

Annex 4 referred to in Chapter 7
Reservation for Existing and Future Measures

1. The Schedule of a Country sets out the reservations taken by that Country pursuant to paragraphs 1 and 2 of Article 80. The reservations with an asterisk ("*") are related to existing measures that do not conform with obligations imposed by Article 75, Article 76, or paragraph 1 of Article 79. The reservations without an asterisk ("") are related to specific sectors, sub-sectors or activities for which the Country may maintain existing, or adopt new or more restrictive, measures that do not conform with obligations imposed by Article 75, Article 76, or paragraph 1 of Article 79; however, any amendment or modification of an existing measure or adoption of a new measure for sectors, sub-sectors or activities without an asterisk ("*"), shall not be more restrictive to existing investors and existing investments as defined in paragraph 4 of Article 80 than the measures applied to such investors and investments immediately before such amendment or modification or adoption, unless such sectors, sub-sectors or activities are indicated with the symbol "+".

2. Each reservation sets out the following elements, where applicable:

- (a) "Sector" refers to the general sector in which a reservation is taken;
- (b) "Sub-Sector" refers to the specific sector in which a reservation is taken;
- (c) "Industry Classification" refers, where applicable, to the activity covered by the reservation according to domestic or international industry classification codes;
- (d) "Type of Reservation" specifies the obligation referred to in paragraph 1 for which a reservation is taken;
- (e) "Level of Government" indicates the level of government maintaining the measure for which a reservation is taken;
- (f) "Existing Measures" identifies the existing laws, regulations or other measures, for which the reservation is taken;

- (g) "Measures Identified for Transparency Purposes" identifies, to the extent possible, only for transparency and illustrative purposes, existing measures that apply to the sector, sub-sector or activities covered by the reservation;
- (h) "Description of Existing Measures" sets out, with regard to the obligation referred to in paragraph 1, the non-conforming aspects of the existing measures for which the reservation is taken; and
- (i) "Description of Reservation" sets out the scope of the sector, sub-sector or activities covered by the reservation.

3. In the interpretation of a reservation, all elements of the reservation shall be considered. A reservation shall be interpreted in the light of the relevant provisions of Chapter 7 against which the reservation is taken, and:

- (a) with respect to a reservation with an asterisk ("*"), the "Existing Measures" element shall prevail over all other elements; and
- (b) with respect to a reservation without an asterisk ("*"), the "Description of Reservation" element shall prevail over all other elements.

4. For the purposes of this Annex:

- (a) the term "JSIC" means Japan Standard Industrial Classification as set out in the Statistics Bureau, Ministry of Internal Affairs and Communications, revised on March 7, 2002; and
- (b) the term "ISIC" means the International Standard Industrial Classification of All Economic Activities adopted, at its seventh session on 27 August 1948 and revised on 22 May 1989, by the Economic and Social Council of the United Nations. The industry classification number is for illustrative purposes.

Schedule of Japan

1	Sector:	Agriculture, Forestry and Fisheries (Plant Breeder's Right)*	
	Sub-Sector:		
	Industry Classification:	JSIC 0119	Miscellaneous crop farming
		JSIC 0243	Tree seed gathering and forest nursery services
		JSIC 0413	Seaweed aquaculture
		JSIC 0415	Seed aquaculture
	Type of Reservation:	National Treatment (Article 75)	
		Most-Favoured-Nation Treatment (Article 76)	
	Level of Government:	Central Government	
	Existing Measures:	Seeds and Seedlings Law (Law No. 83 of 1998), Article 10	
	Description of Existing Measures:	<p>A foreigner who has neither a domicile nor residence (nor establishment, in the case of a legal person) in Japan cannot enjoy a plant breeder's right or related rights except in any of the following cases:</p> <p>(a) where the State of which the person is a national or the State in which the person has a domicile or residence (or its establishment, in the case of a legal person) is a contracting party to the International Convention for the Protection of New Varieties of Plants of December 2, 1961, as Revised at Geneva on November 10, 1972, on October 23, 1978, and on March 19, 1991;</p>	

- (b) where the State of which the person is a national or the State in which the person has a domicile or residence (or its establishment, in the case of a legal person) is a contracting party to the International Convention for the Protection of New Varieties of Plants of December 2, 1961, as Revised at Geneva on November 10, 1972 and on October 23, 1978 (hereinafter referred to in this Annex as "the 1978 UPOV Convention"), or a State in relation with which Japan shall apply the 1978 UPOV Convention in accordance with paragraph (2) of Article 34 of the 1978 UPOV Convention, and further provides the protection for plant genus and species to which the person's applied variety belongs; or
- (c) where the State of which the person is a national provides Japanese nationals with the protection of varieties under the same condition as its own nationals, (including a State which provides such protection for Japanese nationals under the condition that Japan allows enjoyment of the plant breeder's right or related rights for the nationals of that State,) and further provides the protection for plant genus and species to which the person's applied variety belongs.

2	Sector:	Finance	
	Sub-Sector:	Banking*	
	Industry Classification:	JSIC 612	Banks, except Central Bank
		JSIC 621	Financial institutions for small businesses
	Type of Reservation:	National Treatment (Article 75)	
	Level of Government:	Central Government	
	Existing Measures:	Deposit Insurance Law (Law No. 34 of 1971), Article 2	
	Description of Existing Measures:	The deposit insurance system only covers financial institutions which have their head offices within the jurisdiction of Japan.	

3	Sector:	Heat Supply*
	Sub-Sector:	
	Industry Classification:	JSIC 3511 Heat Supply
	Type of Reservation:	National Treatment (Article 75)
	Level of Government:	Central Government
	Existing Measures:	Foreign Exchange and Foreign Trade Law (Law No. 228 of 1949), Article 27 Cabinet Order of Foreign Direct Investment (Cabinet Order No. 261 of 1980), Article 3
	Description of Existing Measures:	The prior notification requirement under the Foreign Exchange and Foreign Trade Law applies to foreign investors who intend to make investment in the heat supply industry in Japan.

4 Sector: Information and Communications

Sub-Sector: Telecommunications*

Industry Classification: JSIC 3721 Regional telecommunications, except wired broadcast telephones

JSIC 3741 Services incidental to telecommunications

Type of Reservation: National Treatment (Article 75)

Level of Government: Central Government

Existing Measures: Law Concerning Nippon Telegraph and Telephone Corporation (Law No. 85 of 1984), Articles 6 and 10

Description of Existing Measures:

1. Nippon Telegraph and Telephone Corporation may not enter the name and address in its register of shareholders if the aggregate of the ratio of the voting rights directly and/or indirectly held by the persons set forth in subparagraphs (a) through (c) reaches or exceeds one third:
 - (a) a natural person who does not have Japanese nationality;
 - (b) a foreign government or its representative; and
 - (c) a foreign legal person or a foreign entity.
2. Any natural person who does not have Japanese nationality may not assume the office of director or auditor of Nippon Telegraph and Telephone Corporation, Nippon Telegraph and Telephone East Corporation and Nippon Telegraph and Telephone West Corporation.

5 Sector: Information and Communications

Sub-Sector: Telecommunications and Internet Based Services*

Industry Classification: JSIC 3721 Regional telecommunications, except wired broadcast telephones

JSIC 3722 Long-distance telecommunications

JSIC 3729 Miscellaneous fixed telecommunications

JSIC 3731 Mobile telecommunications

JSIC 4011 Internet based services

Note: The activities covered by the reservation under JSIC 3721, 3722, 3729, 3731 or 4011 are limited to the activities which are subject to the registration obligation under Article 9 of the Telecommunications Business Law (Law No. 86 of 1984).

Type of Reservation: National Treatment (Article 75)

Level of Government: Central Government

Existing Measures: Foreign Exchange and Foreign Trade Law (Law No. 228 of 1949), Article 27

Cabinet Order on Foreign Direct Investment (Cabinet Order No. 261 of 1980), Article 3

Description of Existing Measures: The prior notification requirement under the Foreign Exchange and Foreign Trade Law applies to foreign investors who intend to make investment in telecommunications business and internet based services in Japan.

6	Sector:	Manufacturing
	Sub-Sector:	Drugs and Medicines Manufacturing*
	Industry Classification:	JSIC 1763 Biological preparations
	Type of Reservation:	National Treatment (Article 75)
	Level of Government:	Central Government
	Existing Measures:	Foreign Exchange and Foreign Trade Law (Law No. 228 of 1949), Article 27 Cabinet Order on Foreign Direct Investment (Cabinet Order No. 261 of 1980), Article 3
	Description of Existing Measures:	The prior notification requirement under the Foreign Exchange and Foreign Trade Law applies to foreign investors who intend to make investment in biological preparations manufacturing industry in Japan. For greater certainty, "biological preparations manufacturing industry" deals with economic activities in establishment which mainly produces vaccine, serum, toxoid, antitoxin and some preparations similar to the aforementioned products, or blood products.

7	Sector:	Manufacturing
	Sub-Sector:	Leather and Leather Products Manufacturing*
	Industry Classification:	JSIC 1257 Fur apparel and apparel accessories JSIC 1259 Textile apparel and accessories, n.e.c. JSIC 1794 Gelatine and adhesives JSIC 202 Rubber and plastic footwear and its findings JSIC 21 Manufacture of leather tanning, leather products and fur skins JSIC 3234 Sporting and athletic goods
		Note 1: The activities covered by the reservation under JSIC 1259 or 3234 are limited to the activities related to leather and leather products manufacturing.
		Note 2: The activities covered by the reservation under JSIC 1794 are limited to the activities related to animal glue (nikawa) and gelatine manufacturing.
	Type of Reservation:	National Treatment (Article 75)
	Level of Government:	Central Government
	Existing Measures:	Foreign Exchange and Foreign Trade Law (Law No. 228 of 1949), Article 27 Cabinet Order on Foreign Direct Investment (Cabinet Order No. 261 of 1980), Article 3

Description
of Existing
Measures:

The prior notification requirement under the Foreign Exchange and Foreign Trade Law applies to foreign investors who intend to make investment in leather and leather products manufacturing industry in Japan.

8 Sector: Matters Related to the Nationality of a Ship*

Sub-Sector:

Industry Classification:

Type of Reservation: National Treatment (Article 75)

Level of Government: Central Government

Existing Measures: Ship Law (Law No. 46 of 1899), Article 1

Description of Existing Measures: The Japanese nationality shall be given to a ship whose owner is a Japanese national, or a company established under Japanese law, of which all representatives and not less than two-thirds of executives administering the affairs are Japanese nationals.

9	Sector:	Mining*
	Sub-Sector:	
	Industry Classification:	JSIC 05 Mining
	Type of Reservation:	National Treatment (Article 75)
	Level of Government:	Central Government
	Existing Measures:	Mining Law (Law No. 289 of 1950), Articles 17 and 87
	Description of Existing Measures:	Only a Japanese national or a Japanese legal person may have mining rights or mining lease rights.

10 Sector: Oil Industry*

Sub-Sector:

Industry Classification:	JSIC 053	Crude petroleum and natural gas production
	JSIC 181	Petroleum refining
	JSIC 182	Lubricating oils and greases (not made in petroleum refineries)
	JSIC 1841	Paving materials
	JSIC 1899	Miscellaneous petroleum and coal products
	JSIC 4711	Warehousing
	JSIC 4721	Refrigerated warehousing
	JSIC 5231	Petroleum (wholesale trade)
	JSIC 6031	Petrol stations (gasoline service stations)
	JSIC 6032	Fuel stores, except gasoline service stations
	JSIC 9099	Miscellaneous business services, n.e.c.

Note 1: The activities covered by the reservation under JSIC 1841, 1899, 4711, 4721 or 6032 are limited to the activities related to oil industry.

Note 2: The activities covered by the reservation under JSIC 9099 are limited to the activities related to liquefied petroleum gas industry.

Type of Reservation: National Treatment (Article 75)

Level of Government:	Central Government
Existing Measures:	Foreign Exchange and Foreign Trade Law (Law No. 228 of 1949), Article 27 Cabinet Order on Foreign Direct Investment (Cabinet Order No. 261 of 1980), Article 3
Description of Existing Measures:	The prior notification requirement under the Foreign Exchange and Foreign Trade Law applies to foreign investors who intend to make investment in oil industry in Japan. All organic chemicals such as ethylene, ethylene glycol and polycarbonates are outside the scope of the oil industry. Therefore, prior notification under the Foreign Exchange and Foreign Trade Law is not required for the investment in the manufacture of these products.

11 Sector: Agriculture, Forestry and Fisheries, and related services (except fisheries within the Territorial Sea, Internal Waters, Exclusive Economic Zone and Continental Shelf provided for in the reservation No. 29)*

Sub-Sector:

Industry Classification:	JSIC 01	Agriculture
	JSIC 02	Forestry
	JSIC 03	Fisheries
	JSIC 04	Aquaculture
	JSIC 6224	Agricultural cooperatives
	JSIC 6225	Fishery and fishery processing cooperatives
	JSIC 791	Agriculture, forestry and fisheries cooperative associations, n.e.c.

Type of Reservation: National Treatment (Article 75)

Level of Government: Central Government

Existing Measures: Foreign Exchange and Foreign Trade Law (Law No. 228 of 1949), Article 27

Cabinet Order on Foreign Direct Investment (Cabinet Order No. 261 of 1980), Article 3

Description
of Existing
Measures:

The prior notification requirement under the Foreign Exchange and Foreign Trade Law applies to foreign investors who intend to make investment in agriculture, forestry and fisheries, and related services (except fisheries within the Territorial Sea, Internal Waters, Exclusive Economic Zone and Continental Shelf provided for in the reservation No. 29) in Japan.

12	Sector:	Security Guard Services*
	Sub-Sector:	
	Industry Classification:	JSIC 9061 Guard services
	Type of Reservation:	National Treatment (Article 75)
	Level of Government:	Central Government
	Existing Measures:	Foreign Exchange and Foreign Trade Law (Law No. 228 of 1949), Article 27 Cabinet Order on Foreign Direct Investment (Cabinet Order No. 261 of 1980), Article 3
	Description of Existing Measures:	The prior notification requirement under the Foreign Exchange and Foreign Trade Law applies to foreign investors who intend to make investment in security guard services in Japan.

13	Sector:	Transport
	Sub-Sector:	Air Transport*
	Industry Classification:	JSIC 4611 Air transport
	Type of Reservation:	National Treatment (Article 75) Most-Favoured-Nation Treatment (Article 76)
	Level of Government:	Central Government
	Existing Measures:	Foreign Exchange and Foreign Trade Law (Law No. 228 of 1949), Article 27 Cabinet Order on Foreign Direct Investment (Cabinet Order No. 261 of 1980), Article 3 Civil Aeronautics Law (Law No. 231 of 1952), Chapters 7 and 8
	Description of Existing Measures:	<p>1. The prior notification requirement under the Foreign Exchange and Foreign Trade Law applies to foreign investors who intend to make investment in air transport business in Japan.</p> <p>2. A permission of the Minister of Land, Infrastructure and Transport for conducting air transport businesses as a Japanese air carrier is not granted to following natural persons or entities applying for the permission:</p> <p>(a) a natural person who does not have Japanese nationality;</p> <p>(b) a foreign State, or a foreign public entity or its equivalent;</p> <p>(c) a legal person or other entity constituted under the laws of any foreign State; and</p>

(d) a legal person represented by natural persons or entities referred to in subparagraph (a), (b) or (c); a legal person of which more than one-third of the members of the board of directors are composed of natural persons or entities referred to in subparagraph (a), (b) or (c); or a legal person of which more than one-third of voting rights are held by natural persons or entities referred to in subparagraph (a), (b) or (c).

In the event an air carrier becomes a natural person or an entity referred to in subparagraphs (a) through (d), the permission will lose its effect. The conditions for the permission also apply to companies, such as holding companies, which have substantial control over the air carriers.

3. Japanese air carriers and the companies having substantial control over the air carriers, such as holding companies, may reject the request from a natural person or entity set forth in subparagraphs 2(a) through (c), who owns equity investment in such air carriers or companies, to enter their names and addresses in the register of shareholders, in the event such air carriers and companies become natural persons or entities referred to in subparagraph 2(d) by accepting such request.

4. Foreign air carriers are required to obtain permissions of the Minister of Land, Infrastructure and Transportation to conduct international air transport businesses.

5. Permission of the Minister of Land, Infrastructure and Transport is required for the use of foreign aircraft for air transportation of passengers or cargoes to and from Japan for remuneration.

6. A foreign aircraft may not be used for a flight and for transporting passengers or cargoes for remuneration, between points within Japan.

14 Sector: Transport

Sub-Sector: Air Transport*

Industry Classification: JSIC 4621 Aircraft service, except air transport

Type of Reservation: National Treatment (Article 75)

Level of Government: Central Government

Existing Measures: Foreign Exchange and Foreign Trade Law (Law No. 228 of 1949), Article 27

Cabinet Order on Foreign Direct Investment (Cabinet Order No. 261 of 1980), Article 3

Civil Aeronautics Law (Law No. 231 of 1952), Chapters 7 and 8

Description of Existing Measures:

1. The prior notification requirement under the Foreign Exchange and Foreign Trade Law applies to foreign investors who intend to make investment in aerial work business in Japan.
2. A permission of the Minister of Land, Infrastructure and Transport for conducting aerial work business is not granted to following natural persons or entities applying for the permission:
 - (a) a natural person who does not have Japanese nationality;
 - (b) a foreign State, or a foreign public entity or its equivalent;
 - (c) a legal person or other entity constituted under the laws of any foreign State; and

- (d) a legal person represented by natural persons or entities referred to in subparagraph (a), (b) or (c); a legal person of which more than one-third of the members of the board of directors are composed of natural persons or entities referred to in subparagraph (a), (b) or (c); or a legal person of which more than one-third of voting rights are held by natural persons or entities referred to in subparagraph (a), (b) or (c).

In the event a person conducting aerial work businesses becomes a natural person or an entity referred to in subparagraphs (a) through (d), the permission will lose its effect. The conditions for the permission also apply to companies, such as holding companies, which have substantial control over the person conducting aerial work businesses.

3. A foreign aircraft may not be used for a flight between points within Japan.

15 Sector: Transport

Sub-Sector: Air Transport (Registration of Aircraft in the National Register)*

Industry Classification:

Type of Reservation: National Treatment (Article 75)

Level of Government: Central Government

Existing Measures: Civil Aeronautics Law (Law No. 231 of 1952), Chapter 2

Description of Existing Measures:

1. An aircraft owned by any of the following natural persons or entities may not be registered in the national register:
 - (a) a natural person who does not have Japanese nationality
 - (b) a foreign State, or a foreign public entity or its equivalent;
 - (c) a legal person or association constituted under the laws of any foreign State; and
 - (d) a legal person represented by natural persons or entities referred to in subparagraph (a), (b) or (c); a legal person of which more than one-third of the members of the board of directors are composed of natural persons or entities referred to in subparagraph (a), (b) or (c); or a legal person of which more than one-third of voting shares are held by natural persons or entities referred to in subparagraph (a), (b) or (c).
2. An aircraft which has the nationality of a country other than Japan may not be registered in the national register.

16	Sector:	Transport
	Sub-Sector:	Freight Forwarding Business (excluding freight forwarding business using air transportation)*
	Industry Classification:	JSIC 4441 Collect-and-deliver freight transport JSIC 4821 Deliver freight transport, except collect-and-deliver freight transport
	Type of Reservation:	National Treatment (Article 75) Most-Favoured-Nation Treatment (Article 76)
	Level of Government:	Central Government
	Existing Measures:	Foreign Forwarding Business Law (Law No. 82 of 1989), Chapters 2, 3 and 4 Enforcement Regulation of Freight Forwarding Business Law (Ministerial Ordinance of Ministry of Transport No. 20 of 1990)
	Description of Existing Measures:	The following natural persons or entities are required to register with, or to obtain permission or approval of, the Minister of Land, Infrastructure and Transport for conducting freight forwarding businesses using international shipping. Such registration shall be permitted, or such permission or approval shall be granted, on the basis of reciprocity to: (a) a natural person who does not have Japanese nationality; (b) a foreign State, or a foreign public entity or its equivalent; (c) a legal person or association constituted under the laws of any foreign State; and

- (d) a legal person represented by natural persons or entities referred to in subparagraph (a), (b) or (c); a legal person of which more than one-third of the members of the board of directors are composed of natural persons or entities referred to in subparagraph (a), (b) or (c); or a legal person of which more than one-third of voting shares are held by natural persons or entities referred to in subparagraph (a), (b) or (c).

17 Sector: Transport

Sub-Sector: Freight Forwarding Business (only freight forwarding business using air transportation)*

Industry Classification: JSIC 4441 Collect-and-deliver freight transport

JSIC 4821 Deliver freight transport, except collect-and-deliver freight transport

Type of Reservation: National Treatment (Article 75)

Most-Favoured-Nation Treatment (Article 76)

Level of Government: Central Government

Existing Measures: Foreign Forwarding Business Law (Law No. 82 of 1989), Chapters 2, 3 and 4

Enforcement Regulation of Freight Forwarding Business Law (Ministerial Ordinance of Ministry of Transport No. 20 of 1990)

Description of Existing Measures: 1. The following natural persons or entities may not conduct freight forwarding businesses using air transportation between any points in Japan:

(a) a natural person who does not have Japanese nationality;

(b) a foreign State, or a foreign public entity or its equivalent;

(c) a legal person or association constituted under the laws of any foreign State; and

(d) a legal person represented by natural persons or entities referred to in subparagraph (a), (b) or (c); a legal person of which more than one-third of the members of the board of directors are composed of natural persons or entities referred to in subparagraph (a), (b) or (c); or a legal person of which more than one-third of voting shares are held by natural persons or entities referred to in subparagraph (a), (b) or (c).

2. The natural persons or entities referred to in subparagraphs 1(a) through (d) are required to register with, or to obtain permission or approval of, the Minister of Land, Infrastructure and Transport for conducting freight forwarding businesses using international air transportation. Such registration shall be permitted, or such permission or approval shall be granted, on the basis of reciprocity.

19	Sector:	Transport
	Sub-Sector:	Road Passenger Transport*
	Industry Classification:	JSIC 4311 Common omnibus operators
	Type of Reservation:	National Treatment (Article 75)
	Level of Government:	Central Government
	Existing Measures:	Foreign Exchange and Foreign Trade Law (Law No. 228 of 1949), Article 27 Cabinet Order on Foreign Direct Investment (Cabinet Order No. 261 of 1980), Article 3
	Description of Existing Measures:	The prior notification requirement under the Foreign Exchange and Foreign Trade Law applies to foreign investors who intend to make investment in omnibus industry in Japan. The manufacture of vehicles, parts and components for omnibus industry is not included in omnibus industry. Therefore, the prior notification under the Foreign Exchange and Foreign Trade Law is not required for the investment in the manufacture of these products.

20 Sector: Transport

Sub-Sector: Water Transport*

Industry Classification: JSIC 452 Coastwise transport
 JSIC 453 Inland water transport
 JSIC 4542 Coastwise ship leasing

Type of Reservation: National Treatment (Article 75)

Level of Government: Central Government

Existing Measures: Foreign Exchange and Foreign Trade Law (Law No. 228 of 1949), Article 27
 Cabinet Order on Foreign Direct Investment (Cabinet Order No. 261 of 1980), Article 3

Description of Existing Measures: The prior notification requirement under the Foreign Exchange and Foreign Trade Law applies to foreign investors who intend to make investment in water transport industry in Japan. For greater certainty, "water transport industry" refers to oceangoing/seagoing transport, coastwise transport (i.e. maritime transport between ports in Japan), inland water transport and ship leasing industry. However, oceangoing/seagoing transport industry and ship leasing industry excluding coastwise ship leasing industry are exempted from the prior notification requirement.

21	Sector:	Transport
	Sub-Sector:	Water Transport*
	Industry Classification:	
	Type of Reservation:	National Treatment (Article 75) Most-Favoured-Nation Treatment (Article 76)
	Level of Government:	Central Government
	Existing Measures:	Ship Law (Law No. 46 of 1899), Article 3
	Description of Existing Measures:	Unless otherwise specified in laws and regulations of Japan, or international agreements to which Japan is a party, ships not flying the Japanese flag are prohibited from entering Japanese ports which are not open to foreign commerce and from carrying cargoes or passengers between Japanese ports.

22 Sector: Water Supply and Waterworks*

Sub-Sector:

Industry Classification: JSIC 3611 Water for end users,
except industrial users

Type of Reservation: National Treatment (Article 75)

Level of Government: Central Government

Existing Measures: Foreign Exchange and Foreign Trade Law (Law No. 228 of 1949), Article 27

Cabinet Order on Foreign Direct Investment (Cabinet Order No. 261 of 1980), Article 3

Description of Existing Measures: The prior notification requirement under the Foreign Exchange and Foreign Trade Law applies to foreign investors who intend to make investment in water supply and waterworks industry in Japan.

23 Sector: All Sectors⁺

Sub-Sector:

Industry
Classification:

Type of
Reservation: National Treatment (Article 75)

Level of
Government: Central Government and local
government

Description of
Reservation: When transferring or disposing of
its equity interests in, or the
assets of, a state enterprise or a
governmental entity, Japan may:

- (a) prohibit or impose limitations
on the ownership of such
interests or assets by investors
of Malaysia or their
investments;
- (b) impose limitations on the
ability of investors of Malaysia
or their investments as owners
of such interests or assets to
control any resulting
enterprise; or
- (c) adopt or maintain any measure
relating to the nationality of
executives, managers or members
of the board of directors of any
resulting enterprise.

Measures
Identified for
Transparency
Purposes:

24 Sector: All Sectors⁺

Sub-Sector:

Industry
Classification:

Type of Reservation: National Treatment (Article 75)

Level of Government: Central Government and local government

Description of Reservation: In the event where the supply of telegraph services, postal services and betting and gambling services, manufacture of tobacco products, manufacture of Bank of Japan notes, minting and sale of coinage in Japan, which are restricted to designated enterprises or governmental entities, are liberalised to those other than the designated enterprises or governmental entities, or in the event where such designated enterprises or governmental entities no longer operate on a non-commercial basis, Japan may adopt or maintain any measure relating to those activities.

Measures Identified for Transparency Purposes:

25 Sector: All Sectors⁺

Sub-Sector:

Industry
Classification:

Type of
Reservation: National Treatment (Article 75)
Most-Favoured-Nation Treatment
(Article 76)

Level of
Government: Central Government and local
government

Description of
Reservation: National Treatment and Most-Favoured-
Nation Treatment may not be accorded
to investors of Malaysia and their
investments with respect to
subsidies.

Measures
Identified for
Transparency
Purposes:

26	Sector:	Aerospace Industry		
	Sub-Sector:	Aircraft Industry ⁺ Space Industry ⁺		
	Industry Classification:	JSIC 271	Manufacture electrical generating, transmission, distribution and industrial apparatus	of
		JSIC 274	Manufacture electronic equipment	of
		JSIC 275	Manufacture of electric measuring instruments	
		JSIC 279	Manufacture miscellaneous electrical machinery equipment and supplies	of
		JSIC 28	Manufacture information and communication electronics equipment	of
		JSIC 29	Manufacture electronic parts and devices	of
		JSIC 304	Manufacture of aircraft and parts	
		JSIC 3059	Manufacture miscellaneous industrial trucks and parts and accessories	of
		JSIC 3099	Manufacture transportation equipment, n.e.c.	of
		JSIC 8711	General machine repair shops, construction and mining machinery	except
		JSIC 872	Electrical machinery, apparatus, and supplies repair shop	appliances

Note: The activities covered by the reservation under JSIC 271, 274, 275, 279, 28, 29, 3059, 3099, 8711 or 872 are limited to the activities related to aircraft industry and space industry.

Type of Reservation:	National Treatment (Article 75)
Level of Government:	Central Government and local government
Description of Reservation:	Japan reserves the right to adopt or maintain any measure relating to investment in aircraft industry and space industry.
Measures Identified for Transparency Purposes:	Foreign Exchange and Foreign Trade Law (Law No. 228 of 1949), Articles 27 and 30 Cabinet Order on Foreign Direct Investment (Cabinet Order No. 261 of 1980), Articles 3 and 5

27	Sector:	Arms and Explosives Industry
	Sub-Sector:	Arms Industry ⁺
		Explosives Manufacturing Industry ⁺
	Industry Classification:	JSIC 1791 Manufacture of explosives
		JSIC 271 Manufacture of electrical generating, transmission, distribution and industrial apparatus
		JSIC 274 Manufacture of electronic equipment
		JSIC 275 Manufacture of electric measuring instruments
		JSIC 279 Manufacture of miscellaneous electrical machinery equipment and supplies
		JSIC 28 Manufacture of information and communication electronics equipment
		JSIC 29 Manufacture of electronic parts and devices
		JSIC 303 Shipbuilding and repairing, and manufacture of marine engines
		JSIC 3059 Manufacture of miscellaneous industrial trucks and parts and accessories
		JSIC 3099 Manufacture of transportation equipment, n.e.c.
		JSIC 3281 Manufacture of ordnance and accessories

JSIC 8711 General machine repair shops, except construction and mining machinery

JSIC 872 Electrical machinery, apparatus, appliances and supplies repair shop

Note: The activities covered by the reservation under JSIC 271, 274, 275, 279, 28, 29, 303, 3059, 3099, 8711 or 872 are limited to the activities related to arms industry.

Type of
Reservation:

National Treatment (Article 75)

Level of
Government:

Central Government and local government

Description of
Reservation:

Japan reserves the right to adopt or maintain any measure relating to investment in arms industry and explosives manufacturing industry.

Measures
Identified for
Transparency
Purposes:

Foreign Exchange and Foreign Trade Law (Law No. 228 of 1949), Articles 27 and 30

Cabinet Order on Foreign Direct Investment (Cabinet Order No. 261 of 1980), Articles 3 and 5

28	Sector:	Energy																				
	Sub-Sector:	Electricity Utility Industry ⁺ Gas Utility Industry ⁺ Nuclear Energy Industry ⁺																				
	Industry Classification:	<table border="0" style="width: 100%;"> <tr> <td style="vertical-align: top; padding-right: 20px;">JSIC 0519</td> <td>Miscellaneous metal mining (limited to nuclear materials)</td> </tr> <tr> <td style="vertical-align: top; padding-right: 20px;">JSIC 2491</td> <td>Manufacture of nuclear fuel</td> </tr> <tr> <td style="vertical-align: top; padding-right: 20px;">JSIC 271</td> <td>Manufacture of electrical generating, transmission, distribution and industrial apparatus</td> </tr> <tr> <td style="vertical-align: top; padding-right: 20px;">JSIC 274</td> <td>Manufacture of electronic equipment</td> </tr> <tr> <td style="vertical-align: top; padding-right: 20px;">JSIC 275</td> <td>Manufacture of electric measuring instruments</td> </tr> <tr> <td style="vertical-align: top; padding-right: 20px;">JSIC 279</td> <td>Manufacture of miscellaneous electrical machinery equipment and supplies</td> </tr> <tr> <td style="vertical-align: top; padding-right: 20px;">JSIC 28</td> <td>Manufacture of information and communication electronics equipment</td> </tr> <tr> <td style="vertical-align: top; padding-right: 20px;">JSIC 29</td> <td>Manufacture of electronic parts and devices</td> </tr> <tr> <td style="vertical-align: top; padding-right: 20px;">JSIC 303</td> <td>Shipbuilding and repairing, and manufacture of marine engines</td> </tr> <tr> <td style="vertical-align: top; padding-right: 20px;">JSIC 3059</td> <td>Manufacture of miscellaneous industrial trucks and parts and accessories</td> </tr> </table>	JSIC 0519	Miscellaneous metal mining (limited to nuclear materials)	JSIC 2491	Manufacture of nuclear fuel	JSIC 271	Manufacture of electrical generating, transmission, distribution and industrial apparatus	JSIC 274	Manufacture of electronic equipment	JSIC 275	Manufacture of electric measuring instruments	JSIC 279	Manufacture of miscellaneous electrical machinery equipment and supplies	JSIC 28	Manufacture of information and communication electronics equipment	JSIC 29	Manufacture of electronic parts and devices	JSIC 303	Shipbuilding and repairing, and manufacture of marine engines	JSIC 3059	Manufacture of miscellaneous industrial trucks and parts and accessories
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JSIC 303	Shipbuilding and repairing, and manufacture of marine engines																					
JSIC 3059	Manufacture of miscellaneous industrial trucks and parts and accessories																					

JSIC 3099	Manufacture of transportation equipment, n.e.c.
JSIC 331	Production, transmission and distribution of electricity
JSIC 3411	Gasworks
JSIC 3412	Gas distribution
JSIC 3413	Gas establishments (main office, office)
JSIC 8711	General machine repair shops, except construction and mining machinery
JSIC 872	Electrical machinery, apparatus, appliances and supplies repair shop

Note: The activities covered by the reservation under JSIC 271, 274, 275, 279, 28, 29, 303, 3059, 3099, 8711 or 872 are limited to the activities related to nuclear energy industry.

Type of Reservation:	National Treatment (Article 75)
Level of Government:	Central Government and local government
Description of Reservation:	Japan reserves the right to adopt or maintain any measure relating to investment in the energy industry listed in the "Sub-Sector" element above.
Measures Identified for Transparency Purposes:	Foreign Exchange and Foreign Trade Law (Law No. 228 of 1949), Articles 27 and 30 Cabinet Order on Foreign Direct Investment (Cabinet Order No. 261 of 1980), Articles 3 and 5

29 Sector: Fisheries

Sub-Sector: Fisheries within the Territorial Sea, Internal Waters, Exclusive Economic Zone and Continental Shelf⁺

Industry Classification:

JSIC 031	Marine fisheries
JSIC 032	Inland water fisheries
JSIC 041	Marine aquaculture
JSIC 042	Inland water aquaculture
JSIC 8493	Recreational fishing guide business

Type of Reservation: National Treatment (Article 75)
Most-Favoured-Nation Treatment (Article 76)

Level of Government: Central Government and local government

Description of Reservation: Japan reserves the right to adopt or maintain any measure relating to investment in fisheries in the territorial sea, internal waters, exclusive economic zone and continental shelf of Japan.

For the purposes of this reservation, the term "fisheries" means the work of taking and cultivation of aquatic resources, including the following fisheries related services:

- (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.

Measures
Identified for
Transparency
Purposes:

Foreign Exchange and Foreign
Trade Law (Law No. 228 of 1949),
Article 27

Cabinet Order on Foreign Direct
Investment (Cabinet Order No. 261 of
1980), Article 3

Law for Regulation of Fishing
Operation by Foreign Nationals (Law
No. 60 of 1967), Articles 3, 4 and 6

Law concerning the Exercise of
Sovereign Rights concerning Fisheries
in the Exclusive Economic Zones (Law
No. 76 of 1996), Articles 4, 5, 7, 8,
9, 10, 11, 12 and 14

30 Sector: Information and Communications

Sub-Sector: Broadcasting Industry⁺

Industry Classification: JSIC 381 Public broadcasting, except cablecasting

JSIC 382 Private broadcasting, except cablecasting sector

JSIC 383 Cablecasting

Type of Reservation: National Treatment (Article 75)

Level of Government: Central Government and local government

Description of Reservation: Japan reserves the right to adopt or maintain any measure relating to investment in broadcasting industry.

Measures Identified for Transparency Purposes: Foreign Exchange and Foreign Trade Law (Law No. 228 of 1949), Article 27

Cabinet Order on Foreign Direct Investment (Law No. 261 of 1980), Article 3

Radio Law (Law No. 131 of 1950), Article 5

Broadcast Law (Law No. 132 of 1950), Articles 52-8 and 52-13

31 Sector: Land Transaction⁺

Sub-Sector:

Industry
Classification:

Type of
Reservation: National Treatment (Article 75)
Most-Favoured-Nation Treatment
(Article 76)

Level of
Government: Central Government and local
government

Description of
Reservation: With respect to acquisition or
lease of land properties in Japan,
prohibitions or restrictions may be
imposed by Cabinet Order on Malaysia
nationals or legal persons, where
Japanese nationals or legal persons
are placed under identical or similar
prohibitions or restrictions in
Malaysia.

Measures
Identified for
Transparency
Purposes: Alien Land Law (Law No. 42 of
1925), Article 1

32 Sector: Public Law Enforcement and Correctional Services and Social Services⁺

Sub-Sector:

Industry Classification:

Type of Reservation: National Treatment (Article 75)
Most-Favoured-Nation Treatment (Article 76)

Level of Government: Central Government and local government

Description of Reservation: Japan reserves the right to adopt or maintain any measure relating to investment in public law enforcement and correctional services, and investment in social services such as income security or insurance, social security or insurance, social welfare, primary and secondary education, public training, health and child care.

Measures Identified for Transparency Purposes:

Schedule of Malaysia

1	Sector:	All Sectors
	Sub-Sector:	
	Industry Classification:	
	Type of Reservation:	National Treatment (Article 75) Most-Favoured-Nation Treatment (Article 76)
	Level of Government:	Federal and State
	Description of Reservation:	National treatment and Most- Favoured-Nation Treatment may not be accorded in the provision of loans, grants, incentives and other subsidies.
	Measures Identified for Transparency Purposes:	Promotion of Investments Act 1986 Income Tax Act 1967 Customs Act 1967 Sales Tax Act 1972 Excise Act 1976

2	Sector:	All Sectors+
	Sub-Sector:	
	Industry Classification:	
	Type of Reservation:	National Treatment (Article 75)
	Level of Government:	Federal and State
	Description of Reservation:	Prohibitions or restrictions may be imposed on foreigners in land transactions, including ownership and lease of land and property, and natural resources associated with land. Such transactions are subject to prior approval of the Federal and/or State authorities, in accordance with the Federal and/or State laws, regulations, policies and guidelines.
	Measures Identified for Transparency Purposes:	National Land Code Malay Reserve Land Law Federal Constitution Land Acquisition Act 1960 Sabah Land Ordinance Sarawak Land Ordinance Foreign Investment Committee (FIC) Guidelines

3	Sector:	All Sectors
	Sub-Sector:	
	Industry Classification:	
	Type of Reservation:	National Treatment (Article 75)
	Level of Government:	Federal and State
	Description of Reservation:	Licensing may be required from the relevant regulatory authorities. The regulatory authority reserves the right to approve or reject the licences in accordance with the relevant legislations, policies and guidelines.
		Note: This reservation shall not include export requirements or local equity requirements unless otherwise provided for in this Schedule.
	Measures Identified for Transparency Purposes:	Industrial Co-ordination Act 1975 Companies Act 1965 Registration of Businesses Act 1956 Customs Act 1967 Sales Tax Act 1972 Goods Vehicle Levy Act 1983 Petroleum Development Act 1974 Excise Act 1976 Free Zones Act 1990

4 Sector: All Sectors

Sub-Sector:

Industry
Classification:

Type of
Reservation: National Treatment (Article 75)

Level of
Government: Federal

Description of
Reservation: Malaysia reserves the right to
adopt or maintain any measure with
respect to acquisition of shares or
any interest, mergers and takeover of
companies and businesses in Malaysia
by foreigners.

Note: interest means holding voting
rights or equity or any other
rights in a company.

Measures
Identified for
Transparency
Purposes: Industrial Co-ordination Act 1975
Securities Commission Act 1993
Code on Take-Overs and Mergers 1998
Foreign Investment Committee (FIC)
Guidelines

5 Sector: All Sectors

Sub-Sector:

Industry
Classification:

Type of
Reservation: Most-Favoured-Nation Treatment
(Article 76)

Level of
Government: Federal

Description of
Reservation: Most-Favoured-Nation treatment
may not be accorded to foreign
investors and their investments with
respect to preferential treatment
granted under any ASEAN agreement.

Measures
Identified for
Transparency
Purposes:

6	Sector:	All Sectors
	Sub-Sector:	
	Industry Classification:	
	Type of Reservation:	National Treatment (Article 75) Most-Favoured-Nation Treatment (Article 76)
	Level of Government:	Federal and State
	Description of Reservation:	National Treatment and Most- Favoured-Nation Treatment may not be accorded to foreign investors and their investments with respect to the privatisation or divestment of assets owned by the government.
	Measures Identified for Transparency Purposes:	New Economic Policy National Development Policy National Vision Policy National Development Plan Privatisation Master Plan Guidelines on Privatisation

7	Sector:	All Sectors
	Sub-Sector:	
	Industry Classification:	
	Type of Reservation:	National Treatment (Article 75) Most-Favoured-Nation Treatment (Article 76)
	Level of Government:	Federal and State
	Description of Reservation:	Malaysia reserves the right to adopt or maintain any measure relating to the transfer or disposal of equity interests or assets of a state enterprise, a government entity, or a government-linked company or a Minister of Finance Incorporated company.
	Measures Identified for Transparency Purposes:	New Economic Policy National Development Policy National Development Plan

8 Sector: All Sectors

Sub-Sector:

Industry
Classification:

Type of
Reservation: National Treatment (Article 75)
Most-Favoured-Nation Treatment
(Article 76)

Level of
Government: Federal and State

Description of
Reservation: In the event where activities
restricted to designated enterprises
or governmental entities are
liberalized to those other than the
designated enterprises or
governmental entities, or in the
event where such designated
enterprises or governmental entities
no longer operate on a non-commercial
basis, Malaysia reserves the right to
adopt or maintain any measures
relating to those activities.

Measures
Identified for
Transparency
Purposes:

9 Sector: All Sectors

Sub-Sector:

Industry
Classification:

Type of
Reservation: National Treatment (Article 75)

Level of
Government: Federal and State

Description of
Reservation: Malaysia reserves the right to
adopt or maintain any measure
relating to Special preference to
Bumiputera, Bumiputera status
companies, trust companies and
institutions

Measures
Identified for
Transparency
Purposes: New Economic Policy
National Development Policy
National Vision Policy

10	Sector:	All Sectors
	Sub-Sector:	
	Industry Classification:	
	Type of Reservation:	National Treatment (Article 75)
	Level of Government:	Federal and State
	Description of Reservation:	Malaysia reserves the right to adopt or maintain any measure relating to any sector that has not been established in Malaysia at the time of entry into force of this Agreement.
	Measures Identified for Transparency Purposes:	Industrial Co-ordination Act 1975

11 Sector: All Services Sectors

Sub-Sector:

Industry
Classification:

Type of
Reservation: National Treatment (Article 75)
Most-Favoured-Nation Treatment
(Article 76)
Paragraph 1 of Prohibition of
Performance Requirements
(Article 79)

Level of
Government: Federal and State

Description of
Reservation: Malaysia reserves the right to
adopt or maintain any measure
relating to investments in services
sectors, on condition that such
measures do not constitute a
violation of its obligations under
Chapter 8 including National
Treatment, Most-Favored-Nation
Treatment and Market Access.

Measures
Identified for
Transparency
Purposes:

12 Sector: Manufacturing

Sub-Sector:

Industry
Classification:

Type of Reservation: National Treatment (Article 75)

Level of Government: Federal

Description of Reservation: Malaysia reserves the right to maintain or impose export requirements on new projects or expansion or diversification of projects, consistent with national and social objectives and for the orderly development of manufacturing activities in Malaysia.

Export requirements imposed on existing projects will continue to apply unless exempted.

Note 1: Export requirements will apply to companies located in Free Zones and Licensed Manufacturing Warehouses or companies granted International Procurement Centre or Regional Distribution Centre status: such facilities/status are granted only for export-oriented companies.

Note 2: Diversification shall refer to the activities or production of products other than those granted in the existing approval.

Note 3: Expansion shall refer to new investments in production capacity of existing activities or products either in existing or new location.

Measures	Industrial Co-ordination Act 1975,
Identified for	Section 4
Transparency	
Purposes:	Customs Act 1967

13 Sector: Manufacturing

Sub-Sector:

Industry Classification:

Type of Reservation: National Treatment (Article 75)

Level of Government: Federal

Description of Reservation: Consistent with national and social objectives and for the orderly development of manufacturing activities, Malaysia reserves the right to impose local equity requirements on new projects or on additional capital for expansion or diversification of projects.

Local equity requirements imposed on existing projects will continue to apply unless exempted.

Note 1: Diversification shall refer to the activities or production of products other than those granted in the existing approval.

Note 2: Expansion shall refer to new investments in production capacity of existing activities or products either in existing or new location.

Measures Identified for Transparency Purposes: Industrial Co-ordination Act 1975, Section 4

14 Sector: Manufacturing
Sub-Sector: Pineapple Canning
Industry Classification: ISIC 1513
Type of Reservation: National Treatment (Article 75)
Level of Government: Federal and State
Description of Reservation: Malaysia reserves the right to adopt or maintain any measure in the pineapple canning industry.
Measures Identified for Transparency Purposes: Industrial Co-ordination Act 1975

15 Sector: Manufacturing
Sub-Sector: Palm Oil Milling and Refining
Industry Classification: ISIC 1514
Type of Reservation: National treatment (Article 75)
Level of Government: Federal and State
Description of Reservation: Malaysia reserves the right to adopt or maintain any measure in the palm oil milling and refining industry.
Measures Identified for Transparency Purposes: Industrial Co-ordination Act 1975

16 Sector: Manufacturing
Sub-Sector: Sugar Refining
Industry Classification: ISIC 1542
Type of Reservation: National treatment (Article 75)
Level of Government: Federal and State
Description of Reservation: Malaysia reserves the right to adopt or maintain any measure in the sugar refining industry.
Measures Identified for Transparency Purposes: Industrial Co-ordination Act 1975

17	Sector:	Manufacturing
	Sub-Sector:	Liquors and Alcoholic Beverages
	Industry Classification:	ISIC 1551, ISIC 1552, ISIC 1553
	Type of Reservation:	National treatment (Article 75)
	Level of Government:	Federal and State
	Description of Reservation:	Malaysia reserves the right to maintain or adopt any measure in the liquors and alcoholic beverages industry.
	Measures Identified for Transparency Purposes:	Industrial Co-ordination Act 1975

18	Sector:	Manufacturing
	Sub-Sector:	Tobacco Processing and Cigarettes
	Industry Classification:	ISIC 1600
	Type of Reservation:	National Treatment (Article 75)
	Level of Government:	Federal and State
	Description of Reservation:	Malaysia reserves the right to maintain or adopt any measure in the tobacco processing and cigarettes industry.
	Measures Identified for Transparency Purposes:	Industrial Co-ordination Act 1975

19	Sector:	Manufacturing
	Sub-Sector:	Wood-based Products Utilising Local Logs
	Industry Classification:	ISIC 2010, ISIC 2021, ISIC 2022
	Type of Reservation:	National Treatment (Article 75)
	Level of Government:	Federal and State
	Description of Reservation:	Malaysia reserves the right to adopt or maintain any measure in the wood-based industry.
	Measures Identified for Transparency Purposes:	Industrial Co-ordination Act 1975 National Forestry Act 1984

20	Sector:	Manufacturing
	Sub-Sector:	Petroleum Refining
	Industry Classification:	ISIC 2320
	Type of Reservation:	National Treatment (Article 75)
	Level of Government:	Federal and State
	Description of Reservation:	Malaysia reserves the right to adopt or maintain any measure in the petroleum refining industry.
	Measures Identified for Transparency Purposes:	Industrial Co-ordination Act 1975 Petroleum Development Act 1974

21 Sector: Manufacturing
Sub-Sector: Ordinary Portland Cement
Industry Classification: ISIC 2694
Type of Reservation: National Treatment (Article 75)
Level of Government: Federal and State
Description of Reservation: Malaysia reserves the right to adopt or maintain any measure in the ordinary Portland cement industry.
Measures Identified for Transparency Purposes: Industrial Co-ordination Act 1975

22	Sector:	Manufacturing
	Sub-Sector:	Steel Billets/Blooms
		Hot Rolled Steel Bars and Wire Rods
	Industry Classification:	ISIC 2710
	Type of Reservation:	National Treatment (Article 75)
	Level of Government:	Federal and State
	Description of Reservation:	Malaysia reserves the right to adopt or maintain any measure in these sub-sectors.
	Measures Identified for Transparency Purposes:	Industrial Co-ordination Act 1975

23	Sector:	Manufacturing
	Sub-Sector:	Optical Discs (including CD, CD-ROM, VCD, DVD)
	Industry Classification:	ISIC 2230
	Type of Reservation:	National Treatment (Article 75)
	Level of Government:	Federal and State
	Description of Reservation:	Malaysia reserves the right to adopt or maintain any measure in the optical discs industry.
	Measures Identified for Transparency Purposes:	Industrial Co-ordination Act 1975 Optical Discs Act 2000

24	Sector:	Manufacturing
	Sub-Sector:	Fabrics and Apparels of Batik
	Industry Classification:	ISIC 1711, ISIC 1712, ISIC 1810
	Type of Reservation:	National Treatment (Article 75)
	Level of Government:	Federal and State
	Description of Reservation:	Malaysia reserves the right to adopt or maintain any measure in the fabrics and apparels of batik industry.
	Measures Identified for Transparency Purposes:	Industrial Co-ordination Act 1975

25 Sector: Manufacturing

Sub-Sector: Manufacture/Assembly of Motorcycles,
Passenger Cars, and Commercial
Vehicles

Industry
Classification: ISIC 3410

Type of
Reservation: National Treatment (Article 75)

Level of
Government: Federal and State

Description of
Reservation: Malaysia reserves the right to
adopt or maintain any measure in the
manufacture/assembly of motorcycles,
passenger cars, and commercial
vehicles.

Measures
Identified for
Transparency
Purposes: Industrial Co-ordination Act 1975

26	Sector:	Manufacturing
	Sub-Sector:	Arms, Weapons, Ammunitions, Explosives, Pyrotechnic Products, Propellant Powders, Detonating or Safety Fuses, and the like ⁺
	Industry Classification:	ISIC 2429, ISIC 2927
	Type of Reservation:	National Treatment (Article 75)
	Level of Government:	Federal and State
	Description of Reservation:	Malaysia reserves the right to adopt or maintain any measure in these sub-sectors.
	Measures Identified for Transparency Purposes:	Industrial Co-ordination Act 1975 Arms Act 1960 Explosives Act 1957

27 Sector: Manufacturing

Sub-Sector: Collection, Storage, Treatment and Disposal of Hazardous and Toxic Wastes⁺

Note: Only investors engaged in at least treatment of hazardous and toxic wastes are in the scope of this reservation.

Waste Recycling Activities⁺

Industry Classification:

Type of Reservation: National Treatment (Article 75)

Level of Government: Federal and State

Description of Reservation: Malaysia reserves the right to adopt or maintain any measure in these sub-sectors.

Measures Identified for Transparency Purposes: Industrial Co-ordination Act 1975
Environmental Quality Act 1974

28 Sector: Agriculture, Forestry, Fisheries and Mining

Sub-Sector:

Industry Classification:

Type of Reservation: National Treatment (Article 75)

Level of Government: Federal and State

Description of Reservation: Malaysia reserves the right to adopt or maintain local equity requirements.

Measures Identified for Transparency Purposes:

National Forestry Act 1984

Petroleum Mining Act 1966

Fisheries Act 1985

Mineral Development Act 1994

29	Sector:	Forestry
	Sub-Sector:	Extraction and Harvesting of Timber
	Industry Classification:	ISIC 0200
	Type of Reservation:	National Treatment (Article 75)
	Level of Government	Federal and State
	Description of Reservation:	Malaysia reserves the right to adopt or maintain any measure in this sub-sector.
	Measures Identified for Transparency Purposes:	National Forestry Act 1984

30 Sector: Manufacturing, Forestry, Agriculture and Fisheries

Sub-Sector: Biodiversity (Limitation for purpose of research and protection of state resources, for activities relating to pharmaceutical and biotechnological developments)

Industry Classification:

Type of Reservation: National Treatment (Article 75)
Most-Favoured-Nation Treatment (Article 76)

Level of Government: Federal and State

Description of Reservation: Malaysia reserves the right to adopt or maintain any measure relating to biodiversity.

Measures Identified for Transparency Purposes: Sarawak Biodiversity Centre Ordinance 1997

31 Sector: Fisheries

Sub-Sector: Capture Fisheries

Industry Classification: ISIC 0500

Type of Reservation: National Treatment (Article 75)
Most-Favoured-Nation Treatment (Article 76)

Level of Government: Federal and State

Description of Reservation: Malaysia reserves the right to adopt or maintain any measure relating to capture fisheries in Malaysia's Exclusive Economic Zone (EEZ).

Measures Identified for Transparency Purposes: Fisheries Act 1985
Exclusive Economic Zone Act 1984

32 Sector: Oil and Gas Upstream Industries

Sub-Sector:

Industry Classification: ISIC 1100

Type of Reservation: National Treatment (Article 75)
Most-Favoured-Nation Treatment (Article 76)

Level of Government: Federal and State

Description of Reservation: Malaysia reserves the right to adopt or maintain any measure relating to the oil and gas upstream industries.

Measures Identified for Transparency Purposes: Petroleum Development Act 1974

33 Sector: Mining and Quarrying

Sub-Sector:

Industry Classification: ISIC 10, ISIC 12, ISIC 13, ISIC 14

Type of Reservation: National Treatment (Article 75)

Level of Government: Federal and State

Description of Reservation: Malaysia reserves the right to adopt or maintain any measures relating to mining and quarrying.

Measures Identified for Transparency Purposes: Federal Constitution
Mineral Development Act 1994
Petroleum Mining Act 1966

34 Sector: Statutory Bodies

Sub-Sector:

Industry
Classification:

Type of Reservation: National Treatment (Article 75)

Level of Government: Federal and State

Description of Reservation: Malaysia reserves the right to adopt or maintain any measure relating to statutory bodies.

Measures Identified for Transparency Purposes:

35	Sector:	National and State Unit Trusts
	Sub-Sector:	
	Industry Classification:	
	Type of Reservation:	National Treatment (Article 75)
	Level of Government:	Federal and State
	Description of Reservation:	Malaysia reserves the right to adopt or maintain any measures relating to these activities.
	Measures Identified for Transparency Purposes:	New Economic Policy National Development Policy National Vision Policy