

IMPLEMENTING AGREEMENT BETWEEN
THE GOVERNMENT OF JAPAN AND
THE GOVERNMENT OF THE REPUBLIC OF SINGAPORE
PURSUANT TO ARTICLE 7
OF THE AGREEMENT BETWEEN JAPAN
AND THE REPUBLIC OF SINGAPORE
FOR A NEW-AGE ECONOMIC PARTNERSHIP

PREAMBLE

The Government of Japan and the Government of the Republic of Singapore (hereinafter referred to in this Agreement as "the Parties"),

In accordance with Article 7 of the Agreement between Japan and the Republic of Singapore for a New-Age Economic Partnership (hereinafter referred to in this Agreement as "the Basic Agreement"),

HAVE AGREED as follows:

CHAPTER 1
CUSTOMS PROCEDURES

Article 1
Definitions under Chapter 1

For the purposes of this Chapter:

- (a) the term "Customs Administration" means, in Japan, the Ministry of Finance, and, in the Republic of Singapore (hereinafter referred to in this Agreement as "Singapore"), the Customs and Excise Department of the Ministry of Finance; and
- (b) the term "customs laws" means such laws and regulations administered and enforced by the Customs Administration of each Party concerning the importation, exportation, and transit of goods, as they relate to customs duties, charges, and other taxes, or to prohibitions, restrictions, and other similar controls with respect to the movement of controlled items across the boundary of the customs territory of each country.

Article 2
Joint Committee on Customs Procedures

1. Pursuant to Article 39 of the Basic Agreement, the Joint Committee on Customs Procedures (hereinafter referred to in this Article as "the Committee") shall comprise the following:

- (a) officials from the Ministry of Finance of Japan and from the Customs and Excise Department of the Ministry of Finance of Singapore, as co-chairs;
- (b) for Japan, officials from the Ministry of Finance and the Ministry of Foreign Affairs, and other government officials with the necessary expertise relevant to the issues to be discussed who may be included on an ad hoc basis; and
- (c) for Singapore, officials from the Customs and Excise Department of the Ministry of Finance, and other government officials with the necessary expertise relevant to the issues to be discussed who may be included on an ad hoc basis.

2. The Committee shall hold its inaugural meeting within 12 months after this Agreement comes into force. Subsequent meetings of the Committee shall be held at such venues and at such frequency as the Parties may agree on.

Article 3
Information and Communications Technology

1. The Customs Administrations of the Parties shall promote the use of information and communications technology in their customs procedures.

2. The Customs Administrations of the Parties shall exchange information on the use of information and communications technology for the purpose of improving customs procedures.

Article 4
Risk Management

1. In order to facilitate customs clearance of goods traded between Japan and Singapore (hereinafter referred to in this Agreement as "the Countries"), the Customs Administrations of the Parties shall continue to use risk management.

2. The Parties shall endeavour to promote, through seminars and courses, the use of risk management and the improvement of risk management techniques in third countries or customs territories.

3. The Customs Administrations of the Parties shall exchange information on risk management techniques and other enforcement techniques.

Article 5 Enforcement against Illicit Trafficking

1. The Customs Administrations of the Parties shall cooperate and exchange information in their enforcement against the trafficking of illicit drugs and other prohibited goods at their customs checkpoints.

2. The Parties shall endeavour to promote regional cooperation under the Customs Co-operation Council in fighting trafficking of illicit drugs and other prohibited goods at their customs checkpoints.

Article 6 Intellectual Property Rights

The Customs Administrations of the Parties shall cooperate and exchange information on goods suspended from release in connection with suspected infringement of intellectual property rights.

Article 7 Exchange of Information under Chapter 1

1. Each Party shall maintain the confidentiality of any information communicated to it in confidence by the other Party pursuant to this Chapter, unless the latter Party consents to the disclosure of such information.

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

3. Information provided from the Customs Administration of a Party to the Customs Administration of the other Party pursuant to paragraph 1 of Article 5 or Article 6 above shall be used only for the discharge of functions of the latter Customs Administration under its Country's customs laws.

4. Information provided pursuant to this Chapter shall not be used by the receiving Party in criminal proceedings carried out by a court or a judge.

5. In the event that information communicated by a Party to the other Party pursuant to this Chapter is needed for presentation to a court or a judge in criminal proceedings, that other Party shall submit a request for such information to the Party that communicated the information (hereinafter referred to in this Article as "the requested Party") through the diplomatic channel or other channel established in accordance with the laws of the Country of the requested Party. The requested Party will make its best efforts to respond promptly and favourably to meet any reasonable deadlines indicated by the requesting Party.

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

CHAPTER 2 PAPERLESS TRADING

Article 8 Joint Committee on Paperless Trading

1. Pursuant to Article 44 of the Basic Agreement, the Joint Committee on Paperless Trading (hereinafter referred to in this Article as "the Committee") shall comprise the following:

- (a) senior officials from the Ministry of Economy, Trade and Industry of Japan and the Singapore Trade Development Board, as co-chairs;
- (b) for Japan, officials from the Ministry of Economy, Trade and Industry, the Ministry of Foreign Affairs and the Ministry of Finance, and other government officials with the necessary expertise relevant to the issues to be discussed; and
- (c) for Singapore, officials from the Singapore Trade Development Board, and other government officials with the necessary expertise relevant to the issues to be discussed.

2. Representatives of relevant entities other than the Parties, including those from the private sector, with the necessary expertise relevant to the issues to be discussed, may participate in the Committee by invitation of either Party.

3. The agenda of discussion of the Committee may include issues relating to:

- (a) setting directions for the co-operative work to be undertaken to realise and promote paperless trading between the Countries; and
- (b) reviewing, pursuant to Articles 42 and 43 of the Basic Agreement, the progress made in realising and promoting paperless trading and the readiness of the trade regulatory bodies of the respective Parties to accept, as supporting documents, electronic trade-related information and electronic versions of relevant documents exchanged between enterprises of the Countries through the Facilities specified in Article 42 of the Basic Agreement.

4. The Committee shall hold its inaugural meeting within 12 months after this Agreement comes into force. Subsequent meetings of the Committee shall be held at such frequency as the Parties may agree on.

CHAPTER 3 MOVEMENT OF NATURAL PERSONS

Article 9 Joint Committee on Mutual Recognition of Professional Qualifications

1. Pursuant to Article 94 of the Basic Agreement, the Joint Committee on Mutual Recognition of Professional Qualifications (hereinafter referred to in this Article as "the Committee") shall comprise the following:

- (a) senior officials from the Ministry of Foreign Affairs of Japan and the Ministry of Trade and Industry of Singapore, as co-chairs;
- (b) for Japan, officials from the Ministry of Foreign Affairs, and other government officials with the necessary expertise relevant to the issues to be discussed; and

- (c) for Singapore, officials from the Ministry of Trade and Industry, and other government officials with the necessary expertise relevant to the issues to be discussed.

2. Representatives of relevant entities other than the Parties, including those from the private sector, with the necessary expertise relevant to the issues to be discussed, may participate in the Committee by invitation of either Party.

3. The Committee shall hold its inaugural meeting within 12 months after this Agreement comes into force. Subsequent meetings of the Committee shall be held at such frequency as the Parties may agree on.

CHAPTER 4 INTELLECTUAL PROPERTY

Article 10 Joint Committee on Intellectual Property

1. Pursuant to Article 97 of the Basic Agreement, the Joint Committee on IP (hereinafter referred to in this Article as "the Committee") shall comprise the following:

- (a) senior officials from the Japan Patent Office (hereinafter referred to in this Chapter as "JPO") and the Intellectual Property Office of Singapore (hereinafter referred to in this Chapter as "IPOS"), as co-chairs;
- (b) for Japan, officials from JPO and the Ministry of Foreign Affairs, and other government officials with the necessary expertise relevant to the issues to be discussed; and
- (c) for Singapore, officials from IPOS, and other government officials with the necessary expertise relevant to the issues to be discussed.

2. Representatives of relevant entities other than the Parties, including those from the private sector, with the necessary expertise relevant to the issues to be discussed, may participate in the Committee by invitation of either Party.

3. The Committee shall hold its inaugural meeting within 12 months after this Agreement comes into force. Subsequent meetings of the Committee shall be held at such frequency as the Parties may agree on.

Article 11
Designation of JPO as a Prescribed Patent Office

Pursuant to Article 98 of the Basic Agreement, the Government of Singapore shall designate JPO as a prescribed patent office stipulated in the Patents Act (Cap. 221) of Singapore and the regulations thereunder, in order to facilitate the patenting process of a patent application filed in Singapore that corresponds to a patent application filed in Japan when the applicant for that patent application filed in Singapore provides IPOS with the necessary information on that corresponding patent application filed in Japan, as required by the Patents Act (Cap. 221) of Singapore and the regulations thereunder.

Article 12
Database Access

1. Pursuant to Article 99 of the Basic Agreement, the Parties shall provide for direct access links, irrespective of the design of the websites involved, between Singapore's SurfIP, which is an IP portal owned by IPOS, and Japan's IP databases maintained on JPO's Industrial Property Digital Library (hereinafter referred to in this Article as "IPDL") website, and between the IPDL website and the ePatents databases owned by IPOS.

