

Annex 6 referred to in Chapter 8
Schedules in relation to Investment

Part 1

Schedules of Specific Commitments in relation to Article 98

1A Schedule of Japan

1. In this Schedule:

- (a) "Sector" refers to the general sector in which a commitment may be made;
- (b) "Subsector" refers to the specific sector in which a commitment may be made;
- (c) "Industry classification" refers, where applicable, to the activity which may be covered by the commitment according to domestic industry classification codes which are set out for illustrative purposes;
- (d) "Existing Measures" identifies the measures existing on the date of entry into force of this Agreement, which specify conditions and qualifications on national treatment. Where "Existing Measures" element is set out, it shall prevail over all other elements in the interpretation of those conditions and qualifications.
- (e) "Description of the Existing Measures" sets out conditions and qualifications on national treatment specified by Existing Measures.

2. For the purposes of this Part, the term "JSIC" means Japan Standard Industrial Classification as set out in the Statistics Bureau, Ministry of Internal Affairs and Communications revised on 7 March 2002.

3. Where it is indicated that "None except that Japan may maintain the following Existing Measures," it shall not be construed so as to prevent Japan from amending or modifying such measures, provided that the amendment or modification does not create less favourable treatment than that existing on the date of entry into force of this Agreement.

4. The entry "Unbound" means that, as the case may be, Japan may adopt or maintain any measure which specifies conditions and qualifications on national treatment or may impose or enforce any performance requirements.

5. The entry "None" means that Japan commits to accord national treatment without conditions or qualifications, except as indicated in Horizontal Commitments.

Sector or subsector	Limitations on national treatment	Commitments on performance requirements
Section I. HORIZONTAL COMMITMENTS		
ALL NON-SERVICE SECTORS	<p>1. When transferring or disposing of its equity interests in, or the assets of, a state enterprise or a governmental entity, Japan may:</p> <ul style="list-style-type: none"> (a) prohibit or impose limitations on the ownership of such interests or assets by investors of Thailand or their investments; (b) impose limitations on the ability of investors of Thailand 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. <p>2. Japan may maintain the following Existing Measures.</p> <p><u>Existing Measures</u></p> <p>Ship Law (Law No.46 of 1899), Article 1</p> <p><u>Description of the Existing Measures</u></p> <p>The Japanese nationality shall be given to a ship whose owner is a Japanese national, or a company established under Japanese law, of which all representatives and not less than two-thirds of executives administering the affairs are Japanese nationals.</p> <p>3. National Treatment may not be accorded to investors of Thailand and their investments with respect to subsidies.</p>	<p>1. Unless otherwise specified in this Schedule, as a condition for investment activities in the Area of Japan, or as a condition for granting or continued granting of an advantage, an investor of Thailand shall not be required to:</p> <ul style="list-style-type: none"> (a) export a given level or percentage of goods; (b) achieve a given level or percentage of domestic content; (c) purchase, use or accord a preference to goods produced in the Area of Japan, or purchase goods from the person in its Area; (d) relate the volume or value of imports to the volume or value of exports or to the amount of foreign exchange inflows associated with investments related to such investment activities; (e) restrict sales of goods in the Area of Japan that investments related to such investment activities produce by relating such sales to the volume or value of its exports or foreign exchange earnings; or (f) appoint, as executives, managers or members of boards of directors, individuals of any particular nationality. <p>2. Unless otherwise specified in this Schedule, or unless the following performance requirements are imposed or enforced as a condition for granting or continued granting of an advantage, in connection with investment activities in the Area of Japan, an investor of Thailand shall not be required to:</p> <ul style="list-style-type: none"> (g) hire a given level of Japanese nationals; (h) transfer technology, a production process or other proprietary knowledge to a person in the Area of Japan, except when the requirement:

