

Annex 7 referred to in Chapter 6
Schedules of Specific Commitments
in relation to Article 78

Schedule of Japan

Explanatory Notes

1. Alphabets indicated against individual sectors or sub-sectors and numbers in brackets are references to the Services Sectoral Classification List (GATT Document MTN.GNS/W/120, dated 10 July 1991) and the Provisional Central Product Classification (Statistical Papers Series M No. 77, Department of International Economic and Social Affairs, Statistical Office of the United Nations, New York, 1991)(hereinafter referred to in this Annex as "CPC"). These alphabetical and numerical divisions are indicated to enhance the clarity in the description of specific commitments, but shall not be construed as being a part of the specific commitments.

2. The scheduling of specific commitments follows the Guidelines for the Scheduling of Specific Commitments (WTO Document S/L/92, dated 28 March 2001). The Guidelines shall not, however, be construed as being legally binding.

3. The modes of supply 1), 2), 3) and 4) indicated in this Schedule correspond respectively to the supply of services defined in subparagraphs (w)(i), (ii), (iii) and (iv) of Article 74.

4. The entry "Unbound*" means unbound due to lack of technical feasibility.

5. Measures affecting (a) passenger transport services by air; (b) freight transport services by air; and (c) rental/leasing services of aircraft with crew/operator are not listed in this Schedule, as these are measures affecting traffic rights or measures affecting services directly related to the exercise of traffic rights to which Chapter 6 does not apply. The commitment for freight transport agency services does not include freight forwarding services by air transport services.

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
I. HORIZONTAL COMMITMENTS			
ALL SECTORS INCLUDED IN THIS SCHEDULE	<p>4) With respect to the measures pursuant to immigration laws and regulations;</p> <p>unbound except for measures concerning the entry and temporary stay of a national of Brunei Darussalam who falls in one of the following categories:</p> <p>(a) Short-term business visitors</p> <p>A national of Brunei Darussalam who stays in Japan for a period not exceeding 90 days without acquiring remuneration from within Japan and without engaging in making direct sales to the general public or in supplying services himself or herself, for the purposes of participating in business contacts including negotiations for the sale of services or other similar activities including those to prepare for establishing commercial presence in Japan.</p> <p>(b) Intra-corporate transferees</p>	<p>4) With respect to the measures pursuant to immigration laws and regulations;</p> <p>unbound except for measures concerning the categories of nationals of Brunei Darussalam referred to in the market access column.</p>	

	<p>A national of Brunei Darussalam who has been employed by a juridical person that supplies services in Japan for a period not less than one year immediately preceding the date of his or her application for the entry and temporary stay in Japan, and who is being transferred, for a period not exceeding three years, to its branch office or its representative office in Japan, or a juridical person constituted or organised in Japan, owned or controlled by or affiliated¹ with the former juridical person, and who engages in one of the following activities during his or her temporary stay in Japan:</p> <ul style="list-style-type: none"> (i) activities to direct the branch office or the representative office as its head; (ii) activities to direct the latter juridical person as its board member or auditor; (iii) activities to direct one or more departments of the latter juridical person; 		
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1 Notwithstanding subparagraph (f) (iii) of Article 74, for the purposes of this Schedule, a juridical person is "affiliated" with another juridical person when the latter can significantly affect the decision making of the former on finance and business policy.

	<p>(iv) activities which require technology or knowledge at an advanced level pertinent to physical sciences, engineering or other natural sciences, recognised under the status of residence of "Engineer" provided for in the Immigration Control and Refugee Recognition Act (Cabinet Order No. 319 of 1951); and</p> <p>(v) activities which require knowledge at an advanced level pertinent to human science, including jurisprudence, economics, business management and accounting, or which require ideas and sensitivity based on culture of a country other than Japan, recognised under the status of residence of "Specialist in Humanities/International Services" provided for in the Immigration Control and Refugee Recognition Act.</p>		
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	<p>Activities which require technology or knowledge at an advanced level pertinent to natural or human sciences referred to in subparagraphs (b)(iv) and (v) mean activities in which the national may not be able to engage without the application of specialised technology or knowledge of natural or human sciences acquired by the national, by completing college education (i.e. bachelor's degree) or higher education, or by having been engaged in the activities for at least 10 years.</p> <p>(c) Nationals of Brunei Darussalam who engage in professional services</p> <p>A national of Brunei Darussalam who is a legal, accounting or taxation service supplier qualified under Japanese law and who engages, for a period not exceeding three years, in one of the following activities during his or her temporary stay in Japan:</p> <p>(i) legal services supplied by a lawyer qualified as "Bengoshi" under Japanese law;</p>		
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	<p>(ii) legal advisory services on law of jurisdiction where the service supplier is a qualified lawyer on condition that the service supplier is qualified as "Gaikoku-Ho-Jimu Bengoshi" under Japanese law;</p> <p>(iii) legal services supplied by a patent attorney qualified as "Benrishi" under Japanese law;</p> <p>(iv) legal services supplied by a maritime procedure agent qualified as "Kaijidairishi" under Japanese law;</p> <p>(v) accounting, auditing and bookkeeping services supplied by an accountant qualified as "Koninkaikeishi" under Japanese law; and</p> <p>(vi) taxation services supplied by a tax accountant qualified as "Zeirishi" under Japanese law.</p>		
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	<p>(d) Nationals of Brunei Darussalam who engage in supplying services, which require technology or knowledge at an advanced level, on the basis of a personal contract with a public or private organisations in Japan</p> <p>A national of Brunei Darussalam who engages, for a period not exceeding three years, in one of the following activities of supplying services, during his or her temporary stay in Japan on the basis of a personal contract with a public or private organisation in Japan:</p> <p>(i) activities which require technology or knowledge at an advanced level pertinent to physical sciences, engineering or other natural sciences under the status of residence of "Engineer", whose scope is provided for in the Immigration Control and Refugee Recognition Act; and</p>		
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	<p>(ii) activities which require knowledge at an advanced level pertinent to human science, including jurisprudence, economics, business management and accounting, or which require ideas and sensitivity based on culture of a country other than Japan under the status of residence of "Specialist in Humanities/International Services", whose scope is provided for in the Immigration Control and Refugee Recognition Act.</p> <p>Activities which require technology or knowledge at an advanced level pertinent to natural or human sciences referred to in subparagraphs (d)(i) and (ii) mean activities in which the national may not be able to engage without the application of specialised technology or knowledge of natural or human sciences acquired by the national, by completing college education (i.e. bachelor's degree) or higher education, or by having been engaged in the activities for at least 10 years.</p>		
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	A period of stay, granted to a national of Brunei Darussalam who falls in one of the aforementioned categories, may be extended.		
Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons			
Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
II. SECTOR-SPECIFIC COMMITMENTS			
1. BUSINESS SERVICES			
A. Professional Services			
a) Legal services supplied by a lawyer qualified as "Bengoshi" under Japanese law (CPC 861)	<p>1) None except that: services must be supplied by a natural person or by a Legal Profession Corporation²; and commercial presence is required.</p> <p>2) None except that: services must be supplied by a natural person or by a Legal Profession Corporation; and commercial presence is required.</p> <p>3) None except that services must be supplied by a natural person or by a Legal Profession Corporation.</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p>	

2 A Legal Profession Corporation under Japanese law is composed of one or more partners who are lawyers qualified as "Bengoshi" under Japanese law and have the rights and obligations to execute activities of the Legal Profession Corporation.

	4) None except that commercial presence is required.	4) None	
<p>a) Legal advisory services on law of jurisdiction where the service supplier is a qualified lawyer (CPC 861**)</p> <p>(a) Legal advisory services on law do not include:</p> <p>(i) legal representational services for juridical procedures in courts and other government agencies as well as preparation of legal documents for such procedures;</p> <p>(ii) expression of legal opinions concerning laws other than laws of the jurisdiction where the service supplier is qualified as a lawyer (hereinafter referred to in this sector as "the jurisdiction");</p>	<p>1) None except that: services must be supplied by a natural person; and commercial presence is required.</p> <p>2) None</p> <p>3) None except that services must be supplied by a natural person.</p> <p>4) None except that commercial presence is required.</p>	<p>1) None except that a service supplier is required to stay in Japan not less than 180 days in a year.</p> <p>2) None</p> <p>3) None</p> <p>4) None except that a service supplier is required to stay in Japan not less than 180 days in a year.</p>	<p>3) (a) Practice of international law is permitted, provided that the international law is or was in force in the jurisdiction.</p> <p>Practice of third country law is permitted, according to written advice on each issue from competent persons (e.g. lawyers qualified in the third country and engaging in legal business concerning the law of that country).</p> <p>Practice of Japanese law is not permitted.</p> <p>(b) Association with Bengoshi is permitted.</p> <p>Employment of Bengoshi is permitted.</p> <p>(c) Use of firm name is unrestricted, provided that it is followed with reference to "Gaikoku-Ho-Jimu-Bengoshi Jimusho".</p>

<p>(iii) legal representational services for the entrustment of the preparation of notarial deeds; and</p> <p>(iv) those activities concerning a legal case whose primary objective is the acquisition or loss or change of rights concerning real property in Japan or of industrial property rights, mining rights or other rights arising upon registration thereof with government agencies in Japan.</p>			<p>(d) Representation in international arbitration is permitted.</p>
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(b) A service supplier shall be required to co-operate with Bengoshi or to ask for his or her advice in a legal case concerning family relations or inheritance, in which a Japanese national is involved as a party, or in a legal case whose objective is the acquisition or loss or change of rights concerning real property in Japan or of industrial property rights, mining rights or other rights arising upon registration thereof with government agencies in Japan, as long as the above objective is not the primary one.

Note to the Specific Commitment in the Sector of Legal Advisory Services on Law of Jurisdiction
Where the Service Supplier is a Qualified Lawyer

The service supplier must be recognised as "Gaikoku-Ho-Jimu-Bengoshi" by the Minister of Justice and register with the Japan Federation of Bar Associations.

The conditions for granting recognition by the Minister of Justice are as follows:

- (a) The service supplier is qualified as a lawyer in the jurisdiction.
- (b) The service supplier has been engaged as a lawyer for at least three years in the jurisdiction.
- (c) The service supplier is not subject to such conditions of disqualification in the jurisdiction which, if applied to Bengoshi, would disqualify the Bengoshi.
- (d) The service supplier possesses the intention to undertake the profession in good faith.
- (e) The service supplier possesses plans, residence and financial basis to perform his or her functions properly and steadily.
- (f) The service supplier possesses capability to compensate for damages caused to the client, if any.

<p>a) Legal services supplied by a judicial scrivener qualified as "Shiho-Shoshi" under Japanese law (CPC 861**)</p>	<p>1) None except that: services must be supplied by a natural person or by a Judicial Scrivener Corporation³; and commercial presence is required.</p> <p>2) None except that: services must be supplied by a natural person or by a Judicial Scrivener Corporation; and commercial presence is required.</p> <p>3) None except that services must be supplied by a natural person or by a Judicial Scrivener Corporation.</p> <p>4) None except that commercial presence is required.</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) None</p>	
<p>a) Legal services supplied by an administrative scrivener qualified as "Gyousei-Shoshi" under Japanese law (CPC 861**)</p>	<p>1) None except that: services must be supplied by a natural person or by an Administrative Scrivener Corporation⁴; and commercial presence is required.</p> <p>2) None except that:</p>	<p>1) None</p> <p>2) None</p>	

3 A Judicial Scrivener Corporation under Japanese law is composed of two or more partners who are judicial scriveners qualified as "Shiho-Shoshi" under Japanese law and have the rights and obligations to execute activities of the Judicial Scrivener Corporation.

4 An Administrative Scrivener Corporation under Japanese law is composed of two or more partners who are administrative scriveners qualified as "Gyousei-Shoshi" under Japanese law and have the rights and obligations to execute activities of the Administrative Scrivener Corporation.

