated 10 July 1991) and 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). These alphabetical and numerical divisions are indicated to enhance the clarity in the description of specific commitments, but shall not be construed as being a part of the specific commitments.
  - (ii) The modes of supply 1), 2), 3) and 4) indicated in this schedule of specific commitments correspond respectively to the supply of services defined under paragraph 2.a), b), c) and d) of Article I of this Agreement.
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## JAPAN – SCHEDULE OF SPECIFIC COMMITMENTS

Mode of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
<b>I. HORIZONTAL COMMITMENTS</b>			
ALL SECTORS INCLUDED IN THIS SCHEDULE	<p>4) Unbound except for measures concerning the entry and temporary stay of a natural person who falls in one of the following categories<sup>1</sup>:</p> <p>a) A natural person who has been employed by a juridical person of a Member other than Japan for a period of not less than one year immediately preceding the date of his application for the entry and temporary stay in Japan, and who is being transferred, for a period of one or three years, which may be extended, to a branch office, representative office or a juridical person constituted or registered in Japan owned or controlled by or affiliated with<sup>2</sup> the aforementioned juridical person of a Member other than Japan, provided that the natural person will be engaged in one of the following activities:</p>	<p>3) Unbound for research and development subsidies</p> <p>4) Unbound except for measures concerning the categories of natural persons referred to in the market access column</p> <p>Unbound for research and development subsidies</p>	

<sup>1</sup> For categories a) and d), remuneration requirements under the Immigration Control and Refugee Recognition Act apply.

<sup>2</sup> A juridical person is "affiliated" with another juridical person when the former is significantly affected by the latter regarding decision making of finance or business policy.

Mode of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
	<ul style="list-style-type: none"> <li>i) Activities to direct a branch office or a representative office as its head;</li> <li>ii) Activities to direct a juridical person as its board member or auditor;</li> <li>iii) Activities to direct one or more departments of a juridical person;</li> <li>iv) Activities which require technology and/or knowledge at an advanced level pertinent to physical sciences, engineering or other natural sciences; and</li> <li>v) Activities which require knowledge at an advanced level pertinent to jurisprudence, economics, business management, accounting or other human sciences.</li> </ul>		
	<ul style="list-style-type: none"> <li>b) A natural person who is a legal, accounting or taxation service supplier qualified under Japanese law, for a period of one or three years, which may be extended provided that <i>the natural person</i> will be engaged in one of the following activities of professional services during its temporary stay in Japan: <ul style="list-style-type: none"> <li>i) Legal services supplied by a lawyer qualified as "Bengoshi" under Japanese law;</li> <li>ii) Consultancy on law of jurisdiction where the service supplier is a qualified lawyer;</li> </ul> </li> </ul>		

Mode of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
	<p>iii) Legal services supplied by a patent attorney qualified as "Benrishi" under Japanese law;</p> <p>iv) Legal services supplied by a maritime procedure agent qualified as "Kaijidairishi" under Japanese law;</p> <p>v) Accounting, auditing and bookkeeping services supplied by an accountant qualified as "Koninkaikeishi" under Japanese law; and</p> <p>vi) Taxation services supplied by a tax accountant qualified as "Zeirishi" under Japanese law.</p> <p>c) A natural person who stays in Japan for a time period not exceeding 90 days without acquiring remuneration from within Japan and without engaging in making direct sales to the general public or in supplying services himself, for the purposes of participating in business contacts including negotiations for the sale of services and/or other similar activities including those to prepare for establishing commercial presence in Japan.</p> <p><u>The period of stay may be extended.</u></p>		

Mode of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
	<p>d) A natural person who is engaged in one of the following activities during its temporary stay in Japan for a period of one or three years, which may be extended, on the basis of a personal contract<sup>3</sup> with a public or private organization in the territory of Japan:</p> <p>i) Activities which require technology and/or knowledge at an advanced level pertinent to physical sciences, engineering or other natural sciences, under the status of residence of "Engineer" as stipulated in the Immigration Control and Refugee Recognition Act;</p> <p>ii) Activities which require knowledge at an advanced level pertinent to jurisprudence, economics, business management, accounting or other human sciences, under the status of residence of "Specialist in Humanities/ International Services" as stipulated in the Immigration Control and Refugee Recognition Act; and</p>		

<sup>3</sup> Service suppliers and services supplied under such a personal contract must comply with the relevant laws and regulations of Japan. Specific Commitments made under Category d) do not apply to measures affecting natural persons seeking access to the employment market of Japan, nor to measures regarding employment on a permanent basis.

Mode of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
	<p>iii) Activities which require specific ways of thought or sensitivity based on experience with foreign culture, under the status of residence of "Specialist in Humanities/ International Services" as stipulated in the Immigration Control and Refugee Recognition Act;</p> <p>Activities referred to in a) iv) ,a) v) and d) mean: activities in which the natural person may not be able to engage without the application of specialized technology or knowledge of natural or human sciences acquired by <i>the natural person</i>, in principle, by completing college education (i.e. bachelor's degree) or higher education.</p>		

Mode of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
<b>II. SECTOR SPECIFIC COMMITMENTS</b>			
1. BUSINESS SERVICES			
A. <u>Professional Services</u>			
a) Legal services supplied by a lawyer qualified as "Bengoshi" under Japanese law (861)	1) Services must be supplied by a natural person or by a Legal Profession Corporation <sup>4</sup> . Commercial presence is required. 2) Services must be supplied by a natural person or by a Legal Profession Corporation. Commercial presence is required. 3) Services must be supplied by a natural person or by a Legal <u>Profession</u> Corporation. 4) Unbound except as indicated in HORIZONTAL COMMITMENTS. Commercial presence is required.	1) None 2) None 3) None 4) Unbound except as indicated in HORIZONTAL COMMITMENTS	

<sup>4</sup> A Legal Professional Corporation under Japanese law is composed of one or more partners who are lawyers qualified as "Bengoshi" under Japanese law and have the right and obligation to execute activities of the Legal Profession Corporation.



Mode of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
<p>a) Consultancy on law of jurisdiction where the service supplier is a qualified lawyer (<u>861</u>)</p> <p>i) Consultancy on law does not include:</p> <p>a) legal representation for juridical procedures in courts and other government agencies as well as preparation of legal documents for such procedures;</p>	<p>1) Services must be supplied by a natural person. Commercial presence is required.</p> <p>2) Services must be supplied by a natural person. Commercial presence is required.</p> <p>3) Services must be supplied by a natural person.</p> <p>4) Unbound except as indicated in HORIZONTAL COMMITMENTS Commercial presence is required.</p>	<p>1) A service supplier is required to stay in Japan not less than 180 days in a year.</p> <p>2) A service supplier is required to stay in Japan not less than 180 days in a year.</p> <p>3) None</p> <p>4) Unbound except as indicated in HORIZONTAL COMMITMENTS A service supplier is required to stay in Japan not less than 180 days in a year.</p>	<p>3) (i) Practice of international law is permitted, provided that the international law is or was in force in the jurisdiction. Practice of third country law is permitted, according to written advice on each issue from competent persons (e.g. lawyers qualified in the third country and engaging in legal business concerning of law of that country). Practice of Japanese law is not permitted.</p> <p>(ii) Association with Bengoshi is permitted. Employment of Bengoshi is not permitted.</p>

Mode of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
<p>b) expression of legal opinions concerning laws other than laws of the jurisdiction where the service supplier is qualified as a lawyer (hereinafter referred to as the "jurisdiction" in this sector);</p> <p>c) legal representation for the entrustment of the preparation of notarial deeds; and</p> <p>d) those activities concerning a legal case whose primary objective is the acquisition or loss or change of rights concerning real property in Japan or of industrial property rights, mining rights or other rights arising upon registration thereof with government agencies in Japan.</p>			<p>(iii) Use of firm name is unrestricted, provided that it is followed with reference to "Gaikoku-Ho-Jimu-Bengoshi Jimusho".</p> <p>(iv) Representation in international arbitration is permitted.</p>

Mode of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
ii) A service supplier shall be required to cooperate with Bengoshi or to ask for his advice in a legal case concerning family relations or inheritance, in which a Japanese national is involved as a party, or in a legal case whose objective is the acquisition or loss or change of rights concerning real property in Japan or of industrial property rights, mining rights or other rights arising upon registration thereof with government agencies in Japan, as long as the above objective is not the primary one.			

Mode of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
<p><u>Note for transparency</u></p> <p>A service supplier must be recognized as "Gaikoku-Ho-Jimu-Bengoshi" by the Minister of Justice and register with the Japan Federation of Bar Associations.</p> <p>The conditions for granting recognition by the Minister of Justice are as follows:</p> <p>(i) The service supplier is qualified as a lawyer in the jurisdiction.</p> <p>(ii) The service supplier has engaged himself as a lawyer for at least 3 years in the jurisdiction.</p> <p>(iii) The service supplier is not subject to such conditions of disqualification in the jurisdiction which, if applied to Bengoshi, would disqualify the Bengoshi.</p> <p>(iv) The service supplier possesses the intention to undertake the profession in good faith.</p> <p>(v) The service supplier possesses plans, residence and financial basis to perform his functions properly and steadily.</p> <p>(vi) The service supplier possesses capability to compensate for damages caused to the client, if any.</p>			
a) Legal services supplied by a patent attorney qualified as "Benrishi" under Japanese law (86119, 8612, 8613, 8619)	<p>1) Services must be supplied by a natural person or by a Patent Business Corporation<sup>5</sup>. Commercial presence is required</p> <p>2) Services must be supplied by a natural person or by a Patent Business Corporation. Commercial presence is required.</p> <p>3) Services must be supplied by a natural person or by a Patent Business Corporation.</p> <p>4) Unbound except as indicated in HORIZONTAL COMMITMENTS. Commercial presence is required</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in HORIZONTAL COMMITMENTS</p>	
a) Legal services supplied by a maritime procedure agent qualified as "Kaijidairishi" under Japanese law ( <u>861</u> )	<p>1) Services must be supplied by a natural person.</p> <p>2) Services must be supplied by a natural person.</p> <p>3) Services must be supplied by a natural person.</p> <p>4) Unbound except as indicated in HORIZONTAL COMMITMENTS</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in HORIZONTAL COMMITMENTS</p>	

<sup>5</sup> A Patent Business Corporation under Japanese law is composed of two or more partners who are patent attorneys qualified as "Benrishi" under Japanese law and who have the right and obligation to execute activities of the Patent Business Corporation.