2. JPO shall place the SurfIP search banner on its website, so as to establish a communication link from the IPDL website to SurfIP.

3. The implementation of paragraph 1 of this Article is subject to the following conditions:

- (a) IPOS agrees that access to the information contained in the IPDL databases shall not be part of the pay services provided by the SurfIP website. This does not preclude IPOS from imposing fees on the users for storing bibliographic information such as titles of inventions, date and document number contained in the IPDL databases, in the server of the SurfIP website;
- (b) each Office may, whenever necessary, limit the data traffic of its databases arising from requests from the website of the other Office, so as to avoid any disruption of the information service operation due to overloading of its databases; and

- (c) each Office shall take proper measures with respect to its website, to ensure data security and to prevent the users of its website from accessing the databases of the other Office in an unauthorised manner.

4. For the purposes of paragraph 3 above, the term "Office" shall refer to JPO or IPOS, as the context requires.

Article 13 Training and Exchange of Experts

Pursuant to Article 96 of the Basic Agreement, the Parties shall jointly undertake training and exchange of experts in the field of IP for the purposes of contributing to a better understanding of each other's IP policies and experiences, particularly in the area of patents including patents brokerage and patents mapping.

Article 14 Workshops and Fairs

Pursuant to Article 96 of the Basic Agreement, the Parties may co-operate to jointly organise workshops and fairs in the field of IP at mutually agreed venues and timing.

CHAPTER 5 COMPETITION

Article 15 Purpose of Chapter 5

The purpose of this Chapter is to implement the co-operation set forth in Article 104 of the Basic Agreement.

Article 16 Definitions under Chapter 5

For the purposes of this Chapter:

- (a) the term "contact point(s)" means:
 - (i) for Japan, the Fair Trade Commission; and
 - (ii) for Singapore, the Ministry of Trade and Industry;

- (b) the term "anti-competitive activity(ies)" means any conduct or transaction that may be subject to penalties or relief under the competition laws of the respective Countries;
- (c) the term "competition laws" means:
 - (i) for Japan, the Law concerning Prohibition of Private Monopoly and Maintenance of Fair Trade (Law No. 54 of April 14, 1947) and its implementing regulations; and
 - (ii) for Singapore, the Code of Practice for Competition in the Provision of Telecommunications Services pursuant to the Telecommunications Act (Cap. 323), Part VIII "Competition" of the Electricity Act 2001 (Act 10 of 2001), and Part IX "Competition" of the Gas Act 2001 (Act 11 of 2001);
- (d) the term "implementing authority(ies)" means:
 - (i) for Japan, the Fair Trade Commission; and
 - (ii) for Singapore, the Info-communications Development Authority of Singapore for the telecommunications sector and the Energy Market Authority of Singapore for the electricity and gas sectors;
- (e) the term "enforcement activity(ies)" means any investigation or proceeding conducted by the implementing authorities of a Party pursuant to the competition laws of its Country, but shall not include:
 - (i) the review of business conduct or routine filings;
 - (ii) research, studies or surveys with the objective of examining the general economic situation or general conditions in specific industries; and
 - (iii) criminal proceedings; and
- (f) the term "important interests" means such interests as are considered to be important by the Party undertaking the co-operation activity(ies) under this Chapter.

Article 17
Notification

1. Each Party shall notify the other Party with respect to its enforcement activities that the notifying Party considers may affect the important interests of that other Party.

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

- (a) are relevant to enforcement activities of the other Party;
- (b) are conducted against a national or nationals of the other Country, or against a company, association or body incorporated or organised under the applicable laws and regulations in the territory of the other Country;
- (c) involve anti-competitive activities, other than mergers or acquisitions, carried out in any substantial part in the territory of the other Country;
- (d) involve mergers and acquisitions in which:
 - (i) one or more of the parties to the transaction; or
 - (ii) a company controlling one or more of the parties to the transaction,

is a company incorporated or organised under the applicable laws and regulations in the territory of the other Country;
- (e) involve conduct considered by the notifying Party to have been required, encouraged or approved by the other Party; or
- (f) involve relief that requires or prohibits conduct in the territory of the other Country.

3. Notification pursuant to paragraph 1 of this Article shall be given by the contact point of a Party as promptly as possible, taking into account the important interests of the other Party.

4. Notifications shall contain such details that would, in the view of the notifying Party, enable the notified Party to make an initial evaluation of the effect on its important interests.

5. Each Party shall:

- (a) promptly notify the other Party of any amendment of competition laws and any adoption of new laws and regulations of its Country that control anti-competitive activities; and
- (b) provide the other Party with copies of its publicly-released guidelines or policy statements issued in relation to the competition laws of its Country.

