

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)  
Prohibition of Performance  
Requirements (Article 10.7)

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:

2 Sector: All Sectors

Sub-Sector:

Industry  
Classification:

Type of National Treatment (Article 10.3)  
Reservation:

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

Space 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 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

5 Sector: Arms and Explosives Industry

Sub-Sector: Arms Industry

Explosives Manufacturing 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 arms industry and  
explosives manufacturing 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

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



7 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

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: 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

9 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.

1 Sector: All Sectors

Sub-Sector:

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

Description: 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:

- (a) prohibit or impose limitations  
on the ownership of such  
interests or assets by  
investors of Japan or their  
investments;
- (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
- (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:

2 Sector: All Sectors

Sub-Sector:

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 to balance,  
for national security reasons,  
amount of investments in an  
individual sector to be established,  
acquired or expanded by foreign  
investors.

Existing  
Measures: Policy Concept on the Mongolian  
National Security (Parliament  
Resolution No. 48 of 2010)



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

4 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)

6 Sector: Civil Aviation

Sub-Sector: Air Transportation for Commercial Purposes

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 its civil aviation and air transportation sector.

Existing Measures:

7 Sector: Construction

Sub-Sector: Real Estate Development and Trading

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  
admission of investment in real  
estate development and ownership and  
trading by foreign citizen 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:

9 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: