

Annex I
Reservations for Measures referred to
in paragraph 1 of Article 7

1. The Schedule of a Contracting Party sets out, pursuant to paragraph 1 of Article 7, the reservations taken by that Contracting Party with respect to existing measures that do not conform with obligations imposed by:

- (a) Article 2 (National Treatment);
- (b) Article 3 (Most-Favoured-Nation Treatment); or
- (c) Article 6 (Prohibition of Performance Requirements).

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) "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
- (f) "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 this Agreement against which the reservation is taken. The "Measures" element shall prevail over all the other elements.

4. For the purpose of this Annex:

- (a) the term "JSIC" means Japan Standard Industrial Classification set out by the Ministry of Internal Affairs and Communications, and revised on November 6, 2007.
- (b) the term "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); and
- (c) the term "ISIC" means the International Standard Industrial Classification of All Economic Activities third revision (United Nations, New York, 1990).

Schedule of Japan

- 1 Sector: Agriculture, Forestry and Fisheries
(Plant Breeder's Right)
- Sub-Sector:
- Industry Classification: JSIC 0119 Miscellaneous crop farming
- JSIC 0243 Tree seed gathering and forest nursery services
- JSIC 0413 Seaweed aquaculture
- JSIC 0415 Seed aquaculture
- Type of Reservation: National Treatment (Article 2)
Most-Favoured-Nation Treatment (Article 3)
- Measures: Seeds and Seedlings Law
(Law No. 83 of 1998), Article 10
- Description: A foreign person who has neither a domicile nor residence (nor the place of business, in the case of a legal person) in Japan cannot enjoy a plant breeder's right or related rights except in any of the following cases:
- (a) where the country of which the person is a national or the country in which the person has a domicile or residence (or its place of business, in the case of a legal person) is a contracting party to the International Convention for the Protection of New Varieties of Plants of December 2, 1961, as Revised at Geneva on November 10, 1972, on October 23, 1978, and on March 19, 1991;

(b) where the country of which the person is a national or the country in which the person has a domicile or residence (or its place of business, in the case of a legal person) is a contracting party to the International Convention for the Protection of New Varieties of Plants of December 2, 1961, as Revised at Geneva on November 10, 1972, and on October 23, 1978 (hereinafter referred to as "the 1978 UPOV Convention"), or a country in relation with which Japan shall apply the 1978 UPOV Convention in accordance with paragraph (2) of Article 34 of the 1978 UPOV Convention, and further provides the protection for plant genus and species to which the person's applied variety belongs; or

(c) where the country of which the person is a national provides Japanese nationals with the protection of varieties under the same condition as its own nationals (including a country which provides such protection for Japanese nationals under the condition that Japan allows enjoyment of the plant breeder's right or related rights for the nationals of that country), and further provides the protection for plant genus and species to which the person's applied variety belongs.

2 Sector: Finance

Sub-Sector: Banking

Industry Classification: JSIC 622 Banks, except central bank

JSIC 631 Financial institutions for small-businesses

Type of Reservation: National Treatment (Article 2)

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

Description: The deposit insurance system only covers financial institutions which have their head offices within the jurisdiction of Japan. The deposit insurance system does not cover deposits taken by branches of foreign banks.

3 Sector: Heat Supply

Sub-Sector:

Industry Classification: JSIC 3511 Heat supply

Type of Reservation: National Treatment (Article 2)

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 heat supply industry in Japan.

4 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: National Treatment (Article 2)

Prohibition of Performance Requirements (Article 6)

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) through (c) reaches or exceeds one third:

- (a) a natural person who does not have Japanese nationality;
- (b) a foreign government or its representative; and
- (c) a foreign legal person or a foreign entity.

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

5 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 2)

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.

6 Sector: Manufacturing

Sub-Sector: Drugs and Medicines Manufacturing

Industry Classification: JSIC 1653 Biological preparations

Type of Reservation: National Treatment (Article 2)

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 an establishment which mainly produces vaccine, serum, toxoid, antitoxin and some preparations similar to the aforementioned products, or blood products.

7 Sector:	Manufacturing	
Sub-Sector:	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 2)

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 leather and leather products manufacturing industry in Japan.

8 Sector: Matters Related to the Nationality
of a Ship

Sub-Sector:

Industry
Classification:

Type of
Reservation: National Treatment (Article 2)
Prohibition of Performance
Requirements (Article 6)

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

Description: The Japanese nationality shall be
given to a ship whose owner is a
Japanese national, or a company
established under Japanese laws and
regulations, of which all the
representatives and not less than
two-thirds of the executives
administering the affairs are
Japanese nationals.

9 Sector: Mining

Sub-Sector:

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

Type of Reservation: National Treatment (Article 2)

Measures: Mining Law (Law No. 289 of 1950), Chapters 2 and 3

Description: Only a Japanese national or a Japanese legal person may have mining rights or mining lease rights.

10 Sector: Oil Industry

Sub-Sector:

Industry Classification:	JSIC 053	Crude petroleum and natural gas production
	JSIC 1711	Petroleum refining
	JSIC 1721	Lubricating oils and greases (not made in petroleum refineries)
	JSIC 1741	Paving materials
	JSIC 1799	Miscellaneous petroleum and coal products
	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 1741, 1799, 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 2)

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. Therefore, prior notification under the Foreign Exchange and Foreign Trade Law is not required for the investments in the manufacture of these products.

11 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. 7 in the Schedule of Japan in Annex II)

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 2)

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. 7 in the Schedule of Japan in Annex II) in Japan.

12 Sector: Security Guard Services

Sub-Sector:

Industry Classification: JSIC 9231 Guard services

Type of Reservation: National Treatment (Article 2)

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 security guard services in Japan.

13 Sector: Transport

Sub-Sector: Air Transport

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

JSIC 4611 Air transport

Type of Reservation: National Treatment (Article 2)

Most-Favoured-Nation Treatment (Article 3)

Prohibition of Performance Requirements (Article 6)

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 air transport business in Japan.

2. Permission of the Minister of Land, Infrastructure, Transport and Tourism for conducting air transport business as a Japanese air carrier 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 an air carrier 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 air carriers.

3. A Japanese air carrier or the company having substantial control over such air carrier, such as a holding company, may reject the request from a natural person or an entity set forth in subparagraphs 2(a) through (c), who owns equity investments in such air carrier or company, to enter its name and address in the register of shareholders, in the event such air carrier or company falls into a legal person referred to in subparagraph 2(d) by accepting such request.

4. Foreign air carriers are required to obtain permission of the Minister of Land, Infrastructure, Transport and Tourism to conduct international air transport business.

5. Permission of the Minister of Land, Infrastructure, Transport and Tourism is required for the use of foreign aircraft for air transportation of passengers or cargoes to and from Japan for remuneration.

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

14 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: National Treatment (Article 2)

Prohibition of Performance Requirements (Article 6)

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.

15 Sector: Transport

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

Industry Classification:

Type of Reservation: National Treatment (Article 2)
Prohibition of Performance Requirements (Article 6)

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.

16 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: National Treatment (Article 2)

Most-Favoured-Nation Treatment
(Article 3)

Prohibition of Performance
Requirements (Article 6)

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

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

Description: 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).

17 Sector: Transport

Sub-Sector: Freight Forwarding Business (only 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: National Treatment (Article 2)

Most-Favoured-Nation Treatment (Article 3)

Prohibition of Performance Requirements (Article 6)

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

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

Description: 1. The following natural persons or entities may not conduct freight forwarding business using air transportation between points within Japan:

- (a) a natural person who does not have Japanese nationality;
- (b) a foreign country, or 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. The natural persons or entities referred to in subparagraphs 1(a) through (d) 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 air transportation. Such registration shall be made, or such permission or approval shall be granted, on the basis of reciprocity.

18 Sector: Transport

Sub-Sector: Railway Transport

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

Type of Reservation: National Treatment (Article 2)

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. Therefore, prior notification under the Foreign Exchange and Foreign Trade Law is not required for the investments in the manufacture of these products.

19 Sector: Transport

Sub-Sector: Road Passenger Transport

Industry Classification: JSIC 4311 Common omnibus operators

Type of Reservation: National Treatment (Article 2)

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 or parts and components for omnibus industry is not included in omnibus industry. Therefore, prior notification under the Foreign Exchange and Foreign Trade Law is not required for the investments in the manufacture of these products.

20 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 2)

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.

21 Sector: Transport

Sub-Sector: Water Transport

Industry
Classification:

Type of
Reservation: National Treatment (Article 2)
Most-Favoured-Nation Treatment
(Article 3)

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

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

22 Sector: Water Supply and Waterworks

Sub-Sector:

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

Type of Reservation: National Treatment (Article 2)

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.

Schedule of the Republic of the Union of Myanmar

1	Sector:	Manufacturing Sector	
	Sub-Sector:	Manufacture of beverages	
	Industry Classification:	ISIC 1551	Distilling, rectifying and blending of spirits; ethyl alcohol production from fermented materials
		ISIC 1553	Manufacture of malt liquors and malt
	Type of Reservation:	National Treatment (Article 2)	
	Measures:	Foreign Investment Law (2012), Section 4(f)	
		Foreign Investment Rules (2013), Rule 5	
		Myanmar Investment Commission Notification No. 1/2013; List of Economic Activities to be allowed only in the form of Joint Venture with Myanmar Citizens, No. 6 and 7	
	Description:	Foreign investors may be permitted to invest in the areas of manufacturing and marketing of malt and malt liquors and non-aerated products and distilling, blending, rectifying, bottling and marketing of all kinds of spirit beverages and non-beverages only in the form of joint venture with Myanmar citizens.	

2 Sector: Manufacturing Sector

Sub-Sector: Manufacture of soft beverages,
aerated and non-aerated products

Industry
Classification: ISIC 1554 Manufacture of soft
drinks: production of
mineral waters

Type of
Reservation: National Treatment (Article 2)
Performance Requirement (Article 6)

Measures: Foreign Investment Law (2012),
Section 4(f)
Foreign Investment Rules (2013),
Rule 5
Myanmar Investment Commission
Notification No. 1/2013; List of
Economic Activities Permitted with
the recommendations of the Relevant
Ministry, No. 5(2)

Description: Foreign investors may be permitted to
invest in business related to
manufacture of soft beverages,
aerated and non-aerated products only
if they meet the condition that local
raw materials must be used at least
20% and local cropping raw materials
must be used at least 60% after 3
years of factory completion.

3 Sector: Manufacturing Sector

Sub-Sector: Manufacture of tobacco and tobacco products

Industry Classification: ISIC 1600 Manufacture of tobacco products

Type of Reservation: National Treatment (Article 2)
Performance Requirement (Article 6)

Measures: Foreign Investment Law (2012), Section 4(f)
Foreign Investment Rules (2013), Rule 5
Myanmar Investment Commission Notification No. 1/2013; List of Economic Activities Permitted with the recommendations of the Relevant Ministry, No. 5(4)

Description: Foreign investors may be permitted to invest in business related to manufacture of tobacco and tobacco products only if they meet the condition that they shall export 90% of their products and (a) they shall use minimum 50% domestically produced tobacco leaves within the first three years of operation; or (b) they shall be allowed to use imported tobacco leaves which are brought with at least 50% of the income obtained by exporting domestically produced tobacco leaves.

4 Sector: Manufacturing Sector

Sub-Sector: Manufacture of pulp, paper and paper board

Industry Classification: ISIC 2101 Manufacturing of pulp, paper and paperboard

Type of Reservation: National Treatment (Article 2)

Measures: Foreign Investment Law (2012), Section 4(f)

Foreign Investment Rules (2013), Rule 5

Myanmar Investment Commission Notification No. 1/2013; List of Economic Activities to be allowed only in the form of Joint Venture with Myanmar Citizens, No. 16 and 17

Description: Foreign investors may be permitted to invest in business related to manufacture of pulp, paper and paper board only in the form of joint venture with Myanmar citizens.

5 Sector: Manufacturing Sector

Sub-Sector: Manufacture of pharmaceutical drugs

Industry Classification: ISIC 2423 Manufacture of pharmaceuticals, medicinal chemicals and botanical products

Type of Reservation: National Treatment, (Article 2)

Measures: Foreign Investment Law (2012), Section 4(b) and (f)

Foreign Investment Rules (2013), Rule 5

Myanmar Investment Commission Notification No. 1/2013; List of Economic Activities to be allowed only in the form of Joint Venture with Myanmar Citizens, No. 23

Description: Foreign investors may be permitted to invest in the areas of manufacture of traditional medicines only in the form of joint venture with Myanmar citizens.

6 Sector: Manufacturing Sector

Sub-Sector: Manufacture of Refined Petroleum Products

Services relating to manufacture of refined petroleum products

Industry Classification: ISIC 2320 Manufacture of refined petroleum products

CPC 88450 Manufacture of coke, refined petroleum products and nuclear fuel, on a fee or contract basis

Type of Reservation: National Treatment (Article 2)

Measures: Foreign Investment Law (2012), Section 4(f)

Foreign Investment Rules (2013), Rule 5

Myanmar Investment Commission Notification No. 1/2013; List of Economic Activities Permitted with the Recommendation of the Relevant Ministry, No. 9

Description: Foreign investors may only be permitted to invest in business related to oil refining and refining activities subject to the recommendation of Ministry of Energy.

7 Sector: Manufacturing Sector

Sub-Sector: Publishing of Newspaper Business
Reproduction of Recorded Media

Industry Classification: ISIC 2212 Publishing of newspapers, journals and periodicals
ISIC 2230 Reproduction of recorded media

Type of Reservation: National Treatment (Article 2)

Measures: Foreign Investment Law (2012), Section 4(f)
Foreign Investment Rules (2013), Rule 5
Myanmar Investment Commission Notification No. 1/2013; List of Economic Activities Permitted with the Recommendation of the Relevant Ministry, No. 13

Description: Foreign investors may be permitted to invest in business related to publishing of newspapers, journals and periodicals and reproduction of recorded media only with the recommendation of the Ministry of Information.

8	Sector:	Forestry and Services Incidental to Forestry	
	Sub-Sector:	Production and extraction of hard-wood ¹ from the natural forest ²	
		Services incidental to Forestry	
		- Extraction of logs from the natural forests	
		- Protected areas system ³	
	Industry Classification:	ISIC 0200	Forestry, logging and related service activities
		CPC 88140	Services incidental to forestry and logging
	Type of Reservation:	National Treatment (Article 2)	
	Measures:	Foreign Investment Law (2012), Section 4(c)	
		Foreign Investment Rules (2013), Rule 7	
		Myanmar Investment Commission Notification No. 1/2013; List of Economic Activities Permitted with the recommendation of the Relevant Ministry, No. 3(1), (5) and (9)	

¹ Hard-wood is used to describe wood from non-monocot angiosperm trees and for those trees themselves. These are usually broad-leaved; in temperate and boreal latitude they are mostly deciduous, but in tropics and subtropics mostly evergreen.

² Natural forests are the forest which might be managed to some degree or unmanaged. After an adequate amount of time without intervention, such a forest might develop some of the basic structure of virgin forest.

³ Protected Areas System is an area of land/or sea especially dedicated to the protection of biological diversity, and of natural and associated cultural resources, and managed through legal or other legal or other effective means (IUCN, 1994).

Description: Foreign investors may be permitted to invest in business related to National Park, logging except teak in reserved or protected public forest on a long-term basis, and establishment of forest plantation subject to the recommendation of Ministry of Environmental Conservation and Forestry.

9 Sector: Fishery

Sub-Sector: Fishing of marine fish, prawns and other aquatic organisms

Services related to processing on board for fish, crustaceans and mollusks and other related services, exploitation of sea-products

Services related to exploitation of fresh water fisheries

Quarantine, quality control of aquaculture and processing products, services on supply of feed, medicines and chemical for aquaculture

Industry Classification: ISIC 0500 Fishing, operation of fish hatcheries and fish farms; service activities incidental to fishing

CPC 88200 Service incidental to fishing

Type of Reservation: National Treatment (Article 2)

Measures: Foreign Investment Law (2012), Section 4(j) and 5

Myanmar Marine Fisheries Law (1990), Chapter 2 and 5

Law relating to the Fishing Right of Foreign Fishing Vessels (1989), Section 6

Description:

Foreign investors desiring to carry out operations relating to fishery in a systematic manner under Foreign Investment Law or in joint venture shall apply for a licence to the Director General of the Department of Fisheries in a prescribed application. (The term "fishery" includes catching, breeding, exploring, researching, seeding, propagating, processing, transporting, storing and selling of fish.)

If any person residing abroad or his agent desires to engage in fishery in the exclusive economic zone (beyond the territorial sea), the person shall apply to the Department of Fisheries in the prescribed form.

10 Sector: Mining and Quarrying

Sub-Sector: Exploration and Extraction of Natural Gas

Exploration and Extraction of Petroleum

Industry Classification: ISIC 1110 Extraction of crude petroleum and natural gas

Type of Reservation: Performance Requirement (Article 6)

Measures: Foreign Investment Law (2012), Section 4(f)

Myanmar Investment Commission Notification No. 1/2013; List of Economic Activities Permitted with the recommendation of the Relevant Ministry, No. 9(2)

Description: Foreign investors may be permitted to invest in business related to exploration and extraction of natural gas and petroleum subject to the requirement imposed by a production sharing contract between investors and Ministry of Energy, that the management committee shall consist of a total of 7 members, 4 from the Myanmar side, one of whom shall act as Chairman and 3 from the investor side.

11 Sector: Services Incidental to Mining and Quarrying

Sub-Sector: Services relating to Exploration and Extraction of Natural Gas

Services relating to Exploration and Extraction of Petroleum

Industry Classification: CPC 88300 Services incidental to mining

Type of Reservation: National Treatment (Article 2)

Performance Requirement (Article 6)

Measures: Foreign Investment Law (2012), Section 4(f)

Foreign Investment Rules (2013), Rule 5

Myanmar Investment Commission Notification No. 1/2013; List of Economic Activities Permitted with the recommendations of the Relevant Ministry, No. 9(2)

Description: Foreign investors may be permitted to invest in services related to exploration and extraction of natural gas and petroleum, only in a form of joint venture with the Government of Myanmar or Myanmar citizens.

Foreign investors may be permitted to invest in services related to exploration and extraction of natural gas and petroleum subject to the requirement imposed by a production sharing contract between investors and Ministry of Energy, that the management committee shall consist of a total of 7 members, 4 from the Myanmar side, one of whom shall act as Chairman and 3 from the investor side.

12 Sector: Transport

Sub-Sector: Domestic and international air transport services

Industry Classification:

Type of Reservation: National Treatment (Article 2)

Measures: Foreign Investment Law (2012), Section 4(f)

Foreign Investment Rules (2013), Rule 5 and 35

Myanmar Investment Commission Notification No. 1/2013; List of Economic Activities to be allowed only in the form of Joint Venture with Myanmar Citizens, No. 35 and 36

Description: Foreign investors may be permitted to invest in business related to domestic and international air transport services only by joint-venture with either the Myanmar Airways or Myanmar citizens subject to approval of the Ministry of Transport.

13 Sector: Transport

Sub-Sector: Internal Waterways Transport
(Passenger/Freight)

Industry Classification: CPC 7221 Inland Water Transport
Services of Passengers

CPC 7222 Inland Water Transport
Services of Freight

Type of Reservation: National Treatment (Article 2)

Measures: Foreign Investment Law (2012),
Section 4(f)

Foreign Investment Rules (2013),
Rule 5

Myanmar Investment Commission
Notification No. 1/2013; List of
Economic Activities to be allowed
only in joint venture with Myanmar
Citizens, No. 37

Description: Foreign investors may be permitted
to invest in business related to
inland water transport services of
passengers and freight only by joint
venture with Myanmar citizens
subject to the approval of Ministry
of Transport.

14 Sector: Finance

Sub-Sector: Banking
Securities services
Insurance services

Industry
Classification:

Type of
Reservation: National Treatment (Article 2)

Measures: Financial Institutions of Myanmar
Law (1990), Section 13 and 14

Securities and Exchange Law (2013),
Section 7 and 8

Insurance Business Law (1996),
Chapter 5

Description: Foreign investors may be permitted
to invest in the area of finance
(banking, securities and insurance
services) subject to relevant
regulations under Financial
Institutions of Myanmar Law,
Securities and Exchange Law and
Insurance Business Law.

Note: Paragraph 1(d) of Article 7
of this agreement shall apply
only after the issuance of
relevant regulations under
Financial Institutions of
Myanmar Law, Securities and
Exchange Law and Insurance
Business Law.

15 Sector: Postal and Telecommunication Services

Sub-Sector: Postal Service

Courier Service

Telecommunication Services

Voice telephone services

Packet-switched data transmission service

Circuit-switched data transmission service

Telex services

Telegraphs services

Facsimile services

Private leased circuit services

Electronic mail services

Voice mail services

On-Line information and data base retrieval services

Electronic data interchange (EDI)

Enhanced/value-added facsimile services, including store and forward, store and retrieve

Code and protocol conversion

On-Line information and/or data processing (including transaction processing)

Industry Classification: CPC 843 Data processing services

CPC 7511 Postal services

CPC 7512 Courier services

CPC 7521 Public telephone services

	CPC 7522	Business network services
	CPC 7523	Data and message transmission services
	CPC 7529	Other telecommunications services
Type of Reservation:	National Treatment (Article 2)	
Measures:	Foreign Investment Law (2012), Section 4(f)	
	Foreign Investment Rules (2013), Rule 5	
	Myanmar Investment Commission Notification No. 1/2013; List of Economic Activities Permitted with the Recommendation of the Relevant Ministry, No. 8(1) and (2)	
Description:	Foreign investors may be permitted to invest in business related to local and international postal services and network and network-support services, only with the approval of the Ministry of Communication and Information Technology.	

16 Sector: Transport

Sub-Sector: Road Transport

Industry Classification: CPC 7111 Passenger transportation
CPC 7112 Freight transportation

Type of Reservation: National Treatment (Article 2)

Measures: Foreign Investment Law (2012),
Section 4(f)

Foreign Investment Rules (2013),
Rule 5

Myanmar Investment Commission
Notification, Re-classification of
Types of Economic Activities; List of
Economic Activities to be allowed
only in the form of Joint Venture
with Myanmar Citizens with the
recommendation of the Relevant
Ministry, No. 6(6)

Description: Foreign investors are permitted to
invest in business related to road
transport only by joint venture with
either the Government of Myanmar or
Myanmar citizens subject to the
consent of Ministry of Rail
Transportation.

17 Sector: Service incidental to Forestry

Sub-Sector: Export of timber

Industry Classification: ISIC 0200 Forestry; logging and related service activities

Type of Reservation: Performance Requirement (Article 6)

Measures: Ministry of Environmental Conservation and Forestry Notification, No. 26/2013

Description: Export of logs is to be prohibited from 1 April 2014. Any types of timber shall be exported in value-added forms.

18 Sector: International Trade Business

Sub-Sector:

Industry
Classification:

Type of
Reservation: National Treatment (Article 2)

Measures: Myanmar Companies Act (1914),
Section 27A(1)

Description: Foreigners are not allowed to
operate international trade
businesses in Myanmar. However,
in cases where they operate
manufacturing businesses, they
may be permitted to operate
international trade businesses
to the extent necessary for their
manufacturing businesses, subject to
Section 27A(1) of Myanmar Company
Act.

19 Sector: All Sectors other than International Trade Business

Sub-Sector:

Industry Classification:

Type of Reservation: National Treatment (Article 2)

Measures: Myanmar Companies Act (1914), Section 27A(1)

Description: All foreign companies, whether a hundred percent owned or a joint venture, and their branch/representative offices shall obtain a permit to conduct business operation.

The permit shall be granted together with a registration certificate within 24 hours upon the submission of the application except in cases where further scrutiny by the Ministry of National Planning and Economic Development is necessary. The permit shall be subject to renewal in every five years.

Annex II
Reservations for Measures referred to
in paragraph 2 of Article 7

1. The Schedule of a Contracting Party sets out, pursuant to paragraph 2 of Article 7, the reservations taken by that Contracting Party 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 2 (National Treatment);
- (b) Article 3 (Most-Favoured-Nation Treatment); or
- (c) Article 6 (Prohibition of Performance Requirements).

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 November 6, 2007.

Schedule of Japan

- 1 Sector: All Sectors
- Sub-Sector:
- Industry
Classification:
- Type of
Reservation: National Treatment (Article 2)
Prohibition of Performance
Requirements (Article 6)
- 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 the Republic of
the Union of Myanmar or their
investments;
 - (b) impose limitations on the
ability of investors of the
Republic of the Union of
Myanmar 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: National Treatment (Article 2)
Prohibition of Performance
Requirements (Article 6)

Description: In the event where the supply of telegraph services, postal services and betting and gambling services, manufacture of tobacco products, manufacture of Bank of Japan notes, minting 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:

3 Sector: All Sectors

Sub-Sector:

Industry
Classification:

Type of
Reservation: National Treatment (Article 2)
Most-Favoured-Nation Treatment
(Article 3)

Description: National Treatment and Most-
Favoured-Nation Treatment may not be
accorded to investors of the
Republic of the Union of Myanmar 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 2)

Prohibition of Performance
Requirements (Article 6)

Description: Japan reserves the right to adopt or
maintain any measure relating 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 2)
Prohibition of Performance
Requirements (Article 6)

Description: Japan reserves the right to adopt
or maintain any measure relating 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 2) Prohibition of Performance Requirements (Article 6)
	Description:	Japan reserves the right to adopt or maintain any measure relating 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 2)
 Most-Favoured-Nation Treatment (Article 3)
 Prohibition of Performance Requirements (Article 6)

Description: Japan reserves the right to adopt or maintain any measure relating 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 2) Prohibition of Performance Requirements (Article 6)	
Description:	Japan reserves the right to adopt or maintain any measure relating 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), Article 5 Broadcast Law (Law No. 132 of 1950), Articles 93, 116, 125, 159 and 161	

9 Sector: Land Transaction

Sub-Sector:

Industry
Classification:

Type of
Reservation: National Treatment (Article 2)
Most-Favoured-Nation Treatment
(Article 3)

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 2)
Most-Favoured-Nation Treatment
(Article 3)
Prohibition of Performance
Requirements (Article 6)

Description: Japan reserves the right to adopt or
maintain any measure relating 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:

Schedule of the Republic of the Union of Myanmar

- 1 Sector: All Sector (Land Ownership)
- Sub-Sector:
- Industry
Classification:
- Type of
Reservation: National Treatment (Article 2)
- Description: The provisions of Article 2 shall not apply to any measures affecting land Property and natural resources associated with land⁴. Land is owned by the State. However, government-owned lands, lands owned by government departments or organisations and Private lands owned by the citizens can be leased up to initial 50 years depending upon the category of business and industry and the scale, and extendable for two consecutive terms of 10 years subject to the approval of the Myanmar Investment Commission.
- The Farmland Law does not authorize the right of ownership, but provides land use certificate to grant the right to utilize the land. The person who has the right to use the farmland shall have the following rights:
- (a) right to have the farmland in possession, right to use the farm-land, and right to enjoy the benefit that arises from these rights;
 - (b) right to sell, mortgage, lease, exchange and give the whole or part of the farmland in accordance with the stipulated terms and conditions;

⁴ For the purpose of reservation, land includes residential land, commercial land, and industrial land and agricultural and livestock land.

- (c) right to accept the decision of the relevant court in accordance with the existing law if a dispute arises relating to the inheritance of the right to use the farmland;
- (d) right to use the farmland so long as there is no breach of the stipulated terms and conditions;
- (e) right to use for common interest with the investment of village co-operative or with private investors for the development of agriculture in the farmland; and
- (f) right to use the farm land for common interest, with foreigners or organisations in which foreigners are included, in accordance with the Foreign Investment Law of the Republic of the Union of Myanmar by cooperating.

Collection of land tax/revenue is yet to be decided by the State.

The Vacant, Fallow and Virgin Lands Management Law permits for the agriculture, livestock breeding and affiliated economic enterprise in respect of the period:

- (a) In the agricultural business:
 - (i) for perennial plant and orchard, permit not exceeding 30 years commencing from the year of permission; and
 - (ii) for seasonal crop, permit so long as there is no breach of the stipulated terms and conditions;

- (b) In the livestock breeding business, permit not exceeding 30 years commencing from the year of permission;
- (c) Permit multiple extension not exceeding 30 years in total depending upon the type of business after the expiry of the permitted period;
- (d) For the mineral production business permit will be granted in coordination with the Ministry of Mines of the Union Government; and
- (e) For other lawful businesses permitted by the Government, permission will be granted in coordination with the respective Ministries of the Union Government;

The Central Committee for the Vacant, Fallow and Virgin Lands Management shall determine the rate of security fees to be paid by the person who has obtained the right to cultivate or utilize the vacant, fallow and virgin lands in accordance with the type of business.

Depending upon the type of business and kind of crops, rate of land revenue to be collected and period for exemption of land revenue for cultivation and utilization of vacant fallow and virgin lands shall be decided by the Central Committee for the Vacant, Fallow and Virgin Lands Management.

Investment by the foreigners and organisations involving foreigners can be undertaken according to the approval of Myanmar Investment Commission.

Existing
Measures:

Transfer of Immovable Property
Restriction Law (1987)

Farmland Law (2012), Chapter III,
Section 9(a) to (f)

Vacant, Fallow and Virgin Lands
Management Law (2012), Chapter IV,
Section 11(a) to (e), and Chapter V,
Section 13 and 14

2 Sector: All Sectors

Sub-Sector:

Industry
Classification:

Type of
Reservation: National Treatment (Article 2)

Description: Foreign investors shall appoint,
when appointing citizen skilled
workers, technicians and staff, at
least 25 percent within the first
two-year, at least 50 percent within
the second two-year and at least 75
percent within the third two-year
from the year of commencement of the
business.

Existing
Measures: Foreign Investment Law (2012)
Section 24(A)

3	Sector:	Manufacturing Sector
	Sub-Sector:	Administration and maintenance of natural forest
		Manufacturing of traditional medicines
		Extraction of crude oil manually up to 1000 feet depth
		Small and medium size mineral production ⁵
		Production and plantation of traditional herbal plants
		Wholesale of semi-finished products and iron ores
		Production of traditional food
		Manufacturing the religious related materials and equipments
		Manufacturing the traditional and cultural materials and equipments
		Manufacturing based on the handicraft
	Industry Classification:	
	Type of Reservation:	National Treatment (Article 2)
	Description:	Myanmar reserves the right to allow the aforementioned manufacturing activities only to Myanmar citizens in accordance with Foreign Investment Law.
	Existing Measures:	Foreign Investment Law (2012), Section 4
		Foreign Investment Rules (2013), Rule 7, Schedule I

⁵ Small and medium size mineral production means any mineral production which does not require huge and substantial investment and special technical know-how.

4	Sector:	Services Sector
	Sub-Sector:	Private Traditional Hospitals
		Trading of traditional herbal raw materials
		Research and laboratory for Traditional medicines
		Ambulance transportation service;
		Establishment of health care centres for the aged
		Restaurant contract, cargo transportation contract, cleaning and maintenance contract on the train
		Small-scale agent services
		Generating of electric power below 10 mega watt
		Publishing and distribution of Periodicals in language of ethnic people including Myanmar language
	Industry Classification:	
	Type of Reservation:	National Treatment (Article 2)
	Description:	Myanmar reserves the right to allow the aforementioned services only to Myanmar citizens in accordance with Foreign Investment Law.
	Existing Measures:	Foreign Investment Law (2012), Section 4
		Foreign Investment Rules (2013), Rule 7, Schedule I

5 Sector: Agricultural business

Sub-Sector: Designated agricultural business

Industry
Classification:

Type of
Reservation: National Treatment (Article 2)

Description: Myanmar reserves the right to designate sectors of agricultural business which are prohibited to foreign investors under Foreign Investment Law, to the extent that foreign investment in those sectors may cause negative economic impacts to local producers of agricultural products.

Existing
Measures: Foreign Investment Law (2012),
Section 4

Foreign Investment Rules (2013),
Rule 8, Schedule II

6 Sector: Livestock Breeding Business

Sub-Sector: Designated livestock breeding business

Industry Classification:

Type of Reservation: National Treatment (Article 2)

Description: Myanmar reserves the right to designate sectors of livestock breeding business which are prohibited to foreign investors under Foreign Investment Law, to the extent that foreign investment in those sectors may cause negative economic impacts to local producers of livestock products.

Existing Measures: Foreign Investment Law (2012), Section 4

Foreign Investment Rules (2013), Rule 9, Schedule III

7 Sector: Fishery

Sub-Sector: Fishing Business in the Territorial Waters of Myanmar

Industry Classification:

Type of Reservation: National Treatment (Article 2)

Description: Myanmar reserves the right to allow the fishing business in its inland waters and territorial waters only to Myanmar citizens.

Existing Measures: Foreign Investment Law (2012), Section 4(j)

Foreign Investment Rules (2013), Rule 10, Schedule IV(1) and (2)