(b) A minimum of 90 percent from the second year of operation.

5. Whenever circumstances warrant, the Aeronautical Authority can set a percentage different from those referred to in the previous paragraph, for a single period never exceeding one year.

Annex II
Non-Conforming Measures referred to in paragraph 2 of Article 7

1. The Schedule of a Contracting Party sets out, pursuant to paragraph 2 of Article 7, the specific sectors, sub-sectors or activities for which that Contracting Party may maintain existing, or adopt new or more restrictive, measures that do not conform with obligations imposed by:

(a) Article 2 (National Treatment);

(b) Article 3 (Most-Favoured-Nation Treatment); or

(c) Article 6 (Prohibition of Performance Requirements).

Note: For greater certainty, entries in the Schedule of Japan may include measures taken by Japan in accordance with Article 16.

2. Each Schedule entry sets out the following elements:

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

(b) "Sub-Sector", where referenced, refers to the specific sub-sector for which the entry is made;

(c) "Industry Classification", where referenced, and only for transparency purposes, refers to the activity covered by the non-conforming measure, according to domestic or international industry classification codes;

(d) "Obligations Concerned" specifies the obligations referred to in paragraph 1 that, pursuant to paragraph 2 of Article 7, do not apply to the sectors, sub-sectors or activities listed in the entry;

(e) "Description" sets out the scope or nature of the sectors, sub-sectors or activities covered by the entry; and

(f) "Existing Measures", where specified, identifies, for transparency purposes, a non-exhaustive list of existing measures that apply to the sectors, sub-sectors or activities covered by the entry.

3. In the interpretation of an entry, all elements of the entry shall be considered. The "Description" element shall prevail over all other elements.