Article 18
Exchange of Information under Chapter 5

Each Party shall, to the extent consistent with the laws and regulations of its Country and its important interests, and within its reasonably available resources, endeavour to:

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

Article 19
Technical Assistance

Each Party may render technical assistance to the other Party for the effective management and adoption of laws and regulations controlling anti-competitive activities.

Article 20
Terms and Conditions on Provisions of Information

1. Unless the Party providing the information has approved otherwise, information which has been communicated by a Party to the other Party pursuant to this Chapter shall:

- (a) be used by the implementing authorities of the receiving Party only for the purpose of effective enforcement of the competition laws of its Country; and
- (b) not be communicated to a third party.

2. Each Party shall maintain the confidentiality of any information which has been communicated to it in confidence by the other Party pursuant to this Chapter, unless the latter Party consents to the disclosure of such information.

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

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

Article 21
Use of Information in Criminal Proceedings

1. Information provided pursuant to this Chapter shall not be used by the receiving Party in criminal proceedings carried out by a court or a judge.

2. In the event that information communicated by a Party to the other Party pursuant to this Chapter is needed for presentation to a court or a judge in criminal proceedings, that other Party shall submit a request for such information to the Party that communicated the information (hereinafter referred to in this Article as "the requested Party"), through the diplomatic channel or other channel established in accordance with the laws of the Country of the requested Party. The requested Party will make its best efforts to respond promptly and favourably to meet any reasonable deadlines indicated by the other Party.

Article 22
Scope of Chapter 5

1. Articles 17 and 18 shall only apply to the sectors of telecommunications, electricity and gas.

2. When the Parties adopt new laws and regulations controlling anti-competitive activities, the Parties shall, upon the request by either Party, consult with each other to consider whether or not to amend this Chapter for the purpose of extending the scope of co-operation specified in paragraph 1 above.

Article 23
Review and Further Co-operation

1. The Parties shall, not more than three years after the entry into force of this Agreement, review the co-operation pursuant to Articles 17 and 18.

2. Upon such review, the Parties may consider extending the co-operation pursuant to this Chapter to any of the following activities:

- (a) co-ordination of enforcement activities;
- (b) positive comity; and
- (c) comity.

3. Any such extension of co-operation shall be subject to the applicable competition laws and regulations and available resources of the Parties.

Article 24
Consultations under Chapter 5

The Parties may, as necessary, hold consultations on any matter which may arise in connection with this Chapter.

Article 25
Communications

Communications under Articles 17 and 18 may be directly carried out between the implementing authorities through the contact points of the Parties. Notification under Article 17, however, shall be confirmed in writing through the diplomatic channel. The confirmation shall be made as promptly as practically possible after the communication concerned between the contact points of the Parties is made.

CHAPTER 6
FINANCIAL SERVICES CO-OPERATION

Article 26
Sharing of Information on Securities Markets
and Securities Derivatives Markets

1. The purpose of this Article is to contribute to the effective enforcement of the securities laws of each Country through co-operation between the competent authorities of the Parties in sharing information on securities markets and securities derivatives markets in their respective Countries.

2. For the purposes of this Article:

- (a) the term "competent authority(ies)" means, for Japan, the Financial Services Agency and, for Singapore, the Monetary Authority of Singapore; and
- (b) the term "securities law(s)" means, for Japan, the Securities and Exchange Law (Law No. 25, 1948) and, for Singapore, the Securities Industry Act (Cap. 289).

3. The competent authority of either Party shall, upon request by the competent authority of the other Party, provide to that competent authority information necessary for the effective enforcement of the latter Country's securities laws, when the former competent authority and, as necessary, the former Party, deems it necessary and appropriate.

4. Information provided pursuant to this Article shall not be used by the receiving Party in criminal proceedings carried out by a court or a judge.

5. In the event that information communicated by a Party to the other Party pursuant to this Article is needed for presentation to a court or a judge in criminal proceedings, that other Party shall submit a request for such information to the Party that communicated the information (hereinafter referred to in this Article as "the requested Party"), through the diplomatic channel or other channel established in accordance with the laws of the Country of the requested Party. The requested Party will make its best efforts to respond promptly and favourably to meet any reasonable deadlines indicated by the requesting Party.

6. Information provided by the competent authority of a Party pursuant to this Article shall be used by the receiving Party only for the purpose of effective enforcement of its Country's securities laws.

7. Each Party shall maintain the confidentiality of any information provided in confidence by the competent authority of the other Party pursuant to this Article, unless the latter Party consents to the disclosure of such information. This paragraph shall not preclude the disclosure of information to the extent that there is an obligation to do so under the laws and regulations of the Country of the Party receiving the information. Such Party shall, wherever possible, give advance notice of any such disclosure to the Party which provided the information.

