(E) the airline has been given operating permission under an agreement between another Member State and Japan for air services, and Japan can demonstrate that it would be circumventing restrictions on routes and capacity under that agreement by operating agreed services under the agreement between that party and Japan on a route which includes a point in that other Member State; or

(F) the airline holds an air operator's certificate issued by a Member State and there is no agreement between that Member State and Japan for air services and that Member State has not consented to the operation of international air services by an airline of Japan between that Member State and Japan; and

(ii) in the case of an airline designated by Japan, substantial ownership and effective control of the airline are not vested in Japan or in nationals of Japan.

(b) In exercising its right under this paragraph, and without prejudice to its rights under subparagraphs (a)(i)(E) and (F) of this paragraph, Japan shall not discriminate between airlines designated by the party which is a Member State, of which majority ownership and effective control are vested in Member States or States listed in Annex III, or in nationals of such States, on the basis of their ownership and control.

ARTICLE 3

1. References in each of the agreements listed in Annex I to airlines of the Member State which is a party to that agreement shall be understood as referring to airlines designated by that Member State.

2. In addition to paragraph 1 of this Article, references in each of the provisions listed in Annex IV of the relevant agreement listed in Annex I to airlines of the Member State which is a party to that agreement shall be understood as referring also to airlines of that Member State which are not designated by that Member State.

ARTICLE 4

The Annexes to this Agreement shall form an integral part of this Agreement.

ARTICLE 5

1. Either Contracting Party may at any time request consultations with the other Contracting Party for the purpose of amending this Agreement. Such consultations shall begin within a period of sixty days from the date of receipt of such request.