5　Sector:　Mining

Sub-Sector:

Industry Classification:　JSIC 05　Mining and quarrying of stone and gravel

Obligations Concerned:　National Treatment (Article 2)

Measures:　Mining Law (Law No. 289 of 1950), Chapters 2 and 3

Description:　Only a Japanese national or a Japanese legal person may have mining rights or mining lease rights.

6　Sector:　Transport

Sub-Sector:　Air Transport

Industry Classification:　JSIC 4600　Head offices primarily engaged in managerial operations

JSIC 4611　Air transport

Obligations Concerned:　National Treatment (Article 2)

Most-Favoured-Nation Treatment (Article 3)

Prohibition of Performance Requirements (Article 6)

Measures:　Civil Aeronautics Law (Law No. 231 of 1952), Chapters 7 and 8

Description:　1. Permission of the Minister of Land, Infrastructure, Transport and Tourism for conducting air transport business as a Japanese air carrier is not granted to the following natural persons or entities applying for the permission:

(a) a natural person who does not have Japanese nationality;

(b) a foreign country, or a foreign public entity or its equivalent;

(c) a legal person or other entity constituted under the laws and regulations of any foreign country; and

(d) a legal person represented by the natural persons or entities referred to in subparagraph (a), (b) or (c); a legal person of which one-third or more of the directors are composed of the natural persons or entities referred to in subparagraph (a), (b) or (c); or a legal person of which one-third or more of the voting rights are held by the natural persons or entities referred to in subparagraph (a), (b) or (c).

In the event that an air carrier becomes a natural person or an entity referred to in subparagraphs (a) through (d), the permission will lose its effect. The conditions for the permission also apply to companies, such as holding companies, which have substantial control over the air carriers.