Mode of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
b) Accounting, auditing and bookkeeping services supplied by an accountant qualified as "Koninkaikeishi" under Japanese law (862)	1) Services must be supplied by a natural person or by an Audit Corporation <sup>6</sup> . Commercial presence is required for an Audit Corporation. 2) Services must be supplied by a natural person or by an Audit Corporation. Commercial presence is required for an Audit Corporation. 3) Services must be supplied by a natural person or by an Audit Corporation. 4) Unbound except as indicated in HORIZONTAL COMMITMENTS	1) None 2) None 3) <i>None</i> 4) Unbound except as indicated in HORIZONTAL COMMITMENTS	
c) Taxation services supplied by a tax accountant qualified as "Zeirishi" under Japanese law (863)	1) Services must be supplied by a natural person or by a Certified Tax Accountant Corporation <sup>7</sup> . Commercial presence is required 2) Services must be supplied by a natural person or by a Certified Tax Accountant Corporation. Commercial presence is required 3) Services must be supplied by a natural person or by a Certified Tax Accountant Corporation. 4) Unbound except as indicated in HORIZONTAL COMMITMENTS Commercial presence is required.	1) None 2) None 3) None 4) Unbound except as indicated in HORIZONTAL COMMITMENTS	

<sup>6</sup> An Audit Corporation under Japanese law is composed of five or more partners who are accountants qualified as "Koninkaikeishi" under Japanese law and have the right and obligation to execute activities of the Audit Corporation.

<sup>7</sup> A Certified Tax Accountant Corporation under Japanese law is composed of two or more partners who are tax accountants qualified as "Zeirishi" under Japanese law and who have the right and obligation to execute activities of the Certified Tax Accountant Corporation.

Mode of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
d), e) Architectural services <i>which must be</i> supplied by a service supplier qualified as "Kenchikushi" under Japanese law, or by a service supplier using "Kenchikushi"  (86712, 86713, 86714 <sup>8</sup> ) (86722, 86723, 86724 <sup>8</sup> , 86725 <sup>8</sup> , 86727 <sup>8</sup> )	1) Commercial presence is required. 2) Commercial presence is required. 3) None 4) Unbound except as indicated in HORIZONTAL COMMITMENTS	1) None 2) None 3) <i>None</i> 4) Unbound except as indicated in HORIZONTAL COMMITMENTS	
d), e),g) Architectural services <i>which may be</i> supplied by a service supplier <i>not</i> qualified as "Kenchikushi" under Japanese law, or by a service supplier <i>not</i> using "Kenchikushi"  (8671, 8672 <sup>10</sup> , 86742 <sup>10</sup> )	1) <i>None</i> <sup>9</sup> 2) <i>None</i> <sup>9</sup> 3) None 4) Unbound except as indicated in HORIZONTAL COMMITMENTS	1) None 2) None 3) <i>None</i> 4) Unbound except as indicated in HORIZONTAL COMMITMENTS	

<sup>8</sup> Limited to services necessary for building construction excluding post construction services.

<sup>9</sup> *In case the services are supplied by a service supplier qualified as "Kenchikushi" under Japanese law, or by a service supplier using "Kenchikushi", commercial presence is required.*

<sup>10</sup> Limited to services necessary for building construction.

Mode of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
e), f) Engineering services and integrated engineering services (excluding services related to petroleum, petroleum products, gas and mineral) (8672 <sup>11</sup> ) (8673 <sup>11</sup> )	1) None 2) None 3) None 4) Unbound except as indicated in HORIZONTAL COMMITMENTS	1) None 2) None 3) <i>None</i> 4) Unbound except as indicated in HORIZONTAL COMMITMENTS	
e), g), F. e), F. m) Civil engineering consulting services (86721 <sup>12</sup> , 86724 <sup>12</sup> , 86727 <sup>12</sup> , 86729 <sup>12</sup> ) (86741, 86742 <sup>12</sup> ) (86761 <sup>12</sup> ) (86751 <sup>12</sup> , 86752 <sup>12</sup> )	1) None 2) None 3) None 4) Unbound except as indicated in HORIZONTAL COMMITMENTS	1) None 2) None 3) <i>None</i> 4) Unbound except as indicated in HORIZONTAL COMMITMENTS	
B. <u>Computer and Related Services</u> (excluding services of air transport computer reservation system) (841, 842, 843, 844, 845, 849)	1) None 2) None 3) None 4) Unbound except as indicated in HORIZONTAL COMMITMENTS	1) None 2) None 3) <i>None</i> 4) Unbound except as indicated in HORIZONTAL COMMITMENTS	

<sup>11</sup> Excluding architectural service and civil engineering consulting services.

<sup>12</sup> Limited to services necessary for civil engineering excluding engineering design services for buildings.

Mode of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
C. <u>Research and Development Services</u>			
b) Research and development services on social sciences and humanities (852)	1) None 2) None 3) None 4) Unbound except as indicated in HORIZONTAL COMMITMENTS	1) None 2) None 3) None 4) Unbound except as indicated in HORIZONTAL COMMITMENTS	
D. <u>Real Estate Services</u>			
a) Real estate services involving own or leased property (for the property in Japan) (821)	1) Commercial presence is required. 2) Commercial presence is required. 3) None 4) Unbound except as indicated in HORIZONTAL COMMITMENTS	1) None 2) None 3) None 4) Unbound except as indicated in HORIZONTAL COMMITMENTS	
a) Real estate services involving own or leased property (for the property outside Japan) (821)	1) None 2) None 3) None 4) Unbound except as indicated in HORIZONTAL COMMITMENTS	1) None 2) None 3) None 4) Unbound except as indicated in HORIZONTAL COMMITMENTS	
b) Real estate services on a fee or contract basis (for the property in Japan) (822)	1) Commercial presence is required. 2) Commercial presence is required. 3) None 4) Unbound except as indicated in HORIZONTAL COMMITMENTS	1) None 2) None 3) None 4) Unbound except as indicated in HORIZONTAL COMMITMENTS	



Mode of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
b) Real estate services on a fee or contract basis (for the property outside Japan) (822)	1) None 2) None 3) None 4) Unbound except as indicated in HORIZONTAL COMMITMENTS	1) None 2) None 3) None 4) Unbound except as indicated in HORIZONTAL COMMITMENTS	
E. <u>Rental and Leasing Services without Operators</u>			
c) Rental and leasing services, without operators, related to transport equipment other than vessels and aircrafts (83101, 83102, 83105)	1) None 2) None 3) None 4) Unbound except as indicated in HORIZONTAL COMMITMENTS	1) None 2) None 3) None 4) Unbound except as indicated in HORIZONTAL COMMITMENTS	
d), e) Rental and leasing services, without operators, related to machineries and equipment other than transport equipment (83106-83109) (832)	1) None 2) None 3) None 4) Unbound except as indicated in HORIZONTAL COMMITMENTS	1) None 2) None 3) <i>None</i> 4) Unbound except as indicated in HORIZONTAL COMMITMENTS	
F. <u>Other Business Services</u>			
a) Advertising services (871)	1) None 2) None 3) None 4) Unbound except as indicated in HORIZONTAL COMMITMENTS	1) None 2) None 3) <i>None</i> 4) Unbound except as indicated in HORIZONTAL COMMITMENTS	

Mode of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
b) Market research and public opinion polling services (864)	1) None 2) None 3) None 4) Unbound except as indicated in HORIZONTAL COMMITMENTS	1) None 2) None 3) <i>None</i> 4) Unbound except as indicated in HORIZONTAL COMMITMENTS	
c) Management consulting services (865)	1) None 2) None 3) None 4) Unbound except as indicated in HORIZONTAL COMMITMENTS	1) None 2) None 3) <i>None</i> 4) Unbound except as indicated in HORIZONTAL COMMITMENTS	
d) Services related to management consulting (86601, 86609)	1) None 2) None 3) None 4) Unbound except as indicated in HORIZONTAL COMMITMENTS	1) None 2) None 3) None 4) Unbound except as indicated in HORIZONTAL COMMITMENTS	

Mode of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
<p>k) Placement services of personnel within Japan except in the following occupations (limited to services to establish employment relationship between a job applicant and an employer seeking personnel on the basis of job applications and offers):</p> <p>i) Port transport services;</p> <p>ii) Construction work; and</p> <p>iii) Work which is stipulated in the Ministry of Health, Labour and Welfare Ordinance as having a possibility of hindering worker's protection (such work is not stipulated now). (87201, 87202)</p>	<p>1) Unbound</p> <p>2) Unbound*</p> <p>3) None</p> <p>4) Unbound except as indicated in HORIZONTAL COMMITMENTS</p>	<p>1) Unbound</p> <p>2) Unbound*</p> <p>3) <i>None</i></p> <p>4) Unbound except as indicated in HORIZONTAL COMMITMENTS</p>	

\* Unbound due to lack of technical feasibility.