	<p>4. With respect to acquisition or lease of land properties in Japan, prohibitions or restrictions may be imposed by Cabinet Order on Thai nationals or legal persons, where Japanese nationals or legal persons are placed under identical or similar prohibitions or restrictions in Thailand.</p>	<ul style="list-style-type: none"> (i) is imposed or enforced by a court, administrative tribunal or competition authority to remedy an alleged violation of competition laws; or (ii) concerns the transfer of intellectual property which is undertaken in a manner not inconsistent with the TRIPS Agreement; <ul style="list-style-type: none"> (i) locate the headquarters of that investor for a specific region or the world market in the Area of Japan; (j) achieve a given level or value of research and development in the Area of Japan; or (k) supply one or more of the goods that the investor produces to a specific region or world market, exclusively from the Area of Japan. <p>3. When transferring or disposing of its equity interests in, or the assets of, a state enterprise or a governmental entity, Japan may adopt or maintain any measure relating to the nationality of executives, managers or members of the board of directors of any resulting enterprise.</p> <p>4. Japan may maintain the following Existing Measures.</p> <p><u>Existing Measures</u></p> <p>Ship Law (Law No.46 of 1899), Article 1</p> <p><u>Description of the Existing Measures</u></p> <p>The Japanese nationality shall be given to a ship whose owner is a Japanese national, or a company established under Japanese law, of which all representatives and not less than two-thirds of executives administering the affairs are Japanese nationals.</p>
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Sector or subsector	Industry classification	Limitations on national treatment	Commitments on performance requirements
Section II. SECTOR-SPECIFIC COMMITMENTS			
ALL NON-SERVICE SECTORS AND SUBSECTORS NOT LISTED BELOW		None	As indicated in Horizontal Commitments.
<p>1. Sector: Agriculture, Forestry, and Fisheries</p> <p>(except fisheries within the Territorial Sea, Internal Waters, Exclusive Economic Zone and Continental Shelf provided in Item 4 of Section II)</p>	<p>JSIC 01 Agriculture</p> <p>JSIC 02 Forestry</p> <p>JSIC 03 Fisheries</p> <p>JSIC 04 Aquaculture</p>	<p>None except that Japan may maintain the following Existing Measures.</p> <p><u>Existing Measures</u></p> <p>Foreign Exchange and Foreign Trade Law (Law No. 228 of 1949), Article 27</p> <p>Cabinet Order on Foreign Direct Investment (Cabinet Order No.261 of 1980), Article 3</p> <p><u>Description of the Existing Measures</u></p> <p>The prior notification requirement under the Foreign Exchange and Foreign Trade Law applies to foreign investors who intend to make investment in agriculture, forestry and fisheries (except fisheries within the Territorial Sea, Internal Waters, Exclusive Economic Zone and Continental Shelf provided for in Item 4 of Section II) in Japan.</p>	As indicated in Horizontal Commitments.
<p>2. Sector: Agriculture, Forestry and Fisheries</p> <p>(Plant Breeder's Right)</p>	<p>JSIC 0119 Miscellaneous crop farming</p> <p>JSIC 0413 Seaweed aquaculture</p> <p>JSIC 0415 Seed aquaculture</p>	<p>None except that Japan may maintain the following Existing Measures.</p> <p><u>Existing Measures</u></p> <p>Seeds and Seedlings Law (Law No.83 of 1998), Article 10</p>	As indicated in Horizontal Commitments.

