

List of Japan pursuant to Article 82

1. Pursuant to Article 82 of the Agreement Between Japan and Brunei Darussalam for an Economic Partnership (hereinafter referred to as "the Agreement"), this list of Japan sets out all relevant existing measures, inconsistent with the Market Access obligation under Article 75, and/or National Treatment obligation under Article 76 of the Agreement (hereinafter referred to as the "obligations") in all sectors.

2. Each item in this list sets out the following elements:

- (a) "Sector" refers to the general sector in which the inconsistency exists;
- (b) "Sub-Sector" refers to the specific sector in which the inconsistency exists;
- (c) "Industry Classification" refers, where applicable, and only for transparency purposes, to the activity covered by the reservation according to domestic or international industry classification codes;
- (d) "Type of Inconsistency" specifies the relevant "obligations" referred to in Article 82 of the Agreement and in Article 79 which the existing measures are inconsistent with;
- (e) "Level of Government" indicates the level of government maintaining the existing measures inconsistent with the "obligations";
- (f) "Legal Source or authority of the Measures" identifies the provisions of existing measures inconsistent with the "obligations."

The laws and regulations cited in this column are defined as the laws and regulations as amended, continued, or renewed as of the date of forwarding this list.

- (g) "Succinct Description of the measure" sets out, with regard to the obligations referred to in paragraph 1, the non-conforming aspects of the existing measures.

3. The measures under Financial Services Sector are included in this list to the extent they fall within the scope of the Understanding on Commitments in Financial

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Services which is included in Japan's Schedule of Specific Commitments of the General Agreement on Trade in Services in Annex 1B to the WTO Agreement (WTO Document GATS/SC/46/Suppl.3).

4. The measures with regard to spectrum availability affecting obligations under Article 75 (Market Access) are not included in this list, taking into account the Attachment 6 of Guidelines for the Scheduling of Specific Commitments (WTO Document S/L/92, dated 28 March 2001).

5. Measures taken in accordance with Article 8 are not included in this list.

6. This list shall not cause any prejudice to the Japan's commitments under the GATS and the Agreement.

7. For the purposes of this Annex, the term "JSIC" means Japan Standard Industrial Classification set out by the Statistics Bureau, Ministry of Internal Affairs and Communications, and revised on November, 2007.

JBEPA Transparency List (Japan)

1 Sector: Aerospace Industry

Sub-Sector or matter: Machine Repair Related to Aircraft Industry

Industry Classification:

Type of Inconsistency: Market Access (Article 75)
National Treatment (Article 76)

Level of Government: Central Government

Legal Source or authority of the Measures: Aircraft Manufacturing Industry Law (Law No.237 of 1952), Article 2 through 5
Foreign Exchange and Foreign Trade Law (Law No. 228 of 1949), Articles 27 and 30
Cabinet Order on Foreign Direct Investment (Cabinet Order No. 261 of 1980), Articles 3 and 5

Succinct Description of the measure: The number of licenses conferred to service suppliers may be limited.
The prior notification requirement under the Foreign Exchange and Foreign Trade Law applies to foreign investors who intend to make investments in machine repair related to aircraft industry in Japan.

JBEPA Transparency List (Japan)

2 Sector: Aerospace Industry

Sub-Sector or matter: Machine Repair Related to Satellites and Rockets

Industry Classification:

Type of Inconsistency: National Treatment (Article 76)

Level of Government: Central Government

Legal Source or authority of the Measures: Foreign Exchange and Foreign Trade Law (Law No. 228 of 1949), Articles 27 and 30

Sector: Cabinet Order on Foreign Direct Investment (Cabinet Order No. 261 of 1980), Articles 3 and 5

Succinct Description of the measure: Machine Repair Related to Aircraft Industry
The prior notification requirement under the Foreign Exchange and Foreign Trade Law applies to foreign investors who intend to make investments in machine repair related to satellites and rockets industry in Japan.

JBEPA Transparency List (Japan)

3 Sector: Agriculture, Forestry and Fisheries, and Related Services (except fisheries within the territorial sea, internal waters, exclusive economic zone and continental shelf provided for in the entry 17)

Sub-Sector or Matter:

Industry Classification:

JSIC 01 Agriculture

JSIC 02 Forestry

JSIC 03 Fisheries, except aquaculture

JSIC 04 Aquaculture

JSIC 6324 Agricultural cooperatives

JSIC 6325 Fishery and fishery processing cooperatives

JSIC 871 Agriculture, forestry and fisheries cooperative associations, n.e.c.

Type of Inconsistency: National Treatment (Article 76)

Level of Government: Central Government

Legal Source or authority of the Measures: Foreign Exchange and Foreign Trade Law (Law No. 228 of 1949), Article 27
Cabinet Order on Foreign Direct Investment (Cabinet Order No. 261 of 1980), Article 3

Succinct Description of the measure: The prior notification requirement under the Foreign Exchange and Foreign Trade Law applies to foreign investors who intend to make investments in agriculture, forestry and fisheries and related services (except fisheries within the territorial sea, internal waters, exclusive economic zone and continental shelf provided for in the Section 2) in the Area of Japan

JBEPA Transparency List (Japan)

4 Sector: Arms and Explosives Industry

Sub-Sector: Machine Repair Related to Arms and Explosives Industry

Industry Classification:

Type of Inconsistency: Market Access (Article 75)
National Treatment (Article 76)

Level of Government: Central Government

Legal Source or authority of the Measures:
Sector: Ordnance Manufacturing Law (Law No.145 of 1953), Articles 3 and 5
Foreign Exchange and Foreign Trade Law (Law No. 228 of 1949), Articles 27 and 30
Cabinet Order on Foreign Direct Investment (Cabinet Order No. 261 of 1980), Articles 3 and 5

Succinct Description of the measure: The number of licenses conferred to service suppliers may be limited.
The prior notification requirement under the Foreign Exchange and Foreign Trade Law applies to foreign investors who intend to make investments in arms and explosives industry in Japan.

JBEPA Transparency List (Japan)

5 Sector:	Automobile Maintenance Business
Sub-Sector or Matter:	Motor Vehicle Disassembling Repair Business
Industry Classification:	JSIC 89 Automobile maintenance services
Type of Inconsistency:	Market Access (Article 75)
Level of Government:	Central Government
Legal Source or authority of the Measures:	Road Vehicle Law (Law No.185 of 1951), Chapter 6
Succinct Description of the measure:	A person who intends to conduct motor vehicle disassembling repair businesses is required to establish a workplace in Japan, and to obtain an approval of the Director-General of the District Transport Bureau having jurisdiction over the district where the workplace is located.

JBEPA Transparency List (Japan)

6 Sector: Business Services

Sub-Sector
or Matter:

Industry Classification: JSIC 9111 Employment services
JSIC 9121 Worker dispatching services

Type of Inconsistency: Market Access (Article 75)

Level of Government: Central Government

Legal Source or authority of the Measures: Employment Security Law (Law No. 141 of 1947), Chapters 3 and 3-3
Law Concerning Securing the Proper Operation of Worker Dispatching Undertakings and Improved Working Conditions for Dispatched Workers (Law No. 88 of 1985), Chapter 2
Port Labor Law (Law No. 40 of 1988), Chapter 4
Mariner's Employment Security Law (Law No. 130 of 1948), Chapter 3
Law Concerning the Improvement of Employment of Construction Workers (Law No. 33 of 1976), Chapters 5 and 6

Succinct Description of the measure: A person who intends to supply the following services for enterprises in Japan is required to have an establishment in Japan, and to obtain permission from, or to submit notification to, the competent authority, as applicable:

(a) private job placement services including fee-charging job placement services for construction workers; or

(b) worker dispatching services including stevedore dispatching

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services, mariner dispatching
services and work opportunities
securing services for
construction workers.

Labor supply services may be supplied
only by a labor union which has
obtained permission from the competent
authority pursuant to Employment
Security Law.

JBEPA Transparency List (Japan)

7 Sector: Collection Agency Services

Sub-Sector or Matter:

Industry Classification: JSIC 6619 Miscellaneous financial auxiliaries
JSIC 7299 Professional services, n.e.c.

Type of Inconsistency: Market Access (Article 75)

Level of Government: Central Government

Legal Source or authority of the Measures: Special Measures Act Concerning Credit Management and Collection Business (Act No. 126 of 1998), Articles 3 and 4
Attorney Act (Act No.205 of 1949), Articles 72 and 73

Succinct Description of the measure: A person who intends to supply collection agency services which constitute the practice of law in respect of legal cases is required to be qualified as an attorney at law under the laws and regulations of Japan ("Bengoshi"), a legal professional corporation under the laws and regulations of Japan ("Bengoshi-hojin") or an enterprise established under the Special Measures Act Concerning Credit Management and Collection Business, and to establish an office in Japan.
No person may take over and recover other person's credits as business except an enterprise established under the Special Measures Act Concerning Credit Management and Collection Business that handles credits pursuant to provisions of that Act.

JBEPA Transparency List (Japan)

8 Sector: Communication Services

Sub-Sector or Matter: Telegraph Services

Industry Classification: JSIC 371 Fixed Telecommunications
JSIC 373 Services Incidental to telecommunication

Type of Inconsistency: Market Access (Article 75)
National Treatment (Article 76)

Level of Government: Central Government

Legal Source or authority of the Measures: Telecommunications Business Law (Law No.86 of 1984) Supplementary Provisions, Article 5

Succinct Description of the measure:

1. The supply of telegraph services is restricted to the designated juridical persons or governmental entities.
2. The details of existing measures regarding Telecommunications Business Law (Law No.86 of 1984) Supplementary Provisions, Article 5

JBEPA Transparency List (Japan)

9 Sector: Communication Services

Sub-Sector or Matter: Postal services

Industry Classification:

Type of Inconsistency: Market Access (Article 75)
National Treatment (Article 76)

Level of Government: Central Government

Legal Source or authority of the Measures: Postal Law (Law No. 165 of 1947), Article 2

Succinct Description of the measure: 1. The supply of postal services is restricted to the designated juridical persons or governmental entities Japan Post Service Co., Ltd.

2. The details of existing measures regarding paragraph 1 are prescribed in the Postal Law (Law No.165 of December 12, 1947)

10 Sector: Construction

JBEPA Transparency List (Japan)

Sub-Sector
or Matter:

Industry Classification: JSIC 06 Construction work, general including public and private construction work

JSIC 07 Construction work by specialist contractor, except equipment installation work

JSIC 08 Equipment installation work

Type of Inconsistency: Market Access (Article 75)

Level of Government: Central Government

Legal Source or authority of the Measures: Construction Business Law (Law No. 100 of 1949), Chapter 2

Law Concerning Recycling of Construction Materials (Law No. 104 of 2000), Chapter 5

Succinct Description of the measure: 1. A person who intends to conduct construction business is required to establish a place of business in Japan, and to obtain permission from the Minister of Land, Infrastructure, Transport and Tourism or from the prefectural governor having jurisdiction over the district where the place of business is located.

2. A person who intends to conduct demolition work business is required to establish a place of business in Japan, and to be registered with the prefectural governor having jurisdiction over the district where the place of business is located.

JBEPA Transparency List (Japan)

11 Sector: Distribution Services

Sub-Sector or Matter: Wholesale Trade Services, Retailing Services, Commission Agents' Services, Related to Alcoholic Beverages

Industry Classification: JSIC 5222 Liquors
JSIC 5851 Liquor stores

Type of Inconsistency: Market Access (Article 75)

Level of Government: Central Government

Legal Source or authority of the Measures: Liquor Tax Law (Law No.6 of 1953), Articles 9, 10 and 11

Succinct Description of the measure: The number of licenses conferred to service suppliers in this sub-sector may be limited.

JBEPA Transparency List (Japan)

12 Sector: Distribution Services

Sub-Sector or Matter: Wholesale Trade Services supplied at Public Wholesale Market

Industry Classification: JSIC 521 Agricultural, animal and poultry farm and aquatic products

Type of Inconsistency: Market Access (Article 75)

Level of Government: Central Government

Legal Source or authority of the Measures: Wholesale Market Law (Law No.35 of 1971), Articles 15, 17 and 33

Succinct Description of the measure: The number of licences conferred to wholesale trade service suppliers at public wholesale markets may be limited.

JBEPA Transparency List (Japan)

13	Sector:	Education, Learning Support
	Sub-Sector or matter:	School Education
	Industry Classification:	JSIC 811 Kindergartens JSIC 812 Elementary Schools JSIC 813 Lower Secondary Schools JSIC 814 Upper Secondary Schools, Secondary Schools JSIC 815 Schools for Special Needs Education JSIC 816 Institution of higher education
	Type of Inconsistency:	Market Access (Article 75)
	Level of Government:	Central Government
	Legal Source or authority of the Measures:	Fundamental Law of Education (Law No.120 of 2006), Article 6 School Education Law (Law No.26 of 1947), Article 2 Private School Law (Law No.270 of 1949), Article 3
	Succinct Description of the measure:	Educational services supplied as formal education in Japan must be supplied by formal education institutions. Formal education institutions must be established by school juridical persons. "Formal education institutions" means elementary schools, lower secondary schools, secondary schools, upper secondary schools, universities, junior colleges, colleges of technology, schools for special needs education and kindergartens. "School juridical person" means a

JBEPA Transparency List (Japan)

non-profit juridical person
established for the purposes of
supplying educational services under
the law of Japan.

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14 Sector: Energy

Sub-Sector or Matter: Electricity Utility Industry
Gas Utility Industry
Nuclear Energy Industry

Industry Classification:

Type of Inconsistency: Market Access (Article 75)
National Treatment (Article 76)
Most-Favoured-Nation Treatment (Article 79)

Level of Government: Central Government

Legal Source or authority of the Measures: Electricity Business Law (Law No.170 of 1964), Articles 3 and 5
Gas Business Law (Law No.51 of 1954), Articles 3 and 5
Specified Radioactive Waste Final Disposal Act (Law No. 117 of 2000), Chapter 5
Foreign Exchange and Foreign Trade Law (Law No. 228 of 1949), Articles 27 and 30
Cabinet Order on Foreign Direct Investment (Cabinet Order No. 261 of 1980), Articles 3 and 5

Succinct Description of the measure: The number of licenses conferred to service suppliers may be limited.
The prior notification requirement under the Foreign Exchange and Foreign Trade Law applies to foreign investors who intend to make investments in arms and explosives industry in Japan.

JBEPA Transparency List (Japan)

15 Sector: Financial Services

Sub-Sector or Matter: Banking and Other Financial Services (excluding Insurance and Insurance-Related Services)

Industry Classification: JSIC 622 Banks, except central bank
JSIC 631 Financial institutions for small-businesses

Type of Inconsistency: National Treatment (Article 75)

Level of Government: Central Government

Legal Source or authority of the Measures: Deposit Insurance Law (Law No.34 of 1971), Article 2

Succinct Description of the measure: The deposit insurance system does not cover deposits taken by branches of foreign banks.

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16 Sector: Financial Services

Sub-Sector or Matter: Insurance and Insurance-Related Services

Industry Classification: JSIC 672 Non-life insurance institutions

JSIC 6742 Non-life insurance agents and brokers

Type of Inconsistency: Market Access (Article 75)

Level of Government: Central Government

Legal Source or authority of the Measures: Insurance Business Law (Law No.105 of 1995), Article 185,186,275,276,277,286 and 287

Cabinet Order for Enforcement of Insurance Business Law (Cabinet Order No.425 of 1995), Article 19 and 39-2

Ministerial Ordinance for Enforcement of Insurance Business Law (Ministerial Ordinance of the Cabinet Office No.5 of 1996), Article 116 and 212-6

Succinct Description of the measure: Commercial presence is in principle required for insurance contracts on the following items and any liability arising therefrom:

(a) goods being transported within Japan; and

(b) ships of Japanese registration which are not used for international maritime transport.

JBEPA Transparency List (Japan)

17 Sector:	Fisheries
Sub-Sector:	Fisheries within the Territorial Sea, Internal Waters, Exclusive Economic Zone and Continental Shelf
Industry Classification:	JSIC 031 Marine fisheries JSIC 032 Inland water fisheries JSIC 041 Marine aquaculture JSIC 042 Inland water aquaculture JSIC 8093 Recreational fishing guide business
Type of Inconsistency:	Most-Favoured-Nation Treatment (Article 79) National Treatment (Article 76)
Level of Government:	Foreign Exchange and Foreign Trade Law (Law No. 228 of 1949), Article 27
Legal Source or authority of the Measures:	Cabinet Order on Foreign Direct Investment (Cabinet Order No. 261 of 1980), Article 3 Law for Regulation of Fishing Operation by Foreign Nationals (Law No. 60 of 1967), Articles 3, 4 and 6 Law concerning the Exercise of Sovereign Rights concerning Fisheries in the Exclusive Economic Zones (Law No. 76 of 1996), Articles 4 through 12 and 14
Succinct Description of the measure:	The prior notification requirement under the Foreign Exchange and Foreign Trade Law applies to foreign investors who intend to make investments in Service incidental to fishing in Japan.

JBEPA Transparency List (Japan)

18 Sector: Heat Supply

Sub-Sector or
Matter:

Industry JSIC 3511 Heat supply
Classification:

Type of National Treatment (Article 76)
Inconsistency:

Level of Central Government
Government:

Legal Source or Foreign Exchange and Foreign Trade
authority of Law (Law No. 228 of 1949), Article 27
the Measures:

Cabinet Order on Foreign Direct
Investment (Cabinet Order No. 261
of 1980), Article 3

Succinct Description of The prior notification requirement
the measure: of under the Foreign Exchange and
Foreign Trade Law applies to foreign
investors who intend to make
investments in the heat supply
industry in Japan.

JBEPA Transparency List (Japan)

19 Sector: Information and Communications

Sub-Sector or Telecommunications
Matter:

Industry Classification: JSIC 3700 Head offices primarily engaged in managerial operations

JSIC 3711 Regional telecommunications, except wire broadcast telephones

JSIC 3731 Services incidental to telecommunications

Type of Inconsistency: Market Access (Article 75)

National Treatment (Article 76)

Level of Government: Central Government

Legal Source or authority of the Measures: Law Concerning Nippon Telegraph and Telephone Corporation(Law No. 85 of 1984), Articles 6 and 10

Succinct Description of the measure: 1. Nippon Telegraph and Telephone Corporation may not enter the name and address in its register of shareholders if the aggregate of the ratio of the voting rights directly and/or indirectly held by the persons set forth in subparagraphs (a) through (c) reaches or exceeds one third:

(a) a natural person who does not have Japanese nationality;

(b) a foreign government or its representative; and

(c) a foreign legal person or a foreign entity.

2. Any natural person who does not have Japanese nationality may not assume the office of director or auditor of Nippon Telegraph and Telephone Corporation, Nippon

JBEPA Transparency List (Japan)

Telegraph and Telephone East
Corporation and Nippon Telegraph and
Telephone West Corporation.

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20 Sector: Information and Communications

Sub-Sector or Matter: Telecommunications and Internet Based Services

Industry Classification: JSIC 3711 Regional telecommunications, except wire broadcast telephones

JSIC 3712 Long-distance telecommunications

JSIC 3719 Miscellaneous fixed telecommunications

JSIC 3721 Mobile telecommunications

JSIC 401 Internet based services

Note: The activities covered by the measures under JSIC 3711, 3712, 3719, 3721 or 401 are limited to the activities which are subject to the registration obligation under Article 9 of the Telecommunications Business Law (Law No. 86 of 1984).

Type of Inconsistency: National Treatment (Article 76)

Level of Government: Central Government

Legal Source or authority of the Measures: Foreign Exchange and Foreign Trade Law (Law No. 228 of 1949), Article 27

Cabinet Order on Foreign Direct Investment (Cabinet Order No. 261 of 1980), Article 3

Succinct Description of the measure: The prior notification requirement under the Foreign Exchange and Foreign Trade Law applies to foreign investors who intend to make investments in telecommunications business and internet based services in Japan.

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21 Sector: Information and Communications

Sub-Sector or Broadcasting Industry
Matter:

Industry Classification: JSIC 380 Establishments engaged in administrative or ancillary economic activities

JSIC 381 Public broadcasting, except cablecasting

JSIC 382 Private-sector broadcasting, except cablecasting

JSIC 383 Cablecasting

Type of Inconsistency: Market Access (Article 75)

National Treatment (Article 76)

Level of Government: Central Government

Legal Source or authority of the Measures: Foreign Exchange and Foreign Trade Law (Law No.228 of 1949), Article 27

Cabinet Order on Foreign Direct Investment (Cabinet Order No.261 of 1980), Article 3

Radio Law (Law No.131 of 1950), Chapter 2

Broadcast Law (Law No.132 of 1950), Chapters 3, 3-3 and 3-4

Law concerning Broadcast through the Use of Telecommunications Services (Law No.85 of 2001), Chapter 2

Note: Relevant measures to spectrum availability affecting obligations under Article 74(Market Access) in broadcasting sectors are not included in this list, following the method of scheduling of telecommunications sectors indicated in the Attachment 6 of

Guidelines for the Scheduling of Specific Commitments (WTO Document S/L/92, dated 28 March 2001).

Succinct Description of the measure:

1. The prior notification requirement under the Foreign Exchange and Foreign Trade Law applies to foreign investors who intend to make investment in broadcasting industry in Japan.
2. The details of existing measures are prescribed in the laws and regulations identified in the "Legal Source or authority of the Measures" column above.

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22 Sector: Land Transaction

Sub-Sector or
matter:

Industry
Classification:

Type of Inconsistency: Most-Favoured-Nation Treatment
(Article 79)

National Treatment (Article 76)

Level of Government: Central Government

Legal Source or authority of the Measures: Alien Land Law (Law No. 42, 1925),
Article 1

Succinct Description of the measure: With respect to the acquisition or lease of land properties in Japan, prohibitions or restrictions may be imposed by Cabinet Order on foreign nationals or legal persons, where Japanese nationals or legal persons are placed under identical or similar prohibitions or restrictions in the foreign country.

JBEPA Transparency List (Japan)

23 Sector: Manufacturing

Sub-Sector or Matter: Sale of coinage

Industry Classification: JSIC 2499 Fabricated metal products, n.e.c.

Type of Inconsistency: Market Access (Article 75)
National Treatment (Article 76)

Level of Government: Central Government

Legal Source or authority of the Measures: The Law relating to Unit of Currency and Issue of Coin (Law No.42 of 1987), Article 10

Succinct Description of the measure: The sale of coinage in Japan are restricted to the Japan Mint.

JBEPA Transparency List (Japan)

24 Sector: Manufacturing

Sub-Sector or matter: Shipbuilding and Repairing, and Marine Engines

Industry Classification: JSIC 3131 Shipbuilding and repairing

Type of Inconsistency: Market Access (Article 75)

Level of Government: Central Government

Measures: Shipbuilding Law (Law No.129 of 1950), Articles 2, 3 and 3-2

Succinct Description of the measure: A person who intends to establish or extend docks, which can be used to manufacture or repair vessels beyond a fixed scale, is required to obtain permission from the Minister of Land, Infrastructure, Transport and Tourism. The issuance of a license is subject to the requirements of an economic needs test.