Mode of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
<p>k) Supply services of personnel within Japan<sup>13</sup> except in the following categories of business (limited to services to dispatch workers employed by the service supplier to work under the direction of another person while employment relationship with the service supplier is maintained):</p> <p>i) Port transport services;</p> <p>ii) Construction work;</p> <p>iii) Guarding;</p> <p>iv) Other work stipulated in Cabinet Order after consulting the Labour Policy Council (such as medical-related work); and</p> <p>v) Manufacturing work stipulated in the Ministry of Health, Labour and Welfare Ordinance. (87203, 87209)</p>	<p>1) Unbound</p> <p>2) Unbound*</p> <p>3) None</p> <p>4) Unbound except as indicated in HORIZONTAL COMMITMENTS</p>	<p>1) Unbound</p> <p>2) Unbound*</p> <p>3) <i>None</i></p> <p>4) Unbound except as indicated in HORIZONTAL COMMITMENTS</p>	

<sup>13</sup> (Note for transparency)

The dispatched worker may not be supplied from outside of Japan through intra-corporate transfer.

\* Unbound due to lack of technical feasibility.

Mode of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
l) Investigation services (87301)	1) None 2) None 3) None 4) Unbound except as indicated in HORIZONTAL COMMITMENTS	1) None 2) None 3) None 4) Unbound except as indicated in HORIZONTAL COMMITMENTS	
m) Related scientific and technical consulting services (excluding services related to petroleum, petroleum products, gas, mineral, and surveying) (86751, 86752)	1) None 2) None 3) None 4) Unbound except as indicated in HORIZONTAL COMMITMENTS	1) None 2) None 3) None 4) Unbound except as indicated in HORIZONTAL COMMITMENTS	
m) Surveying services for the land in Japan (86753, 86754)	1) Commercial presence is required except for the surveying conducted by not using Basic Survey <sup>14</sup> data or Public Survey <sup>15</sup> data, and the surveying for small areas or the surveying not requiring high accuracy. 2) Commercial presence is required except for the surveying conducted by not using Basic Survey data or Public Survey data, and the surveying for small areas or the surveying not requiring high accuracy. 3) None 4) Unbound except as indicated in HORIZONTAL COMMITMENTS	1) None 2) None 3) None 4) Unbound except as indicated in HORIZONTAL COMMITMENTS	

<sup>14</sup> Basic Survey is a primary or fundamental survey, conducted by the Geographical Survey Institute of the *Ministry of Land, Infrastructure and Transport*, for all surveys.

<sup>15</sup> Public Survey is a survey, other than Basic Survey, which does not include the surveying for small areas and the surveying not requiring high accuracy, conducted under the expenses partially or in full of, or under the subsidization of the Government or other public entities.

Mode of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
m) Surveying services for the land outside Japan (86753, 86754)	1) None 2) None 3) None 4) Unbound except as indicated in HORIZONTAL COMMITMENTS	1) None 2) None 3) <i>None</i> 4) Unbound except as indicated in HORIZONTAL COMMITMENTS	
n) Maintenance and repair services of equipment (excluding vessels, aircrafts and other transport equipment) (633, 8861-8866)	1) Unbound* 2) None 3) None 4) Unbound except as indicated in HORIZONTAL COMMITMENTS	1) Unbound* 2) None 3) <i>None</i> 4) Unbound except as indicated in HORIZONTAL COMMITMENTS	
o) Building-cleaning services (87401, 87402, 87403, 87409)	1) Unbound* 2) None 3) None 4) Unbound except as indicated in HORIZONTAL COMMITMENTS	1) Unbound* 2) None 3) <i>None</i> 4) Unbound except as indicated in HORIZONTAL COMMITMENTS	
p) Photographic services (875)	1) None 2) None 3) None 4) Unbound except as indicated in HORIZONTAL COMMITMENTS	1) None 2) None 3) None 4) Unbound except as indicated in HORIZONTAL COMMITMENTS	
q) Packaging services (876)	1) None 2) None 3) None 4) Unbound except as indicated in HORIZONTAL COMMITMENTS	1) None 2) None 3) <i>None</i> 4) Unbound except as indicated in HORIZONTAL COMMITMENTS	

\* Unbound due to lack of technical feasibility.

Mode of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
r) Printing and publishing services (88442)	1) None 2) None 3) None 4) Unbound except as indicated in HORIZONTAL COMMITMENTS	1) None 2) None 3) None 4) Unbound except as indicated in HORIZONTAL COMMITMENTS	
s) Convention services (87909)	1) None 2) None 3) None 4) Unbound except as indicated in HORIZONTAL COMMITMENTS	1) None 2) None 3) None 4) Unbound except as indicated in HORIZONTAL COMMITMENTS	
t) <u>Telephone answering services</u> (87903)	1) None 2) None 3) None 4) Unbound except as indicated in HORIZONTAL COMMITMENTS	1) None 2) None 3) None 4) Unbound except as indicated in HORIZONTAL COMMITMENTS	
t) Duplicating services (87904)	1) None 2) None 3) None 4) Unbound except as indicated in HORIZONTAL COMMITMENTS	1) None 2) None 3) None 4) Unbound except as indicated in HORIZONTAL COMMITMENTS	
t) Translation and interpretation services (87905)	1) None 2) None 3) None 4) Unbound except as indicated in HORIZONTAL COMMITMENTS	1) None 2) None 3) <i>None</i> 4) Unbound except as indicated in HORIZONTAL COMMITMENTS	
t) Mailing list compilation and mailing services (87906)	1) None 2) None 3) None 4) Unbound except as indicated in HORIZONTAL COMMITMENTS	1) None 2) None 3) None 4) Unbound except as indicated in HORIZONTAL COMMITMENTS	

Mode of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
t) Speciality design services (87907)	1) None 2) None 3) None 4) Unbound except as indicated in HORIZONTAL COMMITMENTS	1) None 2) None 3) <i>None</i> 4) Unbound except as indicated in HORIZONTAL COMMITMENTS	



Mode of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
<p>2. COMMUNICATION SERVICES</p> <p>B. <u>Courier Services</u><sup>16</sup></p> <p>Correspondence-delivery services supplied by Special Correspondence Delivery Business</p> <p>Special Correspondence Delivery Business is the business which provides correspondence-delivery services of one or a combination of the following mail items as stipulated in the Law Concerning Correspondence Delivery Provided by Private-Sector Operators:</p> <p>i) mail items that are to be delivered within three hours of being mailed;</p>	<p>1) Unbound 2) None 3) None 4) Unbound except as indicated in HORIZONTAL COMMITMENTS</p>	<p>1) Unbound 2) None 3) None 4) Unbound except as indicated in HORIZONTAL COMMITMENTS</p>	

<sup>16</sup> Suppliers of courier services are subject to permission/registration requirements for related modes of transport services. Japan's commitments in courier services other than correspondence-delivery services including those supplied by Special Correspondence Delivery Business are indicated in the sector of Transport Services. (Refer to 11. TRANSPORT SERVICES.)

Mode of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
<p>ii) <u>mail items that bear a delivery charge that exceeds the amount specified by an ordinance of the Ministry of Public Management, Home Affairs, Posts and Telecommunications and is not less than 1,000 yen; and</u></p> <p>iii) <u>mail items that have dimensions totalling more than 90 cm or weight over 4 kg.</u></p>			

Mode of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
<p>C. <u>Telecommunications Services</u></p> <p><b>Basic telecommunications services:</b></p> <p>a) Voice telephone services; (7521)</p> <p>b) Packet-switched data transmission services; (7523<sup>**</sup>)</p> <p>c) Circuit-switched data transmission services; (7523<sup>**</sup>)</p> <p>d) Telex services; (7523<sup>**</sup>)</p> <p>f) Facsimile services; (7521<sup>**</sup>, 7529<sup>**</sup>)</p> <p>g) Private leased circuit services; <i>and</i> (7522<sup>**</sup>, 7523<sup>**</sup>)</p> <p>o) Other</p>	<p>1) None</p> <p>2) None</p> <p>3) Foreign capital participation, direct and/or indirect, in <i>Nippon Telegraph and Telephone Corporation(NTT)</i><sup>17</sup> must be less than one-third.</p> <p>4) Unbound except as indicated in HORIZONTAL COMMITMENTS</p>	<p>1) None</p> <p>2) None</p> <p>3) Board members and auditors in NTT <i>and the Regional Companies</i> are required to have Japanese nationality.</p> <p>4) Unbound except as indicated in HORIZONTAL COMMITMENTS</p>	<p>Japan undertakes the obligations contained in the reference paper, <b>regarding basic telecommunications services</b>, attached hereto.</p>

<sup>\*\*</sup> Indicates that the service specified constitutes only a part of the total range of activities covered by the CPC concordance.

<sup>17</sup> NTT must own all the shares issued by the Regional Companies.

Mode of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
<p><b>Value added services:</b></p> <p>h) Electronic mail services; (7523<sup>**</sup>)</p> <p>i) Voice mail services; (7523<sup>**</sup>)</p> <p>j) On-line information and data base retrieval services; (7523<sup>**</sup>)</p> <p>k) Electronic data interchange (EDI) services; (7523<sup>**</sup>)</p> <p>l) Enhanced/<i>value added</i> facsimile services <i>including store and forward, store and retrieve</i>; (7523<sup>**</sup>)</p> <p>m) Code and protocol conversion services;</p> <p>n) On-line information and/or data processing services <i>(including transaction processing)</i>; (843<sup>**</sup>)</p> <p><b>o) Other</b></p>			

<sup>\*\*</sup> Indicates that the service specified constitutes only a part of the total range of activities covered by the CPC concordance.

