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| 13 | Sector: | Transport | |
| | Sub-Sector: | Air Transport | |
| | Industry Classification: | JSIC 4600 | Head offices primarily engaged in managerial operations |
| | | JSIC 4611 | Air transport |
| | Type of Reservation: | National Treatment (Article 10.3) | |
| | | Most-Favored-Nation Treatment (Article 10.4) | |
| | | Prohibition of Performance Requirements (Article 10.7) | |
| | 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 | |
| | | Civil Aeronautics Law (Law No. 231 of 1952), Chapters 7 and 8 | |
| | Description: | 1. The prior notification requirement under the Foreign Exchange and Foreign Trade Law applies to foreign investors who intend to make investments in air transport businesses in Japan. | |
| | | 2. Permission of the Minister of Land, Infrastructure, Transport and Tourism for conducting air transport businesses 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 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 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); or a legal person of which more than one-third of the voting rights are held by the natural persons or entities referred to in subparagraph (a), (b) or (c). | |
| | | In the event an air carrier falls into 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. | |