8. The Parties may, as necessary, hold consultations through the diplomatic channel to deal with any issues that may arise relating to this Article.

9. Detailed arrangements to implement this Article will be concluded between the competent authorities of the Parties.

Article 27

Joint Committee on Financial Services Co-operation

1. Pursuant to Article 111 of the Basic Agreement, the Joint Committee on Financial Services Co-operation (hereinafter referred to in this Article as "the Committee") shall comprise the following:

- (a) senior officials from the Financial Services Agency of Japan and the Monetary Authority of Singapore, as co-chairs;
- (b) for Japan, officials from the Financial Services Agency, the Ministry of Foreign Affairs and the Ministry of Finance and, where appropriate, other government officials with the necessary expertise relevant to the issues to be discussed, and representatives of the Bank of Japan; and
- (c) for Singapore, officials from the Monetary Authority of Singapore and, where appropriate, other government officials with the necessary expertise relevant to the issues to be discussed.

2. Pursuant to paragraph 2 of Article 111 of the Basic Agreement, expert working groups may invite, where appropriate, representatives from other competent authorities which are not represented in the Committee and from the private sector to contribute their views.

3. The agenda of discussion of the Committee or expert working groups may include issues relating to:

- (a) overall policy requirements to respond to the recent trends of uncertainties due to the rapid expansion of cross-border financial transactions driven by technological advances in the financial sector;
- (b) regulatory policies of the Parties over their respective financial institutions;
- (c) supervision and inspection of financial institutions of either Country which are operating in the other Country;
- (d) regulation and surveillance of financial services transactions over the internet;
- (e) development of both Countries' financial markets and financial infrastructure, including the creation of a conducive environment for private sector collaboration across the financial sectors of both Countries, taking into account, inter alia:
 - (i) regulatory issues and implications to enhance efficient cross-border trading of securities and derivatives instruments between the capital markets of the Countries; and
 - (ii) ways of improving safety and efficiency in the clearing and settlement systems between the Countries for both wholesale and retail transactions;
- (f) co-operation with a view to promoting the development of stable and well-functioning financial markets, including capital markets, in Asia, such as a joint project to promote the development of deep and liquid bond markets in the region, taking into account the role of the yen and the role of the local currency domestic bond markets; and

- (g) collaboration in providing technical assistance to third countries or customs territories in the field of financial services.

4. The Committee shall hold its inaugural meeting within 12 months after this Agreement comes into force. Subsequent meetings of the Committee and the expert working groups shall be held alternately in Japan and Singapore, at least once a year, and whenever members consider it expedient or necessary.

CHAPTER 7
INFORMATION AND COMMUNICATIONS TECHNOLOGY

Article 28
Specific Areas of Co-operation under Chapter 7

Pursuant to paragraph 2 of Article 113 of the Basic Agreement, the following are specific areas of co-operation which the Parties deem important in the field of ICT:

- (a) inter-operability of Public Key Infrastructure;
- (b) protection of personal data;
- (c) interactive broadband multimedia services;
- (d) advanced telecommunications networks;
- (e) regulatory strategies to promote competition in the ICT sector;
- (f) e-government;
- (g) skill standards;
- (h) postal services; and
- (i) bridging the digital divide.

Article 29
Facilitation of the Procedures of Accreditation/
Recognition of Certification Authorities

1. For the purposes of this Article:
 - (a) the term "Certification Authorities" means certification service providers who certify that an item identifying the user of an electronic signature belongs to such user, based on the Public Key Infrastructure;
 - (b) the term "Certification Authorities in Singapore" means Certification Authorities in the territory of Singapore licensed under the Electronic Transactions Act (Cap. 88) of Singapore and the regulations thereunder (hereinafter referred to in this Article as "the Act"); and
 - (c) the term "Certification Authorities in Japan" means Certification Authorities in the territory of Japan accredited under the Law concerning Electronic Signatures and Certification Services (Law No. 102 of 2000) of Japan and the regulations thereunder (hereinafter referred to in this Article as "the Law").
2. The Parties shall endeavour to create favourable environments for enhancing the inter-operability of the Public Key Infrastructure between the Countries.
3. With a view to facilitating the procedures through which Certification Authorities in Singapore obtain accreditation under the Law and Certification Authorities in Japan obtain recognition under the Act:
 - (a) the Government of Japan shall, in accordance with the Law, exempt Certification Authorities in Singapore from on-site investigation, when such Certification Authorities in Singapore apply for accreditation under the Law; and
 - (b) the Government of Singapore shall, in accordance with the Act, exempt Certification Authorities in Japan from on-site investigation, when such Certification Authorities in Japan apply for recognition under the Act.

4. Each Party shall notify the other Party of the requirements for obtaining the accreditation or the recognition referred to in paragraph 3 above and of any modification of its laws or regulations concerning accreditation or recognition of Certification Authorities.

5. The Parties shall co-operate to provide the public in both Countries with information relating to the laws and regulations of the Countries concerning accreditation or recognition of Certification Authorities.

6. The co-operation under this Article shall commence within six months after the date of entry into force of this Agreement.

Article 30
Joint Committee on ICT

1. Pursuant to Article 114 of the Basic Agreement, the Joint Committee on ICT (hereinafter referred to in this Article as "the Committee") shall comprise the following:

- (a) senior officials from the Ministry of Foreign Affairs of Japan and the Info-communications Development Authority of Singapore, as co-chairs;
- (b) for Japan, officials from the Ministry of Foreign Affairs, the Ministry of Public Management, Home Affairs, Post and Telecommunications and the Ministry of Economy, Trade and Industry and, where appropriate, other government officials with the necessary expertise relevant to the issues to be discussed; and
- (c) for Singapore, officials from the Info-communications Development Authority of Singapore and, where appropriate, other government officials with the necessary expertise relevant to the issues to be discussed.

2. Representatives of relevant entities other than the Parties, including those from the private sector, with the necessary expertise relevant to the issues to be discussed, may participate in the Committee by invitation of either Party.

3. The Committee shall hold its inaugural meeting within 12 months after this Agreement comes into force. Subsequent meetings of the Committee shall be held at such frequency as the Parties may agree on.

CHAPTER 8
SCIENCE AND TECHNOLOGY

Article 31
Areas and Forms of
Co-operation under Chapter 8

Pursuant to Article 116 of the Basic Agreement:

- (a) the following are specified as areas of Co-operative Activities:
 - (i) life sciences;
 - (ii) environment; and
 - (iii) advanced technology suitable to provide a basis for industrial development; and
- (b) the following are specified as forms of Co-operative Activities:
 - (i) exchange of information and data;
 - (ii) joint seminars, workshops and meetings;
 - (iii) visits and exchange of scientists, technical personnel or other experts; and
 - (iv) implementation of joint projects and programmes.

Article 32
Joint Committee on Science and Technology

1. Pursuant to Article 117 of the Basic Agreement, the Joint Committee on Science and Technology (hereinafter referred to in this Article as "the Committee") shall comprise the following:

- (a) senior officials from the Ministry of Foreign Affairs of Japan and the Agency for Science, Technology and Research of Singapore, as co-chairs; and

- (b) other government officials with the necessary expertise relevant to the issues to be discussed.

2. Representatives of relevant entities other than the Parties, including those from the private sector, with the necessary expertise relevant to the issues to be discussed, may participate in the Committee by invitation of either Party.

3. The Committee shall hold its inaugural meeting within 12 months after this Agreement comes into force. Subsequent meetings of the Committee shall be held alternately in Japan and Singapore and at such frequency as the Parties may agree on.

CHAPTER 9 HUMAN RESOURCE DEVELOPMENT

Article 33

Programme for the Exchange of Government Officials

Pursuant to Article 124 of the Basic Agreement, the Parties shall conduct a programme for the exchange of their officials (hereinafter referred to in this Chapter as "the Programme") with a view to enhancing mutual understanding of their policies.

Article 34

Procedures for the Implementation of the Programme

The Programme shall be conducted in accordance with the following:

- (a) a government agency of a Party (hereinafter referred to in this Chapter as "the Sending Agency") shall select its official to participate in the Programme (hereinafter referred to in this Chapter as "the Official"), and shall notify, through the diplomatic channel, that it intends to send the Official to its counterpart agency of the other Party (hereinafter referred to in this Chapter as "the Host Agency");
- (b) the Host Agency shall, through the diplomatic channel, indicate its position regarding the participation of the Official in the Programme. The Sending Agency and the Host Agency shall decide by mutual consent whether the Official participates in the Programme;

- (c) the Sending Agency and the Host Agency shall consult, through the diplomatic channel, on necessary details for the participation of the Official in the Programme, including the starting date and duration, taking into account Articles 35 and 36 below; and
- (d) under mutually agreed conditions, the Official shall participate in the Programme.

Article 35
Conditions of Implementation

1. The sending Party shall take necessary measures to oblige the Official to comply with the following conditions:

- (a) to comply with relevant laws and regulations of the Country of the host Party, and not to act, without legitimate reasons, in a manner inconsistent with relevant instructions by the Host Agency as to his or her activities therein;
- (b) not to engage in intelligence-related activities on behalf of any government when participating in the Programme; and
- (c) not to reveal any information that the Host Agency advises the Official is classified.

2. Before sending the Official to the Country of the host Party, the Sending Agency shall send to the Host Agency through the diplomatic channel, a document signed by the Official, stating the Official's consent to comply with the conditions set out in sub-paragraphs (a), (b) and (c) of paragraph 1 above. Non-compliance with the above conditions may be grounds for termination of the participation of the Official in the Programme.

3. The host Party is not responsible for salaries and benefits for the Official and any other necessary expenditure of the Official, including travel expenses and living costs.

Article 36
Consideration for the Placement and Visas

1. The Host Agency shall make best efforts to ensure appropriate placement for the Official in the Host Agency consistent with the same subject matter that the Official is concerned with in the Sending Agency, and to place him or her in an office environment with colleagues of the Host Agency, taking into account such factors as the Official's language ability, interest, expertise and background knowledge, as well as the Host Agency's requirement to maintain confidentiality of certain information.

2. The host Party shall grant the Official appropriate visas or working permits, where necessary, so that the Programme will be fulfilled as expeditiously and conveniently as possible.

Article 37
Evaluation

The Parties shall evaluate the implementation of the Programme and this Chapter as appropriate and necessary.

Article 38
Consultations under Chapter 9

The Parties shall consult as necessary with each other in respect of any matters that may arise from, or in connection with, the implementation of this Chapter.

CHAPTER 10
TRADE AND INVESTMENT PROMOTION

Article 39
Implementing Bodies and Co-operation Activities
under Chapter 10

1. Pursuant to paragraph 1 of Article 127 of the Basic Agreement, the co-operation between the Japan External Trade Organisation (hereinafter referred to in Chapters 10 and 11 as "JETRO") and the Singapore Trade Development Board (hereinafter referred to in this Chapter as "TDB"), to be conducted pursuant to an arrangement between them, is specified as the co-operation set forth in the above-mentioned paragraph of the Basic Agreement. Such co-operation between JETRO and TDB includes the following:

- (a) jointly organising industry-specific missions and seminars, focusing on high growth sectors, including but not limited to, the info-communications technology, electronics and logistics sectors;
- (b) jointly organising business study missions comprising Japanese and Singapore business persons and specialists to third countries or customs territories, to research and study the trade and investment environments and business opportunities of such third countries or customs territories; and
- (c) sharing, through electronic linkage, online databases of Japanese and Singapore companies keen to establish business ties.

2. The Parties shall, where appropriate, facilitate such co-operation between JETRO and TDB.

Article 40

Joint Committee on Trade and Investment Promotion

1. Pursuant to Article 128 of the Basic Agreement, the Joint Committee on Trade and Investment Promotion (hereinafter referred to in this Article as "the Committee") shall comprise the following:

- (a) senior officials from the Ministry of Economy, Trade and Industry of Japan and TDB of Singapore, as co-chairs;
- (b) for Japan, officials from the Ministry of Economy, Trade and Industry and the Ministry of Foreign Affairs, and other government officials with the necessary expertise relevant to the issues to be discussed, and representatives of JETRO; and
- (c) for Singapore, officials from TDB, and other government officials with the necessary expertise relevant to the issues to be discussed.

2. Representatives of relevant entities other than the Parties, including those from the private sector, with the necessary expertise relevant to the issues to be discussed, may participate in the Committee by invitation of either Party.

3. The Committee shall hold its inaugural meeting within 12 months after this Agreement comes into force. Subsequent meetings of the Committee shall be held at such frequency as the Parties may agree on.

CHAPTER 11
SMALL AND MEDIUM ENTERPRISES

Article 41
Implementing Bodies and Co-operation Activities
under Chapter 11

1. Pursuant to paragraph 1 of Article 130 of the Basic Agreement, the co-operation between JETRO and the Singapore Productivity and Standards Board (hereinafter referred to in this Chapter as "PSB"), to be conducted pursuant to an arrangement between them, is specified as the co-operation set forth in the above-mentioned paragraph of the Basic Agreement. Such co-operation between JETRO and PSB includes the following:

- (a) promotion of business alliances between Singapore and Japanese small and medium enterprises (hereinafter referred to in this Chapter as "SMEs") through business matching;
- (b) development of one-stop information services to facilitate the efforts of Japanese SMEs to establish operations in Singapore, and the efforts of Singapore SMEs to establish operations in Japan; and
- (c) establishment of a Business Support Centre in Singapore by JETRO.

2. The Parties shall, where appropriate, facilitate such co-operation between JETRO and PSB.

Article 42
Joint Committee on SMEs

1. Pursuant to Article 132 of the Basic Agreement, the Joint Committee on SMEs (hereinafter referred to in this Article as "the Committee") shall comprise the following:

- (a) senior officials from the Ministry of Economy, Trade and Industry of Japan and PSB of Singapore, as co-chairs;
- (b) for Japan, officials from the Ministry of Economy, Trade and Industry and the Ministry of Foreign Affairs, and other government officials with the necessary expertise relevant to the issues to be discussed, and representatives of JETRO; and
- (c) for Singapore, officials from PSB, and other government officials with the necessary expertise relevant to the issues to be discussed.

2. Representatives of relevant entities other than the Parties, including those from the private sector, with the necessary expertise relevant to the issues to be discussed, may participate in the Committee by invitation of either Party.

CHAPTER 12 BROADCASTING

Article 43 Joint Committee on Broadcasting

1. Pursuant to Article 135 of the Basic Agreement, the Joint Committee on Broadcasting (hereinafter referred to in this Article as "the Committee") shall comprise the following:

- (a) senior officials from the Ministry of Public Management, Home Affairs, Posts and Telecommunications of Japan and the Ministry of Information, Communications and the Arts of Singapore, as co-chairs;
- (b) for Japan, officials from the Ministry of Public Management, Home Affairs, Posts and Telecommunications and the Ministry of Foreign Affairs and, where appropriate, other government officials with the necessary expertise relevant to the issues to be discussed; and
- (c) for Singapore, officials from the Ministry of Information, Communications and the Arts and the Singapore Broadcasting Authority and, where appropriate, other government officials with the necessary expertise relevant to the issues to be discussed.

2. The Committee shall hold its inaugural meeting within 12 months after this Agreement comes into force. Subsequent meetings of the Committee shall be held alternately in Japan and Singapore and at such frequency as the Parties may agree on.

CHAPTER 13
TOURISM

Article 44
Joint Committee on Tourism

1. Pursuant to Article 138 of the Basic Agreement, the Joint Committee on Tourism (hereinafter referred to in this Article as "the Committee") shall comprise the following:

- (a) senior officials from the Ministry of Land, Infrastructure and Transport of Japan and the Singapore Tourism Board, as co-chairs;
- (b) for Japan, officials from the Ministry of Land, Infrastructure and Transport and the Ministry of Foreign Affairs, and other government officials with the necessary expertise relevant to the issues to be discussed, and representatives of the Japan National Tourist Organization; and
- (c) for Singapore, officials from the Singapore Tourism Board, and other government officials with the necessary expertise relevant to the issues to be discussed.

2. Representatives of relevant entities other than the Parties, including those from the private sector, with the necessary expertise relevant to the issues to be discussed, may participate in the Committee by invitation of either Party.

3. The Committee shall hold its inaugural meeting within 12 months after this Agreement comes into force. Subsequent meetings of the Committee shall be held at such frequency as the Parties may agree on.

CHAPTER 14
DISPUTE AVOIDANCE AND SETTLEMENT

Article 45
Agreed Procedure for Selection of Third Arbitrator

Pursuant to Article 143 of the Basic Agreement (hereinafter referred to in this Article as "the Said Article"), the Parties agree to the following procedure in respect of the random drawing for a third arbitrator, as provided for in paragraph 4 of the Said Article:

- (a) for the purposes of this Article, the Party that is requesting the establishment of the arbitral tribunal pursuant to the Said Article is hereinafter referred to as the "requesting Party" and the other Party is hereinafter referred to as the "requested Party";
- (b) unless the Parties agree otherwise, the drawing takes place in the Country of the requested Party, in the presence of representatives of both Parties;
- (c) the requested Party prepares a container with ten sealed envelopes each of which has, inside it, the name of one of the persons listed on the lists of the Parties, prepared pursuant to paragraph 4 of the Said Article, such that there is exactly one envelope corresponding to each of these persons;
- (d) a representative of the requesting Party shall remove, from the container, one envelope, randomly and without being able to discern the identity of the person to whom the envelope corresponds until after the envelope is unsealed and opened;
- (e) the person to whom that envelope corresponds shall be the third arbitrator for the purposes of the Said Article; and
- (f) after the drawing, the container and the envelopes remaining therein shall be made available for verification by representatives of the requesting Party in the presence of representatives of the requested Party.

CHAPTER 15
FINAL PROVISIONS

Article 46
Implementation

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

Article 47
Headings

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

Article 48
Entry into Force

This Agreement shall enter into force at the same time as the Basic Agreement and shall remain in force as long as the Basic Agreement remains in force. The Parties shall, at the request of a Party, consult with each other as to whether to amend this Agreement.

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

DONE at Singapore on this 13th day of January, 2002, in duplicate in the Japanese and English languages, both texts being equally authentic. In case of any divergence of interpretation, the English text shall prevail.

For the Government
of Japan:

For the Government
of Singapore: