

RESTRICTED

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COMMUNICATION FROM JAPAN

Conditional offer of Japan concerning Initial Commitments

The following communication is circulated at the request of the delegation of Japan to the members of the Group of Negotiations on Services.

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1. Japan submits its voluntary offer under the General Agreement on Trade in Services as indicated in the attached list. Japan reserves its right to modify, extend or reduce this offer at any time prior to closure of the Initial Commitments negotiations depending on the final text of the service agreement and its annexes. Japan further reserves the right to make technical changes to its offer.

2. (1) Any foreigner or any foreign juridical person belonging to a country which imposes prohibitions, conditions or restrictions on the enjoyment by Japanese subjects or Japanese juridical persons of rights pertaining to land, may be placed by Cabinet Ordinance, regarding the enjoyment of rights pertaining to land in Japan, under such prohibitions, conditions or restrictions as are identical with, or analogous to the said prohibitions conditions or restrictions respectively.

(2) The acquisition by foreigners or foreign juridical persons of rights pertaining to land may, by Cabinet Ordinance, be prohibited or made subject to conditions or restrictions, in districts necessarily devoted to purposes of national defence (Alien Land Law).

3. The descriptions in the columns of market access and national treatment are made with respect to restrictions on foreign service provisions not in conformity with the General Agreement and its Sectoral Annexes or with respect to quantitative restrictions. Certain existing non-discriminatory requirements, such as those related to prudential or professional competency considerations have not been listed as limitations, conditions, or qualifications to market access or national treatment.

The terms used in the lists are defined as follows:

(1) No restrictions:	No restrictions are currently applied and are intended to be introduced in the future.
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(2) Standstill:

Certain restrictions are currently applied but are not intended to be strengthened in the future in such a manner as to enlarge the inconsistency with the requirements set forth in the General Agreement and its Sectoral Annexes.

(3) Rollback and  
standstill:

Certain restrictions have been relaxed since September 1986 or will be relaxed from now on, and no new restrictions are intended to be introduced in the future.

(4) Not applicable:

The mode of delivery of the designated service is not practical.

5. "Unbound" in the column of movement of personnel means unbound on the restrictions under the Immigration-Control and Refugee-Recognition Act, but there are "No Restrictions" under the other relevant laws and regulations unless cited otherwise in the notes under the columns.

	Mode of delivery	Limitations and conditions on market access	Conditions and qualifications on national treatment
Advertising	Cross-border delivery	No restrictions	No restrictions
	Movement of consumer	No restrictions	No restrictions
	Commercial presence	No restrictions	No restrictions
	Movement of personnel	Unbound	Unbound

	Mode of delivery	Limitations and conditions on market access	Conditions and qualifications on national treatment
Agricultural, Forestry and Fishery Services	Cross-border delivery	Not applicable	Not applicable
	Movement of consumer	No restrictions	No restrictions
	Commercial presence	Stand still	Stand still
	Movement of personnel	Unbound	Unbound

	Mode of delivery	Limitations and conditions on market access	Conditions and qualifications on national treatment
Architectural Services	Cross-border delivery	No restrictions	No restrictions
	Movement of consumer	No restrictions	No restrictions
	Commercial presence	No restrictions	No restrictions
	Movement of personnel	Unbound	Unbound

	Mode of delivery	Limitations and conditions on market access	Conditions and qualifications on national treatment
Certified Public Accountant Services	Cross-border delivery	No restrictions *	
	Movement of consumer	No restrictions	
	Commercial presence	No restrictions *	
	Movement of personnel	Unbound *	

\* Note: In order to operate as a Certified Public Accountant in Japan, it is necessary, regardless whether the operation is through a commercial establishment located in Japan or not, to obtain Japanese qualification for Certified Public Accountant, requirements for which involve no discrimination between Japanese and non-Japanese.

	Mode of delivery	Limitations and conditions on market access	Conditions and qualifications on national treatment
Certified Tax Accountants Services	Cross-border delivery	No restrictions	*
	Movement of consumer	No restrictions	
	Commercial presence	No restrictions	*
	Movement of personnel	Unbound	*

\* Note: In order to operate as a Certified Tax Accountant in Japan, it is necessary to obtain Japanese qualification for Certified Tax Accountant, requirements for which involve no discrimination between Japanese and non-Japanese.

	Mode of delivery	Limitations and conditions on market access	Conditions and qualifications on national treatment
Civil Engineering Consulting Services	Cross-border delivery	No restrictions	No restrictions
	Movement of consumer	No restrictions	No restrictions
	Commercial presence	No restrictions	No restrictions
	Movement of personnel	Unbound	Unbound

	Mode of delivery	Limitations and conditions on market access	Conditions and qualifications on national treatment
Cleaning of Buildings and Similar Activities	Cross-border delivery	Not applicable	Not applicable
	Movement of consumer	No restrictions	No restrictions
	Commercial presence	No restrictions	No restrictions
	Movement of personnel	Unbound	Unbound

	Mode of delivery	Limitations and conditions on market access	Conditions and qualifications on national treatment
Construction Services	Cross-border delivery	No restrictions	No restrictions
	Movement of consumer	No restrictions	No restrictions
	Commercial presence	No restrictions	No restrictions
	Movement of personnel	Unbound	Unbound

	Mode of delivery	Limitations and conditions on market access	Conditions and qualifications on national treatment
Customs Agents	Cross-border delivery	Not applicable	Not applicable
	Movement of consumer	No restrictions	No restrictions
	Commercial presence	No restrictions	No restrictions
	Movement of personnel	Unbound	Unbound

	Mode of delivery	Limitations and conditions on market access	Conditions and qualifications on national treatment
Distribution	Cross-border delivery	No restrictions	No restrictions
	Movement of consumer	No restrictions	No restrictions
	Commercial presence	Stand still	No restrictions
	Movement of personnel	Unbound	Unbound

	Mode of delivery	Limitations and conditions on market access	Conditions and qualifications on national treatment
Education Services	Cross-border delivery	No restrictions	No restrictions
	Movement of consumer	No restrictions	No restrictions
	Commercial presence	No restrictions	No restrictions
	Movement of personnel	Unbound	Unbound

	Mode of delivery	Limitations and conditions on market access	Conditions and qualifications on national treatment
Engineering (except Civil Engineering Consulting Services)	Cross-border delivery	No restrictions	No restrictions
	Movement of consumer	No restrictions	No restrictions
	Commercial presence	No restrictions	No restrictions
	Movement of personnel	Unbound	Unbound



	Mode of delivery	Limitations and conditions on market access	Conditions and qualifications on national treatment
Hotels and Restaurants	Cross-border delivery	Not applicable	Not applicable
	Movement of consumer	No restrictions	No restrictions
	Commercial presence	No restrictions	No restrictions
	Movement of personnel	Unbound	Unbound

	Mode of delivery	Limitations and conditions on market access	Conditions and qualifications on national treatment
Human Health Services (including Nursing Services)	Cross-border delivery	Not applicable	Not applicable
	Movement of consumer	No restrictions	No restrictions
	Commercial presence	No restrictions	No restrictions
	Movement of personnel	Unbound	Unbound

	Mode of delivery	Limitations and conditions on market access	Conditions and qualifications on national treatment
Information Services (except Software Services)	Cross-border delivery	No restrictions	No restrictions
	Movement of consumer	No restrictions	No restrictions
	Comm. presence	No restrictions	No restrictions
	Movement of personnel	Unbound	Unbound

	Mode of delivery	Limitations and conditions on market access	Conditions and qualifications on national treatment
Leasing (non-transport)	Cross-border delivery	No restrictions	No restrictions
	Movement of consumer	No restrictions	No restrictions
	Commercial presence	No restrictions	No restrictions
	Movement of personnel	Unbound	Unbound

	Mode of delivery	Limitations and conditions on market access	Conditions and qualifications on national treatment
Legal Services	Cross-border delivery	No restrictions	Stand still
	Movement of consumer	No restrictions	Stand still
	Commercial presence	Stand still	Stand still
	Movement of personnel	Unbound	Unbound*

\* Note: Stand still on the restrictions under the Special Measures Law concerning the Handling of Legal Business by Foreign Lawyers.

	Mode of delivery	Limitations and conditions on market access	Conditions and qualifications on national treatment
Library and Archives Services	Cross-border delivery	No restrictions	No restrictions
	Movement of consumer	No restrictions	No restrictions
	Commercial presence	No restrictions	No restrictions
	Movement of personnel	Unbound	Unbound

	Mode of delivery	Limitations and conditions on market access	Conditions and qualifications on national treatment
Movie Industry	Cross-border delivery	No restrictions	No restrictions
	Movement of consumer	No restrictions	No restrictions
	Commercial presence	No restrictions	No restrictions
	Movement of personnel	Unbound	Unbound

	Mode of delivery	Limitations and conditions on market access	Conditions and qualifications on national treatment
Movie Theater	Cross-border delivery	Not applicable	Not applicable
	Movement of consumer	No restrictions	No restrictions
	Commercial presence	No restrictions	No restrictions
	Movement of personnel	Unbound	Unbound

	Mode of delivery	Limitations and conditions on market access	Conditions and qualifications on national treatment
Personnel Care Services (including day-care) (except Nursing Services)	Cross-border delivery	Not applicable	Not applicable
	Movement of consumer	No restrictions	No restrictions
	Commercial presence	No restrictions	No restrictions
	Movement of personnel	Unbound	Unbound

	Mode of delivery	Limitations and conditions on market access	Conditions and qualifications on national treatment
Photographic Services	Cross-border delivery	No restrictions	No restrictions
	Movement of consumer	No restrictions	No restrictions
	Commercial presence	No restrictions	No restrictions
	Movement of personnel	Unbound	Unbound

	Mode of delivery	Limitations and conditions on market access	Conditions and qualifications on national treatment
Publishing	Cross-border delivery	No restrictions	No restrictions
	Movement of consumer	No restrictions	No restrictions
	Commercial presence	No restrictions	No restrictions
	Movement of personnel	Unbound	Unbound

	Mode of delivery	Limitations and conditions on market access	Conditions and qualifications on national treatment
R and D, Laboratories Testing and Certification	Cross-border delivery	No restrictions	No restrictions
	Movement of consumer	No restrictions	No restrictions
	Commercial presence	Stand still	Stand still
	Movement of personnel	Unbound	Unbound

	Mode of delivery	Limitations and conditions on market access	Conditions and qualifications on national treatment
Recreational and Cultural Services	Cross-border delivery	No restrictions	No restrictions
	Movement of consumer	No restrictions	No restrictions
	Commercial presence	No restrictions	No restrictions
	Movement of personnel	Unbound	Unbound

	Mode of delivery	Limitations and conditions on market access	Conditions and qualifications on national treatment
Sales Credit	Cross-border delivery	No restrictions	No restrictions
	Movement of consumer	No restrictions	No restrictions
	Commercial presence	No restrictions	No restrictions
	Movement of personnel	Unbound	Unbound

	Mode of delivery	Limitations and conditions on market access	Conditions and qualifications on national treatment
Software Services	Cross-border delivery	No restrictions	No restrictions
	Movement of consumer	No restrictions	No restrictions
	Commercial presence	No restrictions	No restrictions
	Movement of personnel	Unbound	Unbound

	Mode of delivery	Limitations and conditions on market access	Conditions and qualifications on national treatment
Surveying (Land)	Cross-border delivery	No restrictions	No restrictions
	Movement of consumer	No restrictions	No restrictions
	Commercial presence	No restrictions	No restrictions
	Movement of personnel	Unbound	Unbound



	Mode of delivery	Limitations and conditions on market access	Conditions and qualifications on national treatment
Type II Telecommunications Business	Cross-border delivery	Stand still	Stand still
	Movement of consumer	Not applicable	Not applicable
	Commercial presence	Stand still	Stand still
	Movement of personnel	Unbound	Unbound

Note:

(1) "Type II Telecommunications Business" is any other telecommunications business than Type I telecommunications business:

"Type I telecommunications business" shall be that business which provides telecommunications service by establishing telecommunications circuit facilities, which mean transmission line facilities connecting transmitting points with receiving points, switching facilities installed as inseparable units therefrom, and other facilities accessory to such facilities.

"Telecommunications business" means business to provide a telecommunications service in order to meet the demand of others (excluding business related to wire radio broadcasting, wire broadcast telephone service, wire television broadcasting service, and the acceptance of applications for the use of the cable television broadcasting facility).

(2) Market access is allowed subject to the conditions on access to and the use of the services provided by Type I telecommunications business.

	Mode of delivery	Limitations and conditions on market access	Conditions and qualifications on national treatment
Translation Services	Cross-border delivery	No restrictions	No restrictions
	Movement of consumer	No restrictions	No restrictions
	Commercial presence	No restrictions	No restrictions
	Movement of personnel	Unbound	Unbound

	Mode of delivery	Limitations and conditions on market access	Conditions and qualifications on national treatment
Travel Agents and Tour Operators	Cross-border delivery	No restrictions	No restrictions
	Movement of consumer	No restrictions	No restrictions
	Commercial presence	No restrictions	No restrictions
	Movement of personnel	Unbound	Unbound

	Mode of delivery	Limitations and conditions on market access	Conditions and qualifications on national treatment
Veterinary Services	Cross-border delivery	Not applicable	Not applicable
	Movement of consumer	No restrictions	No restrictions
	Commercial presence	No restrictions	No restrictions
	Movement of personnel	Unbound	Unbound

	Mode of delivery	Limitations and conditions on market access	Conditions and qualifications on national treatment
Waste Disposal and Processing	Cross-border delivery	No restrictions	No restrictions
	Movement of consumer	No restrictions	No restrictions
	Commercial presence	No restrictions	No restrictions
	Movement of personnel	Unbound	Unbound