

Annex III
Referred to in Chapter 6

Lists of Reservations

Appendices 1 and 2 to this Annex are Lists of Reservations of Japan and Switzerland, respectively, referred to in Article 57.

Appendix 1
Lists of Reservations of Japan

Section 1
Existing Measures

1. This list sets out, pursuant to Article 57, the reservations taken by Japan with respect to existing measures that do not conform with obligations imposed by:

- (a) Article 45
- (b) Article 46
- (c) Article 47

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

- (a) "Sector" refers to the general sector in which the reservation is taken;
- (b) "Sub-Sector" refers to the specific sector in which the reservation is taken;
- (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 Reservation" specifies the obligations referred to in paragraph 1 for which the reservation is taken;
- (e) "Level of Government" indicates the level of government maintaining the measure for which the reservation is taken;
- (f) "Measures" identifies the existing laws, regulations or other measures for which the reservation is taken. A measure cited in the "Measures" element:
 - (i) means the measure as amended, continued or renewed as of the date of entry into force of this Agreement; and
 - (ii) includes any subordinate measure adopted or maintained under the authority of and consistent with the measure; and

- (g) "Description" sets out, with regard to the obligations referred to in paragraph 1, the non-conforming aspects of the existing measures for which the reservation is taken.

3. In the interpretation of a reservation, all elements of the reservation shall be considered. A reservation shall be interpreted in the light of the relevant provisions of Chapter 6 against which the reservation is taken, and the "Measures" element shall prevail over all other elements.

4. With respect to Financial Services:

- (a) For prudential reasons within the context of paragraph 1 of Article VI of Annex VI, 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 laws of Japan, and banks are not allowed to deal in those securities unless allowed in accordance with those laws.
- (b) Services supplied in the Area of Switzerland to the service consumer in Japan without any active marketing from the service supplier are considered as services supplied under subparagraph (t)(ii) of Article 44.

5. With respect to air transport services, measures affecting traffic rights or measures affecting services directly related to the exercise of traffic rights are not listed in this list, as these are excluded from the scope of Chapter 6 pursuant to paragraph 2 of Article 43.

6. Laws and regulations with regard to spectrum availability affecting obligations under Article 46 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).

7. For the purposes of this Appendix, "JSIC" means Japan Standard Industrial Classification set out by the Statistics Bureau, Ministry of Internal Affairs and Communications, and revised on 6 November 2007.

1 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 reservation No.16 in Section 2)

Sub-Sector:

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

Reservation: National Treatment (Article 47)

Level of

Government: Central Government

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

Description:

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 reservation No.16 in Section

2) in the Area of Japan.

2 Sector: Automobile Maintenance Business

Sub-Sector: Motor Vehicle Disassembling Repair Business

Industry Classification: JSIC 89 Automobile maintenance services

Type of Reservation: Market Access (Article 46)

Level of Government: Central Government

Measures: Road Vehicle Law (Law No. 185 of 1951), Chapter 6

Description: 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.

3 Sector: Business Services

Sub-Sector:

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

Type of
Reservation: Market Access (Article 46)

Level of
Government: Central Government

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

Description: 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 services, mariner dispatching services and work opportunities

securing services for
construction workers.

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

4 Sector: Collection Agency Services

Sub-Sector:

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

Type of
Reservation: Market Access (Article 46)

Level of
Government: Central Government

Measures: Special Measures Law Concerning Credit Management and Collection Business (Law No. 126 of 1998), Articles 3 and 4
Lawyers Law (Law No. 205 of 1949), Articles 72 and 73

Description: 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 Law 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 Law Concerning Credit Management and Collection Business that handles credits pursuant to provisions of that Law.

5 Sector: Construction

Sub-Sector:

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
Reservation: Market Access (Article 46)

Level of
Government: Central Government

Measures: Construction Business Law (Law
No. 100 of 1949), Chapter 2

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

Description: 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.

6 Sector: Distribution Services

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

Industry
Classification: JSIC 5222 Liquors
JSIC 5851 Liquor stores

Type of
Reservation: Market Access (Article 46)

Level of
Government: Central Government

Measures: Liquor Tax Law (Law No. 6 of 1953),
Articles 9, 10 and 11

Description: The number of licences conferred to
service suppliers in this sub-sector
may be limited.

