

Annex 9
Referred to in Chapter 8

Reservations for Measures
referred to in paragraph 2 of Article 90

Part 1
Schedule of India

1. The Schedule of India sets out, pursuant to paragraph 2 of Article 90, the reservations taken by India with respect to specific sectors, sub-sectors or activities for which it may maintain existing, or adopt new or more restrictive, measures that do not conform with obligations imposed by;

- (a) Article 85;
- (b) Article 86; or
- (c) Article 89.

2. Each reservation sets out the following elements:

- (a) "Sector" refers to the general sector in which the reservation is taken;
- (b) "Sub-Sector" refers to the specific sector in which the reservation is taken;
- (c) "Industry Classification" refers, where applicable, and only for transparency purposes, to the activity covered by the reservation according to domestic or international industry classification codes;
- (d) "Type of Reservation" specifies the obligations referred to in paragraph 1 for which the reservation is taken;
- (e) "Description" sets out the scope of the sector, sub-sector or activities covered by the reservation; and

- (f) "Existing Measures" identifies, for transparency purposes, existing measures that apply to the sector, sub-sector or activities covered by the reservation.

3. In the interpretation of a reservation, all elements of the reservation shall be considered. The "Description" element shall prevail over all other elements.

4. For the purposes of this Part:

- (a) the term "ISIC" means the International Standard Industrial Classification of All Economic Activities adopted, at its seventh session on August 27, 1948 and revised on May 22, 1989, by the Economic and Social Council of the United Nations; and
- (b) the term "NIC" means National Industrial Classification Code, 1987 as set out by the Central Statistical Organisation of the Government of India.

1 Sector: Agriculture

Sub-Sector: All agriculture activities like farming and plantation

Industry Classification: NIC: 00, 01, 03
ISIC: 01

Type of Reservation: National Treatment (Article 85)
Most-Favoured-Nation Treatment (Article 86)

Description: India reserves the right to adopt or maintain any measure with respect to farming and all agriculture activities except floriculture, horticulture, development of seeds, animal husbandry, pisciculture, aquaculture and cultivation of vegetables and mushrooms under controlled conditions* and services related to agro and allied sectors.

* 'Cultivation under controlled conditions' for the categories of floriculture, horticulture, cultivation of vegetables and mushrooms is the practice of cultivation wherein rainfall, temperature, solar radiation, air humidity and culture medium are controlled artificially. Control in these parameters may be effected through protected cultivation under green houses, net houses, poly houses or any other improved infrastructure facilities where micro-climatic conditions are regulated anthropogenically.

Existing Measures: Article 73 of the Constitution of India read with Article 246 of the Constitution of India.

Foreign Exchange Management Act, 1999 and all regulations/rules/orders issued thereunder.

Press Notes and Circulars on FDI Policy issued by the Central Government.

Plantation Labour Act, 1951 and all regulations/rules/orders issued thereunder.

Rubber Act, 1947 and all regulations/rules/orders issued thereunder.

Coffee Act, 1942 and all regulations/rules/orders issued thereunder.

Spice Board Act, 1986 and all regulations/rules/orders issued thereunder.

Spices Cess Act, 1986 and all regulations/rules/orders issued thereunder.

Tea Act, 1953 and all regulations/rules/orders issued thereunder.

Essential Commodities Act, 1955 and all regulations/rules/orders issued thereunder.

Agriculture Produce (Grading and Marking) Act, 1937 and all regulations/rules/orders issued thereunder.

Destructive Insects and Pests Act, 1914 and all regulations/rules/orders issued thereunder.

Coconut Development Board Act, 1979 and all regulations/rules/orders issued thereunder.

National Cooperative Development Cooperation Act, 1962 and all regulations/rules/orders issued thereunder.

The Seed Act, 1966 and all regulations/rules/orders issued thereunder.

The National Oilseeds and Vegetable
Oils Development Board Act, 1983 and
all regulations/rules/orders issued
thereunder.

2 Sector: Farming of Animals

Sub-Sector: Farming of cattle, sheep goats, horses, asses, mules and hinnies; dairy farming including mixed farming

Industry Classification: NIC: 02, 03, 04
ISIC: 01

Type of Reservation: National Treatment (Article 85)
Most-Favoured-Nation Treatment (Article 86)
Prohibition of Performance Requirement (Article 89)

Description: India reserves the right to adopt or maintain any measure with respect to farming of animals.

