

IMPLEMENTING AGREEMENT BETWEEN THE GOVERNMENT OF JAPAN
AND THE GOVERNMENT OF MONGOLIA
PURSUANT TO ARTICLE 1.12 OF THE AGREEMENT BETWEEN JAPAN
AND MONGOLIA FOR AN ECONOMIC PARTNERSHIP

Table of Contents

Preamble

Chapter 1 General Provisions

Article 1.1 Definitions

Chapter 2 Customs Procedures and Trade Facilitation

Article 2.1 Cooperation

Article 2.2 Information and Communications
Technology

Article 2.3 Risk Management

Article 2.4 Combating Illicit Trafficking

Article 2.5 Intellectual Property Rights

Article 2.6 Exchange of Information

Article 2.7 Sub-Committee on Customs Procedures and
Trade Facilitation

Chapter 3 Competition

Article 3.1 Objective

Article 3.2 Definitions

Article 3.3 Notification

Article 3.4 Cooperation in Enforcement Activities

Article 3.5 Exchange of Information

Article 3.6 Coordination of Enforcement Activities

Article 3.7 Cooperation regarding Anticompetitive
Activities in the Country of a Party
that Adversely Affect the Interests of
the Other Party

Article 3.8 Avoidance of Conflicts over Enforcement
Activities

Article 3.9	Technical Cooperation
Article 3.10	Transparency
Article 3.11	Consultations
Article 3.12	Confidentiality of Information
Article 3.13	Use of Information for Criminal Proceedings
Article 3.14	Communications
Article 3.15	Miscellaneous
Chapter 4	Improvement of the Business Environment
Article 4.1	Sub-Committee on Improvement of the Business Environment
Article 4.2	Liaison Office
Chapter 5	Cooperation
Article 5.1	Agriculture, Forestry and Fisheries, including Matters related to SPS Measures referred to in Chapter 5 of the Basic Agreement
Article 5.2	Manufacturing Industry, including Matters related to Technical Regulations, Standards and Conformity Assessment Procedures referred to in Chapter 6 of the Basic Agreement
Article 5.3	Small and Medium Enterprises
Article 5.4	Trade and Investment
Article 5.5	Infrastructure, Construction and Urban Development
Article 5.6	Science and Technology and Intellectual Property
Article 5.7	Financial Services
Article 5.8	Education and Human Resource Development
Article 5.9	Tourism

Article 5.10 Environment
Article 5.11 Mining and Energy
Article 5.12 Healthcare
Article 5.13 Competition
Article 5.14 Information and Communications
Technology

Chapter 6 Final Provisions

Article 6.1 Implementation
Article 6.2 Table of Contents and Headings
Article 6.3 Amendment
Article 6.4 Entry into Force
Article 6.5 Dispute Settlement

Preamble

The Government of Japan and the Government of Mongolia,

In accordance with Article 1.12 of the Agreement between Japan and Mongolia for an Economic Partnership (hereinafter referred to as "the Basic Agreement"),

HAVE AGREED as follows:

Chapter 1
General Provisions

Article 1.1
Definitions

For the purposes of this Agreement:

- (a) the term "Countries" means Japan and Mongolia and the term "Country" means either Japan or Mongolia; and
- (b) the term "Parties" means the Government of Japan and the Government of Mongolia and the term "Party" means either the Government of Japan or the Government of Mongolia.

Chapter 2
Customs Procedures and Trade Facilitation

Article 2.1
Cooperation

1. The Parties shall endeavor to assist each other through their customs authorities to ensure proper application of customs laws, and to prevent, investigate and repress any violation or attempted violation of customs laws.

2. The Parties shall endeavor to cooperate through their customs authorities, where necessary and appropriate, in the areas of research, development and testing of new customs procedures and new enforcement aids and techniques, training activities of customs officers, and exchange of personnel between them.

Article 2.2
Information and Communications Technology

The customs authorities of the Parties shall make cooperative efforts to promote the use of information and communications technology in their customs procedures, including sharing best practices, for the purpose of improving their customs procedures.

Article 2.3
Risk Management

1. In order to facilitate customs clearance of goods traded between the Countries, the customs authorities of the Parties shall maintain risk management systems that enable them to concentrate inspection activities on high risk goods and that simplify the clearance and movement of low risk goods.

2. The Parties shall endeavor to promote, through arrangements such as seminars and courses, the use of risk management and the improvement of risk management techniques in the Parties.

3. The customs authorities of the Parties shall share best practices on risk management techniques and other enforcement techniques.

Article 2.4
Combating Illicit Trafficking

1. The customs authorities of the Parties shall cooperate in the field of combating illicit trafficking of goods.

2. The Parties shall endeavor to promote regional cooperation under the Customs Co-operation Council in the field of combating illicit trafficking of goods.

Article 2.5
Intellectual Property Rights

The customs authorities of the Parties shall endeavor to cooperate in the field of combating the importation and exportation of goods suspected of infringing intellectual property rights.

Article 2.6
Exchange of Information

1. Each Party shall maintain the confidentiality of any information communicated to it in confidence by the other Party in accordance with Article 4.7 of the Basic Agreement and this Chapter, unless the latter Party consents to the disclosure of such information.

2. Each Party may limit the information it communicates to the other Party when the latter Party is unable to give the assurance requested by the former Party with respect to the limitations of purposes for which the information will be used.

3. If a Party that requests information would be unable to comply with a similar request in case such a request were made by the other Party, it shall draw attention to that fact in its request. Execution of such a request shall be at the discretion of the latter Party.

4. Information provided from the customs authority of a Party to the customs authority of the other Party in accordance with Article 4.7 of the Basic Agreement and this Chapter shall be used only for the discharge of functions of the latter customs authority under its Country's customs laws.

5. Information provided in accordance with Article 4.7 of the Basic Agreement and this Chapter shall not be used by the receiving Party in criminal proceedings carried out by a court or a judge.

6. In the event that information communicated by a Party to the other Party in accordance with Article 4.7 of the Basic Agreement and this Chapter is needed for presentation to a court or a judge in criminal proceedings, the latter Party shall submit a request for such information to the former Party through the diplomatic channel or other channels established in accordance with the laws and regulations of the Country of the former Party. The former Party will make its best efforts to respond promptly and favorably to meet any reasonable deadlines indicated by the other Party.

7. Notwithstanding any other provision of this Chapter, a Party shall not be required to communicate information to the other Party if such communication is prohibited by the laws and regulations of the Country of the former Party or if the former Party considers such communication incompatible with its important interests.

Article 2.7

Sub-Committee on Customs Procedures and Trade Facilitation

1. The Sub-Committee on Customs Procedures and Trade Facilitation established in accordance with Article 4.8 of the Basic Agreement (hereinafter referred to in this Article as "the Sub-Committee") shall comprise:

- (a) an official from the Ministry of Finance of Japan, or its successor, and an official from the Customs General Administration of Mongolia, or its successor, as co-chairs;

- (b) for Japan, officials from the Ministry of Finance and the Ministry of Foreign Affairs, or their successors, and other government officials with the necessary expertise relevant to the issues to be discussed who may be included on an *ad hoc* basis; and
- (c) for Mongolia, officials from the Customs General Administration, or its successor, and other government officials with the necessary expertise relevant to the issues to be discussed who may be included on an *ad hoc* basis.

2. The Sub-Committee may, by mutual consent of the Parties, invite representatives of relevant entities other than the Parties with the necessary expertise relevant to the issues to be discussed.

Chapter 3
Competition

Article 3.1
Objective

The objective of this Chapter is to provide for the details and procedures concerning the implementation of the cooperation set forth in Article 11.2 of the Basic Agreement.

Article 3.2
Definitions

For the purposes of this Chapter:

- (a) the term "competition authority" means:
 - (i) for Japan, the Fair Trade Commission, or its successor; and
 - (ii) for Mongolia, the Authority for Fair Competition and Consumer Protection, or its successor;
- (b) the term "competition law" means:
 - (i) for Japan, the Law Concerning Prohibition of Private Monopoly and Maintenance of Fair Trade (Law No. 54 of 1947) (hereinafter referred to in this Chapter as "the Antimonopoly Law") and its implementing regulations as well as any amendment thereto; and
 - (ii) for Mongolia, the Law of Mongolia on Competition of June 10, 2010 and its implementing regulations as well as any amendment thereto; and
- (c) the term "enforcement activities" means any investigation or proceeding conducted by a Party in relation to the application of the competition law of its Country, but shall not include:

- (i) the review of business conduct or routine filings; and
- (ii) research, studies or surveys with the objective of examining the general economic situation or general conditions in specific sectors.

Article 3.3
Notification

1. The competition authority of each Party shall notify, to the extent consistent with the laws and regulations of its Country, the competition authority of the other Party of the enforcement activities of the notifying Party that the notifying competition authority considers may affect the important interests of the other Party.

2. Enforcement activities of a Party that may affect the important interests of the other Party include those that:

- (a) are relevant to enforcement activities of the other Party;
- (b) are against a national of the Country of the other Party, or against an enterprise incorporated or organized under the applicable laws and regulations of the Country of the other Party;
- (c) involve mergers or acquisitions in which:
 - (i) one or more of the parties to the transaction; or
 - (ii) an enterprise controlling one or more of the parties to the transaction,

is an enterprise incorporated or organized under the applicable laws and regulations of the Country of the other Party;
- (d) involve anticompetitive activities, other than mergers or acquisitions, substantially carried out in the Country of the other Party;

- (e) involve conduct considered by the notifying competition authority to have been required, encouraged or approved by the other Party; or
- (f) involve relief that requires or prohibits conduct in the Country of the other Party.

3. Provided that it is not contrary to the laws and regulations of the Country of the notifying competition authority and does not affect any investigation being carried out by the notifying competition authority, notification in accordance with paragraph 1 shall be given as promptly as possible when the competition authority of a Party becomes aware that the enforcement activities of its Party may affect the important interests of the other Party.

4. Notifications provided in accordance with this Article shall be sufficiently detailed to enable the notified competition authority to make an initial evaluation of the effect on the important interests of its Party.

Article 3.4 Cooperation in Enforcement Activities

The competition authority of each Party shall render assistance to the competition authority of the other Party in its enforcement activities to the extent consistent with the laws and regulations of the Country of the assisting competition authority and the important interests of the Party of the assisting competition authority, and within its reasonably available resources.

Article 3.5 Exchange of Information

For the purpose of cooperation provided for in Article 3.4, the competition authority of each Party shall, to the extent consistent with the laws and regulations of the Country of the competition authority and important interests of the Party of the competition authority:

- (a) inform the competition authority of the other Party with respect to its enforcement activities involving anticompetitive activities that it considers may also have an adverse effect on competition in the Country of the other Party;
- (b) provide the competition authority of the other Party with any significant information, within its possession and that comes to its attention, about anticompetitive activities that it considers may be relevant to, or may warrant, enforcement activities by the competition authority of the other Party; and
- (c) provide the competition authority of the other Party, upon request and in accordance with the provisions of this Chapter, with information within its possession that is relevant to the enforcement activities of the competition authority of the other Party.

Article 3.6
Coordination of Enforcement Activities

1. Where the competition authorities are pursuing enforcement activities with respect to matters that are related to each other:

- (a) the competition authorities shall consider coordination of their enforcement activities; and
- (b) the competition authority of each Party shall consider, upon request of the competition authority of the other Party and where consistent with the important interests of the former Party, inquiring whether persons who have provided confidential information in connection with the enforcement activities will consent to the sharing of such information with the competition authority of the other Party.

2. In considering whether particular enforcement activities should be coordinated, the competition authorities should take into account, among others, the following factors:

- (a) the effect of such coordination on their ability to achieve the objectives of their enforcement activities;
- (b) the relative abilities of the competition authorities to obtain information necessary to conduct the enforcement activities;
- (c) the extent to which the competition authority of either Party can secure effective relief against the anticompetitive activities involved;
- (d) the possible reduction of cost to the Parties and to the persons subject to the enforcement activities; and
- (e) the potential advantages of coordinated relief to the Parties and to the persons subject to the enforcement activities.

3. The competition authority of each Party may, subject to appropriate notification to the competition authority of the other Party, at any time, limit or terminate the coordination of enforcement activities and pursue its enforcement activities independently.

Article 3.7

Cooperation regarding Anticompetitive Activities in the Country of a Party that Adversely Affect the Interests of the Other Party

1. If the competition authority of a Party believes that anticompetitive activities carried out in the Country of the other Party adversely affect the important interests of the former Party, the competition authority of the former Party, taking into account the importance of avoiding conflicts resulting from its enforcement activities with respect to such anticompetitive activities and taking into account that the competition authority of the other Party may be in a position to conduct more effective enforcement activities with respect to such anticompetitive activities, may request that the competition authority of the other Party initiate appropriate enforcement activities.

2. The request made in accordance with paragraph 1 shall be as specific as possible about the nature of the anticompetitive activities and their effect on the important interests of the Party of the requesting competition authority, and shall include an offer of such further information and other cooperation as the requesting competition authority is able to provide.

3. The requested competition authority shall carefully consider whether to initiate enforcement activities, or whether to expand ongoing enforcement activities, with respect to the anticompetitive activities identified in the request made in accordance with paragraph 1. The requested competition authority shall inform the requesting competition authority of its decision as soon as practically possible. If enforcement activities are initiated, the requested competition authority shall inform the requesting competition authority of their outcome and, to the extent possible, of significant interim developments.

4. Nothing in this Article limits the discretion of the requested competition authority under the competition law and enforcement policies of its Country as to whether or not to undertake enforcement activities with respect to the anticompetitive activities identified in the request, or precludes the requesting competition authority from withdrawing its request.

Article 3.8

Avoidance of Conflicts over Enforcement Activities

1. Each Party shall give careful consideration to the important interests of the other Party throughout all phases of its enforcement activities, including decisions regarding the initiation of enforcement activities, the scope of enforcement activities and the nature of penalties or relief sought in each case.

2. When a Party informs the other Party that specific enforcement activities of the latter Party may affect the important interests of the former Party, the latter Party shall endeavor, to the extent consistent with the laws and regulations of its Country, to provide timely notice of significant developments of such enforcement activities.

3. Where a Party considers that its enforcement activities may adversely affect the important interests of the other Party, the Parties should consider the following factors, in addition to any other factor that may be relevant, in seeking an appropriate accommodation of the competing interests:

- (a) the relative significance to the anticompetitive activities of conduct or transactions occurring in the Country of the Party conducting the enforcement activities as compared to conduct or transactions occurring in the other Country;
- (b) the relative impact of the anticompetitive activities on the important interests of the respective Parties;
- (c) the presence or absence of evidence of an intention on the part of those engaged in the anticompetitive activities to affect consumers, suppliers or competitors in the Country of the Party conducting the enforcement activities;
- (d) the extent to which the anticompetitive activities substantially lessen competition in the market of each Country;
- (e) the degree of conflict or consistency between the enforcement activities of the Party and the laws and regulations of the Country of the other Party, or the policies or important interests of that other Party;
- (f) whether private persons, either natural or legal, will be placed under conflicting requirements by the Parties;
- (g) the location of relevant assets and parties to the transaction;
- (h) the degree to which effective sanctions or other relief can be secured by the enforcement activities of the Party against the anticompetitive activities; and

- (i) the extent to which enforcement activities of the other Party with respect to the same private persons, either natural or legal, would be affected.

Article 3.9
Technical Cooperation

1. The Parties agree that it is in their common interest that their competition authorities work together in technical cooperation activities aimed at strengthening competition policy and implementing the competition law of each Country.
2. The forms of technical cooperation activities referred to in paragraph 1 shall be:
 - (a) exchange of personnel of the competition authorities for training purposes;
 - (b) participation of personnel of the competition authorities as lecturers or consultants at training courses on strengthening of competition policy and implementation of the competition law organized or sponsored by either or both competition authorities; and
 - (c) other forms to be agreed upon by the competition authorities.

Article 3.10
Transparency

The competition authority of each Party shall:

- (a) promptly inform the competition authority of the other Party of any modification of the competition law and any adoption of new laws and regulations by its Country that control anticompetitive activities;

- (b) provide, where appropriate, the competition authority of the other Party with copies of its publicly-released guidelines or policy statements issued in relation to the competition law of its Country; and
- (c) provide, where appropriate, the competition authority of the other Party with copies of its annual reports and/or any other publication that are made generally available to the public.

Article 3.11
Consultations

The competition authorities shall consult with each other, upon request of either competition authority, on any matter which may arise in connection with this Chapter.

Article 3.12
Confidentiality of Information

1. (a) Information, other than publicly available information, provided by a Party to the other Party in accordance with this Chapter shall only be used by the other Party for the purpose of effective enforcement of the competition law of its Country and shall not be communicated to a third party, unless the Party providing the information has approved otherwise.
- (b) Information, other than publicly available information, provided by the competition authority of a Party to the competition authority of the other Party in accordance with this Chapter shall only be used by the competition authority receiving the information for the purpose of effective enforcement of the competition law of its Country and shall not be communicated to a third party or other authorities, unless the competition authority providing the information has approved otherwise.

2. Notwithstanding subparagraph 1(b), the competition authority of a Party which receives information, other than publicly available information, in accordance with this Chapter may, unless otherwise notified by the competition authority of the other Party, communicate such information, for the purpose of enforcement of competition law, to relevant law enforcement authorities of the former Party, which may use the information under the conditions referred to in Article 3.13.

3. Each Party shall, in accordance with the laws and regulations of its Country, maintain the confidentiality of any information provided to it in confidence by the other Party in accordance with this Chapter, unless the latter Party consents to the disclosure of such information.

4. Each Party may limit the information it provides to the other Party when the other Party is unable to give the assurance requested by the former Party with respect to confidentiality or the limitations of purposes for which the information will be used.

5. Notwithstanding any other provisions of this Chapter, neither Party shall be required to provide information to the other Party if it is prohibited from providing the information by the laws and regulations of its Country or it finds providing the information incompatible with its important interests. In particular:

- (a) the Government of Japan shall not be required to provide "trade secrets of entrepreneurs" covered by the provisions of Article 39 of the Antimonopoly Law to the Government of Mongolia, except for those provided in accordance with subparagraph 1(b) of Article 3.6 and with the consent of the entrepreneurs concerned; and
- (b) the Government of Mongolia shall not be required to provide "secrets of organizations" covered by the provisions of Article 3 of the Law on Organization's Secret of May 16, 1995 to the Government of Japan.

6. This Article shall not preclude the use or disclosure of information to the extent that there is an obligation to do so under the laws and regulations of the Country of the Party receiving the information. Such Party shall, whenever possible, give advance notice of any such use or disclosure to the Party which provided the information.

Article 3.13

Use of Information for Criminal Proceedings

1. Information provided by a Party to the other Party in accordance with this Chapter, except publicly available information, shall not be used in criminal proceedings carried out by a court or a judge of the Country of that other Party.

2. In the event that information provided by a Party to the other Party in accordance with this Chapter, except publicly available information, is needed for presentation in criminal proceedings carried out by a court or a judge of the Country of that other Party, that other Party shall submit a request for such information to the former Party through the diplomatic channel or other channels established in accordance with the laws and regulations of the Country of the former Party.

Article 3.14

Communications

Unless otherwise provided for in this Chapter, communications under this Chapter may be directly carried out between the competition authorities. Notifications in accordance with Article 3.3 and requests in accordance with paragraph 1 of Article 3.7, however, shall be confirmed in writing through the diplomatic channel. Such confirmation shall be made as promptly as practically possible after the communication concerned between the competition authorities.

Article 3.15

Miscellaneous

1. Detailed arrangements to implement this Chapter may be made between the competition authorities.

2. Nothing in this Chapter shall prevent the Parties from seeking or providing assistance to each other in accordance with other bilateral or multilateral agreements or arrangements.

3. Nothing in this Chapter shall be construed to prejudice the policy or legal position of either Party regarding any issues related to jurisdiction.

4. Nothing in this Chapter shall be construed to affect the rights and obligations of either Party under other international agreements or arrangements or under the laws of its Country.

Chapter 4
Improvement of the Business Environment

Article 4.1
Sub-Committee on Improvement of the Business Environment

The issues to be addressed by the Sub-Committee on Improvement of the Business Environment (hereinafter referred to in this Chapter as "the Sub-Committee") referred to in subparagraph 2(b) of Article 14.2 of the Basic Agreement may include:

- (a) improvement of transparency in business related rules, regulations, administrative and judicial procedures, and administrative and judicial decisions;
- (b) measures to simplify and expedite administrative procedures;
- (c) ways to facilitate business activities in both Countries; and
- (d) other issues related to business environment.

Article 4.2
Liaison Office

1. The functions of the Liaison Office designated in each Country in accordance with paragraph 1 of Article 14.3 of the Basic Agreement shall be:

- (a) receiving complaints and inquiries from the enterprises of the other Country with respect to the laws, regulations and other measures of the former Country which may adversely affect the business activities of the enterprises of the other Country;
- (b) transmitting the complaints and inquiries referred to in subparagraph (a) to the relevant authorities of the former Country;

- (c) seeking responses from the relevant authorities of the former Country referred to in subparagraph (b) within a reasonable period of time, where appropriate, in writing with sufficient explanations, reasons and legal basis, if any;
- (d) transmitting the responses referred to in subparagraph (c) to the enterprises referred to in subparagraph (a);
- (e) providing the enterprises referred to in subparagraph (a) with necessary information and advice in collaboration with the relevant authorities of the former Country; and
- (f) reporting the findings to the Sub-Committee.

2. Each Party may designate an entity located in the other Country that will facilitate the communications between the Liaison Office of the other Country and the enterprises of the former Country.

3. Paragraphs 1 and 2 shall not be construed to prevent or restrict any contacts made by the enterprises of a Country directly to the relevant authorities of the other Country.

Chapter 5
Cooperation

Article 5.1
Agriculture, Forestry and Fisheries,
including Matters related to SPS Measures referred to in
Chapter 5 of the Basic Agreement

Pursuant to Article 15.2 of the Basic Agreement, in the field referred to in subparagraph (a) of Article 15.1 of the Basic Agreement:

- (a) the areas of cooperation may include:
 - (i) genetic resources for foods and agriculture;
 - (ii) irrigation and seed production;
 - (iii) establishing demonstration and model farms and facilities;
 - (iv) production of dairy products, beef, organic foods, grains and vegetables;
 - (v) horticulture;
 - (vi) beekeeping;
 - (vii) fodder production and pet food processing;
 - (viii) animal breeding biotechnology;
 - (ix) animal health and veterinary services;
 - (x) any matters on sanitary and phytosanitary (hereinafter referred to as "SPS") measures, including the following matters:
 - (A) establishment of pest or disease free zones; and
 - (B) control, inspection and approval procedures on SPS measures;
 - (xi) food processing, including heat processing meat production;

- (xii) food marketing;
 - (xiii) agricultural cooperatives;
 - (xiv) wood processing;
 - (xv) aquaculture;
 - (xvi) human resource development; and
 - (xvii) other areas as may be agreed by the Parties;
and
- (b) the forms of cooperation may include:
- (i) conducting feasibility studies of food value chain;
 - (ii) development study;
 - (iii) joint research work;
 - (iv) exchanging views, information and experts;
 - (v) providing vocational and practical trainings;
 - (vi) providing and encouraging the participation in trade fairs, seminars, workshops, business matching events and exhibitions;
 - (vii) encouraging public private partnership;
 - (viii) technical consulting service;
 - (ix) dissemination of technology;
 - (x) technical assistance on harmonization and recognition of equivalence of SPS measures;
and
 - (xi) other forms as may be agreed by the Parties.

Article 5.2
Manufacturing Industry, including Matters
related to Technical Regulations, Standards
and Conformity Assessment Procedures
referred to in Chapter 6 of the Basic Agreement

Pursuant to Article 15.2 of the Basic Agreement, in the field referred to in subparagraph (b) of Article 15.1 of the Basic Agreement:

- (a) the areas of cooperation may include:
 - (i) enhancing diversification of manufacturing industry;
 - (ii) industrial and technological parks;
 - (iii) strengthening management, competitiveness and technological capabilities of manufacturing industry;
 - (iv) promoting environmental protection through environmentally sound technologies;
 - (v) technical assistance for the following matters:
 - (A) encouraging the enforcement of Chapter 6 of the Basic Agreement and the Agreement on Technical Barriers to Trade in Annex 1A to the Marrakesh Agreement Establishing the World Trade Organization, done at Marrakesh, April 15, 1994;
 - (B) strengthening the corresponding bodies of standardization, technical regulation and conformity assessment, including the formation and training of human resources; and
 - (C) increasing the collaboration in international organizations in the areas of standardization and conformity assessment;
 - (vi) human resource development; and

- (vii) other areas as may be agreed by the Parties;
and
- (b) the forms of cooperation may include:
 - (i) conducting feasibility study and development study;
 - (ii) exchanging information on policies and best practices;
 - (iii) encouraging exchanges of experts;
 - (iv) providing training programs;
 - (v) organizing seminars and workshops;
 - (vi) technical assistance;
 - (vii) dissemination of technology by introducing international and advanced standards; and
 - (viii) other forms as may be agreed by the Parties.

Article 5.3
Small and Medium Enterprises

Pursuant to Article 15.2 of the Basic Agreement, in the field referred to in subparagraph (c) of Article 15.1 of the Basic Agreement:

- (a) the areas of cooperation may include:
 - (i) promotion of innovative activities of small and medium enterprises (hereinafter referred to in this Article as "SMEs"), including support for the creation, protection and exploitation of intellectual properties;
 - (ii) strengthening management, competitiveness and technological capabilities of SMEs;
 - (iii) human resource development; and
 - (iv) other areas as may be agreed by the Parties;
and

- (b) the forms of cooperation may include:
 - (i) exchanging information on policies and best practices;
 - (ii) encouraging exchanges of experts;
 - (iii) providing training programs;
 - (iv) organizing seminars and workshops; and
 - (v) other forms as may be agreed by the Parties.

Note: For the purposes of this Article, the term "small and medium enterprises" or "SMEs" includes micro-enterprises.

Article 5.4 Trade and Investment

Pursuant to Article 15.2 of the Basic Agreement, in the field referred to in subparagraph (d) of Article 15.1 of the Basic Agreement:

- (a) the areas of cooperation may include:
 - (i) promoting trade and investment;
 - (ii) promoting service sector development;
 - (iii) encouraging bilateral cooperation between Japan External Trade Organization, or its successor, and Invest Mongolia Agency, or its successor;
 - (iv) human resource development; and
 - (v) other areas as may be agreed by the Parties; and
- (b) the forms of cooperation may include:

- (i) exchanging views and information on trade and investment, including investment environment and laws and regulations related to business, to further promote trade and investment between the Countries and relevant business operations;
- (ii) encouraging exchanges of experts, trainees and researchers to promote and improve knowledge on trade and investment;
- (iii) organizing and encouraging the participation in trade missions, trade fairs, seminars, business matching events and exhibitions;
- (iv) capacity building for government officials; and
- (v) other forms as may be agreed by the Parties.

Article 5.5
Infrastructure, Construction and Urban Development

Pursuant to Article 15.2 of the Basic Agreement, in the field referred to in subparagraph (e) of Article 15.1 of the Basic Agreement:

- (a) the areas of cooperation may include:
 - (i) introducing maritime transportation;
 - (ii) improving quality of airports;
 - (iii) introducing and developing intelligent transportation system;
 - (iv) developing safety standards related to vehicles;
 - (v) enhancing ability of monitoring and supervising of roads and transportation;
 - (vi) strengthening capacity of research and development in the areas of roads and transportation;

- (vii) introducing technologies for:
 - (A) energy efficiency;
 - (B) earthquake resistance;
 - (C) re-use and re-cycle of construction solid waste; and
 - (D) membrane for treatment and purification of drinking water;
 - (viii) improving regulations, controls and enforcement mechanisms for construction safety;
 - (ix) human resource development; and
 - (x) other areas as may be agreed by the Parties; and
- (b) the forms of cooperation may include:
- (i) joint study on the development of the cities around airports;
 - (ii) exchanging views and information;
 - (iii) encouraging and facilitating visits and exchanges of experts;
 - (iv) providing training programs;
 - (v) promoting seminars and workshops;
 - (vi) capacity building for engineers and technicians; and
 - (vii) other forms as may be agreed by the Parties.

Article 5.6
Science and Technology and Intellectual Property

Pursuant to Article 15.2 of the Basic Agreement, in the field referred to in subparagraph (f) of Article 15.1 of the Basic Agreement:

- (a) the areas of cooperation may include:
 - (i) encouraging innovation;
 - (ii) advanced science and technology;
 - (iii) utilization of intellectual property rights for innovation and economic growth;
 - (iv) capacity building in the field of enforcement of intellectual property rights at the border;
 - (v) capacity building for organizations for collective management of copyrights and related rights;
 - (vi) development of human resources with advanced knowledge and skills; and
 - (vii) other areas as may be agreed by the Parties; and
- (b) the forms of cooperation may include:
 - (i) encouraging joint research and development;
 - (ii) exchanging information on policies, laws and regulations;
 - (iii) encouraging exchanges of scientists, technical personnel or other experts;
 - (iv) promoting the holding of joint seminars, dialogues, workshops and trainings with a view to enhancing awareness and knowledge of scientists;
 - (v) encouraging cooperation among institutes on advanced science and technology; and
 - (vi) other forms as may be agreed by the Parties.

Article 5.7
Financial Services

Pursuant to Article 15.2 of the Basic Agreement, in the field referred to in subparagraph (g) of Article 15.1 of the Basic Agreement:

- (a) the areas of cooperation may include:
 - (i) facilitating development of financial and capital markets in the Asian region;
 - (ii) improving financial market infrastructure, including enhancement of capabilities in monitoring financial and other relevant transactions;
 - (iii) promoting regulatory cooperation in the field of financial services;
 - (iv) strengthening functions of non-banking and insurance;
 - (v) human resource development; and
 - (vi) other areas as may be agreed by the Parties; and
- (b) the forms of cooperation may include:
 - (i) exchanging information, experiences and skills;
 - (ii) promoting trainings; and
 - (iii) other forms as may be agreed by the Parties.

Article 5.8
Education and Human Resource Development

Pursuant to Article 15.2 of the Basic Agreement, in the field referred to in subparagraph (h) of Article 15.1 of the Basic Agreement:

- (a) the areas of cooperation may include:

- (i) development of human resources with advanced knowledge and skills; and
 - (ii) other areas as may be agreed by the Parties; and
- (b) the forms of cooperation may include:
- (i) exchanging information, including good practices;
 - (ii) encouraging visits and exchanges of experts, scholars, teachers, trainers and government officials;
 - (iii) providing technical and vocational trainings for engineers and technical staffs;
 - (iv) encouraging recognition of the education or experience obtained in universities;
 - (v) promoting joint seminars, workshops and meetings;
 - (vi) encouraging cooperation among educational institutions; and
 - (vii) other forms as may be agreed by the Parties.

Article 5.9
Tourism

Pursuant to Article 15.2 of the Basic Agreement, in the field referred to in subparagraph (i) of Article 15.1 of the Basic Agreement:

- (a) the areas of cooperation may include:
- (i) encouraging tourism industry;
 - (ii) sustainable development of tourism;
 - (iii) strengthening management and competence in tourism;
 - (iv) human resource development; and

- (v) other areas as may be agreed by the Parties;
and
- (b) the forms of cooperation may include:
 - (i) providing appropriate assistance for tourism promotion and development programs;
 - (ii) exchanging information and sharing experiences;
 - (iii) encouraging exchanges of experts;
 - (iv) promoting trainings for persons engaged in the tourism industry;
 - (v) encouraging and facilitating cooperation between private entities; and
 - (vi) other forms as may be agreed by the Parties.

Article 5.10
Environment

Pursuant to Article 15.2 of the Basic Agreement, in the field referred to in subparagraph (j) of Article 15.1 of the Basic Agreement:

- (a) the areas of cooperation may include:
 - (i) conservation and improvement of the environment;
 - (ii) enhancing the mechanism of environmental inspection;
 - (iii) establishing and promoting strategies and technology for sustainable green development, including tackling of climate change and low-carbon development;
 - (iv) introducing water purifying technology;
 - (v) improving waste management and technology;
 - (vi) reducing vehicle emission;

- (vii) human resource development; and
 - (viii) other areas as may be agreed by the Parties;
and
- (b) the forms of cooperation may include:
- (i) exchanging information, including policies, laws and regulations;
 - (ii) encouraging and facilitating visits and exchanges of experts;
 - (iii) enhancing training opportunities;
 - (iv) promoting capacity building; and
 - (v) other forms as may be agreed by the Parties.

Article 5.11
Mining and Energy

Pursuant to Article 15.2 of the Basic Agreement, in the field referred to in subparagraph (k) of Article 15.1 of the Basic Agreement:

- (a) the areas of cooperation may include:
- (i) development and promotion of technologies related to mining and energy;
 - (ii) human resource development; and
 - (iii) other areas as may be agreed by the Parties;
and
- (b) the forms of cooperation may include:
- (i) conducting feasibility study and development study;
 - (ii) exchanging views and information on policies, laws and regulations;

- (iii) encouraging exchanges of experts and technical personnel to promote and improve knowledge on the development of mining and energy;
- (iv) promoting the holding of joint seminars, dialogues and workshops;
- (v) encouraging public private partnership; and
- (vi) other forms as may be agreed by the Parties.

Article 5.12
Healthcare

Pursuant to Article 15.2 of the Basic Agreement, in the field referred to in subparagraph (1) of Article 15.1 of the Basic Agreement:

- (a) the areas of cooperation may include:
 - (i) development and promotion of advanced health and science technology;
 - (ii) human resource development; and
 - (iii) other areas as may be agreed by the Parties; and
- (b) the forms of cooperation may include:
 - (i) encouraging joint research and development;
 - (ii) exchanging information;
 - (iii) providing trainings for medical professionals and encouraging field visits and exchanges of experts;
 - (iv) promoting activities by public and private health organizations; and
 - (v) other forms as may be agreed by the Parties.

Article 5.13
Competition

Pursuant to Article 15.2 of the Basic Agreement, in the field referred to in subparagraph (m) of Article 15.1 of the Basic Agreement:

- (a) the areas of cooperation may include:
 - (i) human resource development; and
 - (ii) other areas as may be agreed by the Parties;
and
- (b) the forms of cooperation may include:
 - (i) exchanging views and information;
 - (ii) encouraging and facilitating visits and exchanges of experts;
 - (iii) promoting seminars and workshops; and
 - (iv) other forms as may be agreed by the Parties.

Article 5.14
Information and Communications Technology

Pursuant to Article 15.2 of the Basic Agreement, in the field referred to in subparagraph (n) of Article 15.1 of the Basic Agreement:

- (a) the areas of cooperation may include:
 - (i) strengthening management, competitiveness and technological capabilities in information and communications technology;
 - (ii) development of human resources with advanced knowledge and skills; and
 - (iii) other areas as may be agreed by the Parties;
and
- (b) the forms of cooperation may include:

- (i) encouraging joint research and development;
- (ii) exchanging information on policies, laws and regulations;
- (iii) encouraging exchanges of scientists, technical personnel or other experts;
- (iv) promoting the holding of joint seminars, dialogues, workshops and trainings;
- (v) encouraging cooperation among institutes of advanced information and communications technology;
- (vi) promoting business matching; and
- (vii) other forms as may be agreed by the Parties.

Chapter 6
Final Provisions

Article 6.1
Implementation

This Agreement shall be implemented by the Parties in accordance with the Basic Agreement and the laws and regulations in force in their respective Countries, and within the available resources of each Party.

Article 6.2
Table of Contents and Headings

The table of contents and headings of the Chapters and Articles of this Agreement are inserted for convenience of reference only and shall not affect the interpretation of this Agreement.

Article 6.3
Amendment

This Agreement may be amended by agreement between the Parties. Any such amendment shall enter into force in accordance with the procedures specified in the instrument of amendment.

Article 6.4
Entry into Force

This Agreement shall enter into force at the same time as the Basic Agreement and shall remain in force as long as the Basic Agreement remains in force.

Article 6.5
Dispute Settlement

Chapter 16 of the Basic Agreement shall apply *mutatis mutandis* with respect to the settlement of disputes between the Parties concerning the interpretation and/or application of Chapter 1, Chapter 2 and this Chapter.

IN WITNESS WHEREOF, the undersigned, being duly authorized by their respective Governments, have signed this Agreement.

DONE at Tokyo on this tenth day of February in the year 2015 in duplicate in the Japanese, Mongolian and English languages, all texts being equally authentic. In the event of any divergence among the texts, the English text shall prevail.

For the Government of
Japan:

安倍晋三

For the Government of
Mongolia:

Chimed Saikhanbileg