

Annex 5 referred to in Chapter 5
Reservations for Future Measures

“Obligations under this Agreement” specifies the obligations under Articles 57 and 58 for which a non-conforming measure is maintained or may be adopted.

Reservations of Japan

Sector or Matter	Obligations under this Agreement
1. Aerospace Industry	National Treatment (Article 57)
2. Arms and Explosives Industry	National Treatment (Article 57)
3. Broadcasting Industry	National Treatment (Article 57)
4. Energy	National Treatment (Article 57)
5. Fisheries within the Territorial Sea, Internal Waters, Exclusive Economic Zone and Continental Shelf	National Treatment (Article 57) Most-Favoured-Nation Treatment (Article 58)
6. Land Transaction	National Treatment (Article 57) Most-Favoured-Nation Treatment (Article 58)
7. Maintenance, Designation or Elimination (including privatisation) of a Public Monopoly	National Treatment (Article 57)
8. Maintenance, Establishment or Disposal (including privatisation) of a State Enterprise	National Treatment (Article 57)
9. Public Law Enforcement and Correctional Services and Social Services	National Treatment (Article 57) Most-Favoured-Nation Treatment (Article 58)
10. Subsidies	National Treatment (Article 57) Most-Favoured-Nation Treatment (Article 58)

Reservations of Brunei Darussalam

Sector or Matter	Obligations under this Agreement
1. All Sectors - By virtue of royal decree or "titah" of His Majesty the Sultan and Yang Di-Pertuan of Negara Brunei Darussalam	National Treatment (Article 57) Note: Any amendment or modification of an existing measure or adoption of a new measure shall not be more restrictive to existing investors of Japan and their investments than the measure applied to such investors or investments immediately before such amendments or modification or adoption.
2. All Sectors - Commercialisation of projects, privatisation or divestment of assets owned by the Government	National Treatment (Article 57)
3. All Sectors - Licensing requirements	National Treatment (Article 57) Note: This reservation shall not include local equity requirements as provided for in Annex 4.
4. All Sectors - Transfer or disposal of equity interests or assets of a state enterprise, a government entity, or a government-linked company	National Treatment (Article 57)
5. All Sectors - Provision of subsidies or grants provided by Brunei Darussalam or the continued receipt of such subsidies or grants	National Treatment (Article 57)
6. All Sectors - Activities relating to food security and those utilising local resources	National Treatment (Article 57)
7. All Sectors - Land transactions	National Treatment (Article 57)
8. All Services Sectors -on condition that measures maintained or adopted do not constitute a violation of obligations under Chapter 6	National Treatment (Article 57) Most-Favoured-Nation Treatment (Article 58)

<p>9. All Sectors - ASEAN</p>	<p>Most-Favoured-Nation Treatment (Article 58)</p> <p>Note: If Brunei Darussalam enters into an ASEAN agreement on investment after the date of entry into force of this Agreement, it shall, upon the request of Japan, consider according to investors of Japan and their investments treatment no less favourable than that it accords, in like circumstances, to investors of a non-Party which is a member country of the ASEAN and their investments pursuant to such ASEAN agreement.</p>
<p>10. All Sectors - Trans-Pacific Strategic Economic Partnership Agreement</p>	<p>Most-Favoured-Nation Treatment (Article 58)</p> <p>Note: Most-Favoured-Nation Treatment may not be accorded to investors of Japan and their investments with respect to preferential treatment granted under the Trans-Pacific Strategic Economic Partnership Agreement, for a period of three years from the date of entry into force of this Agreement. Both Parties shall, upon the request of either Party, review this reservation before the expiry of the above mentioned three years period.</p>
<p>11. Fishery</p>	<p>National Treatment (Article 57)</p> <p>Note: This reservation shall not include local equity requirements as provided for in Annex 4.</p>
<p>12. Forestry - Logging and sawmilling</p>	<p>National Treatment (Article 57)</p>
<p>13. Mining and Quarrying - Oil and gas upstream activities</p>	<p>National Treatment (Article 57)</p> <p>Most-Favoured-Nation Treatment (Article 58)</p>