Mode of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
D. <u>Audiovisual Services</u>			
a) Motion picture and video tape production and distribution services (9611)	1) None 2) None 3) None  4) Unbound except as indicated in HORIZONTAL COMMITMENTS	1) None 2) None 3) None  4) Unbound except as indicated in HORIZONTAL COMMITMENTS	
b) Motion picture projection services (9612)	1) Unbound 2) None 3) None  4) Unbound except as indicated in HORIZONTAL COMMITMENTS	1) Unbound 2) None 3) None  4) Unbound except as indicated in HORIZONTAL COMMITMENTS	
e) Sound recording services	1) None 2) None 3) None  4) Unbound except as indicated in HORIZONTAL COMMITMENTS	1) None 2) None 3) None  4) Unbound except as indicated in HORIZONTAL COMMITMENTS	
3. CONSTRUCTION AND RELATED ENGINEERING SERVICES (excluding services related to mining)	1) Unbound* 2) None 3) None  4) Unbound except as indicated in HORIZONTAL COMMITMENTS	1) Unbound* 2) None 3) <i>None</i>  4) Unbound except as indicated in HORIZONTAL COMMITMENTS	

\* Unbound due to lack of technical feasibility.

Mode of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
A. <u>General Construction Services for Buildings</u> (512) B. <u>General Construction Services for Civil Engineering</u> (513) C. <u>Installation and Assembly Services</u> (514, 516) D. <u>Building Completion and Finishing Services</u> (517) E. <u>Other</u> (511, 515, 518)			
4. DISTRIBUTION SERVICES A. <u>Commission Agents' Services</u> (621, 61111, 61130, 61210) B. <u>Wholesale Trade Services</u> (622, 61111, 61130, 61210) C. <u>Retailing Services</u> (631, 632, 61112, 61130, 61210)	1) None 2) None 3) None 4) Unbound except as indicated in HORIZONTAL COMMITMENTS	1) None 2) None 3) None 4) Unbound except as indicated in HORIZONTAL COMMITMENTS	

Mode of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
<p>D. <u>Franchising Services</u> (8929)</p> <p><i>These services indicated above exclude</i> services related to petroleum, petroleum products, rice, tobacco, alcoholic beverages, and those supplied at Public Wholesale Market<sup>18</sup>.</p>			

<sup>18</sup> Public Wholesale Market is a market established under national or local government approval for commission agents' services and wholesale trade services of fresh foods including vegetables, fruits, marine products, meats and other daily foods, and flowers, with auction or bidding hall, parking lot and other facilities necessary for trade and disposal of above goods, which is operated on a permanent basis.

Mode of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
<p>5. EDUCATIONAL SERVICES</p> <p>The following Educational Services supplied as formal education:</p> <p>A. <u>Primary Educational Services</u><sup>19,20</sup> (excluding nursery schools); and (9211, 9219)</p> <p>B. <u>Secondary Educational Services</u><sup>19,20</sup>. (9221, 9222, 9223)</p> <p>C. <u>Higher Educational Services</u><sup>19,20</sup>, supplied as formal education (9231, 9239)</p>	<p>1) Unbound</p> <p>2) Unbound</p> <p>3) Formal Education Institutions must be established by school juridical persons.<sup>21</sup></p> <p>4) Unbound</p> <p>1) Unbound</p> <p>2) None</p> <p>3) Formal Education Institutions must be established by school juridical persons.<sup>21</sup></p> <p>4) Unbound except as indicated in HORIZONTAL COMMITMENTS</p>	<p>1) Unbound</p> <p>2) Unbound</p> <p>3) None</p> <p>4) Unbound</p> <p>1) Unbound</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in HORIZONTAL COMMITMENTS</p>	

<sup>19</sup> These Educational Services supplied as formal education in Japan are supplied by Formal Education Institutions. “Formal Education Institutions” mean elementary schools, lower secondary schools, secondary schools, upper secondary schools, universities, junior colleges, colleges of technology, schools for the blind, schools for the deaf, schools for the handicapped and kindergartens.

<sup>20</sup> Specific commitments on market access and national treatment through any mode of supply shall not be construed to apply to the recognition of credits, degrees and other certificates in Formal Education Institutions, specialized training colleges (Senshu–Gakko) and miscellaneous schools (Kakushu–Gakko) under Japanese law.

<sup>21</sup> A school juridical person is a non-profit juridical person established for the purpose of supplying educational services under Japanese law.



Mode of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
D. <u>Adult Educational Services</u> <sup>20,22</sup> (924)	1) None 2) None 3) None	1) None 2) None 3) None	
E. <u>Other Education Services</u> <sup>20,22</sup> (929)	4) Unbound except as indicated in HORIZONTAL COMMITMENTS	4) Unbound except as indicated in HORIZONTAL COMMITMENTS	

<sup>22</sup> Formal Education Institutions must be established by school juridical persons. Specialized training colleges and miscellaneous schools may be required to be established by school juridical persons. Formal Education Institutions supply formal education, but at the same time they may supply educational services other than formal education, while specialized training colleges and miscellaneous schools supply educational services other than formal education.

Mode of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
6. ENVIRONMENTAL SERVICES	<i>{Note: The classification and Japan's specific commitment under this sector may be modified subject to further discussions and consensus among Members on classification}</i>		
<b><u>A. Water for Human Use* and Wastewater Management</u></b>	<i>{*subject to consensus among Members on classification}</i>	<i>{*subject to consensus among Members on classification}</i>	
a) Sewage services (9401)	1) Unbound* 2) None 3) None  4) Unbound except as indicated in HORIZONTAL COMMITMENTS	1) Unbound* 2) None 3) None  4) Unbound except as indicated in HORIZONTAL COMMITMENTS	
<b><u>B. Solid /Hazardous Waste Management</u></b>			
a) Refuse disposal services (9402)	1) Unbound* 2) None 3) None  4) Unbound except as indicated in HORIZONTAL COMMITMENTS	1) Unbound* 2) None 3) None  4) Unbound except as indicated in HORIZONTAL COMMITMENTS	
b) Sanitation and similar services (9403)			

\*Unbound due to lack of technical feasibility.

Mode of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
<i>C. <u>Protection of Ambient Air and Climate</u></i>	1) Unbound*	1) Unbound*	
	2) None	2) None	
	3) None	3) None	
a) Cleaning services of exhaust gases (9404)	4) Unbound except as indicated in HORIZONTAL COMMITMENTS	4) Unbound except as indicated in HORIZONTAL COMMITMENTS	
<i>E. <u>Noise &amp; Vibration Abatement</u></i>	1) Unbound*	1) Unbound*	
	2) None	2) None	
a) Noise abatement services (9405)	3) None	3) None	
<b>b) Vibration abatement services</b>	4) Unbound except as indicated in HORIZONTAL COMMITMENTS	4) Unbound except as indicated in HORIZONTAL COMMITMENTS	
<i>F. <u>Protection of Bio-diversity and Landscape</u></i>	1) Unbound*	1) Unbound*	
	2) None	2) None	
a) Nature and landscape protection services (9406)	3) None	3) None	
	4) Unbound except as indicated in HORIZONTAL COMMITMENTS	4) Unbound except as indicated in HORIZONTAL COMMITMENTS	
<i>G. <u>Other Environmental &amp; Ancillary Services</u></i>	1) Unbound*	1) Unbound*	
	2) None	2) None	
a) Other environmental protection services (9409)	3) None	3) None	
	4) Unbound except as indicated in HORIZONTAL COMMITMENTS	4) Unbound except as indicated in HORIZONTAL COMMITMENTS	

\* Unbound due to lack of technical feasibility.

Mode of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
<p>7. FINANCIAL SERVICES</p> <p>In addition to Part III of this Agreement and the Annex on Financial Services, Japan undertakes its specific commitments with respect to Financial Services under this Agreement in accordance with the Understanding on Commitments in Financial Services (hereinafter referred to as the "Understanding", attached to this schedule, which forms an integral part of this schedule). Thus, the obligations under the Understanding are incurred in the sectors of Financial Services additionally to those covered by the provisions of Part III of this Agreement and the Annex on Financial Services.</p> <p>For prudential reasons within the context of paragraph 2(a) of the Annex on 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 regulatory framework aimed at achieving such prudential objectives. In this context, securities firms are allowed to deal in securities defined in the relevant Japanese law, and banks are not allowed to deal in those securities unless allowed in accordance with the said law.</p> <p>With respect to specific commitments in the sectors of Financial Services, services supplied in the territory of a Member other than Japan to the service consumer in Japan without any active marketing from the service supplier are considered as services supplied under paragraph 2(b) of Article I of this Agreement.</p>			
A. <u>Insurance and Insurance-Related Services</u>	Specific commitments in the market access column with respect to the supply of a service as prescribed in paragraphs 2(a) and (b) of Article I of this Agreement are unbound except for obligations under paragraphs 3 and 4 of the Understanding respectively which are incurred in this sector additionally to those covered by the provisions of Part III of this Agreement and the Annex on Financial Services, subject to conditions and qualifications set out below.		Japan undertakes the ADDITIONAL COMMITMENTS attached hereto

Mode of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
	<p>1) Commercial presence is in principle required for insurance contracts on the following items and any liability arising therefrom:</p> <p>(a) goods being transported within Japan;</p> <p>(b) ships of Japanese registration which are not used for international maritime transport.</p> <p><b>Commercial presence is required for insurance intermediation services in Japan.</b></p>	<p>1) None</p>	

Mode of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
	<p>2) Commercial presence is in principle required for insurance contracts on the following items and any liability arising therefrom:</p> <p>(a) goods being transported within Japan;</p> <p>(b) ships of Japanese registration which are not used for international maritime transport.</p> <p><b>Commercial presence is required for insurance intermediation services in Japan.</b></p> <p>3) <b>None</b><sup>23</sup></p> <p>4) Unbound except as indicated in HORIZONTAL COMMITMENTS</p>	<p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in HORIZONTAL COMMITMENTS</p>	

<sup>23</sup> Insurance intermediation services may be supplied only for insurance contracts allowed to be supplied in Japan.

Mode of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
B. <u>Banking and Other Financial Services</u> (excluding Insurance and Insurance-Related Services)	<p>Specific commitments in the market access column with respect to the supply of a service as prescribed in paragraphs 2(a) and (b) of Article I of this Agreement are unbound except for obligations under paragraphs 3 and 4 of the Understanding respectively which are incurred in this sector additionally to those covered by the provisions of Part III of this Agreement and the Annex on Financial Services subject to conditions and qualifications set out below.</p> <p>1) Commercial presence is required for discretionary investment management services.</p> <p>2) None</p> <p>3) <b>None</b></p> <p>4) Unbound except as indicated in HORIZONTAL COMMITMENTS</p>	<p>1) None</p> <p>2) None</p> <p>3) The deposit insurance system does not cover deposits taken by branches of foreign banks.</p> <p>4) Unbound except as indicated in HORIZONTAL COMMITMENTS</p>	<p>Japan undertakes the <b>ADDITIONAL COMMITMENTS</b> attached hereto</p> <p>3) With respect to the assets of Employees' Pension Funds qualified by the Minister of Health, <b>Labour</b> and Welfare to be managed by discretionary investment management service suppliers, Japan no longer employs the classification of New Money<sup>24</sup> and assets other than New Money.</p>

<sup>24</sup> New Money is an asset mainly consisting of accumulation of premiums collected by Employees' Pension Funds after the day when such Funds are qualified by the Minister of Health, *Labour* and Welfare as appropriate for expanding their means of asset management to include discretionary investment management services.

Mode of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
8. HEALTH RELATED AND SOCIAL SERVICES			
A. <u>Hospital Services</u> (9311)	1) Unbound* 2) None 3) Unbound except that there is no limitation on the participation of foreign capital  4) Unbound	1) Unbound* 2) None 3) Unbound except that there is no limitation on the participation of foreign capital  4) Unbound	
9. TOURISM AND TRAVEL RELATED SERVICES			
A. <u>Hotels and Restaurants Services</u> (excluding catering services) (641-643, except 6423)	1) Unbound* 2) None 3) None 4) Unbound except as indicated in HORIZONTAL COMMITMENTS	1) Unbound* 2) None 3) None 4) Unbound except as indicated in HORIZONTAL COMMITMENTS	
Catering services (6423)	1) None 2) None 3) None 4) Unbound except as indicated in HORIZONTAL COMMITMENTS	1) None 2) None 3) None 4) Unbound except as indicated in HORIZONTAL COMMITMENTS	
B. <u>Travel Agencies and Tour Operators Services</u> (7471)	1) None 2) None 3) None  4) Unbound except as indicated in HORIZONTAL COMMITMENTS	1) None 2) None 3) None  4) Unbound except as indicated in HORIZONTAL COMMITMENTS	

\* Unbound due to lack of technical feasibility.



Mode of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
C. <u>Tourist Guides Services</u> (7472)	1) Unbound* 2) None 3) None 4) Unbound except as indicated in HORIZONTAL COMMITMENTS	1) Unbound* 2) None 3) None 4) Unbound except as indicated in HORIZONTAL COMMITMENTS	
10 RECREATIONAL, CULTURAL AND SPORTING SERVICES			
A. <u>Entertainment Services</u> (including theatre, live bands and circus services) (9619)	1) Unbound 2) None 3) None 4) Unbound except as indicated in HORIZONTAL COMMITMENTS	1) Unbound 2) None 3) None 4) Unbound except as indicated in HORIZONTAL COMMITMENTS	
B. <u>News Agency Services</u> (962)	1) None 2) None 3) None 4) Unbound except as indicated in HORIZONTAL COMMITMENTS	1) None 2) None 3) None 4) Unbound except as indicated in HORIZONTAL COMMITMENTS	
C. <u>Libraries and Archives Services</u> (96311, 96312)	1) Unbound* 2) None 3) None 4) Unbound except as indicated in HORIZONTAL COMMITMENTS	1) Unbound* 2) None 3) None 4) Unbound except as indicated in HORIZONTAL COMMITMENTS	

Mode of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
D. <u>Sporting and other Recreational Services</u>			
Sporting services (9641)	1) Unbound* 2) None 3) None	1) Unbound* 2) None 3) None	
Recreation parks and beach services (96491)	4) Unbound except as indicated in HORIZONTAL COMMITMENTS	4) Unbound except as indicated in HORIZONTAL COMMITMENTS	

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\* Unbound due to lack of technical feasibility.

Mode of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
11. TRANSPORT SERVICES			
A. <u>Maritime Transport Services</u>			
a), b) International maritime transport services (including services of passenger transportation and freight transportation) (7211, 7212)	<p>1) (a) Liner Shipping: None<sup>25</sup> (b) Bulk, tramp, and other international shipping, including passenger transportation: None<sup>25</sup></p> <p>2) None</p> <p>3) (a) Establishment of a registered company for the purpose of operating a fleet flying the flag of Japan: Unbound (b) Other forms of commercial presence for the supply of international maritime transport services (as defined in paragraph 1 of Note below): None</p> <p>4) (a) Ships' crews: Unbound (b) Key personnel employed in relation to a commercial presence as defined under 3) (b) above: Unbound except as indicated in HORIZONTAL COMMITMENTS</p>	<p>1) (a) Liner Shipping: None<sup>25</sup> (b) Bulk, tramp, and other international shipping, including passenger transportation: None<sup>25</sup></p> <p>2) None</p> <p>3) (a) Establishment of a registered company for the purpose of operating a fleet flying the flag of Japan: Unbound (b) Other forms of commercial presence for the supply of international maritime transport services (as defined in paragraph 1 of Note below): None</p> <p>4) (a) Ships' crews: Unbound (b) Key personnel employed in relation to a commercial presence as defined under 3) (b) above: Unbound except as indicated in HORIZONTAL COMMITMENTS</p>	<p>The following services will be made available to international maritime transport suppliers on reasonable and non-discriminatory terms and conditions:</p> <p>i) Pilotage services; ii) Pushing and towing services;</p>

<sup>25</sup> Restriction or prohibition of a) entry in Japanese ports and b) loading or unloading of cargoes in Japanese ports for a designated period may be imposed as a countermeasure on operators of vessels who belong to the country in which interests of Japanese operators continue to be substantially damaged, in spite of prior notification of taking such measure, under unfavourable treatment imposed on them by that country or by local authorities or similar entities of that country.

Mode of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
<p>Specific commitments in the sector of Maritime Transport Services do not include "cabotage services", which cover transportation of passengers or goods between a port located in Japan and another port located in Japan and traffic with passengers aboard originating and terminating in the same port located in Japan.</p> <p>A. <u>Maritime Auxiliary Transport Services</u></p> <p>Maritime cargo handling services (as defined in paragraph 3 of Note below)</p>	<p>1) Unbound*</p> <p>2) None</p> <p>3) The number of licenses conferred to service suppliers may be limited in ports designated by the Government.<sup>26</sup></p> <p>4) Unbound except as indicated in HORIZONTAL COMMITMENTS</p>	<p>1) Unbound*</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in HORIZONTAL COMMITMENTS</p>	<p>iii) Provisioning, fuelling and watering services;</p> <p>iv) Garbage collecting and refuse disposal services;</p> <p>v) Port captain's services;</p> <p>vi) Navigation aids services;</p> <p>vii) Shore based operational services essential to ship operations, including communications, water and electrical supplies;</p> <p>viii) Emergency repair services; and</p> <p>ix) Anchorage, berths and berthing services.</p>

\*Unbound due to lack of technical feasibility.

<sup>26</sup> Public utility concession or licensing procedures may apply in case of occupation of the public domain.

Mode of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
Storage and warehousing services (742)	(Refer to H. b) Storage and warehouse services.)	(Refer to H. b) Storage and warehouse services.)	
Customs clearance services	(Refer to H. d) Customs clearance agent services in Japan.)	(Refer to H. d) Customs clearance agent services in Japan.)	
Container station and depot services (as defined in paragraph 4 of Note below)	1) Unbound* 2) None 3) The number of licenses conferred to service suppliers may be limited in ports designated by the Government. <sup>26</sup> 4) Unbound except as indicated in HORIZONTAL COMMITMENTS	1) Unbound* 2) None 3) None 4) Unbound except as indicated in HORIZONTAL COMMITMENTS	
Maritime agency services (as defined in paragraph 5 of Note below)	1) None 2) None 3) None 4) Unbound except as indicated in HORIZONTAL COMMITMENTS	1) None 2) None 3) None 4) Unbound except as indicated in HORIZONTAL COMMITMENTS	
Maritime freight forwarding services (as defined in paragraph 6 of Note below)	1) Office registration is required. An operation permit or governmental registration will be granted on reciprocal basis. 2) None 3) An operation permit or governmental registration will be granted on reciprocal basis. 4) Unbound except as indicated in HORIZONTAL COMMITMENTS	1) An operation permit or governmental registration will be granted on reciprocal basis. 2) None 3) An operation permit or governmental registration will be granted on reciprocal basis. 4) Unbound except as indicated in HORIZONTAL COMMITMENTS	

\*Unbound due to lack of technical feasibility.

Mode of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
e) Pushing and towing services (7214)	1) Unbound* 2) None 3) None 4) Unbound except as indicated in HORIZONTAL COMMITMENTS	1) Unbound* 2) None 3) None 4) Unbound except as indicated in HORIZONTAL COMMITMENTS	
f) Salvaging and refloating services, watering services, fueling services, garbage collecting services (7454, 7459)  Specific commitments in the sectors of Maritime Auxiliary Transport Services do not include "cabotage services", which cover transportation of passengers or goods between a port located in Japan and another port located in Japan and traffic with passengers aboard originating and terminating in the same port located in Japan.	1) None 2) None 3) None 4) Unbound except as indicated in HORIZONTAL COMMITMENTS	1) None 2) None 3) None 4) Unbound except as indicated in HORIZONTAL COMMITMENTS	

\* Unbound due to lack of technical feasibility.

Mode of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
<p style="text-align: center;"><b>NOTE TO THE SPECIFIC COMMITMENTS IN THE SECTORS OF MARITIME TRANSPORT SERVICES AND MARITIME AUXILIARY TRANSPORT SERVICES</b></p> <p>Where road, rail, inland waterways and related auxiliary services are not otherwise fully covered in this schedule of specific commitments, a multimodal transport operator shall have the ability to rent or lease trucks, railway carriages or barges, and related equipment, for the purpose of inland forwarding of cargoes, or have access to, and use of, these forms of multimodal activities on reasonable and non-discriminatory terms and conditions for the purpose of carrying out multimodal transport operations. ("Reasonable and non-discriminatory terms and conditions" means, for the purpose of multimodal transport operations, the ability of the multimodal transport operator to arrange for the conveyance of its merchandise on a timely basis, including priority over other merchandise which has entered the port at a later date).</p> <p><b>DEFINITIONS</b></p> <p>1. "Other forms of commercial presence for the supply of international maritime transport services" means the ability for international maritime transport service suppliers of other Members to undertake in Japan all activities which are necessary for the supply to their customers of a partially or fully integrated transport service, within which the maritime transport constitutes a substantial element. (This commitment shall however not be construed as limiting in any manner the specific commitments undertaken under Mode 1).)</p> <p>These activities include, but are not limited to:</p> <ul style="list-style-type: none"> <li>(a) marketing and sales of maritime transport and related services through direct contact with customers, from quotation to invoicing, these services being those operated or offered by the service supplier itself or by service suppliers with which the service seller has established standing business arrangements;</li> <li>(b) the acquisition, on their own account or on behalf of their customers (and the resale to their customers) of any domestic transport and related services, including inward transport services by any mode, particularly inland waterways, road and rail, but excluding air, necessary for the supply of the integrated service;</li> <li>(c) the preparation of documentation concerning transport documents, customs documents, or other documents related to the origin and character of the goods transported;</li> </ul>			

Mode of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
(d)	the provision of business information by any means, including computerised information systems and electronic data interchange (subject to the provisions of the Annex on Telecommunications);		
(e)	the setting up of any business arrangements (including participation in the stock of a company) and the appointment of personnel recruited locally (or, in the case of foreign personnel, subject to the horizontal commitments on movement of personnel) with any locally established shipping agency;		
(f)	acting on behalf of the companies, organising the call of the ship or taking over cargoes when required.		
2.	“Multimodal transport operator” means the person on whose behalf the bill of lading/multimodal transport document or any other document evidencing a contract of multimodal carriage of goods is issued and who is responsible for the carriage of goods pursuant to the contract of carriage.		
3.	“Maritime cargo handling services” means activities exercised by stevedore companies, including terminal operators, but not including the direct activities of dockers, when this workforce is organised independently of the stevedoring or terminal operator companies. The activities covered include the organisation and supervision of:		
(a)	the loading/discharging of cargo to/from a ship;		
(b)	the lashing/unlashing of cargo;		
(c)	the reception/delivery and safekeeping of cargoes before shipment or after discharge.		
4.	“Container station and depot services” means activities consisting in storing containers, whether in port areas or inland, with a view to their stuffing/stripping, repairing and making them available for shipments.		
5.	“Maritime agency services” means activities consisting in representing, within a given geographic area, as an agent the business interests of one or more shipping lines or shipping companies, for the following purposes:		
(a)	marketing and sales of maritime transport and related services, from quotation to invoicing, and issuance of bills of lading on behalf of the companies, acquisition and resale of the necessary related services, preparation of documentation, and provision of business information;		
(b)	acting on behalf of the companies organising the call of the ship or taking over cargoes when required.		
6.	“Freight forwarding services” means an activity consisting of organising and monitoring shipment operations on behalf of shippers, through the acquisition of transport and related services, preparation of documentation and provision of business information. Freight forwarding services include those provided by a person on whose behalf the bill of lading/any other document evidencing a contract of carriage of goods is issued and who is responsible for the carriage of goods pursuant to the contract of carriage.		



Mode of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
<p>B. <u>Internal Waterways Transport Services</u></p> <p>e) Pushing and towing services (7224)</p> <p>f) Salvaging and refloating services, watering services, fueling services, garbage collecting services (7454, 7459)</p> <p>Specific commitments in the sectors of Internal Waterways Transport Services do not include "cabotage services", which cover transportation of passengers or goods between a port located in Japan and another port located in Japan and traffic with passengers aboard originating and terminating in the same port located in Japan.</p>	<p>1) Unbound*</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in HORIZONTAL COMMITMENTS</p> <p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in HORIZONTAL COMMITMENTS</p>	<p>1) Unbound*</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in HORIZONTAL COMMITMENTS</p> <p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in HORIZONTAL COMMITMENTS</p>	

\* Unbound due to lack of technical feasibility.

Mode of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
<b>C. <u>Air Transport Services</u></b>			
d) Aircraft repair and maintenance services defined in paragraph 6 a) of Annex on Air Transport Services	1) Unbound* 2) None 3) The number of licences conferred to service suppliers may be limited. 4) Unbound except as indicated in HORIZONTAL COMMITMENTS	1) Unbound* 2) None 3) None 4) Unbound except as indicated in HORIZONTAL COMMITMENTS	
e) Selling and marketing of air transport services defined in paragraph 6 b) of Annex on Air Transport Services	1) None 2) None 3) None 4) Unbound except as indicated in HORIZONTAL COMMITMENTS	1) None 2) None 3) None 4) Unbound except as indicated in HORIZONTAL COMMITMENTS	
e) Computer reservation system (CRS) services defined in paragraph 6 c) of Annex on Air Transport Services	1) None 2) None 3) None 4) Unbound except as indicated in HORIZONTAL COMMITMENTS	1) None 2) None 3) None 4) Unbound except as indicated in HORIZONTAL COMMITMENTS	
<b>E. <u>Rail Transport Services</u></b>			
d) Maintenance and repair services of rail transport equipment (8868**)	1) Unbound* 2) None 3) None 4) Unbound except as indicated in HORIZONTAL COMMITMENTS	1) Unbound* 2) None 3) None 4) Unbound except as indicated in HORIZONTAL COMMITMENTS	

\* Unbound due to lack of technical feasibility.

\*\* Indicates that the service specified constitutes only a part of the total range of activities covered by the CPC concordance.

Mode of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
Rental services of railway transport equipment with operators	1) None 2) None 3) None 4) Unbound except as indicated in HORIZONTAL COMMITMENTS	1) None 2) None 3) <i>None</i> 4) Unbound except as indicated in HORIZONTAL COMMITMENTS	
<b>F. <u>Road Transport Services</u></b>			
b) Freight transport services (7123)	1) Unbound* 2) None 3) <i>On a temporary and non-discriminatory basis, limitations on the number of service suppliers and on the number of service operations or on the quantity of service output may be applied.</i> 4) Unbound except as indicated in HORIZONTAL COMMITMENTS	1) Unbound* 2) None 3) <i>None</i> 4) Unbound except as indicated in HORIZONTAL COMMITMENTS	
d) Maintenance and repair services of road transport equipment (6112, 8867)	1) Unbound* 2) None 3) None 4) Unbound except as indicated in HORIZONTAL COMMITMENTS	1) Unbound* 2) None 3) <i>None</i> 4) Unbound except as indicated in HORIZONTAL COMMITMENTS	

\* Unbound due to lack of technical feasibility.

Mode of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
G. <u>Pipeline Transport Services</u>			
b) Transport services of goods other than fuels (7139)	1) None 2) None 3) None 4) Unbound except as indicated in HORIZONTAL COMMITMENTS	1) None 2) None 3) None 4) Unbound except as indicated in HORIZONTAL COMMITMENTS	
H. <u>Services Auxiliary to All Modes of Transport</u>			
b) Storage and warehouse services (excluding services related to petroleum and petroleum products) (742)	1) Unbound* 2) None 3) None 4) Unbound except as indicated in HORIZONTAL COMMITMENTS	1) Unbound* 2) None 3) <i>None</i> 4) Unbound except as indicated in HORIZONTAL COMMITMENTS	
d) Customs clearance agent services in Japan	1) Unbound* 2) Unbound* 3) None 4) Unbound except as indicated in HORIZONTAL COMMITMENTS	1) Unbound* 2) Unbound* 3) None 4) Unbound except as indicated in HORIZONTAL COMMITMENTS	

\* Unbound due to lack of technical feasibility.

## REFERENCE PAPER

### Scope

The following are definitions and principles on the regulatory framework for the basic telecommunications services.

### Definitions

Users mean service consumers and service suppliers.

Essential facilities mean facilities of a public telecommunications transport network or service that

- (a) are exclusively or predominantly provided by a single or limited number of suppliers; and
- (b) cannot feasibly be economically or technically substituted in order to provide a service.

A major supplier is a supplier which has the ability to materially affect the terms of participation (having regard to price and supply) in the relevant market for basic telecommunications services as a result of:

- (a) control over essential facilities; or
- (b) use of its position in the market.

## 1. Competitive safeguards

### 1.1 Prevention of anti-competitive practices in telecommunications

Appropriate measures shall be maintained for the purpose of preventing suppliers who, alone or together, are a major supplier from engaging in or continuing anti-competitive practices.

### 1.2 Safeguards

The anti-competitive practices referred to above shall include in particular:

- (a) engaging in anti-competitive cross-subsidization;
- (b) using information obtained from competitors with anti-competitive results; and
- (c) not making available to other services suppliers on a timely basis technical information about essential facilities and commercially relevant information which are necessary for them to provide services.

## 2. Interconnection

2.1 This section applies to linking with suppliers providing public telecommunications transport networks or services in order to allow the users of one supplier to communicate with users of another supplier and to access services provided by another supplier, where specific commitments are undertaken.

## 2.2 Interconnection to be ensured\*

Interconnection with a major supplier will be ensured at any technically feasible point in the network. Such interconnection is provided:

- (a) under non-discriminatory terms, conditions (including technical standards and specifications) and rates and of a quality no less favourable than that provided for its own like services or for like services of non-affiliated service suppliers or for its subsidiaries or other affiliates;
- (b) in a timely fashion, on terms, conditions (including technical standards and specifications) and cost-oriented rates that are transparent, reasonable, having regard to economic feasibility, and sufficiently unbundled so that the supplier need not pay for network components or facilities that it does not require for the service to be provided; and
- (c) upon request, at points in addition to the network termination points offered to the majority of users, subject to charges that reflect the cost of construction of necessary additional facilities.

## 2.3 Public availability of the procedures for interconnection negotiations

The procedures applicable for interconnection to a major supplier will be made publicly available.

## 2.4 Transparency of interconnection arrangements

It is ensured that a major supplier will make publicly available either its interconnection agreements or a reference interconnection offer.

## 2.5 Interconnection: dispute settlement

A service supplier requesting interconnection with a major supplier will have recourse, either:

- (a) at any time or
- (b) after a reasonable period of time which has been made publicly known

to an independent domestic body, which may be a regulatory body as referred to in paragraph 5 below, to resolve disputes regarding appropriate terms, conditions and rates for interconnection within a reasonable period of time, to the extent that these have not been established previously.

## 3. Universal service

Any Member has the right to define the kind of universal service obligation it wishes to maintain. Such obligations will not be regarded as anti-competitive *per se*, provided they are administered in a transparent, non-discriminatory and competitively neutral manner and are not more burdensome than necessary for the kind of universal service defined by the Member.

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\* The section 2.2 is applied only to a major supplier which has control over essential facilities.

4. Public availability of licensing criteria

Where a licence is required, the following will be made publicly available:

- (a) all the licensing criteria and the period of time normally required to reach a decision concerning an application for a licence and
- (b) the terms and conditions of individual licences.

The reasons for the denial of a licence will be made known to the applicant upon request.

5. Independent regulators

The regulatory body is separate from, and not accountable to, any supplier of basic telecommunications services. The decisions of and the procedures used by regulators shall be impartial with respect to all market participants.

6. Allocation and use of scarce resources

Any procedures for the allocation and use of scarce resources, including frequencies, numbers and rights of way, will be carried out in an objective, timely, transparent and non-discriminatory manner. The current state of allocated frequency bands will be made publicly available, but detailed identification of frequencies allocated for specific government uses is not required.

## JAPAN: ADDITIONAL COMMITMENTS

### A. Insurance and Insurance-Related Services

Whenever specific commitments in the additional commitments column state that appropriate authorities will approve an application or will not reject a notification, the application or notification must meet the applicable legal criteria. The appropriate authorities will apply the legal criteria in a fair and transparent manner, and will interpret them with a view toward allowing insurance service suppliers to differentiate, on the basis of the risk insured, the rates, forms and distribution of products.

1. Appropriate authorities will approve applications for a direct response system for automobile insurance, and will approve payment of premiums through the use of credit cards with the policy effective from the date when the insurance service supplier accepts credit card payment.

A direct response system ("Tsushin-Hanbai") for automobile insurance is defined as a distribution method whereby insurance service suppliers offer their products to consumers through advertising media, such as newspapers and magazines, and through direct mail or telephone calls; accept applications of consumers delivered via mail or telephone calls; and enter into contracts with consumers through an exchange via mail or telephone calls, without meeting the consumers.

2. Appropriate authorities include the following sixteen products on the list of products to which the notification system applies with respect to the rates and riders for such products and will allow, within the standard processing period of ninety days, marketing of the products notified to the appropriate authorities (i.e., will not reject the notifications): medical malpractice liability insurance ("Ishi Baisho Sekinin Hoken"), advanced loss of machinery profit insurance ("Sogyo Kaishi Chien Hoken"), delayed start of construction insurance ("Kaigyo Chien Hoken"), civil engineering completed risks insurance ("Doboku Kozobutsu Hoken"), nuclear energy insurance ("Genshiryoku Hoken"), umbrella liability insurance ("Kigyo Hokatsu Baisho Sekinin Hoken"), environment liability insurance ("Kankyo Osen Baisho Sekinin Hoken"), erection insurance ("Kumitate Hoken"), moveable comprehensive insurance ("Dosan Sogo Hoken"), computer comprehensive insurance ("Kompyuta Sogo Hoken"), boiler and turbo-set insurance ("Boiler Turbo-set Hoken"), transit insurance ("Unsoh Hoken"), credit card theft insurance ("Credit Card Tonan Hoken"), general liability insurance ("Baisho Sekinin Hoken"), construction all-risk insurance ("Kensetsu Koji Hoken"), and surety bonds ("Hosho Shoken").

3. (a) Appropriate authorities *have eliminated* obligations for members of a rating organization to use rates calculated by the rating organization for the provision of insurance services while allowing members of a rating organization to use, for the purpose of calculating rates, the statistical data collected by the rating organization.

*Pursuant to* the changes above, the appropriate authorities will approve, within the standard processing period of ninety days after submission, applications allowing all insurance service suppliers to differentiate, on the basis of the risk insured, the rates, forms and distribution of products, without regard to whether such applications use statistical rates calculated by the rating organization.

(b) Appropriate authorities will approve applications for voluntary automobile insurance with the flexibility to differentiate, on the basis of the risk insured, the rates, forms and



distribution of products, including a direct response system for automobile insurance with differentiated rates (collectively referred to as "differentiated auto insurance") effective 1 September 1997. Differentiation on the basis of risk insured includes differentiation of rates outside the banded rates based on the following risk factors: age, sex, driving history, usage (e.g., commercial, personal) and pattern of use (e.g., mileage per year), geography (by region, i.e., Hokkaido, Shikoku, Kyushu, and Honshu, which will be divided into Tohoku, Kanto-Koshinetsu, Hokuriku-Tokai, and Kinki-Chugoku), vehicle type, vehicle safety features, and multi-car ownership.

4. If an insurance service supplier has submitted documents to appropriate authorities related to insurance products or rates, which the insurance service supplier considers to be an application, the insurance service supplier may make a request to the appropriate authorities to determine its status. The appropriate authorities will respond without undue delay to such a request and indicate whether they consider the documents to constitute a formal application.

B. Banking and Other Financial Services  
(excluding Insurance and Insurance-Related Services)

1. With respect to the assets of Employees' Pension Funds (hereinafter referred to as "Funds") qualified by appropriate authorities to be managed by discretionary investment management service suppliers, the eight-year qualification requirement with respect to the required duration of the Funds following their establishment is reduced to three years.

2. *The* ceiling of 1/2 of total assets with respect to the assets of Funds which can be managed by discretionary investment management service suppliers *has been* eliminated.

3. No asset allocation guidelines are applied to individual pension fund management service suppliers with respect to the management of fund assets of the ***Government Pension Investment Fund*** (excluding the commingled fund management of insurance companies) or of the assets of Funds (excluding the commingled fund management of insurance companies) which can be managed by discretionary investment management service suppliers.

4. Investment trust management services and discretionary investment management services may be supplied by one entity if that entity satisfies the relevant prudential provisions of Japanese Laws and the prudential standards set out by appropriate authorities.

5. Appropriate authorities permit the ***Government Pension Investment Fund*** to allow investment advisory companies to participate in the management of its fund assets *through a framework designated by relevant Japanese laws and regulations*. 6. Appropriate authorities will fully utilize the existing mechanisms available to them to respond expeditiously to accommodate innovations in securities products, while ensuring the most appropriate supervision of markets from prudential viewpoints.

## UNDERSTANDING ON COMMITMENTS IN FINANCIAL SERVICES

Participants in the Uruguay Round have been enabled to take on specific commitments with respect to financial services under the General Agreement on Trade in Services (hereinafter referred to as the "Agreement") on the basis of an alternative approach to that covered by the provisions of Part III of the Agreement. It was agreed that this approach could be applied subject to the following understanding:

- (i) it does not conflict with the provisions of the Agreement;
- (ii) it does not prejudice the right of any Member to schedule its specific commitments in accordance with the approach under Part III of the Agreement;
- (iii) resulting specific commitments shall apply on a most-favoured-nation basis;
- (iv) no presumption has been created as to the degree of liberalization to which a Member is committing itself under the Agreement.

Interested Members, on the basis of negotiations, and subject to conditions and qualifications where specified, have inscribed in their schedule specific commitments conforming to the approach set out below.

### A. *Standstill*

Any conditions, limitations and qualifications to the commitments noted below shall be limited to existing non-conforming measures.

### B. *Market Access*

#### *Monopoly Rights*

1. In addition to Article VIII of the Agreement, the following shall apply:

Each Member shall list in its schedule pertaining to financial services existing monopoly rights and shall endeavour to eliminate them or reduce their scope. Notwithstanding subparagraph 1(b) of the Annex on Financial Services, this paragraph applies to the activities referred to in subparagraph 1(b)(iii) of the Annex.

#### *Financial Services purchased by Public Entities*

2. Notwithstanding Article XIII of the Agreement, each Member shall ensure that financial service suppliers of any other Member established in its territory are accorded most-favoured-nation treatment and national treatment as regards the purchase or acquisition of financial services by public entities of the Member in its territory.

#### *Cross-border Trade*

3. Each Member shall permit non-resident suppliers of financial services to supply, as a principal, through an intermediary or as an intermediary, and under terms and conditions that accord national treatment, the following services:

- (a) insurance of risks relating to:
  - (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
  - (ii) goods in international transit;
- (b) reinsurance and retrocession and the services auxiliary to insurance as referred to in subparagraph 5(a)(iv) of the Annex;
- (c) provision and transfer of financial information and financial data processing as referred to in subparagraph 5(a)(xv) of the Annex and advisory and other auxiliary services, excluding intermediation, relating to banking and other financial services as referred to in subparagraph 5(a)(xvi) of the Annex.

4. Each Member shall permit its residents to purchase in the territory of any other Member the financial services indicated in:

- (a) subparagraph 3(a);
- (b) subparagraph 3(b); and
- (c) subparagraphs 5(a)(v) to (xvi) of the Annex.

*Commercial Presence*

5. Each Member shall grant financial service suppliers of any other Member the right to establish or expand within its territory, including through the acquisition of existing enterprises, a commercial presence.

6. A Member may impose terms, conditions and procedures for authorization of the establishment and expansion of a commercial presence in so far as they do not circumvent the Member's obligation under paragraph 5 and they are consistent with the other obligations of this Agreement.

*New Financial Services*

7. A Member shall permit financial service suppliers of any other Member established in its territory to offer in its territory any new financial service.

*Transfers of Information and Processing of Information*

8. No Member shall take measures that prevent transfers of information or the processing of financial information, including transfers of data by electronic means, or that, subject to importation rules consistent with international agreements, prevent transfers of equipment, where such transfers of information, processing of financial information or transfers of equipment are necessary for the conduct of the ordinary business of a financial service supplier. Nothing in this paragraph restricts the right of a Member to protect personal data, personal privacy and the confidentiality of individual records and accounts so long as such right is not used to circumvent the provisions of the Agreement.

*Temporary Entry of Personnel*

9. (a) Each Member shall permit temporary entry into its territory of the following personnel of a financial service supplier of any other Member that is establishing or has established a commercial presence in the territory of the Member:
- (i) senior managerial personnel possessing proprietary information essential to the establishment, control and operation of the services of the financial service supplier; and
  - (ii) specialists in the operation of the financial service supplier.
- (b) Each Member shall permit, subject to the availability of qualified personnel in its territory, temporary entry into its territory of the following personnel associated with a commercial presence of a financial service supplier of any other Member:
- (i) specialists in computer services, telecommunication services and accounts of the financial service supplier; and
  - (ii) actuarial and legal specialists.

*Non-discriminatory Measures*

10. Each Member shall endeavour to remove or to limit any significant adverse effects on financial service suppliers of any other Member of:

- (a) non-discriminatory measures that prevent financial service suppliers from offering in the Member's territory, in the form determined by the Member, all the financial services permitted by the Member;
- (b) non-discriminatory measures that limit the expansion of the activities of financial service suppliers into the entire territory of the Member;
- (c) measures of a Member, when such a Member applies the same measures to the supply of both banking and securities services, and a financial service supplier of any other Member concentrates its activities in the provision of securities services; and
- (d) other measures that, although respecting the provisions of the Agreement, affect adversely the ability of financial service suppliers of any other Member to operate, compete or enter the Member's market;

provided that any action taken under this paragraph would not unfairly discriminate against financial service suppliers of the Member taking such action.

11. With respect to the non-discriminatory measures referred to in subparagraphs 10(a) and (b), a Member shall endeavour not to limit or restrict the present degree of market opportunities nor the benefits already enjoyed by financial service suppliers of all other Members as a class in the territory of the Member, provided that this commitment does not result in unfair discrimination against financial service suppliers of the Member applying such measures.

C. *National treatment*

1. Under terms and conditions that accord national treatment, each Member shall grant to financial service suppliers of any other Member established in its territory access to payment and clearing systems operated by public entities, and to official funding and refinancing facilities available in the normal course of ordinary business. This paragraph is not intended to confer access to the Member's lender of last resort facilities.

2. When membership or participation in, or access to, any self-regulatory body, securities or futures exchange or market, clearing agency, or any other organization or association, is required by a Member in order for financial service suppliers of any other Member to supply financial services on an equal basis with financial service suppliers of the Member, or when the Member provides directly or indirectly such entities, privileges or advantages in supplying financial services, the Member shall ensure that such entities accord national treatment to financial service suppliers of any other Member resident in the territory of the Member.

D. *Definitions*

For the purposes of this approach:

1. A non-resident supplier of financial services is a financial service supplier of a Member which supplies a financial service into the territory of another Member from an establishment located in the territory of another Member, regardless of whether such a financial service supplier has or has not a commercial presence in the territory of the Member in which the financial service is supplied.

2. "Commercial presence" means an enterprise within a Member's territory for the supply of financial services and includes wholly- or partly-owned subsidiaries, joint ventures, partnerships, sole proprietorships, franchising operations, branches, agencies, representative offices or other organizations.

3. A new financial service is a service of a financial nature, including services related to existing and new products or the manner in which a product is delivered, that is not supplied by any financial service supplier in the territory of a particular Member but which is supplied in the territory of another Member.

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MFN EXEMPTION LIST OF JAPAN

1. Japan submits the draft List of MFN exemption pursuant to Article II and the Annex on Article II Exemptions of the General Agreement on Trade in Services (GATS), and Annex on Negotiations on Maritime Transport Services.
2. Japan reserves the right to revise its MFN exemption list, prior to the outcome of current round, in light of developments in the negotiations, or for the benefit of transparency and other technical clarity. Japan is ready to consider improving its MFN exemption list, depending on other Members' offers of specific commitments and improvements in MFN exemption lists and the overall outcome of the negotiation.

## JAPAN - LIST OF ARTICLE II (MFN) EXEMPTIONS

Sector or sub-sector	Description of measure indicating its inconsistency with Article II	Countries to which the measure applies	Intended duration	Conditions creating the need for the exemption
Maritime cabotage services <sup>1</sup>	Right of engaging in maritime cabotage services is reserved to Japanese vessels, except for vessels of a limited number of countries which are granted right of limited access pursuant to treaties of friendship, commerce and navigation with Japan.	All countries	This measure shall be maintained as long as the treaties referred to in the second column remain in force.	While maritime cabotage services are generally not permitted to foreign vessels, it is a well established international practice for major trading partners to grant limited access to maritime cabotage services to foreign vessels on reciprocal basis or for other considerations.
International freight forwarding services	An operation permit or governmental registration for international freight forwarding services (including services related to multimodal transport services <sup>2</sup> ) is granted only to those firms of the countries in which Japanese firms are eligible for such permit or qualified for such registration.	All countries <sup>3</sup>	Termination of this measure shall be considered depending upon the outcome of present and subsequent rounds of negotiations for trade liberalisation.	Some major trading partners do not accord Japanese nationals satisfactory access to the supply of international freight forwarding services (including services related to multimodal transport services <sup>2</sup> ) in their territories.
International shipping services (including passenger transportation and freight transportation services)	Restriction or prohibition of a) entry in Japanese ports and b) loading or unloading of cargoes in Japanese ports for a designated period may be imposed as a countermeasure on operators of vessels who belong to the country in which interests of Japanese operators continue to be substantially damaged, in spite of prior notification of taking such measure, under unfavourable treatment imposed on them by that country or by local authorities or similar entities of that country.	All countries	Termination of this measure shall be considered depending upon the outcome of present and subsequent rounds of negotiations for trade liberalization.	Some major trading partners may impose unfavourable treatment on Japanese vessels operators in their territories.

<sup>1</sup> "Maritime cabotage services" covers transportation of passengers or goods between a port located in Japan and another port located in Japan and traffic with passengers aboard originating and terminating in the same port located in Japan.

<sup>2</sup> "Multimodal transport services" means freight transport services combining international maritime transport and road/railroad transport, provided on 'door to door' basis by a multimodal transport operator (as defined in paragraph 2 of Note to the specific commitments in the sectors of maritime transport services and maritime auxiliary transport services in the schedule of specific commitments of Japan).

<sup>3</sup> Note (Information provided for transparency purpose):

An operation permit or governmental registration referred to in this column will be granted to the firms of any other Member making commitments for international freight forwarding services without any limitation under the Agreement after the full implementation of these commitments is confirmed.