8. With reference to Article 22 of the Agreement:

It is understood that the provisions of that Article shall not be construed as obligating Japan to allow any amount of German tax to be credited against the enterprise tax of Japan nor obligating the Federal Republic of Germany to allow any amount of Japanese tax to be credited against the trade tax of the Federal Republic of Germany.

9. With reference to Article 23 of the Agreement:

It is understood that the provisions of that Article shall not be construed as obligating a Contracting State to permit cross-border consolidation of income or similar benefits between an enterprise of that Contracting State and an enterprise of the other Contracting State.

10. With reference to paragraph 5 of Article 24 of the Agreement:

(a) The competent authorities shall by mutual agreement establish a standard procedure in order to seek to ensure that an arbitration decision will be implemented within two years from a request for arbitration as referred to in paragraph 5 of Article 24 of the Agreement and shall use their best endeavours to follow the procedure.

(b) An arbitration panel shall be established in accordance with the following rules:

(i) An arbitration panel shall consist of three arbitrators with expertise or experience in international tax matters.

(ii) Each competent authority shall appoint one arbitrator. The two arbitrators appointed by the competent authorities shall appoint the third arbitrator who serves as the chair of the arbitration panel in accordance with the procedures agreed by the competent authorities.

(iii) All arbitrators shall not be employees of the tax authorities of the Contracting States, nor have dealt with the case presented pursuant to paragraph 1 of Article 24 of the Agreement in any capacity. The third arbitrator shall not be a national of either Contracting State, nor have had his usual place of residence in either Contracting State, nor have been employed by either Contracting State.

(iv) The competent authorities shall ensure that all arbitrators and their staff agree, in statements sent to each competent authority, prior to their acting in an arbitration proceeding, to abide by and be subject to the same confidentiality and non-disclosure obligations as those described in paragraph 2 of Article 25 of the Agreement and under the applicable domestic laws of the Contracting States.

(v) Each competent authority shall bear the costs of its appointed arbitrator and its own expenses. The costs of the chair of an arbitration panel and other expenses associated with the conduct of the proceedings shall be borne by the competent authorities in equal shares.

(c) The competent authorities shall provide the information necessary for the arbitration decision to all arbitrators and their staff without undue delay.

(d) An arbitration decision shall be treated as follows:

(i) An arbitration decision has no formal precedential value.