Annex 9  
referred to in Chapter 10  

Reservations for Measures referred to  
in Paragraph 3 of Article 10.8  

Part 1  
Schedule of Japan  

1. The Schedule of Japan sets out, in accordance with paragraph 3 of Article 10.8, 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 10.3;  
(b) Article 10.4; or  
(c) Article 10.7.

2. Each reservation 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 the other elements.

4. For the purposes of this Annex, “JSIC” means Japan Standard Industrial Classification set out by the Ministry of Internal Affairs and Communications, and revised on October 30, 2013.
1 Sector: All Sectors

Sub-Sector:

Industry Classification:

Type of Reservation: National Treatment (Article 10.3)

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 Mongolia or their investments;

(b) impose limitations on the ability of investors of Mongolia or their investments as owners of such interests or assets to control any resulting enterprise; or

(c) adopt or maintain any measure related to the nationality of executives, managers or members of the board of directors of any resulting enterprise.

Existing Measures:
Sector: All Sectors

Sub-Sector:

Industry Classification:

Type of Reservation: National Treatment (Article 10.3)
Prohibition of Performance Requirements (Article 10.7)

Description: In the event where the supply of telegraph services, postal services, betting and gambling services, manufacture of tobacco products, manufacture of Bank of Japan notes and minting and sale of coinage in Japan, which are restricted to designated enterprises or governmental entities, are liberalized 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 related to those activities.

Existing Measures:
3  Sector:  All Sectors

Sub-Sector:

Industry Classification:

Type of Reservation:  
National Treatment (Article 10.3)

Most-Favored-Nation Treatment (Article 10.4)

Description:  National Treatment and Most-Favored-Nation Treatment may not be accorded to investors of Mongolia and their investments with respect to subsidies.

Existing Measures:
4  Sector: Aerospace Industry
Sub-Sector: Aircraft Industry

Industry Classification: Space Industry

Type of Reservation: National Treatment (Article 10.3)
Prohibition of Performance Requirements (Article 10.7)

Description: Japan reserves the right to adopt or maintain any measure related to investment in aircraft industry and space industry.

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
<table>
<thead>
<tr>
<th>Sector:</th>
<th>Arms and Explosives Industry</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sub-Sector:</td>
<td>Arms Industry</td>
</tr>
<tr>
<td></td>
<td>Explosives Manufacturing Industry</td>
</tr>
</tbody>
</table>

**Industry Classification:**

<table>
<thead>
<tr>
<th>Type of Reservation:</th>
<th>National Treatment (Article 10.3)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Prohibition of Performance Requirements (Article 10.7)</td>
</tr>
</tbody>
</table>

**Description:**

Japan reserves the right to adopt or maintain any measure related to investment in arms industry and explosives manufacturing industry.

**Existing Measures:**

<table>
<thead>
<tr>
<th>Foreign Exchange and Foreign Trade Law (Law No. 228 of 1949), Articles 27 and 30</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cabinet Order on Foreign Direct Investment (Cabinet Order No. 261 of 1980), Articles 3 and 5</td>
</tr>
</tbody>
</table>
6 Sector: Energy

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

Industry Classification:

Type of Reservation:
National Treatment (Article 10.3)
Prohibition of Performance Requirements (Article 10.7)

Description: Japan reserves the right to adopt or maintain any measure related to investment in the energy industry listed in the "Sub-Sector" element.

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
### 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:
- National Treatment (Article 10.3)
- Most-Favored-Nation Treatment (Article 10.4)
- Prohibition of Performance Requirements (Article 10.7)

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

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

(a) investigation of aquatic resources without taking such resources;

(b) luring of aquatic resources;
(c) preservation and processing of fish catches;

(d) transportation of fish catches and fish products; and

(e) provision of supplies to other vessels used for fisheries.

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, 5, 7, 8, 9, 10, 11, 12 and 14
| 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: National Treatment (Article 10.3) |
| Prohibition of Performance Requirements (Article 10.7) |
| Description: Japan reserves the right to adopt or maintain any measure related to investment 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 5 and 8 |
Sector: Land Transaction

Sub-Sector:

Industry Classification:

Type of Reservation:
- National Treatment (Article 10.3)
- Most-Favored-Nation Treatment (Article 10.4)

Description: 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.

Existing Measures:
- Alien Land Law (Law No. 42 of 1925), Article 1
10 Sector: Public Law Enforcement and Correctional Services and Social Services

Sub-Sector:

Industry Classification:

Type of Reservation:
- National Treatment (Article 10.3)
- Most-Favored-Nation Treatment (Article 10.4)
- Prohibition of Performance Requirements (Article 10.7)

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

Existing Measures:
Part 2
Schedule of Mongolia

1. The Schedule of Mongolia sets out, in accordance with paragraph 3 of Article 10.8, the reservations taken by Mongolia 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 10.3;

   (b) Article 10.4; or

   (c) Article 10.7.

2. Each reservation 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) “Type of Reservation” specifies the obligations referred to in paragraph 1 for which the reservation is taken;

   (d) “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; and

   (e) “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 the other elements.
<table>
<thead>
<tr>
<th>Sector:</th>
<th>All Sectors</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sub-Sector:</td>
<td></td>
</tr>
<tr>
<td>Type of Reservation:</td>
<td>National Treatment (Article 10.3)</td>
</tr>
<tr>
<td></td>
<td>Prohibition of Performance Requirements (Article 10.7)</td>
</tr>
<tr>
<td>Description:</td>
<td>When transferring or disposing of its equity interests in, or the assets of, a state enterprise or a governmental entity, Mongolia reserves the right to:</td>
</tr>
<tr>
<td></td>
<td>(a) prohibit or impose limitations on the ownership of such interests or assets by investors of Japan or their investments;</td>
</tr>
<tr>
<td></td>
<td>(b) impose limitations on the ability of investors of Japan or their investments as owners of such interests or assets to control any resulting enterprise; or</td>
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<td></td>
<td>(c) adopt or maintain any measure related to the nationality of executives, managers or members of the board of directors of any resulting enterprise.</td>
</tr>
<tr>
<td>Existing Measures:</td>
<td></td>
</tr>
<tr>
<td>Sector:</td>
<td>All Sectors</td>
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<tr>
<td>--------</td>
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<td>Sub-Sector:</td>
<td></td>
</tr>
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<td>Type of Reservation:</td>
<td>National Treatment (Article 10.3)</td>
</tr>
<tr>
<td></td>
<td>Most-Favored-Nation Treatment (Article 10.4)</td>
</tr>
<tr>
<td></td>
<td>Prohibition of Performance Requirements (Article 10.7)</td>
</tr>
<tr>
<td>Description:</td>
<td>Mongolia reserves its right to adopt or maintain any measure to balance, for national security reasons, amount of investments in an individual sector to be established, acquired or expanded by foreign investors.</td>
</tr>
<tr>
<td>Existing Measures:</td>
<td>Policy Concept on the Mongolian National Security (Parliament Resolution No. 48 of 2010)</td>
</tr>
</tbody>
</table>
3 Sector: Food Industry

Sub-Sector: Strategic Food Production

Type of Reservation: National Treatment (Article 10.3) Prohibition of Performance Requirements (Article 10.7)

Description: Mongolia reserves its right to adopt or maintain any measure to ensure local production of the majority of consumer demands for such food as livestock-meat, milk, flour, wheat, grain seed and drinking water.

Existing Measures: Food Law of December 20, 2012, Article 3.1

Additional Changes on the Government Resolution and Its Amendments (Cabinet Order No. 114 of 2011), Annex 1
Sector: Manufacturing
Sub-Sector: Wool and Cashmere Industry
Type of Reservation:
- National Treatment (Article 10.3)
- Prohibition of Performance Requirements (Article 10.7)
Description: Mongolia reserves its right to adopt or maintain any measure related to investment in wool and cashmere industry.
Existing Measures:
5 Sector: Transportation
Sub-Sector: Railway Transportation
Type of Reservation: National Treatment (Article 10.3)
                        Most-Favored-Nation Treatment (Article 10.4)
                        Prohibition of Performance Requirements (Article 10.7)
Description: Mongolia reserves its right to adopt or maintain any measure related to admission of investment in its railway transportation sector.
Existing Measures: Parliament Resolution on the State Policy of Railway Transportation (No. 32 of 2010)
<table>
<thead>
<tr>
<th>Sector:</th>
<th>Civil Aviation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sub-Sector:</td>
<td>Air Transportation for Commercial Purposes</td>
</tr>
<tr>
<td>Type of Reservation:</td>
<td>National Treatment (Article 10.3)</td>
</tr>
<tr>
<td></td>
<td>Prohibition of Performance Requirements (Article 10.7)</td>
</tr>
<tr>
<td>Description:</td>
<td>Mongolia reserves its right to adopt or maintain any measure related to investment in its civil aviation and air transportation sector.</td>
</tr>
<tr>
<td>Existing Measures:</td>
<td></td>
</tr>
</tbody>
</table>
7 Sector: Construction

Sub-Sector: Real Estate Development and Trading

Type of Reservation: National Treatment (Article 10.3)

Description: Mongolia reserves its right to adopt or maintain any measure related to admission of investment in real estate development and ownership and trading by foreign citizens and foreign legal entities.

Existing Measures:
8 Sector: Communications

Sub-Sector: Radio and Television Services

Radio and Television Transmission Services

Type of Reservation:

National Treatment (Article 10.3)

Prohibition of Performance Requirements (Article 10.7)

Description: Mongolia reserves its right to adopt or maintain any measure related to investment in radio and television services and radio and television transmission services.

Existing Measures:
Sector: Mining

Sub-Sector:

Type of Reservation: Prohibition of Performance Requirements (Article 10.7)

Description: Mongolia reserves its right to adopt or maintain any measure related to admission of investment in mining industry.

Existing Measures:
Minerals Law of July 8, 2006, Articles 34 and 43
Investment Law of October 3, 2013, Articles 21 and 22
10 Sector: All Sectors

Sub-Sector:

Type of Reservation: National Treatment (Article 10.3)

Most-Favored-Nation Treatment (Article 10.4)

Description: National treatment and most-favored-nation treatment may not be accorded to investors of Japan and their investments with respect to subsidies.

Existing Measures: