

Annex 7 referred to in Chapter 8
Lists of Most-Favoured-Nation Treatment Exemptions in relation to Article 101

Part 1
List of Japan

Sector or sub-sector	Description of measure indicating its inconsistency with Article 101	Intended duration	Conditions creating the need for the exemption ¹
Maritime freight forwarding services	An operation permit or governmental registration for maritime freight forwarding services (including services related to multimodal transport services ²) is granted only to those firms of the countries in which Japanese firms are eligible for such permit or qualified for such registration.	Termination of this measure shall be considered depending upon the outcome of future negotiations for trade liberalisation.	Need to ensure that Japanese persons have satisfactory access to the supply of maritime freight forwarding services (including services related to multimodal transport services) in Malaysia.
International shipping services (including passenger transportation and freight transportation services)	Restriction or prohibition of a) entry in Japanese ports and b) loading or unloading of cargoes in Japanese ports for a designated period may be imposed as a countermeasure on operators of vessels who belong to the country in which interests of Japanese operators continue to be substantially damaged, in spite of prior notification of taking such measure, under unfavourable treatment imposed on them by that country or by local authorities or similar entities of that country.	Termination of this measure shall be considered depending upon the outcome of future negotiations for trade liberalisation.	Need to ensure favourable treatment for Japanese vessels operators in Malaysia.
Energy Services	With respect to the supply of services in the Electricity Utility Industry, Gas Utility Industry and Nuclear Energy Industry, excluding services supplied under subparagraph(v)(iii) of Article 95, preferential treatment may be accorded to the service suppliers of a third State.	Indefinite	Need to secure an efficient and stable supply of energy.

- 1 Description in this column shall be construed as information provided for reference purposes that does not form a part of commitments.
- 2 "Multimodal transport services" means freight transport services combining international maritime transport and road/railroad transport, provided on 'door to door' basis by a multimodal transport operator (as defined in Note to the Specific Commitments in the Sectors of Maritime Transport Services and Maritime Auxiliary Transport Services in the Schedule of Specific Commitments of Japan).

<p>Fisheries related services</p>	<p>With respect to the supply of services in fisheries in the territorial sea, internal waters, exclusive economic zone and continental shelf of Japan, including the following fisheries related services, preferential treatment may be accorded to the service suppliers of a third State:</p> <ul style="list-style-type: none"> (a) investigation of aquatic resources without taking such resources; (b) luring of aquatic resources; (c) preservation and processing of fish catches; (d) transportation of fish catches and fish products; and (e) provision of supplies to other vessels used for fisheries. 	<p>Indefinite</p>	<p>Need to ensure conservation and management of fishery resources.</p>
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Part 2
List of Malaysia

Sector or sub-sector	Description of measure indicating its inconsistency with Article 101	Intended duration	Conditions creating the need for the exemption ¹
<p>All Sectors except:</p> <p>Rental and leasing services without operators, relating to construction machinery and equipment (CPC 83107**)</p> <p style="padding-left: 40px;">only for rental and leasing of construction machinery and equipment manufactured in Malaysia covering jacks, cranes and other lifting, handling, loading or unloading machinery and moving, grading, leveling, scraping, excavating machinery</p> <p>Rental and leasing services, without operators, relating to office machinery and equipment (CPC 83108**)</p>	<p>All measures affecting trade in services in all modes of supply</p>	<p>Indefinite</p>	<p>The measure is required to take into account the different trade and development circumstances among different countries.</p>

1 Description in this column shall be construed as information provided for reference purposes that does not form a part of commitments.

<p>only for rental and leasing of office machinery and equipment manufactured in Malaysia covering copying machines, facsimile and telephone sets</p> <p>Maintenance and repair of equipment on a fee or contract basis (CPC 88620**) <ul style="list-style-type: none"> only for equipment and machinery manufactured in Malaysia covering: <ul style="list-style-type: none"> Boilers, Turbines, Furnaces and Ovens; Engines and Motors; Pumps, Fans; Compressors, Freezing equipment, Heat pumps; Jacks, Cranes and Other lifting, handling, loading or unloading machinery; Moving, grading, levelling, scraping, excavating machinery; </p>			
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<p>Machine for production of specific item, Lathes and Machine-tools;</p> <p>Switching or protecting electrical circuits, Electric control panels;</p> <p>Instrument and apparatus for physical or chemical analysis, measuring or checking (for example, Chromatographs, Instrument for checking the flow or pressure, Oscilloscopes)</p> <p>Maintenance and repair of office equipment on a fee or contract basis (CPC 84500**)</p> <p>only for equipment and machinery manufactured in Malaysia covering copying machines, facsimile and telephone sets</p>			
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