Existing Measures: Article 73 of the Constitution of India read with Article 246 of the Constitution of India.
Foreign Exchange Management Act, 1999 and all regulations/rules/orders issued thereunder.
Press Notes and Circulars on FDI Policy issued by the Central Government.
National Dairy Development Board Act, 1987 and all regulations/rules/orders issued thereunder.
Indian Veterinary Council Act, 1984 and all regulations/rules/orders issued thereunder.
Essential Commodities Act, 1955 and all regulations/rules/orders issued thereunder.
Live-stock Importation Act, 1898 and all regulations/rules/orders issued thereunder.

3 Sector: Forestry

Sub-Sector: Forestry, logging and related service activities

Industry Classification: NIC: 05
ISIC: 02

Type of Reservation: National Treatment (Article 85)
Most-Favoured-Nation Treatment (Article 86)
Prohibition of Performance Requirement (Article 89)

Description: India reserves the right to adopt or maintain any measure with respect to forestry, logging and related service activities.

Existing Measures: Article 73 of the Constitution of India read with Article 246 of the Constitution of India.
Foreign Exchange Management Act, 1999 and all regulations/rules/orders issued thereunder.
Press Notes and Circulars on FDI Policy issued by the Central Government.
Forest (Conservation) Act, 1980 and all regulations/rules/orders issued thereunder.
The Indian Forest Act, 1927 and all regulations/rules/orders issued thereunder.

4 Sector: Fishing

Sub-Sector: Fishing, operation of fish hatcheries and fish farms; service activities incidental to fishing

Industry Classification: NIC: 06
ISIC: 03

Type of Reservation: National Treatment (Article 85)

Description: India reserves the right to adopt or maintain any measure with respect to fishing, operation of fish hatcheries and fish farms; service activities incidental to fishing.

Existing Measures: Article 73 of the Constitution of India read with Article 246 of the Constitution of India.

Foreign Exchange Management Act, 1999 and all regulations/rules/orders issued thereunder.

Press Notes and Circulars on FDI Policy issued by the Central Government.

The Maritime Zones of India (Regulation of Fishing by Foreign Vessels) Act, 1981 and all regulations/rules/orders issued thereunder.

The Indian Fisheries Act, 1897 and all regulations/rules/orders issued thereunder.

Environment (Protection) Act, 1986 and all regulations/rules/orders issued thereunder.

Water (Prevention and Control of Pollution) Act, 1974 and all regulations/rules/orders issued thereunder.

Wild Life Protection Act, 1972 and all regulations/rules/orders issued thereunder.

Export (Quality Control and Inspection) Act, 1963 and all regulations/rules/orders issued thereunder.

5 Sector: Dairy Products

Sub-Sector: Manufacture of milk powder, ice-cream powder, condensed milk, butter, cream, cheese, ghee, khoya etc., pasteurised milk

Industry Classification: NIC: 20
ISIC: 105

Type of Reservation: Prohibition of Performance Requirement (Article 89)

Description: India reserves the right to adopt or maintain any measure which is non-conforming to the obligations on Prohibition of Performance Requirements in Chapter 8 with respect to manufacture of dairy products.

Existing Measures: Article 73 of the Constitution of India read with Article 246 of the Constitution of India.

Foreign Exchange Management Act, 1999 and all regulations/rules/orders issued thereunder.

Press Notes and Circulars on FDI Policy issued by the Central Government.

Essential Commodities Act, 1955 and all regulations/rules/orders issued thereunder.

Food Safety and Standards Act, 2006 and all regulations/rules/orders issued thereunder.

Prevention of Food Adulteration Act, 1954 and all regulations/rules/orders issued thereunder.

6 Sector: Canning and Preservation of Fruits and Vegetables

Sub-Sector: Artificial dehydration of fruits and vegetables, sun-drying of fruits and vegetables, radiation preservation of fruits and vegetables, manufacture of fruits/vegetable juices/concentrates/squashes and powders, manufacture of sauces, jams, jellies and marmalades, manufacture of pickles, canning of fruits and vegetables, fruits and vegetables preservation

Industry Classification: NIC: 20
ISIC: 103

Type of Reservation: Prohibition of Performance Requirement (Article 89)

Description: India reserves the right to adopt or maintain any measure which is non-conforming to the obligations on Prohibition of Performance Requirements in Chapter 8 with respect to canning and preservation of fruits and vegetables.