7 Sector: Distribution Services

Sub-Sector: Wholesale Trade Services Supplied at
Public Wholesale Market

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

Type of
Reservation: Market Access (Article 46)

Level of
Government: Central Government

Measures: Wholesale Market Law (Law No.35 of
1971), Articles 15, 17 and 33

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

8 Sector: Education, Learning Support

Sub-Sector: Higher Educational Services

Industry
Classification: JSIC 816 Institution of higher
education

Type of
Reservation: Market Access (Article 46)

Level of
Government: Central Government

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

Description: Higher 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, special support schools
and kindergartens.

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

9 Sector: Financial Services

Sub-Sector: 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
Obligation: National Treatment (Article 47)

Level of
Government: Central Government

Measures: Deposit Insurance Law (Law No. 34 of
1971), Article 2

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

10 Sector: Financial Services

Sub-Sector: Insurance and Insurance-Related Services

Industry
Classification: JSIC 672 Non-life insurance institutions

JSIC 6742 Non-life insurance agents and brokers

Type of
Reservation: Market Access (Article 46)

Level of
Government: Central Government

Measures: Insurance Business Law (Law No. 105 of 1995), Articles 185,186,275, 276, 277, 286 and 287

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

Ministerial Ordinance for Enforcement of Insurance Business Law (Ministerial Ordinance of the Ministry of Finance No.5 of 1996), Articles 116 and 212-6

Description: 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.

11 Sector: Heat Supply

Sub-Sector:

Industry
Classification: JSIC 3511 Heat supply

Type of
Reservation: National Treatment (Article 47)

Level of
Government: Central Government

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

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

12 Sector: Information and Communications

Sub-Sector: Telecommunications

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
Reservation: Market Access (Article 46)

National Treatment (Article 47)

Level of
Government: Central Government

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

Description: 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) to (c) below 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 Telegraph and Telephone East

Corporation and Nippon Telegraph and
Telephone West Corporation.

13 Sector: Information and Communications

Sub-Sector: 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 reservation 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 Reservation: National Treatment (Article 47)

Level of Government: Central Government

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

Description: 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.

14 Sector: Manufacturing

Sub-Sector: Shipbuilding and Repairing, and Marine Engines

Industry
Classification: JSIC 3131 Shipbuilding and repairing

Type of
Reservation: Market Access (Article 46)

Level of
Government: Central Government

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

Description: 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 licence is subject to the requirements of an economic needs test.

15 Sector: Manufacturing

Sub-Sector: Services Incidental to Drugs and Medicines Manufacturing

Industry Classification: JSIC 1653 Biological preparations

Type of Reservation: National Treatment (Article 47)

Level of Government: Central Government

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

Description: 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.

16 Sector: Manufacturing
Sub-Sector: Services Incidental to Manufacturing
(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
reservation under JSIC 1189 or
3253 are limited to the
activities related to leather
and leather products
manufacturing.

Note 2: The activities covered by the
reservation under JSIC 1694
are limited to the activities
related to animal glue

(nikawa) and gelatine
manufacturing.

Type of
Reservation: National Treatment (Article 47)

Level of
Government: Central Government

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

Description: 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.

17 Sector: Matters Related to the Nationality of a Ship

Sub-Sector:

Industry Classification:

Type of Reservation: Market Access (Article 46)
National Treatment (Article 47)

Level of Government: Central Government

Measures: Ship Law (Law No. 46 of 1899), Article 1

Description: 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 the law of Japan, of which all the representatives and not less than two-thirds of the executives administering the affairs are Japanese nationals.

18 Sector: Measuring Services

Sub-Sector:

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

Type of
Reservation: Market Access (Article 46)

Level of
Government: Central Government

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)

Description: 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.

19 Sector: Medical, Health Care and Welfare

Sub-Sector:

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

Type of reservation: Market Access (Article 46)

Level of Government: Central Government

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)

Description: 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.

20 Sector: Mining

Sub-Sector: Services Incidental to Mining

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

Type of
Reservation: Market Access (Article 46)

National Treatment (Article 47)

Level of
Government: Central Government

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

Description: Only a Japanese national or a
juridical person established under
the law of Japan 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.

21 Sector: Oil Industry

Sub-Sector: Storage and Warehouse Services
 Relating to Petroleum and Petroleum
 Products
 Distribution Services Related to
 Petroleum and Petroleum Products

Industry
 Classification: JSIC 4711 Ordinary warehousing
 JSIC 4721 Refrigerated warehousing
 JSIC 5331 Petroleum
 JSIC 6051 Petrol stations
 (gasoline service stations)
 JSIC 6052 Fuel stores, except
 gasoline service stations
 JSIC 9299 Miscellaneous business
 services, n.e.c.

Note 1: The activities covered by the
 reservation under JSIC 4711,
 4721 or 6052 are limited to
 the activities related to oil
 industry.

Note 2: The activities covered by the
 reservation under JSIC 9299
 are limited to the activities
 related to liquefied
 petroleum gas industry.

Type of
 Reservation: National Treatment (Article 47)

Level of
 Government: Central Government

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

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

22 Sector: Professional Services

Sub-Sector:

Industry

Classification: JSIC 7211 Lawyers' offices

Type of

Reservation: Market Access (Article 46)

Level of

Government: Central Government

Measures:

Lawyers Law (Law No. 205 of 1949),
Chapters 3, 4, 4-2, 5 and 9

Description:

A natural person who intends to supply legal services is required to be qualified as an attorney at law under the laws and regulations of Japan ("Bengoshi") and to establish an office within the district of the local bar association to which the natural person belongs.

An enterprise which intends to supply legal services is required to establish a law firm under the laws and regulations of Japan ("Bengoshi-Hojin").

23 Sector: Professional Services

Sub-Sector:

Industry
Classification: JSIC 7211 Lawyers' offices

Type of
Reservation: Market Access (Article 46)

Level of
Government: Central Government

Measures: Law on Special Measures Concerning
the Handling of the Legal Business by
Foreign Legal Consultant (Law No. 66
of 1986), Chapters 2 and 4

Description: A natural person who intends to
supply foreign legal consultant
services is required to be qualified
as a 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.

24 Sector: Professional Services

Sub-Sector:

Industry
Classification: JSIC 7212 Patent attorneys' offices

Type of
Reservation: Market Access (Article 46)

Level of
Government: Central Government

Measures: Patent Attorney Law (Law No. 49 of 2000), Chapters 3, 6 and 8

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

25 Sector: Professional Services

Sub-Sector:

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

Type of
Reservation: Market Access (Article 46)
National Treatment (Article 47)

Level of
Government: Central Government

Measures: Notary Law (Law No. 53 of 1908),
Chapters 2 and 3

Description: 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.

26 Sector: Professional Services

Sub-Sector:

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

Type of
Reservation: Market Access (Article 46)

Level of
Government: Central Government

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

Description: 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").

27 Sector: Professional Services

Sub-Sector:

Industry

Classification: JSIC 7241 Certified public
accountants' offices

Type of

Reservation: Market Access (Article 46)

Level of

Government: Central Government

Measures:

Certified Public Accountant Law (Law
No. 103 of 1948), Chapters 3, 5-2 and
7

Description:

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

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").

28 Sector: Professional Services

Sub-Sector:

Industry
Classification: JSIC 7242 Auditors' offices

Type of
Reservation: Market Access (Article 46)

Level of
Government: Central Government

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)

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

29 Sector: Professional Services

Sub-Sector:

Industry
Classification: JSIC 7231 Administrative
scriveners' offices

JSIC 7294 Certified real estate
appraisers

JSIC 7299 Professional services,
n.e.c.

JSIC 7421 Architectural design
services

Type of
Reservation: Market Access (Article 46)

Level of
Government: Central Government

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

Description: 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.

30 Sector: Professional Services

Sub-Sector:

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

Type of
Reservation: Market Access (Article 46)

Level of
Government: Central Government

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

Description: 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").

31 Sector: Professional Services

Sub-Sector:

Industry
Classification: JSIC 7231 Administrative scriveners'
offices

Type of
Reservation: Market Access (Article 46)

Level of
Government: Central Government

Measures: Administrative Scrivener Law
(Law No. 4 of 1951), Chapters 3,
4, 5 and 8

Description: 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").

32 Sector: Professional Services

Sub-Sector:

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

Type of
Reservation: Market Access (Article 46)

Level of
Government: Central Government

Measures: Maritime Procedure Agents Law (Law No.
32 of 1951), Article 17

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

33 Sector: Professional Services

Sub-Sector:

Industry
Classification: JSIC 7222 Land and house surveyors' offices

Type of
Reservation: Market Access (Article 46)

Level of
Government: Central Government

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

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

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").

34 Sector: Real Estate

Sub-Sector:

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
Reservation: Market Access (Article 46)

Level of
Government: Central Government

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

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

2. A person who intends to conduct real estate syndication business is required to establish an office in Japan and to obtain permission from 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.

35 Sector: Real Estate Appraisal Services

Sub-Sector:

Industry
Classification: JSIC 7294 Certified real estate appraisers

Type of
Reservation: Market Access (Article 46)

Level of
Government: Central Government

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

Description: 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.

36 Sector: Seafarers

Sub-Sector:

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

Type of
Reservation: Market Access (Article 46)
National Treatment (Article 47)

Level of
Government: Central Government

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

Description: 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.

37 Sector: Services Related to Occupational Safety and Health

Sub-Sector:

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 Reservation: Market Access (Article 46)

Level of Government: Central Government

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)

Description: 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.

38 Sector: Surveying Services

Sub-Sector:

Industry
Classification: JSIC 7422 Surveying services

Type of
Reservation: Market Access (Article 46)

Level of
Government: Central Government

Measures: Survey Law (Law No. 188 of 1949),
Chapter 6

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

39 Sector: Transport

Sub-Sector: Air Transport

Industry
Classification: JSIC 4600 Head offices primarily engaged in managerial operations

JSIC 4621 Aircraft service, except air transport

Type of
Reservation: Market Access (Article 46)

National Treatment (Article 47)

Level of
Government: Central Government

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

Civil Aeronautics Law (Law No. 231 of 1952), Chapters 7 and 8

Description: 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.

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:

(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).

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.

40 Sector: Transport

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

Industry Classification:

Type of Reservation: Market Access (Article 46)

National Treatment (Article 47)

Level of Government: Central Government

Measures: Civil Aeronautics Law (Law No. 231 of 1952), Chapter 2

Description: 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.

41 Sector: Transport

Sub-Sector: Customs Brokerage

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

Type of
Reservation: Market Access (Article 46)

Level of
Government: Central Government

Measures: Customs Brokerage Law (Law
No. 122 of 1967), Chapter 2

Description: 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.

42 Sector: Transport

Sub-Sector: 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
Reservation: Most-Favoured-Nation Treatment
(Article 45)

Market Access (Article 46)

National Treatment (Article 47)

Level of
Government: Central Government

Measures: Freight Forwarding Business Law (Law
No. 82 of 1989), Chapters 2, 3 and
4

Enforcement Regulation of Freight
Forwarding Business Law (Ministerial
Ordinance of the Ministry of
Transport No. 20 of 1990)

Description: 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.

43 Sector: Transport

Sub-Sector: Railway Transport

Industry
Classification: JSIC 421 Railway transport

JSIC 4851 Railway facilities
services

Type of
Reservation: National Treatment (Article 47)

Level of
Government: Central Government

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

Description: 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.

44 Sector: Transport

Sub-Sector: Road Passenger Transport

Industry
Classification: JSIC 4311 Common omnibus operators

Type of
Reservation: National Treatment (Article 47)

Level of
Government: Central Government

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

Description: 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.

45 Sector: Transport

Sub-Sector: 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
Reservation: Market Access (Article 46)

Level of
Government: Central Government

Measures: Road Transport Law (Law No. 183 of
1951), Chapter 2
Trucking Business Law (Law No. 83 of
1989), Chapter 2

Description: 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 where 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 where 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.