JBEPA Transparency List (Japan)

25 Sector: Manufacturing

Sub-Sector or Matter: Services incidental to Drugs and Medicines Manufacturing

Industry Classification: JSIC 1653 Biological preparations

Type of Inconsistency: National Treatment (Article 76)

Level of Government: Central Government

Legal Source or authority of the Measures: Foreign Exchange and Foreign Trade Law (Law No.228 of 1949), Article 27
Cabinet Order on Foreign Direct Investment (Cabinet Order No.261 of 1980), Article 3

Succinct Description of the measure: The prior notification requirement under the Foreign Exchange and Foreign Trade Law applies to foreign investors who intend to make investments in biological preparations manufacturing industry in Japan.
For greater certainty, "biological preparations manufacturing industry" deals with economic activities in establishment which mainly produces vaccine, serum, toxoid, antitoxin and some preparations similar to the aforementioned products, or blood products.

JBEPA Transparency List (Japan)

26 Sector: Manufacturing

Sub-Sector or Services incidental to Manufacturing
 Matter: (Production Services on a Fee or
 Contract Basis Relating to Leather and
 Leather Products Manufacturing)

Industry Classification: JSIC 1189 Textile apparel and accessories, n.e.c.

JSIC 1694 Gelatine and adhesives

JSIC 192 Rubber and plastic footwear and its findings

JSIC 2011 Leather tanning and finishing

JSIC 2021 Mechanical leather products, except gloves and mittens

JSIC 2031 Cut stock and findings for boots and shoes

JSIC 2041 Leather footwear

JSIC 2051 Leather gloves and mittens

JSIC 2061 Baggage

JSIC 207 Handbags and small leather cases

JSIC 2081 Fur skins

JSIC 2099 Miscellaneous leather products

JSIC 3253 Sporting and athletic goods

Note 1: The activities covered by the measures under JSIC 1189 or 3253 are limited to the activities related to leather and leather products manufacturing.

Note 2: The activities covered by the measures under JSIC 1694 are limited to the activities related to animal glue (nikawa) and gelatine

manufacturing.

Type of Inconsistency:	National Treatment (Article 76)
Level of Government:	Central Government
Legal Source or authority of the Measures:	Foreign Exchange and Foreign Trade Law (Law No.228 of 1949), Article 27 Cabinet Order on Foreign Direct Investment (Cabinet Order No.261 of 1980), Article 3
Succinct Description of the measure:	The prior notification requirement under the Foreign Exchange and Foreign Trade Law applies to foreign investors who intend to make investments in production services on a fee or contract basis relating to leather and leather products manufacturing business in Japan.

JBEPA Transparency List (Japan)

27 Sector: Manufacturing

Sub-Sector or matter: Services Incidental to Aircraft Industry, Explosives Industry, Arms Industry and Aerospace Industry

Industry Classification:

Type of Inconsistency: National Treatment (Article 76)

Level of Government: Central Government

Legal Source or authority of the Measures: Aircraft Manufacturing Industry Law (Law No.237 of 1952), Article 2 through 5

Ordinance Manufacturing Law (Law No.145 of 1953), Article 5

Foreign Exchange and Foreign Trade Law (Law No. 228 of 1949), Articles 27 and 30
Article 27

Cabinet Order on Foreign Direct Investment (Cabinet Order No. 261 of 1980), Article 3 and 5

Succinct Description of the measure: The prior notification requirement under the Foreign Exchange and Foreign Trade Law applies to foreign investors who intend to make investments in Service incidental to aircraft industry, explosives industry, arms industry and aerospace industry in Japan.

JBEPA Transparency List (Japan)

28 Sector: Matters Related to the Nationality of a Ship

Sub-Sector or Matter:

Industry Classification:

Type of Inconsistency: Market Access (Article 75)
National Treatment (Article 76)

Level of Government: Central Government

Legal Source or authority of the Measures: Ship Law (Law No.46 of 1899), Article 1

Succinct Description of the measure: Nationality requirement applies to the supply of international maritime transport services (including services of passenger transportation and freight transportation) through establishment of a registered company operating a fleet flying the flag of Japan.

“Nationality requirement” means that the ship must be owned by a Japanese national, or a company established under Japanese law, of which all the representatives and not less than two-thirds of the executives administering the affairs are Japanese nationals.

JBEPA Transparency List (Japan)

29 Sector: Measuring Services

Sub-Sector or Matter:

Industry Classification: JSIC 7441 Commodity inspection services
 JSIC 745 Surveyor certification

Type of Inconsistency: Market Access (Article 75)

Level of Government: Central Government

Legal Source or authority of the Measures: Measurement Law (Law No. 51 of 1992), Chapters 3, 5, 6 and 8
 Regulations on Measurement Law (Ministerial Ordinance of the Ministry of International Trade and Industry No. 69 of 1993)
 Ministerial Ordinance for Designated Inspection Body, Designated Verification Body, Designated Measurement Certification Inspection Body, and Specified Measurement Certification Accreditation Body (Ministerial Ordinance of the Ministry of International Trade and Industry No. 72 of 1993)

Succinct Description of the measure: 1. A person who intends to supply services of conducting the periodic inspection of specified measuring instruments is required to establish a legal person in Japan, and to be designated by the prefectural governor having jurisdiction over the district where the person intends to conduct such inspection, or by the mayor of a designated city or the chief of a designated ward or village in case the place where the person intends to conduct such inspection is located within the district of such designated city, ward or village.
 2. A person who intends to supply services of conducting the

verification of specified measuring instruments is required to establish a legal person in Japan, and to be designated by the Minister of Economy, Trade and Industry.

3. A person who intends to conduct measurement certification business, including specified measurement certification business, is required to have an establishment in Japan, and to be registered with the prefectural governor having jurisdiction over the district where the establishment is located.

4. A person who intends to supply services of conducting the inspection of specified measuring instruments used for the measurement certification is required to establish a legal person in Japan, and to be designated by the prefectural governor having jurisdiction over the district where the person intends to conduct such inspection.

5. A person who intends to supply services of conducting the accreditation for a person engaged in specified measurement certification business is required to establish a legal person in Japan, and to be designated by the Minister of Economy, Trade and Industry.

6. A person who intends to supply services of conducting the calibration of measuring instruments is required to establish a legal person in Japan, and to be designated by the Minister of Economy, Trade and Industry.

JBEPA Transparency List (Japan)

30 Sector: Medical, Health Care and Welfare

Sub-Sector or Matter:

Industry Classification: JSIC 8599 Miscellaneous social insurance, social welfare and care services

Type of Inconsistency: Market Access (Article 75)

Level of Government: Central Government

Legal Source or authority of the Measures: Law Concerning Collection of Labour Insurance Premium (Law No. 84 of 1969), Chapter 4

Enforcement Regulations for the Law Concerning Collection of Labour Insurance Premium (Ministerial Ordinance of the Ministry of Labour No. 8 of 1972)

Succinct Description of the measure: Only an association of business proprietors or a federation of such associations approved by the Minister of Health, Labour and Welfare under the laws and regulations of Japan may conduct labour insurance businesses entrusted by business proprietors. An association which intends to conduct such labour insurance businesses under the laws and regulations of Japan is required to establish an office in Japan, and to obtain the approval of the Minister of Health, Labour and Welfare.

JBEPA Transparency List (Japan)

31 Sector: Mining

Sub-Sector
or Matter: Services incidental to mining

Industry
Classification: JSIC 05 Mining and quarrying of stone
and gravel

Type of
Inconsistency: Market Access (Article 75)
National Treatment (Article 76)

Level of
Government: Central Government

Legal Source or
authority of
the Measures: Mining Law (Law No. 289 of 1950),
Chapters 2 and 3
Foreign Exchange and Foreign Trade Law
(Law No.228 of 1949), Articles 27 and
30
Cabinet Order on Foreign Direct
Investment (Cabinet Order No.261
of 1980), Articles 3 and 5

Succinct
Description of
the measure: Only a Japanese national or a
juridical person established the laws
and regulations of Japan under
Japanese law may have mining
rights or mining lease rights.
The prior notification
requirement under the Foreign
Exchange and Foreign Trade Law
applies to foreign investors
who intend to make investments in
services incidental to mining business
in Japan.

JBEPA Transparency List (Japan)

32 Sector:	Oil Industry
Sub-Sector or Matter:	Storage and Warehouse Services Relating to Petroleum and Petroleum Products Distribution Services Related to Petroleum and Petroleum Products
Industry Classification:	<p>JSIC 4711 Ordinary warehousing</p> <p>JSIC 4721 Refrigerated warehousing</p> <p>JSIC 5331 Petroleum</p> <p>JSIC 6051 Petrol stations (gasoline service stations)</p> <p>JSIC 6052 Fuel stores, except gasoline service stations</p> <p>JSIC 9299 Miscellaneous business services, n.e.c.</p> <p>Note 1: The activities covered by the measures under JSIC 4711, 4721 or 6052 are limited to the activities related to oil industry.</p> <p>Note 2: The activities covered by the measures under JSIC 9299 are limited to the activities related to liquefied petroleum gas industry.</p>
Type of Inconsistency:	National Treatment (Article 76)
Level of Government:	Central Government
Legal Source or authority of the Measures:	Foreign Exchange and Foreign Trade Law(Law No. 228 of 1949), Article 27 Cabinet Order on Foreign Direct Investment (Cabinet Order No. 261 of 1980), Article 3
Succinct Description of the measure:	The prior notification requirement under the Foreign Exchange and Foreign Trade Law applies to foreign investors who intend to make investments in oil industry in Japan. All organic chemicals such as

JBEPA Transparency List (Japan)

ethylene, ethylene glycol and polycarbonates are outside the scope of the oil industry.

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33	Sector:	Recreational, Cultural and Sporting Services
	Sub-Sector or Matter:	Sporting and Other Recreational Services
	Industry Classification:	
	Type of Inconsistency:	Market Access (Article 75) National Treatment (Article 76)
	Level of Government:	Central Government and and local government
	Legal Source or authority of the Measures:	Horse Racing Law (Law No. 158 of 1947), Article 1 The Law relating to Motorboat Racing (Act No.74 of 2007), Article 2 Bicycle Racing Act (Act No.209 of 1948), Article 1 Auto Racing Law (Act No.208 of 1951), Article 3 Lottery Law (Act No.144 of 1948), Article 4
	Succinct Description of the measure:	1.The supply of betting and gambling services in Japan are restricted to the designated juridical persons or governmental entities. 2.The details of existing measures regarding paragraph 1 are prescribed in the laws and regulations identified in "Measures" column.

JBEPA Transparency List (Japan)

34 Sector:	Professional Services
Sub-Sector or Matter:	
Industry Classification:	JSIC 7211 Lawyers' offices
Type of Inconsistency:	Market Access (Article 75)
Level of Government:	Central Government
Legal Source or authority of the Measures:	Attorney Act (Act No. 205 of 1949), Chapters 3, 4, 4-2, 5 and 9
Succinct	<p>A natural person who intends to supply legal services is required to be qualified as attorney at law under the laws and regulations of Japan ("Bengoshi"), and to establish an office within the district of the local bar association to which the natural person belongs.</p> <p>An enterprise which intends to supply legal services is required to establish a law firm under the laws and regulations of Japan ("Bengoshi-Hojin").</p>

JBEPA Transparency List (Japan)

35 Sector: Professional Services

Sub-Sector or Matter:

Industry Classification: JSIC 7211 Lawyers' offices

Type of Inconsistency: Market Access (Article 75)

Level of Government: Central Government

Legal Source or authority of the Measures: Act on Special Measures concerning the Handling of Legal Services by Foreign Lawyers (Act No. 66 of 1986), Chapters 2 and 4

Succinct Description of the measure: A natural person who intends to supply foreign legal consultant services is required to be qualified as foreign legal consultant under the laws and regulations of Japan ("Gaikoku-Ho-Jimu-Bengoshi"), and to establish an office within the district of the local bar association to which the natural person belongs.

A foreign legal consultant under the laws and regulations of Japan is required to stay in Japan for not less than 180 days per year.

JBEPA Transparency List (Japan)

36 Sector: Professional Services

Sub-Sector or
Matter:

Industry JSIC 7212 Patent attorneys' offices
Classification:

Type of Market Access (Article 75)
Inconsistency:

Level of Central Government
Government:

Legal Source or Patent Attorney Law (Law No. 49 of
authority of 2000), Chapters 3, 6 and 8
the Measures:

Succinct A natural person who intends to supply
Description of patent attorney services is required
the measure: to be qualified as patent attorney
under the laws and regulations of
Japan ("Benrishi").

An enterprise which intends to supply
patent attorney services is required
to establish a patent business
corporation under the laws and
regulations of Japan ("Tokkyo-Gyoumu-
Hojin").

JBEPA Transparency List (Japan)

37 Sector: Professional Services

Sub-Sector or
Matter:

Industry Classification: JSIC 7221 Notaries public's and
judicial scriveners'
offices

Type of
Inconsistency: Market Access (Article 75)
National Treatment (Article 76)

Level of
Government: Central Government

Legal Source or
authority of
the Measures: Notary Law (Law No. 53 of 1908),
Chapters 2 and 3

Succinct
Description of
the measure: Only a Japanese national may be
appointed as a notary in Japan.
The notary is required to establish
an office in the place designated by
the Minister of Justice.

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38 Sector: Professional Services

Sub-Sector or
Matter:

Industry
Classification: JSIC 7221 Notaries public's and
judicial scriveners'
offices

Type of
Inconsistency: Market Access (Article 75)

Level of
Government: Central Government

Legal Source or
authority of
the Measures: Judicial Scrivener Law (Law No. 197
of 1950), Chapters 3, 4, 5, 7 and 10

Succinct
Description of
the measure: A natural person who intends to
supply judicial scrivener services is
required to be qualified as a judicial
scrivener under the laws and
regulations of Japan ("Shiho-
Shoshi"), and to establish an office
within the district of the judicial
scrivener association to which the
natural person belongs.

An enterprise which intends to supply
judicial scrivener services is
required to establish a judicial
scrivener corporation under the laws
and regulations of Japan ("Shiho-
Shoshi-Hojin").

JBEPA Transparency List (Japan)

39 Sector: Professional Services

Sub-Sector or
Matter:

Industry Classification: JSIC 7241 Certified public
accountants' offices

Type of Inconsistency: Market Access (Article 75)

Level of Government: Central Government

Legal Source or authority of the Measures: Certified Public Accountant Act (Act No. 103 of 1948), Chapters 3,5-2 and 7

Succinct Description of the measure: A natural person who intends to supply certified public accountants services is required to be qualified as certified public accountant under the laws and regulations of Japan ("Koninkaikeishi").

An enterprise which intends to supply certified public accountants services is required to establish an audit corporation under the laws and regulations of Japan("Kansa-Hojin").

JBEPA Transparency List (Japan)

40 Sector: Professional Services

Sub-Sector or
Matter:

Industry
Classification: JSIC 7242 Auditors' offices

Type of
Inconsistency: Market Access (Article 75)

Level of
Government: Central Government

Legal Source or
authority of
the Measures: Certified Public Tax Accountant Law
(Law No. 237 of 1951), Chapters 3, 4,
5-2, 6 and 7
Enforcement Regulation on Certified
Public Tax Accountant Law
(Ministerial Ordinance of the
Ministry of Finance No. 55 of 1951)

Succinct
Description of
the measure: A natural person who intends to
supply certified public tax
accountant services is required to be
qualified as certified public tax
accountant under the laws and
regulations of Japan ("Zeirishi"),
and to establish an office within the
district of certified public tax
accountant association to which the
natural person belongs.

An enterprise which intends to supply
certified public tax accountant
services is required to establish a
certified public tax accountant
corporation under the laws and
regulations of Japan ("Zeirishi-
Hojin").

JBEPA Transparency List (Japan)

41 Sector: Professional Services

Sub-Sector or Matter:

Industry Classification: JSIC 7231 Administrative scribes' offices

JSIC 7294 Certified real estate appraisers

JSIC 7299 Professional services, n.e.c.

JSIC 7421 Architectural design services

Type of Inconsistency: Market Access (Article 75)

Level of Government: Central Government

Legal Source or authority of the Measures: Architect and/or Building Engineer Law (Law No. 202 of 1950), Chapters 1,2 and 6

Succinct Description of the measure: An architect and/or building engineer, qualified as such under the laws and regulations of Japan ("Kenchikushi"), or a person employing such an architect and/or building engineer, /who intends to conduct business of design, superintendence of construction work, administrative work related to construction work contracts, supervision of building construction work, survey and evaluation of buildings, and representation in procedure under the laws and regulations concerning construction, upon request from others for remuneration, is required to establish an office in Japan.

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42 Sector: Professional Services

Sub-Sector or Matter:

Industry Classification: JSIC 7251 Certified social insurance and labour consultants' offices

Type of Inconsistency: Market Access (Article 75)

Level of Government: Central Government

Legal Source or authority of the Measures: Certified Social Insurance and Labour Consultant Law (Law No. 89 of 1968), Chapters 2-2, 4-2, 4-3 and 5

Succinct Description of the measure: A natural person who intends to supply social insurance and labour consultant services is required to be qualified as a certified social insurance and labour consultant under the laws and regulations of Japan ("Shakai-Hoken-Romushi"), and to establish an office in Japan.

An enterprise which intends to supply social insurance and labour consultant services is required to establish a certified social insurance and labour consultant corporation under the laws and regulations of Japan ("Shakai-Hoken-Romushi-Hojin").

JBEPA Transparency List (Japan)

43 Sector: Professional Services

Sub-Sector or
Matter:

Industry Classification: JSIC 7231 Administrative scriveners'
offices

Type of Inconsistency: Market Access (Article 75)

Level of Government: Central Government

Legal Source or authority of the Measures: Administrative Scrivener Law (Law No. 4 of 1951), Chapters 3,4,5 and 8

Succinct Description of the measure: A natural person who intends to supply administrative scrivener services is required to be qualified as an administrative scrivener under the laws and regulations of Japan ("Gyousei-Shoshi"), and to establish an office within the district of the administrative scrivener association to which the natural person belongs.

An enterprise which intends to supply administrative scrivener services is required to establish an administrative scrivener corporation under the laws and regulations of Japan ("Gyousei-Shoshi-Hojin").

JBEPA Transparency List (Japan)

44 Sector: Professional Services

Sub-Sector or Matter:

Industry Classification: JSIC 7299 Professional services, n.e.c.

Type of Inconsistency: Market Access (Article 75)

Level of Government: Central Government

Legal Source or authority of the Measures: Maritime Procedure Agents Law (Law No.32 of 1951), Article 17

Succinct Description of the measure: Maritime procedure agent services must be supplied by a natural person who is qualified as maritime procedure agent under the laws and regulations of Japan ("Kaijidairishi").

JBEPA Transparency List (Japan)

45 Sector: Professional Services

Sub-Sector or matter:

Industry Classification: JSIC 7222 Land and house surveyors' offices

Type of Inconsistency: Market Access (Article 75)

Level of Government: Central Government

Legal Source or authority of the Measures: Land and House Surveyor Law (Law No. 228 of 1950), Chapters 3, 4, 5, 7 and 10

Succinct Description of the measure: A natural person who intends to supply land and house surveyor services is required to be qualified as land and house surveyor under the laws and regulations of Japan ("Tochi-Kaoku-Chosashi"), and to establish an office within the district of the land and house surveyor association to which the natural person belongs.

An enterprise which intends to supply land and house surveyor services is required to establish a land and house surveyor corporation under the laws and regulations of Japan ("Tochi-Kaoku-Chosashi-Hojin").

JBEPA Transparency List (Japan)

46 Sector: Real Estate

Sub-Sector or
Matter:

Industry Classification: JSIC 6811 Sales agents of buildings
and houses

JSIC 6812 Land subdividers and
developers

JSIC 6821 Real estate agents and
brokers

JSIC 6941 Real estate managers

Type of Inconsistency: Market Access (Article 75)

Level of Government: Central Government

Legal Source or authority of the Measures: Building Lots and Buildings
Transaction Business Law (Law No. 176
of 1952), Chapter 2

Real Estate Syndication Law (Law
No. 77 of 1994), Chapter 2

Law Concerning Improving Management
of Condominiums (Law No. 149 of
2000), Chapter 3

Succinct Description of the measure: 1. A person who intends to conduct
building lots and buildings
transaction business is required to
establish an office in Japan, and to
obtain license from the Minister of
Land, Infrastructure, Transport and
Tourism or from the prefectural
governor having jurisdiction over the
district where the office is located.

2. A person who intends to conduct
real estate syndication business is
required to establish an office in
Japan, and to obtain permission from
the competent Minister or from the
prefectural governor having
jurisdiction over the district where

the office is located.

3. A person who intends to conduct condominiums management business is required to establish an office in Japan, and to be registered in the list maintained by the Ministry of Land, Infrastructure, Transport and Tourism.

JBEPA Transparency List (Japan)

47 Sector: Real Estate Appraisal Services

Sub-Sector or
Matter:

Industry Classification: JSIC 7294 Certified real estate appraisers

Type of Inconsistency: Market Access (Article 75)

Level of Government: Central Government

Legal Source or authority of the Measures: Law Concerning the Appraisal of Real Estate (Law No. 152 of 1963), Chapter 3

Succinct Description of the measure: A person who intends to supply real estate appraisal services is required to establish an office in Japan, and to be registered in the list maintained by the Ministry of Land, Infrastructure, Transport and Tourism or the prefecture having jurisdiction over the district where the office is located.

JBEPA Transparency List (Japan)

48 Sector: Security Guard Services

Sub-Sector
or matter:

Industry JSIC 923 Guard services
Classification:

Type of Market Access (Article 75)
Inconsistency: National Treatment (Article 76)

Level of Central Government
Government:

Legal Source or Security Business Law (Law No. 117 of
authority of 1972), Articles 4 and 5
the Measures: Foreign Exchange and Foreign Trade
Law (Law No. 228 of 1949), Article 27
Cabinet Order on Foreign Direct
Investment (Cabinet Order No. 261
of 1980), Article 3

Succinct Description of 1. A natural person who intends to
the measure: supply security guard services is
required to establish an office in
Japan.
2. The prior notification requirement
under the Foreign Exchange and Foreign
Trade Law applies to foreign investors
who intend to make investments in
security guard services in Japan.

JBEPA Transparency List (Japan)

49 Sector: Seafarers

Sub-Sector or Matter:

Industry Classification: JSIC 031 Marine fisheries
JSIC 451 Oceangoing transport
JSIC 452 Coastwise transport

Type of Inconsistency: Market Access (Article 75)
National Treatment (Article 76)

Level of Government: Central Government

Legal Source or authority of the Measures: Mariners Law (Law No. 100 of 1947), Chapter 4
The 9th Basic Plan for Employment Measures (Cabinet Decision, August 13, 1999)
Official Notification of the Director General of Seafarers Department, Maritime Technology and Safety Bureau of the Ministry of Transport, No. 115, 1990
Official Notification of the Director General of Seafarers Department, Maritime Technology and Safety Bureau of the Ministry of Transport, No. 327, 1990
Official Notification of the Director General of Maritime Bureau of the Ministry of Land, Infrastructure and Transport, No. 153, 2004

Succinct Description of the measure: Foreign nationals employed by Japanese enterprises except for the seafarers referred to in the relevant official notifications may not work on the vessels flying the Japanese flag.

JBEPA Transparency List (Japan)

50 Sector: Services Related to Occupational Safety and Health

Sub-Sector or Matter:

Industry Classification: JSIC 7299 Professional services, n.e.c.

JSIC 7441 Commodity inspection services

JSIC 7452 Environmental surveying certification

JSIC 8222 Vocational guidance centers

Type of Inconsistency: Market Access (Article 75)

Level of Government: Central Government

Legal Source or authority of the Measures: Industrial Safety and Health Law (Law No. 57 of 1972), Chapters 5 and 8

Regulation Concerning Registered Inspection Agency and Other Related Agencies (Ministerial Ordinance of the Ministry of Labour No. 44 of 1972)

Working Environment Measurement Law (Law No. 28 of 1975), Chapters 2 and 3

Enforcement Regulation of the Working Environment Measurement Law (Ministerial Ordinance of the Ministry of Labour No. 20 of 1975)

Succinct Description of the measure: A person who intends to supply inspection or verification services for working machines, skill training course and other related services in connection with occupational safety and health, or working environment measurement services is required to be resident or to establish an office in Japan, and to be registered with the Minister of Health, Labour and Welfare or Director-General of the Prefectural Labour Bureau.

JBEPA Transparency List (Japan)

51 Sector: Surveying Services

Sub-Sector or
Matter:

Industry JSIC 7422 Surveying services
Classification:

Type of Market Access (Article 75)
Inconsistency:

Level of Central Government
Government:

Legal Source or Survey Law (Law No. 188 of 1949),
authority of Chapter 6
the Measures:

Succinct A person who intends to supply
Description of surveying services is required to
the measure: establish a place of business in
Japan, and to be registered with the
Minister of Land, Infrastructure,
Transport and Tourism.

JBEPA Transparency List (Japan)

52	Sector:	Transport
	Sub-Sector or Matter:	Air Transport
	Industry Classification:	<p>JSIC 4600 Head offices primarily engaged in managerial operations</p> <p>JSIC 4621 Aircraft service, except air transport</p>
	Type of Inconsistency:	<p>Market Access (Article 75)</p> <p>National Treatment (Article 76)</p>
	Level of Government:	Central Government
	Legal Source or authority of the Measures:	<p>Foreign Exchange and Foreign Trade Law (Law No. 228 of 1949), Article 27</p> <p>Cabinet Order on Foreign Direct Investment (Cabinet Order No. 261 of 1980), Article 3</p> <p>Civil Aeronautics Law (Law No. 231 of 1952), Chapters 7 and 8</p>
	Succinct Description of the measure:	<p>1. The prior notification requirement under the Foreign Exchange and Foreign Trade Law applies to foreign investors who intend to make investments in aerial work business in Japan.</p> <p>2. Permission of the Minister of Land, Infrastructure, Transport and Tourism for conducting aerial work business is not granted to the following natural persons or entities applying for the permission:</p> <p>(a) a natural person who does not have Japanese nationality;</p> <p>(b) a foreign country, or a foreign public entity or its equivalent;</p>

(c) a legal person or other entity constituted under the laws of any foreign country; and

(d) a legal person represented by the natural persons or entities referred to in subparagraph (a), (b) or (c); a legal person of which more than one-third of the members of the board of directors are composed of the natural persons or entities referred to in subparagraph (a), (b) or (c); or a legal person of which more than one-third of the voting rights are held by the natural persons or entities referred to in subparagraph (a), (b) or (c).

In the event a person conducting aerial work business falls into a natural person or an entity referred to in subparagraphs (a) through (d), the permission will lose its effect. The conditions for the permission also apply to companies, such as holding companies, which have substantial control over the person conducting aerial work business.

3. A foreign aircraft may not be used for a flight between points within Japan.

JBEPA Transparency List (Japan)

53 Sector: Transport

Sub-Sector or Matter: Air Transport (Registration of Aircraft in the National Register)

Industry Classification

Type of Inconsistency: Market Access (Article 75)
National Treatment (Article 76)

Level of Government: Central Government

Legal Source or authority of the Measures: Civil Aeronautics Law (Law No. 231 of 1952), Chapter 2

Succinct Description of the measure: 1. An aircraft owned by any of the following natural persons or entities may not be registered in the national register:

- (a) a natural person who does not have Japanese nationality;
- (b) a foreign country, or a foreign public entity or its equivalent;
- (c) a legal person or other entity constituted under the laws of any foreign country; and
- (d) a legal person represented by the natural persons or entities referred to in subparagraph (a), (b) or (c); a legal person of which more than one-third of the members of the board of directors are composed of the natural persons or entities referred to in subparagraph (a), (b) or (c); or a legal person of which more than one-third of the voting rights are held by the natural persons or entities referred to in subparagraph (a), (b) or (c).

2. A foreign aircraft may not be registered in the national register.

JBEPA Transparency List (Japan)

54 Sector: Transport

Sub-Sector or Matter: Customs Brokerage

Industry Classification: JSIC 4899 Services incidental to transport, n.e.c.

Type of Inconsistency: Market Access (Article 75)

Level of Government: Central Government

Legal Source or authority of the Measures: Customs Brokerage Law (Law No. 122 of 1967), Chapter 2

Succinct Description of the measure: A person who intends to conduct customs brokerage business is required to have a place of business in Japan, and to obtain permission of the Director-General of Customs having jurisdiction over the district where the person intends to conduct customs brokerage business.

JBEPA Transparency List (Japan)

55 Sector: Transport

Sub-Sector or Matter: Freight Forwarding Business (excluding freight forwarding business using air transportation)

Industry Classification: JSIC 4441 Collect-and-deliver freight transport
 JSIC 4821 Deliver freight transport, except collect-and-deliver freight transport

Type of Inconsistency: Most-Favoured-Nation Treatment (Article 79)
 Market Access (Article 75)
 National Treatment (Article 76)

Level of Government: Central Government

Legal Source or authority of the Measures: Freight Forwarding Business Law (Law No. 82 of 1989), Chapters 2 through 4
 Enforcement Regulation of Freight Forwarding Business Law (Ministerial Ordinance of the Ministry of Transport No. 20 of 1990)

Succinct Description of the measure: 1. The following natural persons or entities are required to be registered with, or to obtain permission or approval of, the Minister of Land, Infrastructure, Transport and Tourism for conducting freight forwarding business using international shipping. Such registration shall be made, or such permission or approval shall be granted, on the basis of reciprocity:

- (a) a natural person who does not have Japanese nationality;
- (b) a foreign country, or a foreign public entity or its equivalent;

(c) a legal person or other entity constituted under the laws of any foreign country; and

(d) a legal person represented by the natural persons or entities referred to in subparagraph (a), (b) or (c); a legal person of which more than one-third of the members of the board of directors are composed of the natural persons or entities referred to in subparagraph (a), (b) or (c); or a legal person of which more than one-third of the voting rights are held by the natural persons or entities referred to in subparagraph (a), (b) or (c).

2. A person who intends to conduct freight forwarding business is required to establish an office in Japan, and to be registered with, or to obtain permission or approval of, the Minister of Land, Infrastructure, Transport and Tourism.

JBEPA Transparency List (Japan)

56 Sector: Transport

Sub-Sector or
Matter: Railway Transport

Industry
Classification: JSIC 421 Railway transport
JSIC 4851 Railway facilities
services

Type of
Inconsistency: National Treatment (Article 76)

Level of
Government: Central Government

Legal Source or
authority of
the Measures: Foreign Exchange and Foreign Trade
Law (Law No. 228 of 1949), Article 27
Cabinet Order on Foreign Direct
Investment (Cabinet Order No. 261
of 1980), Article 3

Succinct
Description of
the measure: The prior notification requirement
under the Foreign Exchange and
Foreign Trade Law applies to foreign
investors who intend to make
investments in railway transport
industry in Japan. The manufacture of
vehicles, parts and components for
the railway transport industry is not
included in railway transport
industry.

JBEPA Transparency List (Japan)

57 Sector: Transport

Sub-Sector or Matter: Road Passenger Transport

Industry Classification: JSIC 4311 Common omnibus operators

Type of Inconsistency: National Treatment (Article 76)

Level of Government: Central Government

Legal Source or authority of the Measures: Foreign Exchange and Foreign Trade Law (Law No. 228 of 1949), Article 27
Cabinet Order on Foreign Direct Investment (Cabinet Order No. 261 of 1980), Article 3

Succinct Description of the measure: The prior notification requirement under the Foreign Exchange and Foreign Trade Law applies to foreign investors who intend to make investments in omnibus industry in Japan. The manufacture of vehicles, parts and components for omnibus industry is not included in omnibus industry.