		<p><u>Description of the Existing Measures</u></p> <p>A foreigner who has neither a domicile nor residence (nor establishment, in the case of a legal person) in Japan cannot enjoy a plant breeder's right except in the following cases:</p> <p>(a) where the State of which the person is a national or the State in which the person has a domicile or residence (or its establishment, in the case of a legal person) is a contracting party to the International Convention for the Protection of New Varieties of Plants of 2 December 1961, as Revised at Geneva on 10 November 1972, on 23 October 1978 and on 19 March 1991 (hereinafter referred to in this Annex as "the 1991 UPOV Convention");</p>	
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		<p>(b) where the State of which the person is a national or the State in which the person has a domicile or residence (or its establishment, in the case of a legal person) is a contracting party to the International Convention for the Protection of New Varieties of Plants of 2 December 1961, as Revised at Geneva on 10 November 1972 and on 23 October 1978 (hereinafter referred to in this Annex as "the 1978 UPOV Convention"); or</p> <p>(c) where the State of which the person is a national provides Japanese nationals with the protection of varieties under the same condition as its own nationals (including a State which provides such protection for Japanese nationals under the condition that Japan allows enjoyment of the plant breeder's right for the nationals of that State), and further provides the protection for plant genus and species to which the person's applied variety belongs.</p>	
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<p>3. Sector: Energy Industry</p> <p>Subsector: Electricity Utility Industry</p> <p>Gas Utility Industry</p> <p>Nuclear Energy Industry</p>	<p>JSIC 0519 Miscellaneous metal mining(limited to nuclear materials)</p> <p>JSIC 2491 Manufacture of nuclear fuel</p> <p>JSIC 271* Manufacture of electrical generating, transmission, distribution and industrial apparatus</p> <p>JSIC 274* Manufacture of electronic equipment</p> <p>JSIC 275* Manufacture of electric measuring instruments</p> <p>JSIC 279* Manufacture of miscellaneous electrical machinery equipment and supplies</p> <p>JSIC 28* Manufacture of information and communication electronics equipment</p> <p>JSIC 29* Manufacture of electronic parts and devices</p> <p>JSIC 303* Shipbuilding and repairing, and manufacture of marine engines (excluding repairing)</p> <p>JSIC 3059* Manufacture of miscellaneous industrial trucks and parts and accessories</p>	<p>Unbound</p>	<p>Unbound</p>
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	<p>JSIC 3099* Manufacture of transportation equipment, n.e.c.</p> <p>JSIC 331 Production, transmission and distribution of electricity</p> <p>JSIC 3411 Gasworks</p> <p>Note: An asterisk (*) on the JSIC number indicates that the activities covered herein under such number are limited to the activities related to nuclear energy industry.</p>		
<p>4. Sector: Fisheries</p> <p>Subsector: Fisheries within the Territorial Sea, Internal Waters, Exclusive Economic Zone and Continental Shelf</p> <p>Note: For the purposes of this Part, the term "fisheries" means the work of taking and cultivation of aquatic resources</p>	<p>JSIC 031 Marine fisheries</p> <p>JSIC 032 Inland water fisheries</p> <p>JSIC 041 Marine aquaculture</p> <p>JSIC 042 Inland water aquaculture</p>	Unbound	Unbound
<p>5. Sector: Heat Supply</p>	<p>JSIC 3511 Heat Supply</p>	<p>None except that Japan may maintain the following Existing Measures.</p> <p><u>Existing Measures</u></p> <p>Foreign Exchange and Foreign Trade Law (Law No. 228 of 1949), Article 27</p>	As indicated in Horizontal Commitments.

		<p>Cabinet Order of Foreign Direct Investment (Cabinet Order No. 261 of 1980), Article 3</p> <p><u>Description of the Existing Measures</u></p> <p>The prior notification requirement under the Foreign Exchange and Foreign Trade Law applies to foreign investors who intend to make investment in the heat supply industry in Japan.</p>	
<p>6. Sector: Manufacturing, (a) Subsector: Drugs and Medicines Manufacturing</p>	<p>JSIC 1763 Biological preparations</p>	<p>None except that Japan may maintain the following Existing Measures.</p> <p><u>Existing Measures</u></p> <p>Foreign Exchange and Foreign Trade Law (Law No. 228 of 1949), Article 27</p> <p>Cabinet Order on Foreign Direct Investment (Cabinet Order No. 261 of 1980), Article 3</p>	<p>As indicated in Horizontal Commitments.</p>

		<p><u>Description of the Existing Measures</u></p> <p>The prior notification requirement under the Foreign Exchange and Foreign Trade Law applies to foreign investors who intend to make investment in biological preparations manufacturing industry in Japan. For greater certainty, "biological preparations manufacturing industry" deals with economic activities in establishment which mainly produces vaccine, serum, toxoid, antitoxin and some preparations similar to the aforementioned products, or blood products.</p>	
(b) Subsector: Leather and Leather Products Manufacturing	<p>JSIC 1257 Fur apparel and apparel accessories</p> <p>JSIC 1259* Textile apparel and accessories, n.e.c.</p> <p>JSIC 1794** Gelatine and adhesives</p> <p>JSIC 202 Rubber and plastic footwear and its findings</p> <p>JSIC 21 Manufacture of leather tanning, leather products and fur skins</p> <p>JSIC 3234* Sporting and athletic goods</p>	<p>None except that Japan may maintain the following Existing Measures.</p> <p><u>Existing Measures</u></p> <p>Foreign Exchange and Foreign Trade Law (Law No. 228 of 1949), Article 27</p> <p>Cabinet Order on Foreign Direct Investment (Cabinet Order No. 261 of 1980), Article 3</p> <p><u>Description of the Existing Measures</u></p> <p>The prior notification requirement under the Foreign Exchange and Foreign Trade Law applies to foreign investors who intend to make investment in leather and leather products manufacturing industry in Japan.</p>	As indicated in Horizontal Commitments.

	<p>Note 1: An asterisk(*) on the JSIC number indicates that the activities covered herein under such number are limited to the activities related to leather and leather products manufacturing.</p> <p>Note 2: Two asterisks(**) on the JSIC number indicates that the activities covered herein under such number are limited to the activities related to animal glue (nikawa) and gelatine manufacturing.</p>		
(c) Subsector: Manufacturing related to Air-Craft Industry and Space Industry	<p>JSIC 271* Manufacture of electrical generating, transmission, distribution and industrial apparatus</p> <p>JSIC 274* Manufacture of electronic equipment</p> <p>JSIC 275* Manufacture of electric measuring instruments</p> <p>JSIC 279* Manufacture of miscellaneous electrical machinery equipment and supplies</p> <p>JSIC 28* Manufacture of information and communication electronics equipment</p>	Unbound	Unbound

	<p>JSIC 29* Manufacture of electronic parts and devices</p> <p>JSIC 304 Manufacture of aircraft and parts</p> <p>JSIC 3059* Manufacture of miscellaneous industrial trucks and parts and accessories</p> <p>JSIC 3099* Manufacture of transportation equipment, n.e.c.</p> <p>Note: An asterisk(*) on the JSIC number indicates that the activities covered herein under such number are limited to the activities related to aircraft industry and space industry.</p>		
(d) Subsector: Manufacturing related to Arms Industry and Explosive Manufacturing Industry	<p>JSIC 1791 Manufacture of explosives</p> <p>JSIC 271* Manufacture of electrical generating, transmission, distribution and industrial apparatus</p> <p>JSIC 274* Manufacture of electronic equipment</p> <p>JSIC 275* Manufacture of electric measuring instruments</p> <p>JSIC 279* Manufacture of miscellaneous electrical machinery equipment and supplies</p>	Unbound	Unbound

	<p>JSIC 28* Manufacture of information and communication electronics equipment</p> <p>JSIC 29* Manufacture of electronic parts and devices</p> <p>JSIC 303* Shipbuilding and repairing, and manufacture of marine engines (excluding repairing)</p> <p>JSIC 3059* Manufacture of miscellaneous industrial trucks and parts and accessories</p> <p>JSIC 3099* Manufacture of transportation equipment, n.e.c.</p> <p>JSIC 3281 Manufacture of ordnance and accessories</p> <p>Note: An asterisk(*) on the JSIC number indicates that the activities covered herein under such number are limited to the activities related to arms industry.</p>		
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<p>(e) Subsector: Manufacture of tobacco products, manufacture of Bank of Japan notes and minting of coinage</p>		<p>None except that in the event where manufacture of tobacco products, manufacture of Bank of Japan notes and minting 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 may adopt or maintain any measure relating to those activities.</p>	<p>Unbound</p>
<p>7. Sector: Mining</p>	<p>JSIC 05 Mining</p>	<p>None except that Japan may maintain the following Existing Measures.</p> <p><u>Existing Measures</u></p> <p>Mining Law (Law No. 289 of 1950), Articles 17 and 87</p> <p><u>Description of the Existing Measures</u></p> <p>Only a Japanese national or a Japanese legal person may have mining rights or mining lease rights.</p>	<p>As indicated in Horizontal Commitments.</p>
<p>8. Sector: Oil Industry</p>	<p>JSIC 053 Crude petroleum and natural gas production</p> <p>JSIC 181 Petroleum refining</p> <p>JSIC 182 Lubricating oils and greases (not made in petroleum refineries)</p> <p>JSIC 1841* Paving materials</p>	<p>None except that Japan may maintain the following Existing Measures.</p> <p><u>Existing Measures</u></p> <p>Foreign Exchange and Foreign Trade Law (Law No. 228 of 1949), Article 27</p> <p>Cabinet Order of Foreign Direct Investment (Cabinet Order No. 261 of 1980), Article 3</p>	<p>As indicated in Horizontal Commitments.</p>

	<p>JSIC 1899* Miscellaneous petroleum and coal products</p> <p>Note: An asterisk(*) on the JSIC number indicates that the activities covered herein under such number are limited to the activities related to oil industry.</p>	<p><u>Description of the Existing Measures</u></p> <p>The prior notification requirement under the Foreign Exchange and Foreign Trade Law applies to foreign investors who intend to make investment in oil industry in Japan.</p> <p>All organic chemicals such as ethylene, ethylene glycol and polycarbonates are outside the scope of the oil industry. Therefore, prior notification under the Foreign Exchange and Foreign Trade Law is not required for the investment in the manufacture of these products.</p>	
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1B Schedule of Thailand

Sector or subsector	Limitations on national treatment	Commitments on performance requirements
Section I. HORIZONTAL COMMITMENTS		
<p>ALL NON-SERVICE SECTORS INCLUDED IN THIS ANNEX</p>	<p>Acquisition and usage of land: according to the Land Code of Thailand, foreign nationals or domestic companies which are deemed foreigners are not allowed to purchase or own land in Thailand. However, they may lease land and own buildings. Foreigners are also allowed to own part of condominium units under the laws and regulations governing the ownership of condominiums.</p> <p>Unbound for subsidies or grants provided by Thailand, or any conditions attached to the receipt or continued receipt of such subsidies or grants.</p>	<p>1. Unless otherwise specified in this Schedule, as a condition for investment activities in the Area of Thailand, or as a condition for granting or continued granting of an advantage, an investor of Japan shall not be required to:</p> <ul style="list-style-type: none"> (a) export a given level or percentage of goods; (b) achieve a given level or percentage of domestic content; (c) purchase or use or accord a preference to goods produced in the Area of Thailand, or to purchase goods from persons in the Area of Thailand; (d) relate the volume or value of imports to the volume or value of exports or to the amount of foreign exchange inflows associated with investments related to such investment activities; (e) restrict sales of goods in the Area of Thailand that investment related to such investment activities produce by relating such sale to the volume or value of its exports or foreign exchange earnings; or (f) appoint, as executives, managers or members of boards of directors, individuals of any particular nationality. <p>2. Unless otherwise specified in this Schedule, or unless the following performance requirements are imposed or enforced as a condition for granting or continued granting of an advantage, in connection with investment activities in the Area of Thailand, an investor of Japan shall not be required to:</p> <ul style="list-style-type: none"> (g) hire a given level of Thai nationals; (h) transfer technology, a production process or other proprietary knowledge to a person in the Area of Thailand, except when the requirement: <ul style="list-style-type: none"> (i) is imposed or enforced by a court, administrative tribunal or competition authority to remedy an alleged violation of competition laws; or (ii) concerns the transfer of intellectual property which is undertaken in a manner not inconsistent with the TRIPS;

		<p>(i) locate the headquarter of that investor for a specific region or the world market in its Area;</p> <p>(j) achieve a given level or value of research and development in the Area of Thailand; or</p> <p>(k) supply one or more of the goods that the investor produces to a specific region or world market, exclusively from the Area of Thailand.</p> <p>Note: Thailand does not make commitment on performance requirements with respect to items (e) through (k) on the date of entry into force of this Agreement. Items (e) through (k) are provided for herein in view of a future review of the sector specific commitments.</p>
Section II. SECTOR-SPECIFIC COMMITMENTS		
Manufacturing of automobiles	None except that Japanese equity participation must be less than 50 per cent, provided that the remaining equity shares are owned by Thai investors.	Commitments are made with respect to items (a), (b), (c) and (d) only.
Non-service sectors other than manufacturing of automobiles	Unbound	Commitments are made with respect to items (a), (b), (c) and (d) only.

Part 2

Schedule of Japan in relation to paragraph 3 of Article 93

1. In this Schedule:

- (a) "Sector" refers to the general sector in which a measure, to which paragraph 2 of Article 93 shall not apply (hereinafter referred to in this Part as "measure"), may be adopted or maintained;
- (b) "Subsector" refers to the specific sector in which a measure may be adopted or maintained;
- (c) "Industry classification" refers, where applicable, to the activity covered by the measures according to domestic industry classification codes which are set out for illustrative purposes.

2. For the purposes of this Part, the term "JSIC" means Japan Standard Industrial Classification as set out in the Statistics Bureau, Ministry of Internal Affairs and Communications revised on 7 March 2002.

Sector or subsector	Industry classification	Description of the measures
<p>1. Sector: All Non-Service Sectors</p>		<p>1. When transferring or disposing of its equity interests in, or the assets of, a state enterprise or a governmental entity, Japan may:</p> <ul style="list-style-type: none"> (a) prohibit or impose limitations on the ownership of such interests or assets by investors of Thailand or their investments; (b) impose limitations on the ability of investors of Thailand 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. <p>2. National Treatment may not be accorded to investors of Thailand and their investments with respect to subsidies.</p> <p>3. With respect to acquisition or lease of land properties in Japan, prohibitions or restrictions may be imposed by Cabinet Order on Thai nationals or legal persons, where Japanese nationals or legal persons are placed under identical or similar prohibitions or restrictions in Thailand.</p>
<p>2. Sector: Energy Industry</p> <p>Subsector: Electricity Utility Industry</p> <p>Gas Utility Industry</p> <p>Nuclear Energy Industry</p>	<p>JSIC 0519 Miscellaneous metal mining(limited to nuclear materials)</p> <p>JSIC 2491 Manufacture of nuclear fuel</p> <p>JSIC 271* Manufacture of electrical generating, transmission, distribution and industrial apparatus</p> <p>JSIC 274* Manufacture of electronic equipment</p> <p>JSIC 275* Manufacture of electric measuring instruments</p>	<p>Japan reserves the right to adopt or maintain any measure relating to investment in the Electricity Utility Industry, Gas Utility Industry, and Nuclear Energy Industry.</p>

	<p>JSIC 279* Manufacture of miscellaneous electrical machinery equipment and supplies</p> <p>JSIC 28* Manufacture of information and communication electronics equipment</p> <p>JSIC 29* Manufacture of electronic parts and devices</p> <p>JSIC 303* Shipbuilding and repairing, and manufacture of marine engines (excluding repairing)</p> <p>JSIC 3059* Manufacture of miscellaneous industrial trucks and parts and accessories</p> <p>JSIC 3099* Manufacture of transportation equipment, n.e.c.</p> <p>JSIC 331 Production, transmission and distribution of electricity</p> <p>JSIC 3411 Gasworks</p> <p>Note: An asterisk(*) on the JSIC number indicates that the activities covered herein under such number are limited to the activities related to nuclear energy industry.</p>	
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<p>3. Sector: Fisheries</p> <p>Subsector: Fisheries within the Territorial Sea, Internal Waters, Exclusive Economic Zone and Continental Shelf</p> <p>Note: For the purposes of this Part, the term "fisheries" means the work of taking and cultivation of aquatic resources.</p>	<p>JSIC 031 Marine fisheries</p> <p>JSIC 032 Inland water fisheries</p> <p>JSIC 041 Marine aquaculture</p> <p>JSIC 042 Inland water aquaculture</p>	<p>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.</p>
<p>4. Sector: Manufacturing</p> <p>(a) Subsector: Manufacturing Related to Air Craft Industry and Space Industry</p>	<p>JSIC 271* Manufacture of electrical generating, transmission, distribution and industrial apparatus</p> <p>JSIC 274* Manufacture of electronic equipment</p> <p>JSIC 275* Manufacture of electric measuring instruments</p> <p>JSIC 279* Manufacture of miscellaneous electrical machinery equipment and supplies</p> <p>JSIC 28* Manufacture of information and communication electronics equipment</p> <p>JSIC 29* Manufacture of electronic parts and devices</p>	<p>Japan reserves the right to adopt or maintain any measure relating to investment in manufacturing related to aircraft industry and space industry.</p>

	<p>JSIC 304 Manufacture of aircraft and parts</p> <p>JSIC 3059* Manufacture of miscellaneous industrial trucks and parts and accessories</p> <p>JSIC 3099* Manufacture of transportation equipment, n.e.c.</p> <p>Note: An asterisk(*) on the JSIC number indicates that the activities covered herein under such number are limited to the activities related to aircraft industry and space industry.</p>	
<p>(b) Subsector: Manufacturing related to Arms Industry and Explosive Manufacturing Industry</p>	<p>JSIC 1791 Manufacture of explosives</p> <p>JSIC 271* Manufacture of electrical generating, transmission, distribution and industrial apparatus</p> <p>JSIC 274* Manufacture of electronic equipment</p> <p>JSIC 275* Manufacture of electric measuring instruments</p> <p>JSIC 279* Manufacture of miscellaneous electrical machinery equipment and supplies</p>	<p>Japan reserves the right to adopt or maintain any measure relating to investment in manufacturing related to arms industry and explosives manufacturing industry.</p>

	<p>JSIC 28* Manufacture of information and communication electronics equipment</p> <p>JSIC 29* Manufacture of electronic parts and devices</p> <p>JSIC 303* Shipbuilding and repairing, and manufacture of marine engines (excluding repairing)</p> <p>JSIC 3059* Manufacture of miscellaneous industrial trucks and parts and accessories</p> <p>JSIC 3099* Manufacture of transportation equipment, n.e.c.</p> <p>JSIC 3281 Manufacture of ordnance and accessories</p> <p>Note: An asterisk(*) on the JSIC number indicates that the activities covered herein under such number are limited to the activities related to arms industry.</p>	
<p>(c) Subsector: Manufacture of tobacco products, manufacture of Bank of Japan notes and minting of coinage</p>		<p>In the event where manufacture of tobacco products, manufacture of Bank of Japan notes, minting of coinage in Japan, which are restricted to designated enterprises or governmental entities, are liberalized 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 may adopt or maintain any measure relating to those activities.</p>

Part 3
Schedule of Japan in relation to paragraph 4
of Article 96

1. In this Schedule:

- (a) "Sector" refers to the general sector in which a measure, to which paragraph 2 of Article 96 shall not apply (hereinafter referred to in this Part as "measure"), may be adopted or maintained;
- (b) "Subsector" refers to the specific sector in which a measure may be adopted or maintained;
- (c) "Industry classification" refers, where applicable, to the activity covered by the measures according to domestic industry classification codes which are set out for illustrative purposes;
- (d) "Existing Measures" identifies the measures existing on the date of entry into force of this Agreement. Where "Existing Measures" element is set out, it shall prevail over all other elements in the interpretation of the measure;

2. For the purposes of this Part, the term "JSIC" means Japan Standard Industrial Classification as set out in the Statistics Bureau, Ministry of Internal Affairs and Communications revised on 7 March 2002.

3. Where it is indicated that "Japan may maintain the following Existing Measures," it shall not be construed so as to prevent Japan from amending or modifying such measures, provided that the amendment or modification does not create less favourable treatment than that existing on the date of entry into force of this Agreement.

Sector or subsector	Industry classification	Description of the measures
1. Sector: All Sectors		<p>1. Most-Favored-Nation Treatment may not be accorded to investors of Thailand and their investments with respect to subsidies.</p> <p>2. With respect to acquisition or lease of land properties in Japan, prohibitions or restrictions may be imposed by Cabinet Order on Thai nationals or legal persons, where Japanese nationals or legal persons are placed under identical or similar prohibitions or restrictions in Thailand</p>
2. Sector: Agriculture, Forestry and Fisheries (Plant Breeder's Right)	<p>JSIC 0119 Miscellaneous crop farming</p> <p>JSIC 0243 Tree seed gathering and forest nursery services</p> <p>JSIC 0413 Seaweed aquaculture</p> <p>JSIC 0415 Seed aquaculture</p>	<p>Japan may maintain the following Existing Measures.</p> <p><u>Existing Measures</u></p> <p>Seeds and Seedlings Law (Law No. 83 of 1998), Article 10</p> <p><u>Description of the Existing Measures</u></p> <p>A foreigner who has neither a domicile nor residence (nor establishment, in the case of a legal person) in Japan cannot enjoy a plant breeder's right except in the following cases:</p> <ul style="list-style-type: none"> (a) where the State of which the person is a national or the State in which the person has a domicile or residence (or its establishment, in the case of a legal person) is a contracting party to the 1991 UPOV Convention; (b) where the State of which the person is a national or the State in which the person has a domicile or residence (or its establishment, in the case of a legal person) is a contracting party to the 1978 UPOV Convention; or (c) where the State of which the person is a national provides Japanese nationals with the protection of varieties under the same condition as its own nationals (including a State which provides such protection for Japanese nationals under the condition that Japan allows enjoyment of the plant breeder's right for the nationals of that State) and further provides the protection for plant genus and species to which the person's applied variety belongs.
3. Sector: Fisheries	<p>JSIC 031 Marine fisheries</p> <p>JSIC 032 Inland water fisheries</p>	<p>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.</p>

<p>Subsector: Fisheries within the Territorial Sea, Internal Waters, Exclusive Economic Zone and Continental Shelf</p> <p>Note: For the purposes of this Part, the term "fisheries" means the work of taking and cultivation of aquatic resources including the following fisheries related activities;</p> <ul style="list-style-type: none"> (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 	<p>JSIC 041 Marine aquaculture</p> <p>JSIC 042 Inland water aquaculture</p> <p>JSIC 8493 Recreational fishing guide business</p>	
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<p>4. Sector: Public Law Enforcement and Correctional Services and Social Services</p>		<p>Japan reserves the right to adopt or maintain any measure relating to investment in public law enforcement and correctional services, and investment 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.</p>
<p>5. Sector: Transport Subsector: Air Transport</p>	<p>JSIC 4611 Air transport</p>	<p>Japan may maintain the following Existing Measures.</p> <p><u>Existing Measures</u></p> <p>Civil Aeronautics Law (Law No. 231 of 1952), Chapters 7 and 8</p> <p><u>Description of the Existing Measures</u></p> <p>1. Foreign air carriers are required to obtain permissions of the Minister of Land, Infrastructure and Transportation to conduct international air transport businesses.</p> <p>2. Permission of the Minister of Land, Infrastructure and Transport is required for the use of foreign aircraft for air transportation of passengers or cargoes to and from Japan for remuneration.</p> <p>3. A foreign aircraft may not be used for a flight and for transporting passengers or cargoes for remuneration, between points within Japan.</p>
<p>6. Sector: Transport Subsector: Freight Forwarding Business (excluding freight forwarding business using air transportation)</p>	<p>JSIC 4441 Collect-and-deliver freight transport JSIC 4821 Deliver freight transport, except collect-and-deliver freight transport</p>	<p>Japan may maintain the following Existing Measures.</p> <p><u>Existing Measures</u></p> <p>Freight Forwarding Business Law (Law No. 82 of 1989), Chapters 2, 3 and 4</p> <p>Enforcement Regulation of Freight Forwarding Business Law (Ministerial Ordinance of Ministry of Transport No. 20 of 1990)</p> <p><u>Description of the Existing Measures</u></p> <p>The following natural persons or entities are required to register with, or to obtain permission or approval of, the Minister of Land, Infrastructure and Transport for conducting freight forwarding businesses using international shipping. Such registration shall be permitted, or such permission or approval shall be granted, on the basis of mutual reciprocity, to:</p> <p>(a) a natural person who does not have Japanese nationality;</p>

		<p>(b) a foreign state, or a foreign public entity or its equivalent;</p> <p>(c) a legal person or association constituted under the laws of any foreign state;</p> <p>(d) a legal person represented by natural persons or entities referred to in subparagraph (a), (b) or (c) above; a legal person of which more than one-third of the members of the board of directors are composed of the natural persons or entities referred to in subparagraph (a), (b) or (c) above; or a legal person of which more than one-third of voting shares are held by the natural persons or entities referred to in subparagraph (a), (b) or (c) above.</p>
<p>7. Sector: Transport</p> <p>Subsector: Freight Forwarding Business (only freight forwarding business using air transportation)</p>	<p>JSIC 4441 Collect-and-deliver freight transport</p> <p>JSIC 4821 Deliver freight transport, except collect-and-deliver freight transport</p>	<p>Japan may maintain the following Existing Measures.</p> <p><u>Existing Measures</u></p> <p>Freight Forwarding Business Law (Law No. 82 of 1989), Chapters 2, 3 and 4</p> <p>Enforcement Regulation of Freight Forwarding Business Law (Ministerial Ordinance of Ministry of Transport No. 20 of 1990)</p> <p><u>Description of the Existing Measures</u></p> <p>The following natural persons or entities are required to register with, or to obtain permission or approval of, the Minister of Land, Infrastructure and Transport for conducting freight forwarding businesses using international air transportation. Such registration shall be permitted, or such permission or approval shall be granted, on the basis of mutual reciprocity to:</p> <p>(a) a natural person who does not have Japanese nationality;</p> <p>(b) a foreign state, or a foreign public entity or its equivalent;</p> <p>(c) a legal person or association constituted under the laws of any foreign state;</p>

		<p>(d) a legal person represented by the natural persons or entities referred to in subparagraph (a), (b) or (c) above; a legal person of which more than one-third of the members of the board of directors are composed of natural persons or entities referred to in subparagraph (a), (b) or (c) above; or a legal person of which more than one-third of voting shares are held by natural persons or entities referred to in subparagraph (a), (b) or (c) above.</p>
<p>8. Sector: Transport Subsector: Water Transport</p>		<p>Japan may maintain the following Existing Measures.</p> <p><u>Existing Measures</u></p> <p>Ship Law (Law No. 46 of 1899), Article 3</p> <p><u>Description of the Existing Measures</u></p> <p>Unless otherwise specified in laws and regulations of Japan, or international agreements to which Japan is a party, ships not flying the Japanese flag are prohibited from entering Japanese ports which are not open to foreign commerce and from carrying cargoes or passengers between Japanese ports.</p>