	<p>services must be supplied by a natural person or by an Administrative Scrivener Corporation; and</p> <p>commercial presence is required.</p> <p>3) None except that services must be supplied by a natural person or by an Administrative Scrivener Corporation.</p> <p>4) None except that commercial presence is required.</p>	<p>3) None</p> <p>4) None</p>	
<p>a) Legal services supplied by a certified social insurance and labour consultant qualified as "Shakai-Hoken-Romushi" under Japanese law (CPC 861**)</p>	<p>1) None except that:</p> <p>services must be supplied by a natural person or by a Certified Social Insurance and Labour Consultant Corporation⁵; and</p> <p>commercial presence is required.</p> <p>2) None except that:</p> <p>services must be supplied by a natural person or by a Certified Social Insurance and Labour Consultant Corporation; and</p> <p>commercial presence is required.</p> <p>3) None except that services must be supplied by a natural person or by a Certified Social Insurance and Labour Consultant Corporation.</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p>	

5 A Certified Social Insurance and Labour Consultant Corporation under Japanese law is composed of two or more partners who are certified social insurance and labour consultants qualified as "Shakai-Hoken-Romushi" under Japanese law and have the rights and obligations to execute activities of the Certified Social Insurance and Labour Consultant Corporation.

	4) None except that commercial presence is required.	4) None	
a) Legal services supplied by a patent attorney qualified as "Benrishi" under Japanese law (CPC 86119, 8612, 8613, 8619)	<p>1) None except that: services must be supplied by a natural person or by a Patent Business Corporation⁶; and commercial presence is required for a Patent Business Corporation.</p> <p>2) None except that: services must be supplied by a natural person or by a Patent Business Corporation; and commercial presence is required for a Patent Business Corporation.</p> <p>3) None except that services must be supplied by a natural person or by a Patent Business Corporation.</p> <p>4) None</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) None</p>	
a) Legal services supplied by a maritime procedure agent qualified as "Kaijidairishi" under Japanese law (CPC 861**)	<p>1) None except that services must be supplied by a natural person.</p> <p>2) None except that services must be supplied by a natural person.</p> <p>3) None except that services must be supplied by a natural person.</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p>	

⁶ A Patent Business Corporation under Japanese law is composed of two or more partners who are patent attorneys qualified as "Benrishi" under Japanese law and who have the rights and obligations to execute activities of the Patent Business Corporation.

	4) None	4) None	
a) Legal services supplied by a land and house surveyor qualified as "Tochi-Kaoku-Chosashi" under Japanese law (CPC 861**)	<p>1) None except that: services must be supplied by a natural person or by a Land and House Surveyor Corporation⁷; and commercial presence is required.</p> <p>2) None except that: services must be supplied by a natural person or by a Land and House Surveyor Corporation; and commercial presence is required.</p> <p>3) None except that services must be supplied by a natural person or by a Land and House Surveyor Corporation.</p> <p>4) None except that commercial presence is required.</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) None</p>	
b) Accounting, auditing and bookkeeping services (CPC 862)	<p>1) None except that: provision of the services which must be supplied by an accountant qualified as "Koninkaikeishi" or an Audit Corporation⁸ under Japanese law is restricted to a natural person or an Audit Corporation; and</p>	<p>1) None</p>	

7 A Land and House Surveyor Corporation under Japanese law is composed of two or more partners who are land and house surveyors qualified as "Tochi-Kaoku-Chosashi" under Japanese law and have the rights and obligations to execute activities of the Land and House Surveyor Corporation.

8 An Audit Corporation under Japanese law is composed of five or more partners who are accountants qualified as "Koninkaikeishi" under Japanese law and have the rights and obligations to execute activities of the Audit Corporation.

	<p>commercial presence is required for an Audit Corporation.</p> <p>2) None except that:</p> <p>provision of the services which must be supplied by an accountant qualified as "Koninkaikeishi" or an Audit Corporation under Japanese law is restricted to a natural person or an Audit Corporation; and</p> <p>commercial presence is required for an Audit Corporation.</p> <p>3) None except that provision of the services which must be supplied by an accountant qualified as "Koninkaikeishi" or an Audit Corporation under Japanese law is restricted to a natural person or an Audit Corporation.</p> <p>4) None</p>	<p>2) None</p> <p>3) None</p> <p>4) None</p>	
c) Taxation services (CPC 863)	<p>1) None except that as for certified public tax accountant services stipulated in Certified Public Tax Accountant Law (Law No. 237 of 1951):</p>	<p>1) None</p>	

	<p>services must be supplied by a natural person or by a Certified Tax Accountant Corporation⁹; and</p> <p>commercial presence is required.</p> <p>2) None except that as for certified public tax accountant services stipulated in Certified Public Tax Accountant Law:</p> <p>services must be supplied by a natural person or by a Certified Tax Accountant Corporation; and</p> <p>commercial presence is required.</p> <p>3) None except that as for certified public tax accountant services stipulated in Certified Public Tax Accountant Law, services must be supplied by a natural person or by a Certified Tax Accountant Corporation.</p> <p>4) None except that as for certified public tax accountant services stipulated in Certified Public Tax Accountant Law, commercial presence is required.</p>	<p>2) None</p> <p>3) None</p> <p>4) None</p>	
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⁹ A Certified Tax Accountant Corporation under Japanese law is composed of two or more partners who are tax accountants qualified as "Zeirishi" under Japanese law and have the rights and obligations to execute activities of the Certified Tax Accountant Corporation.

<p>d), e) Architectural services which must be supplied by a service supplier qualified as "Kenchikushi" under Japanese law, or by a service supplier using "Kenchikushi" (CPC 86712, 86713, 86714¹⁰) (CPC 86722, 86723, 86724¹⁰, 86725¹⁰, 86727¹⁰)</p>	<p>1) None except that commercial presence is required. 2) None except that commercial presence is required. 3) None 4) None except that commercial presence is required.</p>	<p>1) None 2) None 3) None 4) None</p>	
<p>d), e), g) Architectural services which may be supplied by a service supplier not qualified as "Kenchikushi" under Japanese law, or by a service supplier not using "Kenchikushi" (CPC 8671) (CPC 8672¹¹) (CPC 86742¹¹)</p>	<p>1) None¹² 2) None¹² 3) None 4) None¹²</p>	<p>1) None 2) None 3) None 4) None</p>	
<p>e), f) Engineering services and integrated engineering services (CPC 8672¹³, 8673¹³)</p>	<p>1) None 2) None 3) None 4) None</p>	<p>1) None 2) None 3) None 4) None</p>	

10 Limited to services necessary for building construction excluding post-construction services.

11 Limited to services necessary for building construction.

12 In the case where the services are supplied by a service supplier who is qualified as "Kenchikushi" under Japanese law, or by a service supplier using "Kenchikushi", commercial presence is required.

13 Excluding architectural services and civil engineering consulting services.

e), g) F e), F m) Civil engineering consulting services (CPC 86721 ¹⁴ , 86724 ¹⁴ , 86727 ¹⁴ , 86729 ¹⁴) (CPC 86741, 86742 ¹⁴) (CPC 86761 ¹⁴) (CPC 86751 ¹⁴ , 86752 ¹⁴)	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
g) Urban planning and landscape architectural services (CPC 8674 ¹³)	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
h) Medical and dental services (CPC 9312)	1) Unbound* 2) None 3) Unbound except that there is no limitation on the participation of foreign capital. 4) Unbound	1) Unbound* 2) None 3) Unbound except that there is no limitation on the participation of foreign capital. 4) Unbound	
i) Veterinary services (CPC 932)	1) Unbound* 2) None 3) None 4) None	1) Unbound* 2) None 3) None 4) None	
j) Services supplied by midwives, nurses and para-medical personnel (CPC 93191**)	1) Unbound* 2) None	1) Unbound* 2) None	

14 Limited to services necessary for civil engineering excluding engineering design services for buildings.

	<p>3) Unbound except that there is no limitation on the participation of foreign capital.</p> <p>4) Unbound</p>	<p>3) Unbound except that there is no limitation on the participation of foreign capital.</p> <p>4) Unbound</p>	
<p>j) Services supplied by physiotherapists qualified as "Rigakuryohoushi", or by dietitians qualified as "Eiyoushi", under Japanese law (CPC 93191**)</p>	<p>1) Unbound*</p> <p>2) None</p> <p>3) Unbound except that there is no limitation on the participation of foreign capital.</p> <p>4) Unbound</p>	<p>1) Unbound*</p> <p>2) None</p> <p>3) Unbound except that there is no limitation on the participation of foreign capital.</p> <p>4) None</p>	
<p>B. Computer and Related Services (excluding computer reservation system services for air transport) (CPC 841, 842, 843, 844, 845, 849)</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) None</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) None</p>	
<p>C. Research and Development Services</p>			
<p>a) Research and development services on natural sciences (CPC 851)</p> <p>b) Research and development services on social sciences and humanities (CPC 852)</p> <p>c) Interdisciplinary research and development services (CPC 853)</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) None</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) None</p>	

D. Real Estate Services			
a) Real estate services involving own or leased property (for property in Japan) (CPC 821**)	1) None except that commercial presence is required. 2) None except that commercial presence is required. 3) None 4) None except that commercial presence is required.	1) None 2) None 3) None 4) None	
a) Real estate services involving own or leased property (for property outside Japan) (CPC 821**)	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
b) Real estate services on a fee or contract basis (for property in Japan) (CPC 822**)	1) None except that commercial presence is required. 2) None except that commercial presence is required. 3) None 4) None except that commercial presence is required.	1) None 2) None 3) None 4) None	
b) Real estate services on a fee or contract basis (for property outside Japan) (CPC 822**)	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	

E. Rental and Leasing Services without Operators			
a) Rental and leasing services, without operators, relating to ships ¹⁵ (CPC 83103)	1) None 2) None 3) None 4) None	1) None 2) None 3) None except that prior notification is required for services in accordance with the Foreign Exchange and Foreign Trade Law (Law No. 228 of 1949). 4) None	
b) Rental and leasing services, without operators, relating to aircraft ¹⁶ (CPC 83104)	1) None 2) None 3) None 4) Unbound	1) None 2) None 3) None 4) Unbound	
c) Rental and leasing services, without operators, relating to transport equipment other than vessels and aircrafts (CPC 83101, 83102, 83105)	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	

15 In the case that services are supplied through the use of ship flying the flag of Japan, there is a nationality requirement. In this sector, "nationality requirement" means that the ship must be owned by:

(a) a Japanese national; or

(b) a juridical person established under Japanese law, with all representatives ("daihyosha") and not less than two-thirds of executives administering the affairs of the juridical person ("gyomu-wo-shikkousuru yakuin") having Japanese nationality.

16 In the case that services are supplied through the use of aircraft registered as a Japanese aircraft, the aircraft must be owned by:

(a) a Japanese national; or

(b) a juridical person established under Japanese law, with all representatives ("daihyosha") and not less than two-thirds of executives ("yakuin") having Japanese nationality and with not less than two-thirds of voting share held by Japanese persons.

d), e) Rental and leasing services, without operators, relating to machineries and equipment other than transport equipment, and personal and household goods (CPC 83106-83109) (CPC 832)	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
F. Other Business Services			
a) Advertising services (CPC 871)	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
b) Market research and public opinion polling services (CPC 864)	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
c) Management consulting services (CPC 865)	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
d) Services related to management consulting (CPC 86601, 86609)	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	

<p>e) Technical testing and analysis services for manufactured goods, excluding services covered by the Measurement Law (Law No. 51 of 1992) (CPC 8676**)</p>	<p>1) None 2) None 3) None 4) None</p>	<p>1) None 2) None 3) None 4) None</p>	
<p>e) Technical testing and analysis services covered by the Measurement Law as follows: (CPC 86763**)</p> <p>(a) periodic inspection of specified measuring instruments;</p> <p>(b) verification of specified measuring instruments;</p> <p>(c) measurement certification business, including specified measurement certification business;</p> <p>(d) inspection of specified measuring instruments used for the measurement certification;</p> <p>(e) accreditation for a person engaged in specified measurement certification business; and</p> <p>(f) calibration of the measuring instruments and other services</p>	<p>1) None except that commercial presence is required. 2) None except that commercial presence is required. 3) None 4) None except that commercial presence is required.</p>	<p>1) None 2) None 3) None 4) None</p>	

<p>f) Services incidental to agriculture, hunting and forestry (CPC 881)</p>	<p>1) Unbound* 2) None 3) None 4) None</p>	<p>1) Unbound* 2) None 3) None except that prior notification is required in accordance with the Foreign Exchange and Foreign Trade Law. 4) None</p>	
<p>h) Services incidental to mining (CPC 883, 5115)</p>	<p>1) Unbound* 2) None 3) None except that services requiring mining rights or mining lease rights must be supplied by a Japanese national or a juridical person established under Japanese law, in accordance with the Mining Law (Law No. 289 of 1950). 4) None except that services requiring mining rights or mining lease rights must be supplied by a Japanese national or a juridical person established under Japanese law, in accordance with the Mining Law.</p>	<p>1) Unbound* 2) None 3) None except that: services requiring mining rights or mining lease rights must be supplied by a Japanese national or a juridical person established under Japanese law, in accordance with the Mining Law; and prior notification is required in accordance with the Foreign Exchange and Foreign Trade Law. 4) None except that services requiring mining rights or mining lease rights must be supplied by a Japanese national or a juridical person established under Japanese law, in accordance with the Mining Law.</p>	

<p>i) Services incidental to manufacturing (CPC 884**, 885)</p> <p>(a) related to aircraft industry, explosives manufacturing industry, leather and leather products manufacturing industry, arms industry, space industry and biological preparation manufacturing industry</p>	<p>1) Unbound*</p> <p>2) None</p> <p>3) None except that the number of licences conferred to service suppliers may be limited.</p> <p>4) Unbound</p>	<p>1) Unbound*</p> <p>2) None</p> <p>3) None except that prior notification is required in accordance with the Foreign Exchange and Foreign Trade Law.</p> <p>4) Unbound</p>	
<p>(b) other</p>	<p>1) Unbound*</p> <p>2) None</p> <p>3) None</p> <p>4) None</p>	<p>1) Unbound*</p> <p>2) None</p> <p>3) None</p> <p>4) None</p>	
<p>j) Services incidental to energy distribution (CPC 887)</p> <p>(a) transmission services on a fee or contract basis of electricity</p>	<p>1) Unbound</p> <p>2) None</p> <p>3) None except that the number of licences conferred to service suppliers may be limited.</p> <p>4) Unbound</p>	<p>1) Unbound</p> <p>2) None</p> <p>3) None except that prior notification is required in accordance with the Foreign Exchange and Foreign Trade Law.</p> <p>4) Unbound</p>	
<p>(b) transmission services on a fee or contract basis of steam and hot water</p>	<p>1) None</p> <p>2) None</p>	<p>1) None</p> <p>2) None</p>	

	<p>3) None</p> <p>4) None</p>	<p>3) None except that prior notification is required in accordance with the Foreign Exchange and Foreign Trade Law.</p> <p>4) None</p>	
<p>k) Placement services of personnel within Japan except in the following occupations (limited to services to establish employment relationship between a job applicant and an employer seeking personnel on the basis of job applications and offers):</p> <p>(a) Port transport services;</p> <p>(b) Construction work; and</p> <p>(c) Work which is stipulated in a Ministry of Health, Labour and Welfare Ordinance as having a possibility of hindering worker's protection (such work is not stipulated now) (CPC 87201, 87202)</p>	<p>1) None except that commercial presence is required.</p> <p>2) Unbound*</p> <p>3) None</p> <p>4) None except that commercial presence is required.</p>	<p>1) None</p> <p>2) Unbound*</p> <p>3) None</p> <p>4) None</p>	

<p>k) Supply services of personnel within Japan¹⁷ except in the following categories of business (limited to services to dispatch workers employed by the service supplier to work under the direction of another person while employment relationship with the service supplier is maintained):</p> <p>(a) Port transport services;</p> <p>(b) Construction work;</p> <p>(c) Guarding; and</p> <p>(d) Other work stipulated in Cabinet Order after consulting the Labour Policy Council (such as medical-related work) (CPC 87203, 87209)</p>	<p>1) None except that commercial presence is required.</p> <p>2) Unbound*</p> <p>3) None</p> <p>4) None except that commercial presence is required.</p>	<p>1) None</p> <p>2) Unbound*</p> <p>3) None</p> <p>4) None</p>	
<p>1) Investigation services (CPC 87301)</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) None</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) None</p>	
<p>1) Security guard services (CPC 873, except 87301)</p>	<p>1) None except that commercial presence is required.</p> <p>2) None</p>	<p>1) None</p> <p>2) None</p>	

17 The dispatched worker may not be supplied from outside Japan through intra-corporate transfer.

	3) None 4) Unbound	3) None except that prior notification is required in accordance with the Foreign Exchange and Foreign Trade Law. 4) Unbound	
m) Related scientific and technical consulting services (excluding services related to petroleum, petroleum products, gas, mineral and surveying) (CPC 86751**, 86752**)	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
m) Related scientific and technical consulting services related to petroleum, petroleum products, gas and mineral ¹⁸ (CPC 86751**, 86752**)	1) Unbound 2) None 3) None 4) None	1) Unbound 2) None 3) None 4) None	
m) Surveying services for the land in Japan (CPC 86753**, 86754**)	1) None except that commercial presence is required except for the surveying conducted without the use of Basic Survey ¹⁹ data or Public Survey ²⁰ data, and the surveying which is for small areas or does not require high accuracy.	1) None	

18 Excluding services requiring mining rights or mining lease rights in accordance with the Mining Law.

19 "Basic Survey" means a primary or fundamental survey, conducted by the Geographical Survey Institute of the Ministry of Land, Infrastructure and Transport, for all surveys.

20 "Public Survey" means a survey, other than Basic Survey, which:

(a) does not include (i) surveying for small areas and (ii) surveying where high accuracy is not required; and

(b) is conducted with the expenses borne or subsidised, in part or in full, by the Government or other public entities of Japan.

	<p>2) None except that commercial presence is required except for the surveying conducted without the use of Basic Survey data or Public Survey data, and the surveying which is for small areas or does not require high accuracy.</p> <p>3) None</p> <p>4) None except that commercial presence is required except for the surveying conducted without the use of Basic Survey data or Public Survey data, and the surveying which is for small areas or does not require high accuracy.</p>	<p>2) None</p> <p>3) None</p> <p>4) None</p>	
m) Surveying services for the land outside Japan (CPC 86753**, 86754**)	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) None</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) None</p>	
n) Maintenance and repair of equipment (excluding vessels, aircraft and other transport equipment) (CPC 633, 8861-8866)	<p>1) Unbound*</p> <p>2) None</p> <p>3) None</p> <p>4) None</p>	<p>1) Unbound*</p> <p>2) None</p> <p>3) None</p> <p>4) None</p>	
o) Building-cleaning services (CPC 87401, 87402, 87403, 87409)	<p>1) Unbound*</p> <p>2) None</p> <p>3) None</p> <p>4) None</p>	<p>1) Unbound*</p> <p>2) None</p> <p>3) None</p> <p>4) None</p>	
p) Photographic services (CPC 875)	<p>1) None</p>	<p>1) None</p>	

	<ul style="list-style-type: none"> 2) None 3) None 4) None 	<ul style="list-style-type: none"> 2) None 3) None 4) None 	
q) Packaging services (CPC 876)	<ul style="list-style-type: none"> 1) None 2) None 3) None 4) None 	<ul style="list-style-type: none"> 1) None 2) None 3) None 4) None 	
r) Printing and publishing services (CPC 88442)	<ul style="list-style-type: none"> 1) None 2) None 3) None 4) None 	<ul style="list-style-type: none"> 1) None 2) None 3) None 4) None 	
s) Convention services (CPC 87909**)	<ul style="list-style-type: none"> 1) None 2) None 3) None 4) None 	<ul style="list-style-type: none"> 1) None 2) None 3) None 4) None 	
t) Credit reporting services (CPC 87901)	<ul style="list-style-type: none"> 1) None 2) None 3) None 4) None 	<ul style="list-style-type: none"> 1) None 2) None 3) None 4) None 	

<p>t) Collection agency services: (CPC 87902**)</p> <p>(a) which do not constitute the practice of law in respect of legal cases</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) None</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) None</p>	
<p>(b) which constitute the practice of law in respect of legal cases²¹</p>	<p>1) None except that: services must be supplied by a lawyer qualified as "Bengoshi" under Japanese law, by a Legal Profession Corporation or by a juridical person established under the Special Measures Law Concerning Credit Management and Collection Business; and commercial presence is required.</p> <p>2) None</p> <p>3) None except that services must be supplied by a lawyer qualified as "Bengoshi" under Japanese law, by a Legal Profession Corporation or by a juridical person established under the Special Measures Law Concerning Credit Management and Collection Business.</p> <p>4) None except that commercial presence is required.</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) None</p>	

21 Excluding taking over and recovery of credits except for those stipulated in the Special Measures Law Concerning Credit Management and Collection Business (Law No. 126 of 1998).

t) Telephone answering services (CPC 87903)	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
t) Duplicating services (CPC 87904)	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
t) Translation and interpretation services (CPC 87905)	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
t) Mailing list compilation and mailing services (CPC 87906)	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
t) Specialty design services (CPC 87907)	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
t) Trade fair and exhibition organisation services (CPC 87909**)	1) None 2) None	1) None 2) None	

	3) None 4) None	3) None 4) None	
t) Services incidental to energy manufacturing related to heat supply industry and oil industry	1) None 2) None 3) None 4) None	1) None 2) None 3) None except that prior notification is required in accordance with the Foreign Exchange and Foreign Trade Law. 4) None	
2. COMMUNICATION SERVICES			
A/B. Postal/Courier Services ²²			
Correspondence-delivery services supplied by Special Correspondence Delivery Business Special Correspondence Delivery Business is the business which provides correspondence-delivery services of one or a combination of the following mail items as stipulated in the Law Concerning Correspondence Delivery Provided by Private-Sector Operators (Law No. 99 of 2002): (a) mail items that have dimensions totaling more than 90 cm or weight over 4 kg;	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	

22 Suppliers of postal/courier services are subject to permission/registration requirements for related modes of transport services. Japan's commitments in postal/courier services other than correspondence-delivery services including printed matter, parcels, goods or other items, are indicated in the sector of Transport Services. (Refer to 11. TRANSPORT SERVICES.)

<p>(b) mail items that are to be delivered within three hours of being mailed; and</p> <p>(c) mail items that bear a delivery charge that exceeds the amount specified by an ordinance of the Ministry of Internal Affairs and Communications and is not less than 1,000 yen.</p>			
C. Telecommunications Services			
<p>Basic telecommunications services:</p> <p>a) Voice telephone services; (CPC 7521)</p> <p>b) Packet-switched data transmission services; (CPC 7523**)</p> <p>c) Circuit-switched data transmission services; (CPC 7523**)</p> <p>d) Telex services; (CPC 7523**)</p> <p>f) Facsimile services; (CPC 7521**, 7529**)</p> <p>g) Private leased circuit services; and (CPC 7522**, 7523**)</p> <p>o) Other</p>	<p>1) None</p> <p>2) None</p> <p>3) None except that foreign capital participation, direct and/or indirect, in Nippon Telegraph and Telephone Corporation (NTT)²³ must be less than one-third.</p> <p>4) None</p>	<p>1) None</p> <p>2) None</p> <p>3) None except that board members and auditors in NTT and the Regional Companies are required to have Japanese nationality.</p> <p>4) None</p>	<p>Japan undertakes the ADDITIONAL COMMITMENTS described below.</p>

23 NTT must own all the shares issued by the Regional Companies.

JAPAN ADDITIONAL COMMITMENTS

Scope

The following are definitions and principles on the regulatory framework for the basic telecommunications services.

Definitions

In this ADDITIONAL COMMITMENTS:

- (a) "telecommunications" means the transmission and reception of signals by any electromagnetic means;
- (b) "public telecommunications transport service" means any telecommunications transport service required, explicitly or in effect, by Japan to be offered to the public generally. Such services may include, *inter alia*, telegraph, telephone, telex, and data transmission typically involving the real-time transmission of customer-supplied information between two or more points without any end-to-end change in the form or content of the customer's information;
- (c) "public telecommunications transport network" means the public telecommunications infrastructure which permits telecommunications between and among defined network termination points;
- (d) "essential facilities" means facilities of a public telecommunications transport network or service that:
 - (i) are exclusively or predominantly provided by a single or limited number of suppliers; and
 - (ii) cannot feasibly be economically or technically substituted in order to provide a service;
- (e) "major supplier" means a supplier that has the ability to materially affect the terms of participation having regard to price and supply in the relevant market for basic telecommunications services as a result of:
 - (i) control over essential facilities; or
 - (ii) use of its position in the market;
- (f) "facilities-based suppliers" means telecommunications carriers who establish telecommunications circuit facilities; and
- (g) "services-based suppliers" means telecommunications carriers other than the facilities-based suppliers.

1. Competitive Safeguards

1.1 Prevention of Anti-competitive Practices in Telecommunications

Appropriate measures shall be maintained for the purposes of preventing suppliers, who alone or together are a major supplier, from engaging in or continuing anti-competitive practices.

1.2 Safeguards

The anti-competitive practices referred to in subparagraph 1.1 shall include in particular:

- (a) engaging in anti-competitive cross-subsidisation or pricing services in a manner that gives rise to unfair competition;
- (b) discriminating specific persons unfairly in providing telecommunications services;

- (c) using information obtained from competitors with anti-competitive results; and
- (d) not making available to other service suppliers on a timely basis technical information about essential facilities and commercially relevant information which are necessary for them to provide services.

2. Interconnection

2.1 Interconnection to be Ensured

Interconnection shall be ensured between a facilities-based supplier and any other facilities-based supplier or a services-based supplier to the extent provided for in the laws and regulations of Japan.

2.2 Interconnection with Major Suppliers

Interconnection with a major supplier shall be ensured at any technically feasible point in the network. Such interconnection is provided:

- (a) under non-discriminatory terms, conditions (including technical standards and specifications) and rates, and of a quality no less favourable than that provided for its own like services, for like services of non-affiliated service suppliers or of its subsidiaries or other affiliates;
- (b) in a timely fashion, on terms, conditions (including technical standards and specifications) and cost-oriented rates that are transparent, reasonable, having regard to economic feasibility, and sufficiently unbundled^(Note) so that the service supplier need not pay for network components or facilities that it does not require for the services to be provided; and

(Note) "Sufficiently unbundled" network components or facilities include unbundled local loop (including line sharing).

- (c) upon request, at points in addition to the network termination points offered to the majority of users, subject to charges that reflect the cost of construction of necessary additional facilities.

2.3 Co-Location, etc.

It shall be ensured that a major supplier is required to allow other service suppliers who interconnect with the major supplier:

- (a) to locate their equipment which is essential for interconnection within the major supplier's buildings; or
- (b) to install their cables and lines which are essential for interconnection within the major supplier's buildings, conduits, cable tunnels or telephone poles,

where physically feasible and where no practical or viable alternatives exist, in order to interconnect smoothly with the essential facilities of the major supplier.

2.4 Interconnection Pursuant to an Approved Reference Interconnection Offer

It shall be ensured that major suppliers are required to provide a reference interconnection offer for approval by the relevant regulatory authorities. The reference interconnection offer shall be consistent with the principles of competitive safeguards specified in paragraph 1 and shall contain written statements of the charges and conditions on which a major supplier will interconnect with other service suppliers. At a minimum, the reference interconnection offer shall be required to contain the following:

- (a) a list and description of the interconnection-related services offered, the terms and conditions for such services, the operational and technical requirements, and the procedures or processes that will be used to order and provide such services;

- (b) a list of cost-oriented rates that a major supplier offers for all its interconnection-related services. Where feasible, the major supplier shall be required to use an established methodology based on incremental forward-looking economic cost;
- (c) standard periods between the dates of request and commencement which are stipulated in a clear manner and are reasonable; and
- (d) a statement regarding the duration of the proposed interconnection agreement, if it is fixed.

2.5 Subparagraphs 2.2, 2.3 and 2.4 are applied only to a major supplier which has control over essential facilities.

2.6 Public Availability of the Procedures for Interconnection Negotiations

It shall be ensured that the procedures applicable for interconnection to a major supplier are made publicly available.

2.7 Transparency of Interconnection Arrangements

It shall be ensured that a major supplier makes publicly available either its interconnection agreements or reference interconnection offer.

2.8. Interconnection Dispute Settlement

A service supplier requesting interconnection with a major supplier shall have recourse, either:

- (a) at any time; or
- (b) after a reasonable period of time which has been made publicly known,

to an independent domestic body in Japan, which may be a regulator as referred to in paragraph 5, to resolve disputes regarding appropriate terms, conditions and rates for interconnection within a reasonable period of time, to the extent that these have not been established previously.

3. Universal Service

Japan has the right to define the kind of universal service obligations it wishes to maintain. Such obligations shall not be regarded as anti-competitive per se, provided that they are administered in a transparent, non-discriminatory and competitively neutral manner and are not more burdensome than necessary for the kind of universal service defined by Japan.

4. Public Availability of Licensing Criteria

- (a) Where a licence is required, the following shall be made publicly available:
 - (i) all the licensing criteria and the period of time normally required to reach a decision concerning an application for a licence; and
 - (ii) the terms and conditions of individual licences.
- (b) The reasons for the denial of a licence shall be made known to the applicant upon request.

5. Independent Regulators

Regulators shall be separate from, and not accountable to, any supplier of telecommunications services. The decisions of and the procedures used by regulators shall be impartial with respect to all market participants.

6. Allocation and Use of Scarce Resources			
Any procedures for the allocation and use of scarce resources, including frequencies, numbers and rights of way, shall be carried out in an objective, timely, transparent and non-discriminatory manner. The current state of allocated frequency bands shall be made publicly available except for detailed identification of frequencies allocated for specific government uses.			
e) Telegraph services (CPC 7522)	1) Unbound 2) None 3) Unbound 4) Unbound	1) Unbound 2) None 3) Unbound 4) Unbound	
Value-added services: h) Electronic mail services; (CPC 7523**) i) Voice mail services; (CPC 7523**) j) On-line information and data base retrieval services; (CPC 7523**) k) Electronic data interchange (EDI) services; (CPC 7523**) l) Enhanced/value added facsimile services including store and forward, store and retrieve; (CPC 7523**) m) Code and protocol conversion services;	1) None 2) None 3) None except that foreign capital participation, direct and/or indirect, in Nippon Telegraph and Telephone Corporation (NTT) ²³ must be less than one-third. 4) None	1) None 2) None 3) None except that board members and auditors in NTT and the Regional Companies are required to have Japanese nationality. 4) None	

n) On-line information and/or data processing services (including transaction processing); and (CPC 843**)			
o) Other			
D. Audiovisual Services			
a) Motion picture and video tape production and distribution services (CPC 9611)	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
b) Motion picture projection services (CPC 9612)	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
c) Radio and television services (CPC 9613)	1) Unbound 2) None 3) Unbound 4) Unbound	1) Unbound 2) None 3) Unbound 4) Unbound	
d) Radio and television transmission services (CPC 7524)	1) Unbound 2) None 3) Unbound 4) Unbound	1) Unbound 2) None 3) Unbound 4) Unbound	

e) Sound recording services	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
3. CONSTRUCTION AND RELATED ENGINEERING SERVICES			
A. General Construction Work for Buildings (CPC 512) B. General Construction Work for Civil Engineering (CPC 513) C. Installation and Assembly Work (CPC 514, 516) D. Building Completion and Finishing Work (CPC 517) E. Other (CPC 511, 515, 518) (a) These services excluding those related to mining	1) Unbound* 2) None 3) None 4) None except that commercial presence is required.	1) Unbound* 2) None 3) None 4) None	
(b) These services related to mining	1) Unbound* 2) None	1) Unbound* 2) None	

	<p>3) None except that services requiring mining rights or mining lease rights must be supplied by a Japanese national or a juridical person established under Japanese law, in accordance with the Mining Law.</p> <p>4) None except that: services requiring mining rights or mining lease rights must be supplied by a Japanese national or a juridical person established under Japanese law, in accordance with the Mining Law; and commercial presence is required.</p>	<p>3) None except that: services requiring mining rights or mining lease rights must be supplied by a Japanese national or a juridical person established under Japanese law, in accordance with the Mining Law; and prior notification is required in accordance with the Foreign Exchange and Foreign Trade Law.</p> <p>4) None except that services requiring mining rights or mining lease rights must be supplied by a Japanese national or a juridical person established under Japanese law, in accordance with the Mining Law.</p>	
4. DISTRIBUTION SERVICES			
<p>A. Commission Agents' Services (CPC 621, 61111, 61130, 61210)</p> <p>B. Wholesale Trade Services (CPC 622, 61111, 61130, 61210)</p> <p>C. Retailing Services (CPC 631, 632, 61112, 61130, 61210)</p>			

<p>D. Franchising Services (CPC 8929)</p> <p>(a) These services excluding those related to petroleum, petroleum products, alcoholic beverages, and those supplied at Public Wholesale Market²⁴</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) None</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) None</p>	
<p>(b) These services related to petroleum and petroleum products</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) None</p>	<p>1) None</p> <p>2) None</p> <p>3) None except that prior notification is required in accordance with the Foreign Exchange and Foreign Trade Law.</p> <p>4) None</p>	
<p>(c) These services related to alcoholic beverages</p>	<p>1) None</p> <p>2) None</p> <p>3) None except that the number of licences conferred to service suppliers may be limited.</p> <p>4) None except that the number of licences conferred to service suppliers may be limited.</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) None</p>	
<p>(d) These services supplied at Public Wholesale Market</p>	<p>1) Unbound*</p> <p>2) Unbound*</p>	<p>1) Unbound*</p> <p>2) Unbound*</p>	

24 Public Wholesale Market is a market established under national or local government approval for commission agents' services and wholesale trade services of fresh foods including vegetables, fruits, marine products, meats and other daily foods, and flowers, with auction or bidding hall, parking lot and other facilities necessary for trade and disposal of aforementioned goods, which is operated on a permanent basis.

	<p>3) None except that: the number of licences conferred to service suppliers may be limited; and services must be supplied by a juridical person established under Japanese law, at Central Public Wholesale Market, in accordance with the Public Wholesale Market Law (Law No. 35 of 1971).</p> <p>4) None except that: the number of licences conferred to service suppliers may be limited; and services must be supplied by a juridical person established under Japanese law, at Central Public Wholesale Market, in accordance with the Public Wholesale Market Law.</p>	<p>3) None</p> <p>4) None</p>	
<p>E. Other</p> <p>(a) Retail sales of motor fuel (CPC 613)</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) None</p>	<p>1) None</p> <p>2) None</p> <p>3) None except that prior notification is required in accordance with the Foreign Exchange and Foreign Trade Law.</p> <p>4) None</p>	
<p>(b) Wholesale trade and retailing services of steam and hot water</p>	<p>1) None</p> <p>2) None</p>	<p>1) None</p> <p>2) None</p>	

	3) None 4) None	3) None except that prior notification is required in accordance with the Foreign Exchange and Foreign Trade Law. 4) None	
5. EDUCATIONAL SERVICES			
A. Primary Education Services Pre-school education services supplied by nursery schools (CPC 92110**) Child day-care services (CPC 93321)	1) Unbound* 2) None 3) None 4) Unbound	1) Unbound* 2) None 3) None 4) None	
Primary education services ^{25,26} , supplied as formal education (CPC 92110**, 9219)	1) Unbound 2) Unbound 3) None except that Formal Education Institutions must be established by school juridical persons. ²⁷ 4) Unbound	1) Unbound 2) Unbound 3) None 4) Unbound	

25 These educational services supplied as formal education in Japan are supplied by Formal Education Institutions. "Formal Education Institutions" means elementary schools, lower secondary schools, secondary schools, upper secondary schools, universities, junior colleges, colleges of technology, schools for the blind, schools for the deaf, schools for the handicapped and kindergartens.