Existing Measures: Article 73 of the Constitution of India read with Article 246 of the Constitution of India.

Foreign Exchange Management Act, 1999 and all regulations/rules/orders issued thereunder.

Press Notes and Circulars on FDI Policy issued by the Central Government.

Food Safety and Standards Act, 2006 and all regulations/rules/orders issued thereunder.

Prevention of Food Adulteration Act, 1954 and all regulations/rules/orders issued thereunder.

Agricultural Produce (Grading and Marking) Act, 1937 and all regulations/rules/orders issued thereunder.

Essential Commodities Act, 1955 and all regulations/rules/orders issued thereunder.

7 Sector: Processing, Canning and Preservation of Fish, Crustacean and Similar Foods

Sub-Sector: Sun-drying of fish, radiation preservation of fish and similar foods, processing and canning of fish, manufacture of fish meal, processing and canning of frog legs

Industry Classification: NIC: 20
ISIC: 102

Type of Reservation: Prohibition of Performance Requirement (Article 89)

Description: India reserves the right to adopt or maintain any measure which is non-conforming to the obligations on Prohibition of Performance Requirements in Chapter 8 with respect to processing, canning and preservation of fish, crustacean and similar foods.

Existing Measures: Article 73 of the Constitution of India read with Article 246 of the Constitution of India.

Foreign Exchange Management Act, 1999 and all regulations/rules/orders issued thereunder.

Press Notes and Circulars on FDI Policy issued by the Central Government.

Food Safety and Standards Act, 2006 and all regulations/rules/orders issued thereunder.

Prevention of Food Adulteration Act, 1954 and all regulations/rules/orders issued thereunder.

8 Sector: Bakery Products

Sub-Sector: Bread making, manufacture of biscuits, cakes and pastries

Industry Classification: NIC: 20
ISIC: 107

Type of Reservation: Prohibition of Performance Requirement (Article 89)

Description: India reserves the right to adopt or maintain any measure which is non-conforming to the obligations on Prohibition of Performance Requirements in Chapter 8 with respect to manufacture of bakery products.

Existing Measures: Article 73 of the Constitution of India read with Article 246 of the Constitution of India.

Foreign Exchange Management Act, 1999 and all regulations/rules/orders issued thereunder.

Press Notes and Circulars on FDI Policy issued by the Central Government.

Micro, Small and Medium Enterprises Development Act, 2006 and all regulations/rules/orders issued thereunder.

Industries (Development and Regulation) Act, 1951 and all regulations/rules/orders issued thereunder.

Food Safety and Standards Act, 2006 and all regulations/rules/orders issued thereunder.

Prevention of Food Adulteration Act, 1954 and all regulations/rules/orders issued thereunder.

9 Sector: Hydrogenated Oils, Vanaspati, Ghee etc. and Vegetable Oils

Sub-Sector: Manufacture of hydrogenated oils, vanaspati, ghee, vegetable oils and fats

Industry Classification: NIC: 21
ISIC: 104

Type of Reservation: Prohibition of Performance Requirement (Article 89)

Description: India reserves the right to adopt or maintain any measure which is non-conforming to the obligations on Prohibition of Performance Requirements in Chapter 8 with respect to manufacturing hydrogenated oils, vanaspati, ghee and vegetable oils.

Existing Measures: Article 73 of the Constitution of India read with Article 246 of the Constitution of India.

Foreign Exchange Management Act, 1999 and all regulations/rules/orders issued thereunder.

Press Notes and Circulars on FDI Policy issued by the Central Government.

Essential Commodities Act, 1955 and all regulations/rules/orders issued thereunder.

The National Oilseeds and Vegetable Oils Development Board Act, 1983 and all regulations/rules/orders issued thereunder.

Food Safety and Standards Act, 2006 and all regulations/rules/orders issued thereunder.

Prevention of Food Adulteration Act,
1954 and all regulations/rules/orders
issued thereunder.

10 Sector: Distilling, Rectifying and Blending of Spirits, Ethyl Alcohol Production from Fermented Materials and Manufacture of Wines

Sub-Sector: Manufacture of wines, malt liquors, beer

Industry Classification: NIC: 22
ISIC: 1102, 1103

Type of Reservation: Prohibition of Performance Requirement (Article 89)

Description: India reserves the right to adopt or maintain any measure with respect to distilling, rectifying and blending of spirits, ethyl alcohol production from fermented materials and manufacture of wines.

Existing Measures: Article 73 of the Constitution of India read with Article 246 of the Constitution of India.

Foreign Exchange Management Act, 1999 and all regulations/rules/orders issued thereunder.

Press Notes and Circulars on FDI Policy issued by the Central Government.

Industries (Development and Regulation) Act, 1951 and all regulations/rules/orders issued thereunder.

Prevention of Food Adulteration Act, 1954 and all regulations/rules/orders issued thereunder.

11 Sector: Wood and Wood Products

Sub-Sector: Sawing and planting of wood; manufacture of veneer sheets, plywood, and their products; manufacture of structural wooden goods; manufacture of wooden containers; manufacture of wooden industrial goods; manufacture of cork and cork products; manufacture of wooden furniture and fixtures; manufacture of bamboo and cane furniture and fixtures

Industry Classification: NIC: 27
ISIC: 16

Type of Reservation: Prohibition of Performance Requirement (Article 89)

Description: India reserves the right to adopt or maintain any measure which is non-conforming to the obligations on Prohibition of Performance Requirements in Chapter 8 with respect to manufacture of wood and wood products.

Existing Measures: Article 73 of the Constitution of India read with Article 246 of the Constitution of India.

Foreign Exchange Management Act, 1999 and all regulations/rules/orders issued thereunder.

Press Notes and Circulars on FDI Policy issued by the Central Government.

Micro, Small and Medium Enterprises Development (MSMED) Act, 2006 and all regulations/rules/orders issued thereunder.

The Industries (Development and Regulation) Act, 1951 and all regulations/rules/orders issued thereunder.

12 Sector: Leather

Sub-Sector: Tanning, curing, finishing, embossing, japanning of leather; manufacture of leather footwear; manufacture of leather apparel; manufacture of consumer goods of leather; scrapping, currying, tanning, bleaching and dyeing of fur and other pelts for leather trade; manufacture of leather and fur products

Industry Classification: NIC: 29
ISIC: 14, 15

Type of Reservation: Prohibition of Performance Requirement (Article 89)

Description: India reserves the right to adopt or maintain any measure which is non-conforming to the obligations on Prohibition of Performance Requirements in Chapter 8 with respect to manufacture of Leather and Leather Products.

Existing Measures: Article 73 of the Constitution of India read with Article 246 of the Constitution of India.

Foreign Exchange Management Act, 1999 and all regulations/rules/orders issued thereunder.

Press Notes and Circulars on FDI Policy issued by the Central Government.

Environment Protection Act, 1986 and all regulations/rules/orders issued thereunder.

Industries (Development and Regulation) Act, 1951 and all regulations/rules/orders issued thereunder.

Micro, Small and Medium Enterprises
Development (MSMED) Act, 2006 and all
regulations/rules/orders issued
thereunder.

13 Sector: Cement and Asbestos

Sub-Sector: Manufacture of cement, lime and plaster; manufacture of mica products; stone dressing and crushing; manufacture of asbestos cement and other cement products

Industry Classification: NIC: 32
ISIC: 23

Type of Reservation: Prohibition of Performance Requirement (Article 89)

Description: India reserves the right to adopt or maintain any measure which is non-conforming to the obligations on Prohibition of Performance Requirements in Chapter 8 with respect to manufacture cement, lime and plaster, mica products, stone dressing and crushing, asbestos cement and other cement products.

Existing Measures: Article 73 of the Constitution of India read with Article 246 of the Constitution of India.

Foreign Exchange Management Act, 1999 and all regulations/rules/orders issued thereunder.

Press Notes and Circulars on FDI Policy issued by the Central Government.

Industries (Development and Regulation) Act, 1951 and all regulations/rules/orders issued thereunder.

14 Sector: Air-conditioner, Refrigerators and Fire Fighting Equipments

Sub-Sector: Manufacture of refrigerators, air-conditioners and fire-fighting equipments

Industry Classification: NIC: 35
ISIC: 275, 281, 329

Type of Reservation: Prohibition of Performance Requirement (Article 89)

Description: India reserves the right to adopt or maintain any measure which is non-conforming to the obligations on Prohibition of Performance Requirements in Chapter 8 with respect to manufacture of air-conditioner, refrigerators and fire fighting equipments.

Existing Measures: Article 73 of the Constitution of India read with Article 246 of the Constitution of India.

Foreign Exchange Management Act, 1999 and all regulations/rules/orders issued thereunder.

Press Notes and Circulars on FDI Policy issued by the Central Government.

The Energy Conservation Act, 2001 and all regulations/rules/orders issued thereunder.

15 Sector: Industrial Explosives, Safety Fuse, Detonators, Fireworks

Sub-Sector:

Industry Classification: NIC: 30

Type of Reservation: National Treatment (Article 85)
Most-Favoured-Nation Treatment (Article 86)
Prohibition of Performance Requirement (Article 89)

Description: India reserves the right to adopt or maintain any measure which is non-conforming to the obligations on Prohibition of Performance Requirements in Chapter 8 with respect to manufacture of industrial explosives, safety fuse, detonators, fireworks sector, including manufacture, use, sale, storage, transport, importation, exportation and possession of arms and explosives.

Existing Measures: Article 73 of the Constitution of India read with Article 246 of the Constitution of India.
Foreign Exchange Management Act, 1999 and all regulations/rules/orders issued thereunder.
Press Notes and Circulars on FDI Policy issued by the Central Government.
Industries (Development and Regulation) Act, 1951 and all regulations/rules/orders issued thereunder.

Explosives Act, 1884 and all regulations/rules/orders issued thereunder.

Explosive Substances Act, 1908 and all regulations/rules/orders issued thereunder.

Inflammable Substances Act, 1952 and all regulations/rules/orders issued thereunder.

Indian Boilers Act, 1923 and all regulations/rules/orders issued thereunder.

16 Sector: Manufacture of Hazardous Chemicals

Sub-Sector:

Industry
Classification:

Type of
Reservation: National Treatment (Article 85)

Most-Favoured-Nation Treatment
(Article 86)

Prohibition of Performance
Requirement (Article 89)

Description: India reserves the right to adopt or maintain any measure which is non-conforming to the obligations on Prohibition of Performance Requirements in Chapter 8 with respect to regulating the manufacture, use, sale, storage, transport, importation, exportation and possession of hazardous chemicals.

Existing
Measures: Article 73 of the Constitution of India read with Article 246 of the Constitution of India.

Foreign Exchange Management Act, 1999 and all regulations/rules/orders issued thereunder.

Press Notes and Circulars on FDI Policy issued by the Central Government.

Industries (Development and Regulation) Act, 1951 and all regulations/rules/orders issued thereunder.

Environment (Protection) Act, 1986 and all regulations/rules/orders issued thereunder.

17 Sector: Tobacco Stemming and Manufacturing of Products containing Tobacco or Tobacco Substitutes, including Manufacture of Bidi

Sub-Sector: Stemming of tobacco, redrying and all operations connected with preparing raw leaf tobacco, manufacture of bidi, snuff, chewing tobacco and other products containing tobacco or tobacco substitutes

Industry Classification: NIC: 22
ISIC: 12

Type of Reservation: National Treatment (Article 85)
Most-Favoured-Nation Treatment (Article 86)

Description: India reserves the right to adopt or maintain any measure with respect to regulating the manufacture, sale use, transportation, import, export of tobacco and tobacco products, including stemming of tobacco, redrying and all operations connected with preparing raw leaf tobacco, manufacture of bidi, snuff, chewing tobacco and other products containing tobacco or tobacco substitutes.

Existing Measures: Article 73 of the Constitution of India read with Article 246 of the Constitution of India.

Foreign Exchange Management Act, 1999 and all regulations/rules/orders issued thereunder.

Press Notes and Circulars on FDI Policy issued by the Central Government.

Companies Act, 1956 and all regulations/rules/orders issued thereunder.

Industries (Development and Regulation) Act, 1951 and all regulations/rules/orders issued thereunder.

Micro, Small and Medium Enterprises Development (MSMED) Act, 2006 and all regulations/rules/orders issued thereunder.

18 Sector: Drugs and Pharmaceuticals

Sub-Sector:

Industry Classification: ISIC: 21

Type of Reservation: National Treatment (Article 85)
Most-Favoured-Nation Treatment (Article 86)
Prohibition of Performance Requirement (Article 89)

Description: India reserves the right to issue guidelines necessary or required for the issue of compulsory licences of patents to produce and market a patented drug or pharmaceutical. India also reserves the right to formulate and bring into effect a policy to ensure abundant availability at reasonable prices of good quality essential drugs and pharmaceuticals of mass consumption.