46 Sector: Transport

Sub-Sector: Services Incidental to Transport

Industry
Classification: JSIC 4852 Fixed facilities for road
transport

Type of
Reservation: Market Access (Article 46)

Level of
Government: Central Government

Measures: Road Transport Law (Law No. 183 of
1951), Chapter 4

Description: 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 licence
is subject to an economic needs
test, such as whether the proposed
motorway is appropriate in scale
compared with the volume and nature of
traffic demand in the proposed area.

47 Sector: Transport

Sub-Sector: Services Incidental to Transport

Industry
Classification:

Type of
Reservation: Market Access (Article 46)
National Treatment (Article 47)

Level of
Government: Central Government

Measures: Pilotage Law (Law No. 121 of 1949),
Chapters 2, 3 and 4

Description: 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.

48 Sector: Transport

Sub-Sector: Water Transport

Industry
Classification: JSIC 451 Oceangoing transport

Type of
Reservation: Most-Favoured-Nation Treatment
(Article 45)

Market Access (Article 46)

National Treatment (Article 47)

Level of
Government: Central Government

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

Description: Swiss oceangoing ship operators may
be restricted or prohibited from
entering ports in Japan or
from loading and unloading cargoes in
Japan in cases where Japanese
Oceangoing ship operators are
prejudiced by Switzerland.

49 Sector: Transport

Sub-Sector: Water Transport

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

Type of
Reservation: National Treatment (Article 47)

Level of
Government: Central Government

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

Description: 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.

50 Sector: Transport

Sub-Sector: Water Transport

Industry
Classification:

Type of
Reservation: Most-Favoured-Nation Treatment
(Article 45)

Market Access (Article 46)

National Treatment (Article 47)

Level of
Government: Central Government

Measures: Ship Law (Law No. 46 of 1899),
Article 3

Description: 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 ports in Japan which
are not open to foreign commerce and
from carrying cargoes or passengers
between ports in Japan.

51 Sector: Vocational Skills Test

Sub-Sector:

Industry
Classification:

Type of
Reservation: Market Access (Article 46)

Level of
Government: Central Government

Measures: Human Resources Development Promotion
Law (Law No. 64 of 1969), Chapter 5

Description: 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.

52 Sector: Water Supply and Waterworks

Sub-Sector:

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

Type of
Reservation: National Treatment (Article 47)

Level of
Government: Central Government

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

Description: 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.

53 Sector: Wholesale and Retail Trade

Sub-Sector: Livestock

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

Type of
Reservation: Market Access (Article 46)

Level of
Government: Central Government

Measures: Livestock Dealer Law
(Law No. 208 of 1949), Article 3

Description: A person who intends to conduct
livestock trading business is
required to be resident in Japan and
to obtain a licence 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.

54 Sector: All Sectors

Sub-Sector:

Industry
Classification:

Type of
Reservation: Market Access (Article 46)
National Treatment (Article 47)

Level of
Government: Local governments other than
prefectures

Measures:

Description: Any existing measure that is
maintained, continued or renewed at
any time by local governments other
than prefectures is reserved by Japan
to the extent not inconsistent with
Japanese specific commitments under
the GATS.

At the time of entry into force of
this Agreement, Japan will provide
Switzerland with a non-legally binding
list of existing measures by local
governments other than prefectures.

Japan shall take such reasonable
measures as may be available to it to
increase the conformity of the
existing measures by such local
governments.

Section 2
Future Measures

1. This list sets out, pursuant to Article 57, the reservations taken by Japan with respect to specific sectors, sub-sectors or activities for which it may maintain existing, or adopt new or more restrictive, measures that do not conform with obligations imposed by;

- (a) Article 45
- (b) Article 46
- (c) Article 47

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

- (a) "Sector" refers to the general sector in which the reservation is taken;
- (b) "Sub-Sector" refers to the specific sector in which the reservation is taken;
- (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 Reservation" specifies the obligations referred to in paragraph 1 for which the reservation is taken;
- (e) "Description" sets out the scope of the sector, sub-sector or activities covered by the reservation; and
- (f) "Existing Measures" identifies, for transparency purposes, existing measures that apply to the sector, sub-sector or activities covered by the reservation.

3. In the interpretation of a reservation, all elements of the reservation shall be considered. The "Description" element shall prevail over all other elements.

4. With respect to Financial Services:

- (a) For prudential reasons within the context of paragraph 1 of Article VI of Annex VI, 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 laws of Japan, and banks are not allowed to deal in those securities unless allowed in accordance with those laws.

- (b) Services supplied in the Area of Switzerland to the service consumer in Japan without any active marketing from the service supplier are considered as services supplied under subparagraph (t)(ii) of Article 44.

5. With respect to air transport services, measures affecting traffic rights or measures affecting services directly related to the exercise of traffic rights are not listed in this list, as these are excluded from the scope of Chapter 6 pursuant to paragraph 2 of Article 43.

6. Laws and regulations with regard to spectrum availability affecting obligations under Article 46 (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).

7. For the purposes of this Appendix:

- (a) "JSIC" means Japan Standard Industrial Classification set out by the Statistics Bureau, Ministry of Internal Affairs and Communications, and revised on 6 November 2007; and
- (b) "CPC" means the Provisional Central Product Classification (Statistical paper Series M, No. 77, Department of International Economic and Social Affairs, Statistical Office of the United Nations, New York, 1991).

1 Sector: All Sectors

Sub-Sector:

Industry
Classification:

Type of
Reservation: Market Access (Article 46)

National Treatment (Article 47)

Description: When transferring or disposing of its equity interests in, or the assets of, a state enterprise or a governmental entity, Japan reserves the right to:

- (a) prohibit or impose limitations on the ownership of such interests or assets by investors of Switzerland or their investments;
- (b) impose limitations on the ability of investors of Switzerland or their investments as owners of such interests or assets to control any resulting enterprise; or
- (c) adopt or maintain any measure relating to the nationality of executives, managers or members of the board of directors of any resulting enterprise.

Existing
Measures:

2 Sector: All Sectors

Sub-Sector:

Industry
Classification:

Type of
Reservation: Market Access (Article 46)

National Treatment (Article 47)

Description: Japan reserves the right to adopt or maintain any measure relating to the supply of telegraph services, postal services, betting and gambling services and sale of coinage in Japan, which are restricted to designated enterprises or governmental entities.

In the event where the supply of telegraph services, postal services, betting and gambling services and sale of coinage in Japan, which are restricted to designated enterprises or governmental entities, are liberalised to those other than the designated enterprises or governmental entities, or in the event where such designated enterprises or governmental entities no longer operate on a non-commercial basis, Japan reserves the right to adopt or maintain any measure relating to those activities.

Existing
Measures: Telecommunications Business Law (Law No. 86 of 1984) Supplementary Provisions, Article 5

Postal Law (Law No. 165 of 1947), Article 2

Horse Racing Law (Law No. 158 of 1948) Article 1

The Law relating to Motorboat Racing (Law No. 242 of 1951), Article 2

Bicycle Racing Law (Law No. 209 of 1948), Article 1

Auto Racing Law (Law No. 208 of 1950),
Article 3

Lottery Law (Law No. 144 of 1948),
Article 4

The Law relating to Unit of Currency
and Issue of Coin (Law No. 42 of
1987), Article 10

3 Sector: All Sectors (New Services)

Sub-Sector:

Industry
Classification:

Type of
Reservation: Most-Favoured-Nation Treatment
(Article 45)

Market Access (Article 46)

National Treatment (Article 47)

Description: Japan reserves the right to adopt or maintain any measure relating to new services other than those recognised or that should have been recognised owing to the circumstances at the time of entry into force of this Agreement by the Government of Japan.

Any services classified positively and explicitly in JSIC or CPC at the time of entry into force of this Agreement should have been recognised by the Government of Japan at that time.

Japan reserves the right to adopt or maintain any measure relating to the supply of services in any mode of supply in which those services were not technically feasible at the time of entry into force of this Agreement.

This reservation shall not apply to Article II of Annex VI.

Existing
Measures:

4 Sector: All Sectors

Sub-Sector:

Industry
Classification:

Type of
Reservation: National Treatment (Article 47)

Description: Japan reserves the right to adopt or maintain any measure related to research and development subsidies including any direct or indirect contribution, financial or otherwise, to research and development provided by the Government of Japan or any Japanese public body.

Existing
Measures:

5 Sector: Aerospace Industry

Sub-Sector: Machine Repair Related to Aircraft Industry

Industry Classification:

Type of Reservation: Market Access (Article 46)

National Treatment (Article 47)

Description: Japan reserves the right to adopt or maintain any measure relating to the supply of services in this sub-sector to the extent not inconsistent with its commitments under the GATS.

Existing Measures:

Aircraft Manufacturing Industry Law (Law No. 237 of 1952), Articles 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

6 Sector: Aerospace Industry

Sub-Sector: Machine Repair Related to Satellites
and Rockets

Industry
Classification:

Type of
Reservation: Market Access (Article 46)

National Treatment (Article 47)

Description: Japan reserves the right to adopt or
maintain any measure relating to the
supply of services in this sub-sector.

Existing
Measures: 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

7 Sector: Arms and Explosives Industry

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

Industry Classification:

Type of Reservation: Market Access (Article 46)

National Treatment (Article 47)

Description: Japan reserves the right to adopt or maintain any measure relating to the supply of services in this sub-sector.

Existing Measures:

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

8 Sector: Information and Communications

Sub-Sector: Broadcasting Industry

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 Reservation:

Market Access (Article 46)

National Treatment (Article 47)

Description: Japan reserves the right to adopt or maintain any measure relating to the supply of services in broadcasting industry.

Existing 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 Use of Telecommunications Services (Law No. 85 of 2001), Chapter 2

9 Sector: Education, Learning Support

Sub-Sector: Primary and Secondary Educational Services

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

Type of Reservation: Market Access (Article 46)

National Treatment (Article 47)

Description: Japan reserves the right to adopt or maintain any measure relating to the supply of primary and secondary educational services.

Existing 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

10 Sector: Energy

Sub-Sector: Machine Repair Related to Nuclear Energy

Industry Classification: JSIC 9011 General machine repair shops, except construction and mining machinery

Note: The activities covered by the reservation under JSIC 9011 are limited to the activities related to nuclear energy industry.

Type of Reservation: Market Access (Article 46)

National Treatment (Article 47)

Description: Japan reserves the right to adopt or maintain any measure relating to the supply of services in this sub-sector.

Existing Measures: 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

11 Sector: Energy

Sub-Sector: Services Incidental to Energy Distribution (Transmission Services on a Fee or Contract Basis of Electricity)

Industry Classification: JSIC 330 Establishments engaged in administrative or ancillary economic activities

JSIC 331 Production, transmission and distribution of electricity

Type of Reservation: Market Access (Article 46)

National Treatment (Article 47)

Description: Japan reserves the right to adopt or maintain any measure relating to the supply of services in this sub-sector.

Existing Measures: Electricity Business Law (Law No. 170 of 1964), 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

12 Sector: Energy

Sub-Sector: Specified Radioactive Waste Final Disposal Services

Industry
Classification: JSIC 8899 Waste treatment services,
n.e.c

Type of
Reservation: Market Access (Article 46)

Description: Japan reserves the right to adopt or maintain any measure relating to the supply of services in this sub-sector.

Existing
Measures: Specified Radioactive Waste Final Disposal Act (Law No. 117 of 2000), Chapter 5

13 Sector: Energy

Sub-Sector: Transportation Services of Natural Gas on a Fee or Contract Basis

Industry Classification: JSIC 340 Establishments engaged in administrative or ancillary economic activities

JSIC 3411 Gasworks

JSIC 3412 Gas distribution

Type of Reservation: Most-Favoured-Nation-Treatment (Article 45)

Market Access (Article 46)

National Treatment (Article 47)

Description: Japan reserves the right to adopt or maintain any measure relating to the supply of services in this sub-sector.

Existing Measures: Gas Business Law (Law No. 51 of 1954), 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

14 Sector: Financial Services

Sub-Sector: Banking and other financial services (excluding Insurance)

Industry Classification:

Type of Reservation: Market Access (Article 46)

National Treatment (Article 47)

Description: Japan reserves the right to adopt or maintain any measure with respect to trade in services as defined in subparagraph (t) (i) of Article 44 for banking and other financial services, other than:

- (a) securities-related transactions with financial institutions and other entities in Japan as prescribed by the relevant laws and regulations of Japan;
- (b) sales of a beneficiary certificate of an investment trust and an investment security, through securities firms in Japan; and
Note: Solicitation must be conducted by securities firms in Japan.
- (c) provision and transfer of financial information and financial data processing as referred to in subparagraph 2(a) (i) (O) of Article I of Annex VI and advisory and other auxiliary services, excluding intermediation, relating to banking and other financial services as referred to in subparagraph 2(a) (i) (P) of Article I of Annex VI.

Japan reserves the right to adopt or maintain any measure with respect to trade in services as defined in subparagraph (t) (ii) of Article 44 of banking and other financial services,

other than the services as referred to
in subparagraph 2(a)(i)(E) to (P) of
Article I of Annex VI.

Existing
Measures:

15 Sector: Financial Services

Sub-Sector: Insurance and Insurance-Related Services

Industry Classification:

Type of Reservation: Market Access (Article 46)

National Treatment (Article 47)

Description: Japan reserves the right to adopt or maintain any measure with respect to trade in services as defined in subparagraph (t) (i) of Article 44 and trade in services as defined in subparagraph (t) (ii) of Article 44 for insurance and insurance-related services, other than the following services, whether supplied by a financial service supplier of Switzerland established in Switzerland as a principal, through an intermediary or as an intermediary:

(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; and

(b) reinsurance, retrocession and the services auxiliary to insurance as referred to in subparagraph 2(a) (i) (D) of Article I of Annex VI.

Note: Insurance intermediation services may be supplied only for insurance contracts allowed to be supplied in

Japan.

Existing
Measures:

16 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 Reservation: Most-Favoured-Nation Treatment (Article 45)
Market Access (Article 46)
National Treatment (Article 47)

Description: Japan reserves the right to adopt or maintain any measure relating to the supply of services in fisheries in the territorial sea, internal waters, exclusive economic zone and continental shelf of Japan.

For the purposes of this reservation, "Fisheries" means the work of taking and cultivation of aquatic resources, including the following fisheries related services:

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

Existing
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

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

17 Sector: Land Transaction

Sub-Sector:

Industry
Classification:

Type of
Reservation: Most-Favoured-Nation Treatment
(Article 45)

National Treatment (Article 47)

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

Existing
Measures: Alien Land Law (Law No. 42, 1925),
Article 1

18 Sector: Manufacturing

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

Industry Classification:

Type of Reservation: Market Access (Article 46)

National Treatment (Article 47)

Description: Japan reserves the right to adopt or maintain any measure relating to the supply of services in this sub-sector.

Existing Measures:

Aircraft Manufacturing Industry Law (Law No. 237 of 1952), Articles 2 through 5

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

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

19 Sector: Public Law Enforcement and
Correctional Services and Social
Services

Sub-Sector:

Industry
Classification:

Type of
Reservation: Most-Favoured-Nation Treatment
(Article 45)

Market Access (Article 46)

National Treatment (Article 47)

Description: Japan reserves the right to adopt or
maintain any measure relating to
the supply of services in
public law enforcement and
correctional services, and in social
services such as income security or
insurance, social security or
insurance, social welfare, public
training, health and child care.

Existing
Measures:

20 Sector: Security Guard Services

Sub-Sector:

Industry
Classification: JSIC 923 Guard services

Type of
Reservation: Market Access (Article 46)

National Treatment (Article 47)

Description: Japan reserves the right to adopt or maintain any measure relating to the supply of security guard services.

Existing
Measures: Security Business Law (Law No. 117 of 1972), Articles 4 and 5

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