JBEPA Transparency List (Japan)

58 Sector: Transport

Sub-Sector or Matter: Road transport

Industry Classification: JSIC 431 Common omnibus operators
 JSIC 432 Common taxicab operators
 JSIC 433 Contracted omnibus operators
 JSIC 4391 Motor passenger transport (particularly-contracted)
 JSIC 441 Common motor trucking
 JSIC 442 Motor trucking (particularly-contracted)
 JSIC 443 Mini-sized vehicle freight transport

Type of Inconsistency: Market Access (Article 75)

Level of Government: Central Government

Legal Source or authority of the Measures: Road Transport Law (Law No. 183 of 1951), Chapter 2
 Trucking Business Law (Law No. 83 of 1989), Chapter 2

Succinct Description of the measure: 1. A person who intends to conduct road passenger transport business or road freight transport business is required to establish a place of business in Japan, and to obtain permission of the Minister of Land, Infrastructure, Transport and Tourism.
 2. In respect of common taxicab operators business, the Minister of Land, Infrastructure, Transport and Tourism may not grant permission to a person who intends to conduct the business, and a person who conducts the business may not be allowed to modify the business plan of such business, in the area including a

designated area which the Minister of Land, Infrastructure, Transport and Tourism designated as the "emergency supply/demand adjustment area". The "emergency supply/demand adjustment area" is designated where the Minister of Land Infrastructure, Transport and Tourism considers that the capacity of common taxicab transportation business in that area significantly exceeds the volumes of traffic demand, and that it would be difficult to secure the safety of transportation and the benefits of passengers, if the capacity of transportation further increases.

3. In respect of common motor trucking business or motor trucking business (particularly-contracted), the Minister of Land, Infrastructure, Transport and Tourism may not grant permission to a person who intends to conduct the business, and a person who conducts the business may not be allowed to modify the business plan of such business, in the area including a designated area which the Minister of Land, Infrastructure, Transport and Tourism designated as the "emergency supply/demand adjustment area". The "emergency supply/demand adjustment area" is designated where the Minister of Land, Infrastructure, Transport and Tourism considers that the capacity of common motor trucking business or motor trucking business (particularly-contracted) in that area has significantly exceeded the volumes of transportation demand to the extent that the operation of existing business would become difficult.

JBEPA Transparency List (Japan)

59 Sector: Transport

Sub-Sector or Matter: Services Incidental to Transport

Industry Classification: JSIC 4852 Fixed facilities for road transport

Type of Inconsistency: Market Access (Article 75)

Level of Government: Central Government

Legal Source or authority of the Measures: Road Transport Law (Law No.183 of 1951), Chapter 4

Succinct Description of the measure: A person who intends to conduct motorway business is required to obtain license from the Minister of Land, Infrastructure, Transport and Tourism. The issuance of a license is subject to an economic needs test, such as whether the proposed motorway is appropriate in scale compared with the volume and nature of traffic demand in the proposed area.

JBEPA Transparency List (Japan)

60 Sector: Transport

Sub-Sector or Matter: Services Incidental to Transport

Industry Classification:

Type of Inconsistency: Market Access (Article 75)
National Treatment (Article 76)

Level of Government: Central Government

Legal Source or authority of the Measures: Pilotage Law (Law No. 121 of 1949), Chapters 2, 3 and 4

Succinct Description of the measure: Only a Japanese national may become a pilot in Japan.
Pilots directing ships in the same pilotage district are required to establish a pilot association for the pilotage district.

JBEPA Transparency List (Japan)

61 Sector: Transport

Sub-Sector or Matter: Water Transport

Industry Classification: JSIC 451 Oceangoing transport

Type of Inconsistency: Most-Favoured-Nation Treatment (Article 79)

Market Access (Article 75)

National Treatment (Article 76)

Level of Government: Central Government

Legal Source or authority of the Measures: Law Concerning Special Measures against Unfavorable Treatment to Japanese Oceangoing Ship Operators by Foreign Government (Law No. 60 of 1977)

Succinct Description of the measure: Bruneian oceangoing ship operators may be restricted or prohibited from entering Japanese ports or from loading and unloading cargoes in Japan in cases where Japanese oceangoing ship operators are prejudiced by Bruneian.

JBEPA Transparency List (Japan)

62 Sector: Transport

Sub-Sector or Matter: Water Transport

Industry Classification: JSIC 452 Coastwise transport
 JSIC 453 Inland water transport
 JSIC 4542 Coastwise ship leasing

Type of Inconsistency: National Treatment (Article 76)

Level of Government: Central Government

Legal Source or authority of the Measures: Foreign Exchange and Foreign Trade Law (Law No. 228 of 1949), Article 27
 Cabinet Order on Foreign Direct Investment (Cabinet Order No. 261 of 1980), Article 3

Succinct Description of the measure: The prior notification requirement under the Foreign Exchange and Foreign Trade Law applies to foreign investors who intend to make investments in water transport industry in Japan. For greater certainty, "water transport industry" refers to oceangoing/seagoing transport, coastwise transport (i.e. maritime transport between ports within Japan), inland water transport and ship leasing industry. However, oceangoing/seagoing transport industry and ship leasing industry excluding coastwise ship leasing industry are exempted from the prior notification requirement.

JBEPA Transparency List (Japan)

63 Sector: Transport

Sub-Sector or Matter: Water Transport

Industry Classification

Type of Inconsistency: Most-Favoured-Nation Treatment (Article 79)

Market Access (Article 75)

National Treatment (Article 76)

Level of Government: Central Government

Legal Source or authority of the Measures: Ship Law (Law No. 46 of 1899), Article 3

Succinct Description of the measure: Unless otherwise specified in laws and regulations of Japan or international agreements to which Japan is a party, ships not flying the Japanese flag are prohibited from entering Japanese ports which are not open to foreign commerce and from carrying cargoes or passengers between ports in Japan.

JBEP A Transparency List (Japan)

64 Sector: Vocational Skills Test

Sub-Sector or
Matter:

Industry
Classification:

Type of Inconsistency: Market Access (Article 75)

Level of Government: Central Government

Legal Source or authority of the Measures: Human Resources Development Promotion Law (Law No. 64 of 1969), Chapter 5

Succinct Description of the measure: An enterprise which intends to carry out the vocational skills test for workers is required to establish an office in Japan, and to be designated by the Minister of Health, Labour and Welfare.

JBEPA Transparency List (Japan)

65 Sector: Water Supply and Waterworks

Sub-Sector or
Matter:

Industry Classification JSIC 3611 Water for end users,
except industrial users

Type of
Inconsistency: National Treatment (Article 76)

Level of
Government: Central Government

Legal Source Foreign Exchange and Foreign Trade
or Law (Law No. 228 of 1949), Article 27
authority of
the Measures: Cabinet Order on Foreign Direct
Investment (Cabinet Order No. 261
of 1980), Article 3

Succinct Description of
the measure: The prior notification requirement
under the Foreign Exchange and
Foreign Trade Law applies to foreign
investors who intend to make
investments in water supply and
waterworks industry in Japan.

JBEPA Transparency List (Japan)

66 Sector: Wholesale and Retail Trade

Sub-Sector or
Matter: Livestock

Industry
Classification: JSIC 5219 Miscellaneous agricultural,
animal and poultry farm and
aquatic products

Type of
Inconsistency: Market Access (Article 75)

Level of
Government: Central Government

Legal Source or
authority of
the Measures: Livestock Dealer Law
(Law No. 208 of 1949), Article 3

Succinct
Description of
the measure: A person who intends to conduct
livestock trading business is
required to be resident in Japan, and
to obtain a license from the
prefectural governor having
jurisdiction over the place of
residence. For greater certainty,
"livestock trading" means the trading
or exchange of livestock, or the good
offices for such trading or exchange.