Existing Measures: Article 73 of the Constitution of India read with Article 246 of the Constitution of India.
Foreign Exchange Management Act, 1999 and all regulations/rules/orders issued thereunder.
Press Notes and Circulars on FDI Policy issued by the Central Government.
Other existing or current regulations or measures in force on the date of entry of this Agreement.

19 Sector: All Services Sectors

Sub-Sector:

Industry
Classification:

Type of
Reservation: National Treatment (Article 85)

Most-Favoured-Nation Treatment
(Article 86)

Prohibition of Performance
Requirement (Article 89)

Description: India reserves the right to adopt or maintain any measure relating to investments in services sectors subject to the condition that they do not violate the obligations under Chapter 6.

Existing
Measures: Article 73 of the Constitution of India read with Article 246 of the Constitution of India.

Any existing or current regulations or measures in force on the date of entry of this Agreement.

20 Sector: All Sectors

Sub-Sector:

Industry
Classification:

Type of
Reservation: National Treatment (Article 85)
Most-Favoured-Nation Treatment
(Article 86)
Prohibition of Performance
Requirement (Article 89)

Description: India reserves the right to adopt or
maintain any measure relating to
investments as per the laws and
regulations framed by the state
governments/Union territories/local
governments.

Existing
Measures: Article 73 of the Constitution of
India read with Article 246 of the
Constitution of India.
Any existing or current regulations
or measures in force on the date of
entry of this Agreement.

21 Sector: All Sectors

Sub-Sector:

Industry
Classification:

Type of
Reservation: National Treatment (Article 85)
Most-Favoured-Nation Treatment
(Article 86)
Prohibition of Performance
Requirement (Article 89)

Description: India reserves the right to adopt or
maintain any measure that accords
rights or preferences to
economically backward regions or
groups in the interest of balanced
development of the economy and
maintenance of social equality.

Existing
Measures: Article 73 of the Constitution of
India read with Article 246 of the
Constitution of India.
Any existing or current regulations
or measures in force on the date of
entry of this Agreement.

22 Sector: All Sectors

Sub-Sector:

Industry
Classification:

Type of
Reservation: National Treatment (Article 85)
Most-Favoured-Nation Treatment
(Article 86)
Prohibition of Performance
Requirement (Article 89)

Description: India reserves the right to adopt or maintain any measure with regard to transfer or disposition of equity interests or assets held by the state enterprises or Governmental authorities.

India reserves the right to adopt or maintain any measure with respect to the transfer of all or any portion of services provided in the exercise of the governmental authority.

A state-owned enterprise shall mean any enterprise owned or controlled by the Government of India or any of the state governments/Union territories/local governments by means of equity ownership and shall include any enterprise created, on or after the effective date of this Agreement, for the sole purpose of selling or disposing of equity interests or assets of an existing state-owned enterprise or Government entity.

Existing
Measures: Article 73 of the Constitution of India read with Article 246 of the Constitution of India.

Any existing or current regulations or measures in force on the date of entry of this Agreement.

23 Sector: Acquisition of Land

Sub-Sector:

Industry
Classification:

Type of
Reservation: National Treatment (Article 85)

Description: India reserves the right to adopt or maintain any measure with respect to the acquisition of land (including agricultural land) by non-residents.

Existing
Measures: Article 73 of the Constitution of India read with Article 246 of the Constitution of India.

Foreign Exchange Management Act, 1999 and all regulations/rules/orders issued thereunder.

Press Notes and Circulars on FDI Policy issued by the Central Government.

Transfer of Property Act, 1882 and all regulations/rules/orders issued thereunder.

The Registration Act, 1908 and all regulations/rules/orders issued thereunder.

The Indian Stamp Act, 1899 and all regulations/rules/orders issued thereunder.

The Land Acquisition Act, 1894 and all regulations/rules/orders issued thereunder.

Other existing or current regulations or measures in force on the date of entry of this Agreement.

24 Sector: All Sectors

Sub-Sector:

Industry
Classification:

Type of
Reservation: Prohibition of Performance
Requirement (Article 89)

Description: India reserves the right to adopt or
maintain any measure relating to
Technology Transfer and Senior
Management Board of Directors.

Existing
Measures: Article 73 of the Constitution of
India read with Article 246 of the
Constitution of India.

Foreign Exchange Management Act, 1999
and all regulations/rules/orders
issued thereunder.

Press Notes and Circulars on FDI
Policy issued by the Central
Government.

Transfer of Property Act, 1882 and
all regulations/rules/orders issued
thereunder.

