ANNEX III

SCHEDULE OF RESERVATIONS AND NON-CONFORMING MEASURES FOR SERVICES AND INVESTMENT

JAPAN

LIST A

EXPLANATORY NOTES

1. This List A sets out, in accordance with paragraph 1 of Article 8.8 (Schedules of Non-Conforming Measures) and paragraph 1 of Article 10.8 (Reservations and Non-Conforming Measures), the entries made by Japan with respect to existing measures that do not conform with obligations imposed by:

   (a) Article 8.4 (National Treatment) or Article 10.3 (National Treatment);

   (b) Article 8.5 (Market Access);

   (c) Article 8.6 (Most-Favoured-Nation Treatment) or Article 10.4 (Most-Favoured-Nation Treatment);

   (d) Article 8.11 (Local Presence);

   (e) Article 10.6 (Prohibition of Performance Requirements); or

   (f) Article 10.7 (Senior Management and Board of Directors). [1, 2]

2. Each entry sets out the following elements:

   (a) **Sector** refers to the general sector for which the entry is made;

   (b) **Subsector** refers to the specific sector for which the entry is made;

   (c) **Industry Classification** refers, where applicable, and only for transparency purposes, to the activity covered by the entry according to domestic or international industry classification codes;

   (d) **Level of Government** indicates the level of government maintaining the measure for which the entry is made;

   (e) **Type of Obligation** specifies the obligations referred to in paragraph 1 for which the entry is made;

   (f) **Description** sets out, with respect to the obligations referred to in paragraph 1, the non-conforming aspects of the existing measures for which the entry is made; and

   (g) **Measures** identifies the existing laws, regulations, or other measures for which the entry is made. A measure cited in the Measures element:

      (i) means the measure as amended, continued, or renewed as of the date of entry into force of this Agreement; and

      (ii) includes any subordinate measure adopted or maintained under the authority of and consistent with the measure.

3. In the interpretation of an entry, all elements of the entry shall be considered. An entry shall be interpreted in the light of the relevant provisions of the Chapters against which the entry is made. The Measures element shall prevail over all the other elements.

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[1] For the purposes of this List A, "Senior Management and Board of Directors" (Article 10.7) specified in the "Type of Obligation" includes the obligation in relation to any measure affecting the supply of a service, which is imposed in accordance with paragraph 3 of Article 10.2 (Scope).

[2] For transparency purposes, entries in this List A may include measures taken by Japan in accordance with Article 10.15 (Security Exceptions), Article 17.12 (General Exceptions), or Article 17.13 (Security Exceptions).