26 Specific commitments on market access and national treatment through any mode of supply shall not be construed to apply to the recognition of credits, degrees and other certificates in Formal Education Institutions, specialised training colleges (Senshu-Gakko) and miscellaneous schools (Kakushu-Gakko) under Japanese law.

27 "School juridical person" means a non-profit juridical person established for the purposes of supplying educational services under Japanese law.

B. Secondary Education Services ^{25,26} , supplied as formal education (CPC 9221, 9222, 9223)	1) Unbound 2) Unbound 3) None except that Formal Education Institutions must be established by school juridical persons. 4) Unbound	1) Unbound 2) Unbound 3) None 4) Unbound	
C. Higher Education Services ^{25,26} (CPC 9231, 9239)	1) None 2) None 3) None except that Formal Education Institutions must be established by school juridical persons. 4) None	1) None 2) None 3) None 4) None	
D. Adult Education Services ^{26,28} (CPC 924)	1) None 2) None	1) None 2) None	
E. Other Education Services ^{26,28} (CPC 929)	3) None 4) None	3) None 4) None	
6. ENVIRONMENTAL SERVICES			
A. Sewage Services (CPC 9401)	1) Unbound* 2) None 3) None 4) None	1) Unbound* 2) None 3) None 4) None	

28 Formal Education Institutions supply formal education, but at the same time they may supply educational services other than formal education, while specialised training colleges and miscellaneous schools supply educational services other than formal education. Formal Education Institutions must be established by school juridical persons. Specialised training colleges and miscellaneous schools may be required to be established by school juridical persons.

B. Refuse Disposal Services (CPC 9402)	1) Unbound* 2) None 3) None 4) None	1) Unbound* 2) None 3) None 4) None	
C. Sanitation and Similar Services (CPC 9403)	1) Unbound* 2) None 3) None 4) None	1) Unbound* 2) None 3) None 4) None	
D. Other			
Cleaning services of exhaust gases (CPC 9404) Noise abatement services (CPC 9405) Nature and landscape protection services (CPC 9406) Other environmental protection services (CPC 9409)	1) Unbound* 2) None 3) None 4) None	1) Unbound* 2) None 3) None 4) None	
7. FINANCIAL SERVICES			
<p>For the purposes of this Schedule, the Understanding on Commitments in Financial Services (hereinafter referred to in this Annex as the "Understanding") which is included in Japan's Schedule of Specific Commitments of the GATS (WTO Document GATS/SC/46/Suppl.3) is incorporated into and forms part of this Schedule.</p> <p>Japan undertakes its specific commitments with respect to Financial Services in accordance with Chapter 6, Annex 6 and the Understanding.</p> <p>For prudential reasons within the context of paragraph 1 of Section 2 of Annex 6, Japan shall not be prevented from taking measures such as non-discriminatory limitations on juridical forms of a commercial presence. For the same reasons, Japan shall not be prevented from applying non-discriminatory limitations concerning admission to the market of new financial services which shall be consistent with regulatory framework aimed at achieving such prudential objectives. In this context, securities firms are allowed to deal in securities defined in the relevant Japanese law, and banks are not allowed to deal in those securities unless allowed in accordance with the said law.</p>			

With respect to specific commitments in the sectors of Financial Services, services supplied in Brunei Darussalam to service consumer in Japan without any active marketing from the service supplier are considered as services supplied under subparagraph (w)(ii) of Article 74.

<p>A. Insurance and Insurance-Related Services</p>	<p>Specific commitments in the market-access column with respect to the supply of a service under subparagraphs (w)(i) and (ii) of Article 74 are unbound except for obligations under paragraphs B3 and 4 of the Understanding respectively which are incurred in this sector additionally to those covered by the provisions of Articles 75 through 77 and Annex 6, subject to conditions and qualifications set out below.</p> <p>1) None except that:</p> <p>commercial presence is in principle required for insurance contracts on the following items and any liability arising therefrom:</p> <p>(a) goods being transported within Japan; and</p> <p>(b) ships of Japanese registration which are not used for international maritime transport; and</p> <p>commercial presence is required for insurance intermediation services in Japan.</p> <p>2) None except that:</p> <p>commercial presence is in principle required for insurance contracts on the following items and any liability arising therefrom:</p> <p>(a) goods being transported within Japan; and</p>	<p>1) None</p> <p>2) None</p>	
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	<p>(b) ships of Japanese registration which are not used for international maritime transport; and</p> <p>commercial presence is required for insurance intermediation services in Japan.</p> <p>3) None²⁹</p> <p>4) Unbound</p>	<p>3) None</p> <p>4) Unbound</p>	
<p>B. Banking and Other Financial Services (excluding Insurance and Insurance-Related Services)</p>	<p>Specific commitments in the market-access column with respect to the supply of a service under subparagraphs (w)(i) and (ii) of Article 74 are unbound except for obligations under paragraphs B3 and 4 of the Understanding respectively which are incurred in this sector additionally to those covered by the provisions of Articles 75 through 77 and Annex 6, subject to conditions and qualifications set out below.</p> <p>1) None except that commercial presence is required for discretionary investment management services.</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound</p>	<p>1) None</p> <p>2) None</p> <p>3) None except that the deposit insurance system does not cover deposits taken by branches of foreign banks.</p> <p>4) Unbound</p>	

²⁹ Insurance intermediation services may be supplied only for insurance contracts allowed to be supplied in Japan.

8. HEALTH RELATED AND SOCIAL SERVICES			
A. Hospital Services (CPC 9311)	1) Unbound* 2) None 3) Unbound except that there is no limitation on the participation of foreign capital. 4) Unbound	1) Unbound* 2) None 3) Unbound except that there is no limitation on the participation of foreign capital. 4) None	
B. Other Human Health Services			
Medical services delivered in the ambulance (CPC 93192)	1) Unbound* 2) None 3) Unbound except that there is no limitation on the participation of foreign capital. 4) Unbound	1) Unbound* 2) None 3) Unbound except that there is no limitation on the participation of foreign capital. 4) None	
Residential health facilities services other than hospital services (CPC 93193)	1) Unbound* 2) Unbound 3) Unbound 4) Unbound	1) Unbound* 2) Unbound 3) Unbound 4) None	
Blood collection services stipulated in the Law to Secure the Stable Supply and Related Matters Regarding Safe Blood Products(Law No. 160 of 1956) (CPC 93199)	1) Unbound 2) None 3) Unbound 4) Unbound	1) Unbound 2) None 3) Unbound 4) None	
C. Social Services (excluding child day-care services) (CPC 933, except 93321)	1) Unbound* 2) None	1) Unbound* 2) None	

	3) Unbound except that there is no limitation on the participation of foreign capital. 4) Unbound	3) Unbound except that there is no limitation on the participation of foreign capital. 4) Unbound	
9. TOURISM AND TRAVEL RELATED SERVICES			
A. Hotels and Restaurants			
Hotels and restaurants services (excluding catering services) (CPC 641-643, except 6423)	1) Unbound* 2) None 3) None 4) None	1) Unbound* 2) None 3) None 4) None	
Catering services (CPC 6423)	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
B. Travel Agencies and Tour Operators Services (CPC 7471)	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
C. Tourist Guides Services (CPC 7472)	1) Unbound* 2) None 3) None 4) None	1) Unbound* 2) None 3) None 4) None	

10. RECREATIONAL, CULTURAL AND SPORTING SERVICES			
A. Entertainment Services (including theatre, live bands and circus services) (CPC 9619)	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
B. News Agency Services (CPC 962)	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
C. Libraries, Archives, Museum and Other Cultural Services			
Libraries and archives services (CPC 96311, 96312)	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
Museum services including preservation services of historical sites and buildings (CPC 9632)	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
Other cultural services (CPC 9633)	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	

D. Sporting and Other Recreational Services			
Sporting services (CPC 9641)	1) Unbound*	1) Unbound*	
Recreation parks and beach services (CPC 96491)	2) None	2) None	
	3) None	3) None	
	4) None	4) None	
Other recreational services n.e.c. (CPC 96499)	1) None	1) None	
	2) None	2) None	
	3) None	3) None	
	4) None	4) None	
11. TRANSPORT SERVICES			
A. Maritime Transport Services			
a), b) International maritime transport services (including services of passenger transportation and freight transportation) (CPC 7211, 7212)	1) (a) Liner shipping: None ³⁰ (b) Bulk, tramp, and other international shipping, including passenger transportation: None ³⁰	1) (a) Liner shipping: None ³⁰ (b) Bulk, tramp, and other international shipping, including passenger transportation: None ³⁰	The following services will be made available to international maritime transport suppliers on reasonable and non- discriminatory terms and conditions: (a) Pilotage services; (b) Pushing and towing services; (c) Provisioning, fueling and watering services;
	2) None	2) None	

30 Restriction or prohibition of a) entry into ports located in Japan and b) loading or unloading of cargoes in ports located in Japan for a designated period may be imposed as a countermeasure on operators of vessels who belong to the country in which interests of Japanese operators continue to be substantially damaged, in spite of prior notification of taking such measure, under unfavourable treatment imposed on them by that country or by local authorities or similar entities of that country.

	<p>3) (a) Establishment of a registered company for the purposes of operating a fleet flying the flag of Japan: None except that there is a nationality requirement³¹ for a ship to fly the flag of Japan.</p> <p>(b) Other forms of commercial presence for the supply of international maritime transport services (as defined in paragraph 1 of Note below): None</p> <p>4) (a) Ships' crews: None except that foreign nationals employed by Japanese juridical persons, except for the seafarers referred to in the relevant official notification, may not work on the vessels flying the Japanese flag.</p> <p>(b) Key personnel employed in relation to a commercial presence as defined under 3)(b): None</p>	<p>3) (a) Establishment of a registered company for the purposes of operating a fleet flying the flag of Japan: None except that there is a nationality requirement³¹ for a ship to fly the flag of Japan.</p> <p>(b) Other forms of commercial presence for the supply of international maritime transport services (as defined in paragraph 1 of Note below): None</p> <p>4) (a) Ships' crews: None except that foreign nationals employed by Japanese juridical persons, except for the seafarers referred to in the relevant official notification, may not work on the vessels flying the Japanese flag.</p> <p>(b) Key personnel employed in relation to a commercial presence as defined under 3)(b): None</p>	<p>(d) Garbage collecting and refuse disposal services;</p> <p>(e) Port captain's services;</p> <p>(f) Navigation aids services;</p> <p>(g) Shore based operational services essential to ship operations, including communications, water and electrical supplies;</p> <p>(h) Emergency repair services; and</p> <p>(i) Anchorage, berths and berthing services.</p>
c) Rental of vessels with crew (excluding vessels flying the Japanese flag) (CPC 7213)	<p>1) None</p> <p>2) None</p> <p>3) None</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p>	

31 In this sector, "nationality requirement" means that the ship must be owned by:

- (a) a Japanese national; or
- (b) a juridical person established under Japanese law, with all representatives ("daihyosha") and not less than two-thirds of executives administering the affairs of the juridical person ("gyomu-wo-shikkousuru yakuin") having Japanese nationality.

	4) None	4) None	
A. Maritime Auxiliary Transport Services			
d) Maintenance and repair of vessels (CPC 8868**)	1) Unbound* 2) None 3) None except that establishing or extending docks or berths which can be used to manufacture or repair the vessels beyond a fixed scale are subject to an economic needs test. 4) None	1) Unbound* 2) None 3) None 4) None	
e) Pushing and towing services (CPC 7214)	1) Unbound* 2) None 3) None 4) None	1) Unbound* 2) None 3) None 4) None	
f) Salvaging and refloating services, watering services, fueling services, garbage collecting services (CPC 7454**, 7459**)	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
Maritime cargo handling services (as defined in paragraph 2 of Note below)	1) Unbound* 2) None 3) None except that the number of licences conferred to service suppliers may be limited in ports designated by the Government ³² .	1) Unbound* 2) None 3) None	

32 Public utility concession or licensing procedures may apply in case of occupation of the public domain.

	<p>4) None except that the number of licences conferred to service suppliers may be limited in ports designated by the Government³².</p>	<p>4) None</p>	
<p>Container station and depot services (as defined in paragraph 3 of Note below)</p>	<p>1) Unbound*</p> <p>2) None</p> <p>3) None except that the number of licences conferred to service suppliers may be limited in ports designated by the Government³².</p> <p>4) None except that the number of licences conferred to service suppliers may be limited in ports designated by the Government³².</p>	<p>1) Unbound*</p> <p>2) None</p> <p>3) None</p> <p>4) None</p>	
<p>Maritime agency services (as defined in paragraph 4 of Note below)</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) None</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) None</p>	
<p>Maritime freight forwarding services (as defined in paragraph 5 of Note below)</p>	<p>1) None except that: commercial presence is required; and an operation permit or governmental registration will be granted on reciprocal basis.</p> <p>2) None</p> <p>3) None except that an operation permit or governmental registration will be granted on reciprocal basis.</p>	<p>1) None except that an operation permit or governmental registration will be granted on reciprocal basis.</p> <p>2) None</p> <p>3) None except that an operation permit or governmental registration will be granted on reciprocal basis.</p>	

	<p>4) None except that:</p> <p>commercial presence is required; and</p> <p>an operational permit or governmental registration will be granted on reciprocal basis.</p>	<p>4) None except that an operation permit or governmental registration will be granted on reciprocal basis.</p>	
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Note to the Specific Commitments in the Sectors
of Maritime Transport Services and Maritime Auxiliary Transport Services

Notwithstanding the fact that road, rail, inland waterways and related auxiliary services are not fully covered in this Schedule of Specific Commitments, a multimodal transport operator^(note 1) shall have the ability to rent or lease trucks, railway carriages or barges, and related equipment, for the purposes of inland forwarding of cargoes, or have access to, and use of, these forms of multimodal activities on reasonable and non-discriminatory terms and conditions^(note 2) for the purposes of carrying out multimodal transport operations.

(Note 1) "Multimodal transport operator" means a person on whose behalf the bill of lading, multimodal transport document or any other document evidencing a contract of multimodal carriage of goods is issued and who is responsible for the carriage of goods pursuant to the contract of carriage.

(Note 2) "Reasonable and non-discriminatory terms and conditions" means, for the purposes of multimodal transport operations, terms and conditions where the multimodal transport operator is able to arrange for the conveyance of its merchandise on a timely basis, including priority over other merchandise which has entered the port at a later date.

Definitions

1. "Other forms of commercial presence for the supply of international maritime transport services" means commercial presence where international maritime transport service suppliers of Brunei Darussalam are able to undertake in Japan all activities which are necessary for the supply to their customers of a partially or fully integrated transport service, within which the maritime transport constitutes a substantial element. (This commitment shall however not be construed as limiting in any manner the specific commitments undertaken under subparagraph (w)(i) of Article 74.)

These activities include, but are not limited to:

- (a) marketing and sales of maritime transport and related services through direct contact with customers, from quotation to invoicing, these services being those operated or offered by the service supplier itself or by service suppliers with which the service seller has established standing business arrangements;
- (b) the acquisition, on their own account or on behalf of their customers (and the resale to their customers) of any domestic transport and related services, including inward transport services by any mode, particularly inland waterways, road and rail, but excluding air, necessary for the supply of the integrated service;
- (c) the preparation of documentation concerning transport documents, customs documents, or other documents related to the origin and character of the goods transported;
- (d) the provision of business information by any means, including computerized information systems and electronic data interchange (subject to the provisions of the Annex on Telecommunications to the GATS);

- (e) the setting up of any business arrangements (including participation in the stock of a company) and the appointment of personnel recruited locally with any locally established shipping agency; and
- (f) acting on behalf of the companies, organising the call of the ship or taking over cargoes when required.

2. "Maritime cargo handling services" means activities exercised by stevedore companies, including terminal operators, but not including the direct activities of dockers, when this workforce is organised independently of the stevedoring or terminal operator companies. Maritime cargo handling services include the organisation and supervision of:

- (a) the loading/discharging of cargo to/from a ship;
- (b) the lashing/unlashing of cargo; and
- (c) the reception/delivery and safekeeping of cargoes before shipment or after discharge.

3. "Container station and depot services" means activities consisting of storing containers, whether in port areas or inland, with a view to their stuffing/stripping, repairing and making them available for shipments.

4. "Maritime agency services" means activities consisting of representing, within a given geographic area, as an agent the business interests of one or more shipping lines or shipping companies, for the following purposes:

- (a) marketing and sales of maritime transport and related services, from quotation to invoicing, and issuance of bills of lading on behalf of the companies, acquisition and resale of the necessary related services, preparation of documentation, and provision of business information; and
- (b) acting on behalf of the companies organising the call of the ship or taking over cargoes when required.

5. "Maritime freight forwarding services" means activities consisting of organising and monitoring shipment operations on behalf of shippers, through the acquisition of transport and related services, preparation of documentation and provision of business information. Maritime freight forwarding services include those provided by a person on whose behalf the bill of lading or any other document evidencing a contract of carriage of goods is issued and who is responsible for the carriage of goods pursuant to the contract of carriage.

B. Internal Waterways Transport			
d) Maintenance and repair of vessels (CPC 8868**)	1) Unbound*	1) Unbound*	
	2) None	2) None	
	3) None except that establishing or extending docks or berths which can be used to manufacture or repair the vessels beyond a fixed scale are subject to an economic needs test.	3) None	
	4) None	4) None	

e) Pushing and towing services (CPC 7224)	1) Unbound* 2) None 3) None 4) None	1) Unbound* 2) None 3) None 4) None	
f) Salvaging and refloating services, watering services, fueling services and garbage collecting services (CPC 7454**, 7459**)	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
C. Air Transport Services			
d) Aircraft repair and maintenance services defined in subparagraph (a) of Article 74	1) Unbound* 2) None 3) None except that the number of licences conferred to service suppliers may be limited. 4) None	1) Unbound* 2) None 3) None 4) None	
e) Selling and marketing of air transport services defined in subparagraph (v) of Article 74	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
e) Computer reservation system services defined in subparagraph (c) of Article 74	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	

D. Space Transport (CPC 733)	1) Unbound 2) None 3) Unbound 4) Unbound	1) Unbound 2) None 3) Unbound 4) Unbound	
E. Rail Transport Services			
a) Passenger transportation (CPC 7111)	1) Unbound* 2) None 3) None 4) None	1) Unbound* 2) None 3) None except that prior notification is required in accordance with the Foreign Exchange and Foreign Trade Law. 4) None	
b) Freight transportation (CPC 7112)	1) Unbound* 2) None 3) None 4) None	1) Unbound* 2) None 3) None except that prior notification is required in accordance with the Foreign Exchange and Foreign Trade Law. 4) None	
c) Pushing and towing services (CPC 7113)	1) Unbound* 2) None 3) None 4) None	1) Unbound* 2) None 3) None 4) None	
d) Maintenance and repair services of rail transport equipment (CPC 8868**)	1) Unbound* 2) None	1) Unbound* 2) None	

	<ul style="list-style-type: none"> 3) None 4) None 	<ul style="list-style-type: none"> 3) None 4) None 	
d) Rental of rail transport equipment with operator	<ul style="list-style-type: none"> 1) None 2) None 3) None 4) None 	<ul style="list-style-type: none"> 1) None 2) None 3) None 4) None 	
e) Supporting services for rail transport services (CPC 743)	<ul style="list-style-type: none"> 1) None 2) None 3) None 4) None 	<ul style="list-style-type: none"> 1) None 2) None 3) None except that prior notification is required in accordance with the Foreign Exchange and Foreign Trade Law. 4) None 	
F. Road Transport Services			
a) Passenger transportation (CPC 71211, 71212, 71213, 71214, 71221)	<ul style="list-style-type: none"> 1) Unbound* 2) None 3) None except that limitations on the number of service suppliers, on the number of service operations or on the quantity of service output may be applied, on a temporary and non-discriminatory basis. 4) None except that: limitations on the number of service suppliers, on the number of service operations or on the quantity of service output may be applied, on a temporary and non-discriminatory basis; and 	<ul style="list-style-type: none"> 1) Unbound* 2) None 3) None except that prior notification is required in accordance with the Foreign Exchange and Foreign Trade Law. 4) None 	

	commercial presence is required.		
b) Freight transportation services (CPC 7123)	<p>1) Unbound*</p> <p>2) None</p> <p>3) None except that limitations on the number of service suppliers, on the number of service operations or on the quantity of service output may be applied, on a temporary and non-discriminatory basis.</p> <p>4) None except that: limitations on the number of service suppliers, on the number of service operations or on the quantity of service output may be applied, on a temporary and non-discriminatory basis; and commercial presence is required.</p>	<p>1) Unbound*</p> <p>2) None</p> <p>3) None</p> <p>4) None</p>	
c) Rental of commercial vehicles with operator (CPC 7124)	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) None</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) None</p>	
d) Maintenance and repair services of road transport equipment (CPC 6112, 8867)	<p>1) Unbound*</p> <p>2) None</p> <p>3) None</p> <p>4) None except that commercial presence is required.</p>	<p>1) Unbound*</p> <p>2) None</p> <p>3) None</p> <p>4) None</p>	

e) Supporting services for road transport services (CPC 744)	1) None 2) None 3) None except that the number of licences conferred to service suppliers may be limited for motorway businesses. 4) None except that the number of licences conferred to service suppliers may be limited for motorway businesses.	1) None 2) None 3) None 4) None	
G. Pipeline Transport			
a) Transportation of fuels (CPC 7131) (a) transportation services of natural gas on a fee or contract basis	1) Unbound 2) None 3) None except that the number of licences conferred to service suppliers may be limited. 4) Unbound	1) Unbound 2) None 3) None except that prior notification is required in accordance with the Foreign Exchange and Foreign Trade Law. 4) Unbound	
(b) transportation services of petroleum on a fee or contract basis	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
b) Transport services of goods other than fuels (CPC 7139)	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	

H. Services Auxiliary to All Modes of Transport			
a) Cargo-handling services (excluding services relating to maritime transport services) (CPC 741)	1) Unbound* 2) None 3) None 4) None	1) Unbound* 2) None 3) None 4) None	
b) Storage and warehouse services (excluding services relating to petroleum and petroleum products) (CPC 742)	1) Unbound* 2) None 3) None 4) None	1) Unbound* 2) None 3) None 4) None	
b) Storage and warehouse services relating to petroleum and petroleum products (CPC 742)	1) Unbound* 2) None 3) None 4) None	1) Unbound* 2) None 3) None except that prior notification is required in accordance with the Foreign Exchange and Foreign Trade Law. 4) None	
c) Freight transport agency services (excluding services relating to maritime freight forwarding services) (CPC 748)	1) None except that commercial presence is required. 2) None 3) None 4) None except that commercial presence is required.	1) None 2) None 3) None 4) None	
d) Customs clearance agent services related to Japanese Customs	1) None except that commercial presence is required. 2) None except that commercial presence is required.	1) None 2) None	

	3) None 4) None except that commercial presence is required.	3) None 4) None	
12. OTHER SERVICES NOT INCLUDED ELSEWHERE (CPC 95, 97, 98, 99)			
Washing, cleaning and dyeing services (excluding laundry collection services) (CPC 9701, except 97011)	1) Unbound* 2) None 3) None 4) Unbound*	1) Unbound* 2) None 3) None 4) Unbound*	
Laundry collection services (CPC 97011)	1) Unbound* 2) None 3) None 4) None	1) Unbound* 2) None 3) None 4) None	
Hairdressing and other beauty services (CPC 97021, 97022)	1) Unbound* 2) None 3) None 4) None	1) Unbound* 2) None 3) None 4) None	

Schedule of Brunei Darussalam

Explanatory Notes

1. Alphabets indicated against individual sectors or sub-sectors and numbers in brackets are references to the Services Sectoral Classification List (GATT Document MTN.GNS/W/120, dated 10 July 1991) and the CPC unless otherwise indicated by the absence of a CPC number. These alphabetical and numerical divisions are indicated to enhance the clarity in the description of specific commitments, but shall not be construed as being a part of the specific commitments.

2. The scheduling of specific commitments follows the Guidelines for the Scheduling of Specific Commitments (WTO Document S/L/92, dated 28 March 2001). The Guidelines shall not, however, be construed as being legally binding.

3. The modes of supply 1), 2), 3) and 4) indicated in this Schedule correspond respectively to the supply of services defined in subparagraphs (w)(i), (ii), (iii) and (iv) of Article 74.

4. The entry "Unbound*" means unbound due to lack of technical feasibility.

5. The use of "***" against individual CPC codes indicates that the specific commitment for that code does not extend to the total range of services covered under that code.

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional Commitments
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I. HORIZONTAL COMMITMENTS

<p>ALL SECTORS INCLUDED IN THIS SCHEDULE</p>	<p>3) Unbound for measures concerning foreign equity or interest in companies established or wishing to establish a commercial presence.</p>	<p>3) None, except for:</p> <ul style="list-style-type: none"> (a) registration and/or establishment requirements for all forms of legal entity. (b) Company Directorship - More than 50% of the board of directors of every company shall be nationals or residents of Brunei Darussalam. (c) Sole proprietorship - Foreigners are not eligible to register. (d) Partnership - Applications by foreign individuals are subject to prior clearance through the Registrar of Companies. 	
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	<p>4) Unbound except for measures concerning the entry and temporary presence of intra-corporate transferees at the level of managers, executives and specialists, as defined below, who are employees of firms that provide services within Brunei Darussalam through a branch, subsidiary, or affiliate established in Brunei Darussalam and who have been in the prior employ of their firms outside Brunei Darussalam for a period of not less than one year immediately preceding the date of their application for admission and who are one of the following:</p>	<p>4) Unbound except for measures concerning the categories of natural persons referred to in the market access column.</p>	
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	<p>(a) Managers - persons within an organisation who primarily direct the organisation, or a department or sub-division of the organisation, supervise and control the work of other supervisory, professional or managerial employees; have the authority to hire and fire or commend hiring, firing or other personnel actions (such as promotion or leave authorisation); and exercise discretionary authority over day-to-day operations. Does not include first-line supervisors¹, unless the employees supervised are professionals², nor does it include employees who primarily perform tasks necessary for the provision of the service.</p>		
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1 "First-line supervisors" do not supervise or control the work of managerial employees and do not have power to hire and fire.
2 "Professionals" are persons who undertake work requiring a high level of competence or skill.

	<p>(b) Executives - persons within an organisation who primarily direct the management of the organisation, exercise wide latitude in decision-making and receive only general supervision or direction from higher-level executives, the board of directors, or stockholders of the business. Executive would not directly perform tasks related to the actual provision of the service or services of the organisation.</p> <p>(c) Specialists - persons within an organisation who possess knowledge at an advanced level of expertise and who possess proprietary knowledge of the organisation's service, research equipment, techniques, or management. (Specialists may include, but are not limited to, members of licensed professionals.)</p> <p>Entry for these intra-corporate transferees is limited to a three year period that may be extended for up to two additional years for a total term not exceeding five years.</p>		
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Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons			
Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
II. SECTOR-SPECIFIC COMMITMENTS			
1. BUSINESS SERVICES			
A. Professional Services			
b) Auditing services (CPC 862)	1) Foreign-based auditors are allowed to audit local accounts provided they are authorised by the Ministry of Finance.	1) In order to apply to be an authorised auditor, a person must have as minimum qualifications: A. For accounts kept in English: Associate membership of one of the following bodies: (a) The Institute of Chartered Accountants of Australia, Canada, England and Wales, Ireland, New Zealand and Scotland (b) The Association of Certified Accountants (c) The Australian Society of Accountants (d) The New Zealand Society of Accountants B. For accounts kept in language other than English: (a) Associate membership of one of the bodies set out in A above; and (b) Evidence of competency in the language concerned.	

	<p>2) Foreign-based auditors are allowed to audit local accounts provided they are authorised by the Ministry of Finance.</p>	<p>- in order to practice as an authorised auditor, he/she must have at least five years auditing experiences.</p> <p>2) In order to apply to be an authorised auditor, a person must have as minimum qualifications.</p> <p>A. For accounts kept in English:</p> <p>Associate membership of one of the following bodies:</p> <p>(a) The Institute of Chartered Accountants of Australia, Canada, England and Wales, Ireland, New Zealand and Scotland</p> <p>(b) The Association of Certified Accountants</p> <p>(c) The Australian Society of Accountants</p> <p>(d) The New Zealand Society of Accountants</p> <p>B. For accounts kept in language other than English:</p> <p>(a) Associate membership of one of the bodies set out in A above; and</p> <p>(b) Evidence of competency in the language concerned.</p> <p>- in order to practice as an authorised auditor, he/she must have at least five years auditing experiences.</p>	
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	<p>3) Audit firm may be set up only as a sole proprietorship or partnership but has to be registered with the Registrar of Business Names.</p> <ul style="list-style-type: none"> - Maximum number of partners in an audit firm is 20. - A local partnership may consist of only individuals, local companies and/or branches of foreign companies. - Principal or only place of residence within Brunei Darussalam is required. <p>4) Unbound</p>	<p>3) Audit firm must prove commitment to recruit and develop more local human resources.</p> <p>4) Unbound</p>	
<p>d) Architectural services (CPC 8671)</p>	<p>1) None, except that plans should be submitted through licensed practising architects and a registered partnership in Brunei Darussalam.</p> <p>2) None</p> <p>3) i) The corporation must be registered as a company or a firm in accordance with Companies Act or Business Names Act respectively.</p> <p>ii) Foreign equity participation shall not exceed 50%.</p> <p>iii) Company or firm must be registered with the Ministry of Development.</p>	<p>1) None</p> <p>2) None</p> <p>3) Unbound</p>	

	<p>iv) The Board of Directors of a company must comply with the requirements of the relevant professional legislation related to architects and must be registered with the Ministry of Development.</p> <p>4) i) In addition to those indicated in the horizontal section, the licensed practising architects should have recognised academic and professional qualifications and be registered as "qualified persons" with the Ministry of Development. Qualified persons or licensed architects are registered if they have been resident in Brunei Darussalam for minimum of one year and practising with a local licensed architect.</p> <p>ii) Persons must be registered with the Ministry of Development and comply with the relevant professional legislation related to architects.</p>	4) Unbound	
e) Engineering services (CPC 8672)	<p>1) None, except that plans should be submitted through licensed practising engineers and a registered partnership in Brunei Darussalam.</p> <p>2) None</p>	<p>1) None</p> <p>2) None</p>	

	<p>3) i) The corporation must be registered as a company or a firm in accordance with Companies Act or Business Names Act respectively.</p> <p>ii) Foreign equity participation shall not exceed 50%.</p> <p>iii) Company or firm must be registered with the Ministry of Development.</p> <p>iv) The Board of Directors of a company must comply with the requirements of the relevant professional legislation related to engineers and must be registered with the Ministry of Development.</p> <p>4) i) In addition to those indicated in the horizontal section, the licensed practising engineers should have recognised academic and professional qualifications and be registered as "qualified persons" with the Ministry of Development. Qualified persons or licensed engineers are registered if they have been resident in Brunei Darussalam for minimum of one year and practising with a local licensed engineer.</p>	<p>3) Unbound</p> <p>4) Unbound</p>	
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	ii) Persons must be registered with the Ministry of Development and comply with the relevant professional legislation related to engineers.		
h) Medical and dental services (CPC 9312)	1) None 2) None 3) None 4) Unbound	1) None 2) None 3) None 4) Unbound	
B. Computer and related Services			
a) Consultancy services related to the installation of computer hardware (CPC 841)	1) None 2) None 3) Commercial presence is permitted only through a company which is registered in Brunei Darussalam.	1) None 2) None 3) None	
b) Software implementation services (CPC 842)			
c) Data processing services (CPC 843)	4) Unbound	4) Unbound	
d) Data base services (CPC 844)			
e) Other (CPC 845+849)			
E. Rental/Leasing Services without Operators			
b) Rental/leasing services relating to aircraft without operators (CPC 83104)	1) Aircraft must be certified. Entry to Brunei Darussalam is subject to approval and limitations on the basis of infrastructure capacity. 2) None 3) Unbound except:	1) None 2) None 3) Unbound	

	<p>i) Only through a representative office; or</p> <p>ii) Only by appointment of a General Sales Agent, that is owned by a company controlled by Bruneian persons; and</p> <p>Permanent address in Brunei Darussalam is required with respect to i).</p> <p>4) Unbound, except one technical post subject to:</p> <p>i) Local availability test: whether the technical post can be filled by Bruneian persons,</p> <p>ii) Designation of a specified number of Brunei trainees.</p>	4) Unbound	
F. Other Business Services			
a) Advertising planning, creating and placement (CPC 8712)	<p>1) None</p> <p>2) None</p> <p>3) Foreign equity participation shall not exceed 30%.</p> <p>4) Unbound</p>	<p>1) None</p> <p>2) None</p> <p>3) Unbound</p> <p>4) Unbound</p>	
b) Marketing research and public opinion polling services (CPC 864)	<p>1) None</p> <p>2) None</p> <p>3) Foreign equity participation shall not exceed 30%.</p> <p>4) Unbound</p>	<p>1) None</p> <p>2) None</p> <p>3) Unbound</p> <p>4) Unbound</p>	

2. COMMUNICATION SERVICES			
C. Telecommunication Services			
1. Local service a) Public switched voice telephone services	<p>1) Subject to commercial arrangements with licensed operator(s).</p> <p>2) Unbound</p> <p>3) Subject to licence by the appropriate regulatory authority and Companies Act. Local public switched voice telephone services are provided exclusively by Jabatan Telekom Brunei (JTB)³ which is a government department.</p> <p>4) Unbound</p>	<p>1) Unbound</p> <p>2) Unbound</p> <p>3) None</p> <p>4) Unbound</p>	See Appendix. The period of exclusivity for local public switched voice telephone services will be extended for up to 10 years after privatisation of Jabatan Telekom Brunei (JTB). The government will conduct a review of policy with respect to whether to permit additional suppliers of such services upon the expiry of this period.
2. International service a) Public switched voice telephone services	<p>1) Subject to commercial arrangements with licensed operator(s).</p> <p>2) Unbound</p> <p>3) Subject to licence by the appropriate regulatory authority and Companies Act. International public switched voice telephone services are exclusively provided by JTB³ which is a government department and DSTCom which is a private company.</p> <p>4) Unbound</p>	<p>1) Unbound</p> <p>2) Unbound</p> <p>3) None</p> <p>4) Unbound</p>	The period of exclusivity for the two operators expires in year 2010. The government will conduct a review of policy with respect to whether to permit additional suppliers of such services upon the expiry of this period.

3 On 1 April 2006, the Telecommunications Successor Company Order, 2001 and Telecommunications Order, 2001 were brought into force. This had the effect of corporatising JTB to become Telekom Brunei Berhad (TelBru) and transferring the role of Telecommunications Authority to AiTi while at the same time bringing AiTi's licensing and enforcement powers into effect.

<p>3. Mobile services</p> <p>a) Public cellular mobile telephone service</p>	<p>1) Subject to commercial arrangements with licensed operator(s).</p> <p>2) Unbound</p> <p>3) Subject to licence by the appropriate regulatory authority and Companies Act.</p> <p>Public cellular mobile telephone service using AMPS and GSM technologies are exclusively provided by DSTCom.</p> <p>4) Unbound</p>	<p>1) Unbound</p> <p>2) Unbound</p> <p>3) None</p> <p>4) Unbound</p>	<p>Issuance of a licence to provide public cellular mobile telephone services employing other than AMPS and GSM technologies will be considered by the government in year 2010 if public interest and economic conditions justify the issuance of such licence.</p>
<p>c) Circuit-switched data transmission services (CPC 7523**)</p>	<p>1) None except service provider must use Public Telecom Network under government national telecom authority.</p> <p>2) None</p> <p>3) Unbound</p> <p>4) Unbound</p>	<p>1) None</p> <p>2) None</p> <p>3) Unbound</p> <p>4) Unbound</p>	
<p>d) Telex services (CPC 7523**)</p> <p>e) Telegraph services (CPC 7522)</p>	<p>1) None subject to commercial arrangements with licensed operator(s).</p> <p>2) None</p> <p>3) Subject to licence by the appropriate regulatory authority and Companies Act. These services are being provided exclusively by JTB³, which is a government department.</p> <p>4) Unbound</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound</p>	<p>The period of exclusivity for these services will be extended for up to ten years after privatisation of JTB. The government will conduct a review of policy with respect to whether to permit additional suppliers of such services upon the expiry of this period.</p>

f) Facsimile services (CPC 7521**, 7529**)	<p>1) None except service provider must use Public Telecom Network under government national telecom authority.</p> <p>2) None</p> <p>3) Unbound</p> <p>4) Unbound</p>	<p>1) None</p> <p>2) None</p> <p>3) Unbound</p> <p>4) Unbound</p>	
h) Electronic mail (CPC 7523**)	<p>1) None except service provider must use Public Telecom Network under government national telecom authority.</p> <p>2) None</p> <p>3) Unbound</p> <p>4) Unbound</p>	<p>1) None</p> <p>2) None</p> <p>3) Unbound</p> <p>4) Unbound</p>	
i) Voicemail (CPC 7523**)	<p>1) None except:</p> <p> i) service provider must use Public Telecom Network under government national telecom authority; and</p> <p> ii) subject to commercial arrangements with licensed operator(s).</p> <p>2) None</p> <p>3) i) Foreign equity participation shall not exceed 30%.</p> <p> ii) Subject to licence by the appropriate regulatory authority and Companies Act.</p> <p>4) Unbound</p>	<p>1) Unbound</p> <p>2) Unbound</p> <p>3) None</p> <p>4) Unbound</p>	

j) On-line information and database retrieval (CPC 7523**)	1) None except service provider must use Public Telecom Network under government national telecom authority. 2) None 3) Unbound 4) Unbound	1) None 2) None 3) Unbound 4) Unbound	
k) Electronic data interchange (EDI) (CPC 7523**)	1) None except service provider must use Public Telecom Network under government national telecom authority. 2) None 3) Unbound 4) Unbound	1) None 2) None 3) Unbound 4) Unbound	
l) Enhanced/value-added facsimile services, including store and forward, store and retrieve (CPC 7523**)	1) None except service provider must use Public Telecom Network under government national telecom authority. 2) None 3) Unbound 4) Unbound	1) None 2) None 3) Unbound 4) Unbound	
3. CONSTRUCTION SERVICES			
Construction and related Engineering Services, including the following, but excluding those related to mining: a) General construction work for buildings (CPC 512) b) General construction work for civil engineering (CPC 513)	1) Unbound* 2) None 3) i) Foreign equity participation shall not exceed 55%. ii) Foreign nationals should not comprise more than half the total number of employees of the company.	1) Unbound* 2) None 3) Unbound	

c) Installation and assembly work (CPC 514, 516)	iii) The company should be registered with the Ministry of Development.		
d) Building completion and finishing work (CPC 517)	4) Unbound	4) Unbound	
e) Other (CPC 511, 515, 518)			
7. FINANCIAL SERVICES			
A. All insurance and insurance-related services			
a) Direct insurance (life) including annuity, disability income, accident and health insurance services (CPC 8121)	1) Unbound 2) None 3) Commercial presence is permitted only through insurance companies that are registered in Brunei Darussalam. 4) Unbound	1) Unbound 2) None 3) None 4) Unbound	
b) Direct insurance (non-life) including disability income, accident and health insurance and contracts of fidelity bonds, performance bond or similar contracts of guarantee (CPC 8129)	1) Unbound 2) Compulsory insurance of Motor Third Party Liability and Workmen's Compensation can be purchased only from insurance companies established in Brunei Darussalam. 3) Commercial presence is permitted only through insurance companies that are registered in Brunei Darussalam. 4) Unbound	1) None 2) None 3) None 4) Unbound	
b) Reinsurance and retrocession (life and non-life) (CPC 81299**)	1) Unbound 2) Unbound 3) Unbound	1) None 2) None 3) None	

	4) Unbound	4) Unbound	
d) Insurance and intermediation comprising broking and agency services (CPC 8140)	<p>1) Unbound</p> <p>2) Insurance intermediation is not allowed to act for unregistered insurers.</p> <p>3) i) Broking for direct insurance of any risks requires approval from the Ministry of Finance.</p> <p>ii) Broker, underwriting and insurance managers require approval from the Ministry of Finance.</p> <p>4) Unbound</p>	<p>1) Unbound</p> <p>2) None</p> <p>3) Unbound</p> <p>4) Unbound</p>	
<p>Services auxiliary to insurance, as follows:</p> <p>(a) Consultancy (excludes insurance agency services to insurance industry)</p> <p>(b) Actuarial risk assessment</p> <p>(c) Risk management</p> <p>(d) Maritime loss adjusting</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound</p>	
1) Provision and transfer of financial information, financial data processing and related software by providers of other financial services (CPC 8131)	<p>1) Unbound</p> <p>2) Unbound</p> <p>3) Ministry of Finance approval is required</p> <p>4) Unbound</p>	<p>1) Unbound</p> <p>2) Unbound</p> <p>3) Ministry of Finance approval is required</p> <p>4) Unbound</p>	

9. TOURISM AND TRAVEL RELATED SERVICES			
A. Hotels and Restaurants (including catering)			
Hotel lodging services (CPC 64110)	1) Unbound* 2) Unbound 3) Foreign equity participation shall not exceed 30%. 4) Unbound	1) Unbound 2) Unbound 3) Unbound 4) Unbound	
11. TRANSPORT SERVICES			
A. Maritime Transport Services			
a) Passenger Transportation (CPC 7211)	1) None 2) None 3) Foreign equity participation shall not exceed 40%. 4) Unbound	1) None 2) None 3) Unbound 4) Unbound	The following services at the port are made available to international maritime transport suppliers on reasonable and non discriminatory terms and conditions. 1. Pilotage 2. Towing and the tug assistance 3. Provisioning and watering 4. Garbage collecting 5. Navigation aids 6. Shore-based operational services essential to ship operations including communications, water and electrical supplies 7. Emergency repair facilities 8. Anchorage, berth and berthing services

<p>b) Freight Transportation (CPC 7212)</p>	<p>1) None</p> <p>2) None</p> <p>3) a. The supply of international maritime transport, excluding vessels for the carriage and transportation of energy goods: foreign equity participation shall not exceed 40%.</p> <p>b. The supply of international maritime transport of energy goods: Unbound.</p> <p>4) Unbound</p>	<p>1) None</p> <p>2) None</p> <p>3) Unbound</p> <p>4) Unbound</p>	<p>The following services at the port are made available to international maritime transport suppliers on reasonable and non discriminatory terms and conditions.</p> <ol style="list-style-type: none"> 1. Pilotage 2. Towing and the tug assistance 3. Provisioning and watering 4. Garbage collecting 5. Navigation aids 6. Shore-based operational services essential to ship operations including communications, water and electrical supplies 7. Emergency repair facilities 8. Anchorage, berth and berthing services
<p>C. Air Transport Services</p>			
<p>c) Rental of aircraft with crew (CPC 734)</p>	<p>1) None except: Aircraft must be certified; and Entry to Brunei Darussalam is subject to approval and limitation on infrastructure capacity.</p> <p>2) None</p> <p>3) Unbound except:</p>	<p>1) None</p> <p>2) None</p> <p>3) Unbound</p>	

	<p>i) Only through a representative office; or</p> <p>ii) Only by appointment of a General Sales Agent, that is owned by a company controlled by Bruneian persons; and</p> <p>Permanent address in Brunei Darussalam is required with respect to i).</p> <p>4) Unbound, except one technical post subject to:</p> <p>i) Local availability test: whether the technical post can be filled by Bruneian persons,</p> <p>ii) Designation of a specified number of Brunei trainees.</p>	4) None	
d) Maintenance and repair of aircraft (CPC 8868**)	<p>1) None</p> <p>2) None</p> <p>3) Unbound</p> <p>4) None</p>	<p>1) None</p> <p>2) None</p> <p>3) Unbound</p> <p>4) None</p>	

Appendix

Scope

The following are definitions and principles on the regulatory framework for the basic telecommunications services.

Definitions

Users mean service consumers and service suppliers.

Essential facilities mean facilities of a public telecommunications transport network or service that:

- (a) are exclusively or predominantly provided by a single or limited number of suppliers; and
- (b) cannot feasibly be economically or technically substituted in order to provide a service.

A major supplier is a supplier which has the ability to materially affect the terms of participation (having regard to price and supply) in the relevant market for basic telecommunications services as a result of:

- (a) control over essential facilities; or
- (b) use of its position in the market.

1. Competitive safeguards

1.1 Prevention of anti-competitive practices in telecommunications

Appropriate measures shall be maintained for the purpose of preventing suppliers who, alone or together, are a major supplier from engaging in or continuing anti-competitive practices.

1.2 Safeguards

The anti-competitive practices referred to above shall include in particular:

- (a) engaging in anti-competitive cross-subsidization;
- (b) using information obtained from competitors with anti-competitive results; and
- (c) not making available to other service suppliers on a timely basis technical information about essential facilities and commercially relevant information which are necessary for them to provide services.

2. Interconnection

2.1 This section applies to linking with suppliers providing public telecommunications transport networks or services in order to allow the users of one supplier to communicate with users of another supplier and to access services provided by another supplier, where specific commitments are undertaken.

2.2 Interconnection to be ensured

Interconnection with a major supplier will be ensured at any technically feasible point in the network. Such interconnection is provided:

- (a) under non-discriminatory terms, conditions (including technical standards and specifications) and rates and of a quality no less favourable than that provided for its own like services or for like services of non-affiliated service suppliers or for its subsidiaries or other affiliates;
- (b) in a timely fashion, on terms, conditions (including technical standards and specifications) and cost-oriented rates that are transparent, reasonable, having regard to economic feasibility, and sufficiently unbundled so that the supplier need not pay for network components or facilities that it does not require for the service to be provided; and
- (c) upon request, at points in addition to the network termination points offered to the majority of users, subject to charges that reflect the cost of construction of necessary additional facilities.

2.3 Public availability of the procedures for interconnection negotiations

The procedures applicable for interconnection to a major supplier will be made publicly available.

2.4 Transparency of interconnection arrangements

It is ensured that a major supplier will make publicly available either its interconnection agreements or a reference interconnection offer.

2.5 Interconnection: dispute settlement

A service supplier requesting interconnection with a major supplier will have recourse, either:

(a) at any time; or

(b) after a reasonable period of time which has been made publicly known to an independent domestic body, which may be a regulatory body as referred to in paragraph 5 below, to resolve disputes regarding appropriate terms, conditions and rates for interconnection within a reasonable period of time, to the extent that these have not been established previously.

3. Universal service

Brunei Darussalam has the right to define the kind of universal service obligation it wishes to maintain. Such obligations will not be regarded as anti-competitive per se, provided they are administered in a transparent, non-discriminatory and competitively neutral manner and are not more burdensome than necessary for the kind of universal service defined by Brunei Darussalam.

4. Public availability of licensing criteria

Where a licence is required, the following will be made publicly available:

- (a) all the licensing criteria and the period of time normally required to reach a decision concerning an application for a licence; and
- (b) the terms and conditions of individual licences.

The reasons for the denial of a licence will be made known to the applicant upon request.

5. Independent regulators

The regulatory body is separate from, and not accountable to, any supplier of basic telecommunications services. The decisions of and the procedures used by regulators shall be impartial with respect to all market participants.

6. Allocation and use of scarce resources

Any procedures for the allocation and use of scarce resources, including frequencies, numbers and rights of way, will be carried out in an objective, timely, transparent and non-discriminatory manner. The current state of allocated frequency bands will be made publicly available, but detailed identification of frequencies allocated for specific government uses is not required.