The Registration Act, 1908 and all
regulations/rules/orders issued
thereunder.

The Indian Stamp Act, 1899 and all
regulations/rules/orders issued
thereunder.

The Land Acquisition Act, 1894 and
all regulations/rules/orders issued
thereunder.

Other existing or current regulations
or measures in force on the date of
entry of this Agreement.

Part 2
Schedule of Japan

1. The Schedule of Japan sets out, pursuant to paragraph 2 of Article 90, the reservations taken by Japan with respect to specific sectors, sub-sectors or activities for which it may maintain existing, or adopt new or more restrictive, measures that do not conform with obligations imposed by;

- (a) Article 85;
- (b) Article 86; or
- (c) Article 89.

2. Each reservation sets out the following elements:

- (a) "Sector" refers to the general sector in which the reservation is taken;
- (b) "Sub-Sector" refers to the specific sector in which the reservation is taken;
- (c) "Industry Classification" refers, where applicable, and only for transparency purposes, to the activity covered by the reservation according to domestic or international industry classification codes;
- (d) "Type of Reservation" specifies the obligations referred to in paragraph 1 for which the reservation is taken;
- (e) "Description" sets out the scope of the sector, sub-sector or activities covered by the reservation; and
- (f) "Existing Measures" identifies, for transparency purposes, existing measures that apply to the sector, sub-sector or activities covered by the reservation.

3. In the interpretation of a reservation, all elements of the reservation shall be considered. The "Description" element shall prevail over all other elements.

4. For the purposes of this Part, the term "JSIC" means Japan Standard Industrial Classification set out by the Ministry of Internal Affairs and Communications, and revised on November 6, 2007.

1 Sector: All Sectors

Sub-Sector:

Industry
Classification:

Type of
Reservation: National Treatment (Article 85)
Prohibition of Performance
Requirements (Article 89)

Description: When transferring or disposing of its
equity interests in, or the assets of,
a state enterprise or a governmental
entity, Japan reserves the right to:

- (a) prohibit or impose limitations on
the ownership of such interests or
assets by investors of the other
Party or their investments;
- (b) impose limitations on the ability
of investors of the other Party or
their investments as owners of
such interests or assets to
control any resulting enterprise;
or
- (c) adopt or maintain any measure
relating to the nationality of
executives, managers or members of
the board of directors of any
resulting enterprise.

Existing
Measures:

2 Sector: All Sectors

Sub-Sector:

Industry
Classification:

Type of
Reservation: National Treatment (Article 85)
Prohibition of Performance
Requirements (Article 89)

Description: In the event where the supply of telegraph services, postal services and betting and gambling services, manufacture of tobacco products, manufacture of Bank of Japan notes, minting and sale of coinage in Japan, which are restricted to designated enterprises or governmental entities, are liberalised to those other than the designated enterprises or governmental entities, or in the event where such designated enterprises or governmental entities no longer operate on a non-commercial basis, Japan reserves the right to adopt or maintain any measure relating to those activities.

Existing
Measures:

3 Sector: All Sectors

Sub-Sector:

Industry
Classification:

Type of
Reservation: National Treatment (Article 85)
Most-Favoured-Nation Treatment
(Article 86)

Description: National Treatment and Most-Favoured-
Nation Treatment may not be accorded
to investors of the other Party and
their investments with respect to
subsidies.

Existing
Measures:

4 Sector: Aerospace Industry

Sub-Sector: Aircraft Industry
Space Industry

Industry
Classification:

Type of
Reservation: National Treatment (Article 85)
Prohibition of Performance
Requirements (Article 89)

Description: Japan reserves the right to adopt or
maintain any measure relating to
investment in aircraft industry and
space industry.

Existing
Measures: Foreign Exchange and Foreign Trade Law
(Law No. 228 of 1949), Articles 27 and
30

Cabinet Order on Foreign Direct
Investment (Cabinet Order No. 261 of
1980), Articles 3 and 5

5 Sector: Arms and Explosives Industry

Sub-Sector: Arms Industry
Explosives Manufacturing Industry

Industry
Classification:

Type of
Reservation: National Treatment (Article 85)
Prohibition of Performance
Requirements (Article 89)

Description: Japan reserves the right to adopt or
maintain any measure relating to
investment in arms industry and
explosives manufacturing industry.

Existing
Measures: Foreign Exchange and Foreign Trade Law
(Law No. 228 of 1949), Articles 27 and
30

Cabinet Order on Foreign Direct
Investment (Cabinet Order No. 261 of
1980), Articles 3 and 5

6 Sector: Energy

Sub-Sector: Electricity Utility Industry
Gas Utility Industry
Nuclear Energy Industry

Industry
Classification:

Type of
Reservation: National Treatment (Article 85)
Prohibition of Performance
Requirements (Article 89)

Description: Japan reserves the right to adopt or
maintain any measure relating to
investment in the energy industry
listed in the "Sub-Sector" element.

Existing
Measures: Foreign Exchange and Foreign Trade Law
(Law No. 228 of 1949), Articles 27 and
30
Cabinet Order on Foreign Direct
Investment (Cabinet Order No. 261 of
1980), Articles 3 and 5

7 Sector: Fisheries

Sub-Sector: Fisheries within the Territorial Sea, Internal Waters, Exclusive Economic Zone and Continental Shelf

Industry Classification: JSIC 031 Marine fisheries
 JSIC 032 Inland water fisheries
 JSIC 041 Marine aquaculture
 JSIC 042 Inland water aquaculture
 JSIC 8093 Recreational fishing guide business

Type of Reservation: National Treatment (Article 85)
 Most-Favoured-Nation Treatment (Article 86)
 Prohibition of Performance Requirements (Article 89)

Description: Japan reserves the right to adopt or maintain any measure relating to investment in fisheries in the territorial sea, internal waters, exclusive economic zone and continental shelf of Japan.

For the purposes of this reservation, the term "fisheries" means the work of taking and cultivation of aquatic resources, including the following fisheries related activities:

- (a) investigation of aquatic resources without taking such resources;
- (b) luring of aquatic resources;
- (c) preservation and processing of fish catches;
- (d) transportation of fish catches and fish products; and

(e) provision of supplies to other vessels used for fisheries.

Existing
Measures:

Foreign Exchange and Foreign Trade Law
(Law No. 228 of 1949), Article 27

Cabinet Order on Foreign Direct
Investment (Cabinet Order No. 261 of
1980), Article 3

Law for Regulation of Fishing
Operation by Foreign Nationals (Law
No. 60 of 1967), Articles 3, 4 and 6

Law concerning the Exercise of
Sovereign Rights concerning Fisheries
in the Exclusive Economic Zones (Law
No. 76 of 1996), Articles 4, 5, 7, 8,
9, 10, 11, 12 and 14

8 Sector: Information and Communications

Sub-Sector: Broadcasting Industry

Industry Classification: JSIC 380 Establishments engaged in administrative or ancillary economic activities

JSIC 381 Public broadcasting, except cablecasting

JSIC 382 Private-sector broadcasting, except cablecasting

JSIC 383 Cablecasting

Type of Reservation: National Treatment (Article 85)

Prohibition of Performance Requirements (Article 89)

Description: Japan reserves the right to adopt or maintain any measure relating to investment in broadcasting industry.

Existing Measures: Foreign Exchange and Foreign Trade Law (Law No. 228 of 1949), Article 27

Cabinet Order on Foreign Direct Investment (Cabinet Order No. 261 of 1980), Article 3

Radio Law (Law No. 131 of 1950), Article 5

Broadcast Law (Law No. 132 of 1950), Articles 52-8, 52-13, 52-30 and 52-32

9 Sector: Land Transaction

Sub-Sector:

Industry
Classification:

Type of
Reservation: National Treatment (Article 85)
Most-Favoured-Nation Treatment
(Article 86)

Description: With respect to the acquisition or
lease of land properties in Japan,
prohibitions or restrictions may be
imposed by Cabinet Order on foreign
nationals or legal persons, where
Japanese nationals or legal persons
are placed under identical or similar
prohibitions or restrictions in the
foreign country.

Existing
Measures: Alien Land Law (Law No. 42 of 1925),
Article 1

10 Sector: Public Law Enforcement and
Correctional Services and Social
Services

Sub-Sector:

Industry
Classification:

Type of National Treatment (Article 85)
Reservation:

Most-Favoured-Nation Treatment
(Article 86)

Prohibition of Performance
Requirements (Article 89)

Description: Japan reserves the right to adopt or
maintain any measure relating to
investment in public law enforcement
and correctional services, and in
social services such as income
security or insurance, social security
or insurance, social welfare, primary
and secondary education, public
training, health and child care.

Existing
Measures: