**Fact sheet on Individual Efforts Made towards the Achievement of the Bogor Goals: Japan**

|  | **Status in 1996** | **Status in 2009** | **Status in 2019** | **Major Achievements incl. Significant Progress**  **after the Mid-term Stocktake and**  **Example of Best Practices** |
| --- | --- | --- | --- | --- |
| **1. Tariffs** |  |  |  |  |
| 1. Import-weighted average of MFN applied tariff | 4.0% | 1.6% | 2.0% | Japan has voluntarily reduced/eliminated tariffs on items both from the industrial sector and the agricultural sector. In addition to the annual review of statutory tariff rates, it has often enlarged the number of items subject to several tariff reducing measures. |
| 1. Simple average of MFN applied tariff | 9.0% | 6.5% | 6.3% |
| 1. Tariff average, based on import tariff revenue | 2.8% (1996FY) | 1.2% (2008FY) | 1.3% (2018FY) |
| 1. Zero tariff lines as a percentage of all tariff lines | 35.5% | 40.8% | 39.9% |
| 1. Zero tariff imports as a percentage of all imports | Not available | 80.2% | 82.3% |
| 1. Standard deviation for applied tariff | 0.4 | 0.2 | 0.2 |
| 1. Transparency in tariff regime | Japan worked to ensure transparency by immediately announcing any changes in tariff rates and the tariff system in the “Kanpo” (government gazette), and by annually publishing “Customs Tariff Schedules of Japan.  - The tariff rates are determined through Diet deliberations; and, as appropriate, the tariff rates would be discussed in the Customs Tariff Council in advance.  - The customs counsellors’ offices provide proper knowledge, advice and any other suggestions on the customs procedures including tariff schedules and other tariff related measures to the consulters. Inquiries could also be made by telephone. | The following improvements have been made in addition to the status as of 1996:  - Japan has started to announce any changes in tariff rates and the tariff system on the Internet.  - Inquiries to customs counsellors’ offices by e-mail is also available. | The following improvements have been made in addition to the status as of 2009:  - Japan has started to make more announcements on the Internet, such as amount of imports and imposition period regarding quantitative restrictions on imports.  - Inquiries to customs counsellors’ offices by e-mail is also available. | Japan announces its changes in tariff rates and the tariff system not only in the “Kanpo (government gazette)” but also on the website in English. In addition, the Government of Japan releases annually the outline of the Law to Amend the Customs Tariff Law on the website (only in Japanese). |
| **2. Non-Tariff Measures** |  |  |  |  |
| 1. Quantitative import restrictions/ prohibitions | - Data not available on HS 6 digit level.  - As a result of the Uruguay Round negotiations, Japan abolished quantitative restrictions on all agricultural products and converted them into customs duties. | - Data not available on HS 6 digit level.  - All the import/export prohibitions and restrictions that Japan implements are in accordance with the special exception provisions and other relevant provisions of the WTO agreements. Some measures are implemented to fulfil obligations under other international agreements, such as the Montreal Protocol. | - Data not available on HS 6 digit level.  - All the import/export prohibitions and restrictions that Japan implements are in accordance with the special exception provisions and other relevant provisions of the WTO agreements. Some measures are implemented to fulfil obligations under other international agreements, such as the Montreal Protocol. | - Special treatment on rice imports has been replaced by a tariff scheme since April 1999.  - Ethyl alcohol of an alcoholic strength by volume of 90% vol or higher had been imported under state monopoly, exempt from tariff. This state monopoly was abolished in April 2001, and any person who is permitted to import alcohol under the Alcohol Business Law is now able to import ethyl alcohol of an alcoholic strength by volume of 90% vol or higher intended for use in distilling industrial alcohol with free of tariff. |
| 1. Import licensing | * It is difficult to count the number of tariff lines which require import license at the HS 6-digit level because there are goods which require the license according to criteria other than HS nomenclature such as specified place of origin, specified end-use and specifications. However, all the import licensing measures are consistent with the WTO Agreement on Import Licensing Procedures. Some measures are implemented to fulfil obligations under other international agreements, such as the Montreal Protocol. | * It is difficult to count the number of tariff lines which require import license at the HS 6-digit level because there are goods which require the license according to criteria other than HS nomenclature such as specified place of origin, specified end-use and specifications. However, all the import licensing measures are consistent with the WTO Agreement on Import Licensing Procedures. Some measures are implemented to fulfil obligations under other international agreements, such as the Montreal Protocol. | - It is difficult to count the number of tariff lines which require import license at the HS 6-digit level because there are goods which require the license according to criteria other than HS nomenclature such as specified place of origin, specified end-use and specifications. However, all the import licensing measures are consistent with the WTO Agreement on Import Licensing Procedures. Some measures are implemented to fulfil obligations under other international agreements, such as the Montreal Protocol. | The permission system on rice imports has been replaced by a tariff scheme since April 1999. |
| 1. Import levies | None | None | None | -- |
| 1. Export subsidies | None | None | None | -- |
| 1. Other non-tariff measures maintained | Japan's export restrictions were limited to those stipulated under international agreements or those necessary to protect the public safety and national security. Such restrictions include;  (1) Export licensing measures taken for reasons of international security; and  (2) Export prohibitions, quantitative restrictions and licensing measures based on international agreements (e.g. the Montreal Protocol, the Basel Convention and the CITES). | Japan's export restrictions are limited to those stipulated under international agreements or those necessary to protect the public safety and national security. Such restrictions include:  1) Export licensing measures taken for reasons of international security; and  2) Export prohibitions, quantitative restrictions and licensing measures based on international agreements (e.g. the Montreal Protocol, the Basel Convention and the CITES) | Japan's export restrictions are limited to those stipulated under international agreements or those necessary to protect the public safety and national security. Such restrictions include:  1) Export licensing measures taken for reasons of international security; and  2) Export prohibitions, quantitative restrictions and licensing measures based on international agreements (e.g. the Montreal Protocol, the Basel Convention and the CITES) | -- |
| **3. Services** |  |  |  |  |
| 1. Number of sectors out of 55 services sectors in which market access and/or NT are granted as a result of the commitments in the GATS | 43 sectors | 43 sectors | 43 sectors | Japan has actively participated in the WTO negotiations to promote liberalization for trade in services. |
| 1. Number of sectors out of 55 services sectors in which MFN exemptions maintained as a result of the commitments in the GATS | None | None | None |
| 1. Number of sectors out of 55 services sectors in which market access and/or NT are offered in the DDA under the GATS | -- | 45 sectors | 45 sectors |
| 1. Number of sectors out of 55 services sectors in which MFN exemptions maintained in the DDA under the GATS | -- | 1 sector | 1 sector |
| 1. Number of RTAs/FTAs in which more market access and/or NT are committed to services sectors than those in the commitments under the GATS | None | 10 agreements | 17 agreements |  |
| 1. Number of sectors in which licensing and qualification requirements apply specifically to foreign service providers | None except those relating to immigration laws and regulations. | None except those relating to immigration laws and regulations. | None except those relating to immigration laws and regulations. |  |
| 1. Measures to improve transparency in services | Transparency standards are implemented according to Administrative Procedure Act (Act 88,1993) | Transparency standards are implemented according to Administrative Procedure Act (Act 88,1993) and “Prior Clearance Procedures for Application of Laws and Ordinances by Administrative Organs” (no action letter system) ( Cabinet Decision, March 27, 2001) | (No measures to report) |  |
| **4. Investment** |  |  |  |  |
| 1. Restrictions on foreign investment | The Foreign Exchange and Foreign Trade Act requires a foreign investor who plans to invest in the limited and specified industrial sectors to submit prior notification to the authorities. | - The Foreign Exchange and Foreign Trade Act requires a foreign investor who plans to invest in the limited and specified industrial sectors to submit prior notification to the authorities. In 1998 Japan excluded mining sector from the specified industrial sectors.  - Japan’s recent investment agreements all include provisions for pre-establishment National Treatment (NT) subject to a list of reservations.  - Japan’s reservations with regard to the application of NT exist in 17 sectors, with the addition of 3 specific reservations that apply to all sectors.  - Japan’s reservations with regard to the application of Performance Requirements exist in 8 sectors, with the addition of 2 specific reservations that apply to all sectors. | The Foreign Exchange and Foreign Trade Act requires a foreign investor who intends to invest in companies of the designated business sectors to submit prior-notification to the authorities. | Since the Mid-term Stocktake, there have been some major achievements. In 2009, the Japanese government improved the FDI screening process by shortening the time necessary to complete screening to 5 business days for cases that are deemed to pose no risks to national security. In addition, the period to submit both prior-notification and post-investment report was extended and this amendment has resulted in reducing the administrative costs for foreign investors.  In 2014, the transaction of securities underwriting was exempted from the prior-notification requirement and post-investment report.  On November 22, 2019, the Amendment of the Foreign Exchange and Foreign Trade Act was approved at the national Diet. It introduces broader exemption from the prior-notification requirement for certain types of foreign investments in order to further promote FDI conducive to sound economic growth. The amended act will take effect in May 2020. |
| 1. Investment by foreigners entails offsets (performance requirements, export requirements, local content requirements) |
| 1. Restrictions on transfers of capital | - In principle, Japan had no restriction on repatriation of the funds.  - Foreign exchange was available through authorized foreign exchange banks. There was no distinction between a domestic firm and a foreign firm.  - In principle, there was no restriction on the convertibility of currencies for the overseas transfer of funds.  - Investors who intended outward foreign direct investment had to give prior notification which would be examined by authorities. | - In principle, Japan has no restriction on repatriation of the funds.  - In principle, there is no restriction on the convertibility of currencies for the overseas transfer of funds.  - An investor who has made an outward direct investment needs to submit an ex post facto reporting to the Minister of Finance except an investment in certain sectors where a prior notification is required. | -In principle, Japan has no restriction on repatriation of the funds.  -In principle, there is no restriction on the convertibility of currencies for the overseas transfer of funds.  -An investor who has made an outward direct investment needs to submit an ex post facto reporting to the Minister of Finance except an investment in certain sectors where a prior notification is required. |  |
| 1. Consistency with APEC Non-Binding Investment Principles | Some | Most | Most | Japan has achieved most of items of the Non-Binding Investment Principles in all of BITs and FTAs/RTAs concluded by Japan. |
| 1. Number of BITs and FTAs/RTAs which NT and MFN are ensured in relation to foreign investment | 4 agreements | 24 agreements, including Economic Partnership Agreements (EPAs) with investment chapters. | 44 agreements, including Economic Partnership Agreements (EPAs) with investment chapters. | 15 BITs (Papua New Guinea (2014), Kuwait (2014), Iraq (2014), Myanmar (2014), Mozambique (2014), Colombia (2015), Kazakhstan (2015), Ukraine (2015), Saudi Arabia (2017), Uruguay (2017), Iran (2017), Oman (2017), Kenya (2017), Israel (2017) and Armenia (2019)), 1 Trilateral Investment Agreement (China and Korea (2014)) and 5 EPAs with investment chapters (India (2011), Australia (2015), Mongolia (2016), TPP11 (2018) and EU (2019)) have entered into force. |
| BITs and FTAs/RTAs with APEC member economies which NT and MFN are ensured in relation to foreign investment | China(1989) | <6 BITs>  China(1989), Hong Kong (1997), Russia (2000), Korea (2003), Viet Nam (2004), Peru (2009)  <8 EPAs with investment chapters>  Singapore (2002), Mexico (2005), Malaysia (2006), Chile (2007), Thailand (2007), Brunei Darussalam (2008), Indonesia (2008), Philippines(2008) | <1 BIT>  Papua New Guinea (2014)  <1 Trilateral Investment Agreement>  China and Korea (2014)  <2 EPAs with investment chapters>  Australia (2015) as well as TPP11 with Australia, Brunei, Canada, Chile, Malaysia, Mexico, New Zealand, Peru, Singapore, and Viet Nam (2018)  \*The status in 2009 remains. | 1 BIT (Papua New Guinea (2014)), 1 Trilateral Investment Agreement (China and Korea (2014)) and 2 EPAs with investment chapters (Australia (2015) and TPP11 (with Australia, Brunei, Canada, Chile, Malaysia, Mexico, New Zealand, Peru, Singapore and Viet Nam) (2018)) have entered into force. |
| 1. Measures to improve transparency in investment | - Japan provided information relating to regulatory framework on foreign capital participation through "Guide to the Investment Regimes of the APEC Member Economies".  - Japan provided information or consultation relating to investment in Japan through some entities such as Japan External Trade Organization (JETRO). | - Japan has introduced ”Prior Clearance Procedures for Application of Laws and Ordinances by Administrative Organs,” or popularly called “no action letter system,” with which a private enterprise, etc. can confirm with the administrative institutions, in advance, whether specific business actions are subject to the provisions of the regulations. The responses from the institutions are made public.  - Japan has also introduced Public Comment Procedure and provides appropriate period for public comment so that comment can be made sufficiently. | Based on the discussion at the “Working Group for Revising Regulations and Administrative Procedures”, each government agency has strengthened the provision of information in foreign languages highly needed for business activities and living in Japan, used a website of JETRO as the portal site for information in foreign languages provided by each government agency, and cooperated with JETRO for disseminating information and providing consultation.  - In FY 2017, JETRO established the Personal Advisors System for Foreign Companies.  - Japan’s Stewardship Code was established in June 2015 and revised in May 2017. Japan’s Corporate Governance Code was established in February 2014 and revised in June 2018. | - Japan’s Stewardship Code was established in June 2015 and Japan’s Corporate Governance Code was established in February 2014. |
| **5. Standards and Conformance** |  |  |  |  |
| 1. Number of domestic standards aligned with the target international standards for Voluntary Action Plan (VAP) | 1 standard | 254 standards | 376 standards |  |
| 1. Description of conformity assessment process including participation in and implementation of mutual recognition arrangements | None | 4 agreements | 4 agreements |  |
| 1. Efforts to raise transparency and objectivity of standards | Japan was taking the steps necessary to give prior notice in publication, notify to the WTO secretariat, and provide information by Standard Information Service, with a view to ensuring transparency. | Japanese Industrial Standards Committee (JISC) renewed its homepage to provide further transparency of JIS standardization activities including prior notification of JIS to be withdrawn from Apr. 2009. | Japanese Industrial Standards Committee (JISC) has improved its homepage to provide further transparency of JIS standardization activities in English, where necessary. |  |
| **6. Customs Procedures** |  |  |  |  |
| 1. Adoption of HS2007 nomenclature | -- | Adopted | Adopted(2017) | “Harmonization of Tariff Nomenclature” is a Collective Action Plan (CAP) item of the Osaka Action Agenda (OAA). |
| 1. Conformity with the Revised Kyoto Convention | -- | Acceded | Acceded | Simplification and Harmonization on the Basis of the revised Kyoto Convention” is a CAP of the OAA. |
| 1. Transparency | - Publication of Customs laws and regulations in official gazette and compendium  - Establishment of Customs Counselors to handle enquiries and complaints from public  - Implementation of Appeal provision | - Development and regular update of Customs website (Japanese and English version)  （major contents）  \* Customs law and regulations  \* Customs Q&A  \* Customs Tariff rate  - Receiving Public comment when amending Customs- related regulations | - Development and regular update of the Japan Customs’ website (Japanese and English version)  （major contents）  \* Customs law and regulations  \* Customs Q&A  \* Customs Tariff rate  - Receiving Public comment when amending Customs- related regulations | “Public Availability of Information” and “Appeal Provision” are CAP items of the OAA.  Customs’ website has been renewed to further improve its accessibility, usability and content, e.g. English version of Japans Tariff schedule, information on advance ruling and AEO programme. |
| 1. Use of information technology and automation (e.g. Single Window, Harmonised Trade Data Elements, Paperless Trading, etc.) | Nippon Automated Customs Clearance System (NACCS), which connect Customhouses, Customs brokers, banks and other related parties, had been introduced. | - Adoption of UN/EDIFACT standard in NACCS  - Upgrade of NACCS[[1]](#footnote-1)  - Introduction of Single Window system which covers almost all the necessary import / export procedures and port-related procedures.  - Promotion of paperless procedures | - NACCS has realized Single Window where all relevant ministries' systems are integrated.  - UN/EDIFACT standard is in place.  - More than 99% of the import/export declarations are made through NACCS. | - NACCS underwent large-scale upgrades twice for the last decade to further promote trade facilitation. Some examples of developments through the upgrades are as follows:  (a) new industrial sectors were added to NACCS users such as shipping agencies and insurance companies  (b) new massage format was introduced such as XML  (c) new electronic payment method of duties was added  (d) web browser can be used for an access to NACCS in addition to the software exclusive for NACCS  (e) airport arrival/departure procedures were added to Single Window functions of NACCS  (f) documents attached to Customs declarations can also be submitted electronically |
| 1. Measures to secure trade (e.g. AEO, etc.) | Adoption of systematic risk management such as Customs Intelligence and Management System (CIMAS), and Customs Intelligence Database System (CIS) | - Introduction of pre-arrival cargo information submission  - Development of Manifest screening system for sea cargo  - Introduction of Container Security Initiative  - Introduction of Comprehensive AEO programme  - Introduction of Container Scanners | - Japan Customs has signed mutual recognition of AEO programs with 11 economies. | - Japan has introduced Authorized Economic Operators (AEO) programme and has expanded the coverage of AEO for importers, exporters, warehouse operators, Customs brokers, forwarders and manufacturers.  - “Risk Management Technique” is a CAP item of the OAA.　Japan has made it mandatory to report cargo information prior to entry into ports. |
| 1. Implementation of other customs measures to facilitate trade (e.g. Advance Classification Ruling System, Time Release Survey, etc.) | - Adoption of Advance ruling Systems for classification  - Conduct Time Release Survey  - Introduction of Pre-arrival examination system for air cargo  - Introduction of Simultaneous Import Permit upon Arrival System for air cargo  - Accession to the ATA Convention  - Extended service hours in major airports | - Introduction of Pre-arrival examination system for sea cargo  - Adoption of Advance rulings System for valuation and certification of origin  - Introduction of Simultaneous Import Permit upon Arrival System for sea cargo  - Introduction of Simplified customs clearance procedures for low-value import goods which meet some requirements in line with the WCO Immediate Release Guidelines  - Extended service hours in major seaports | - Broadened the Choice of customs office for import/export declaration.  - Review principle of export cargo brought into customs bonded area. | - “Advance Ruling System”, “Temporary Importation” and “Implementation of principles in WCO Immediate Release Guidelines” are CAP items of the OAA.  - Information on every advance classification ruling has become available on the Customs’ website.  - Since 1991, Japan has implemented Time Release Survey 12 times.  - Broadened the Choice of customs office for import/export declaration. |
| **7. Intellectual Property (IP)** |  |  |  |  |
| 1. Ratification and implementation of the major multilateral agreements relating to IP rights | - Convention establishing the World Intellectual Property Organization  - WTO Agreement (TRIPS)  - Paris Convention for the Protection of Industrial Property  - Berne Convention for the Protection of Literary and Artistic Works  - Madrid Agreement for the Repression of False or Deceptive Indications of Source on Goods  - Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks  - Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations  - Patent Cooperation Treaty (PCT)  - Strasbourg Agreement Concerning the International Patent Classification  - Convention for the Protection of Producers of Phonograms Against Unauthorized Duplication of Their Phonograms  - Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure  - International Convention for the Protection of New Varieties of Plants (UPOV) | The followings are ratified and implemented in addition to the agreements as of 1996  - Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks  - Trademark Law Treaty  - WIPO Copyright Treaty  - WIPO Performances and Phonograms Treaty  - The Protocol Amending the TRIPS Agreement, by a Decision of 6 December 2005(WT/L/641) | The following are ratified and implemented in addition to the agreements as of 2009.  - the Geneva Act of the Hague Agreement  - Locarno Agreement Establishing an International Classification for Industrial Designs Signed at Locarno on October 8, 1968, as amended on September 28, 1979  - Patent Law Treaty  - Singapore Treaty on the Law of Trademarks |  |
| 1. Measures to ensure the expeditious granting of IP rights | Increases in the number of patent examiners, development of the Paperless Project and enhancing the outsourcing of prior art search | - Reduction of fee in cases where the patent applicants present the search reports issued by registered search organizations  - In October 2001, the period of request for patent examination was shortened to 3 years  - The Japan Patent Office (JPO) accepts the Internet filing of national procedures for PCT applications  - JPO is promoting PPH program  - JPO launched the “Super Accelerated Examination System”  - JPO launched JP-FIRST program  - Amendments to the Trademark Act required for accession to the Madrid Protocol went into effect in March 2000.  - Increases in the number of patent examiners  - JPO loosened eligibility requirements and simplified the procedure for a request for accelerated examination or appeal in July 2004.  - Accelerated examination system has been introduced into trademark examination procedure since 1997.  - Outsourcing of searches regarding trademark applications, increasing the number of trademark examiners, and promoting the development of the Paperless System since 2000. | - A pilot programme for PCT applications under the Patent Prosecution Highway (PCT-PPH) was launched in January 2010.  - In July 2011, The PPH MOTTAINAI pilot programme commenced.  - The JPO launched the US-JP Collaborative Search Pilot Program (US-JP CSP) with the USPTO from August 1, 2015.  - On July 1, 2018, the IP5 offices commenced the PCT Collaborative Search and Examination (CS&E) Pilot Project.  - In April 2017, the IoT Committee and the IoT Examination Team were launched.  - In July 2018, a new start-up Support team was established to strengthen specialized support for start-ups.  - The JPO launched CPG (Cooperation for facilitating Patent Grant) program with the Ministry of Industry and Handicraft (MIH) of Cambodia and with the Department of Intellectual Property (DIP) of Laos in from 2016.  - The JPO started this framework with the Brunei Intellectual Property Office in October 2017. | * The framework of the PPH was expanded, and a pilot programme for PCT applications under the Patent Prosecution Highway (PCT-PPH) was launched in January 2010. The PCT-PPH allows accelerated examination with simplified procedures at the national phase of PCT applications for applications determined to be patentable in the written opinion at the international phase of PCT applications or in the international preliminary examination report. * In July 2011, The PPH MOTTAINAI pilot programme commenced with eight countries. This programme has fewer requirements. It allows examination results that have determined patentability to be possible and which were issued by any of the patent office participating in the programme, to be used, regardless which office the application was first filed with. * The PPH Plus is a framework that accelerates acquisition of right for an application of the same invention which is already granted a patent in Japan, by utilizing the examination results by the Japan Patent Office (JPO). The JPO started this framework with the Brunei Intellectual Property Office in October 2017. * CPG (Cooperation for facilitating Patent Grant) is a framework that accelerates patent grant without conducting substantial examination, for an application of the same invention which is already granted a patent in Japan. The JPO started this framework with the Ministry of Industry and Handicraft of Cambodia in July 2016 and the Department of Intellectual Property, Ministry of Science and Technology of Lao PDR in November 2016. |
| 1. Measures to provide for the effective enforcement of IP rights | - Japan prohibited the import of goods infringing patent rights, utility model rights, design rights, trademark rights, copyrights, and neighboring rights under the provisions of Customs Tariff Law.  - The import suspension application was available where a right holder of a trademark rights, copyrights, and neighboring rights could file an application for suspension when IPR infringing goods were about be imported. | - IP laws were amended in order to lessen the burden of proving damages caused by infringement and to strengthen penalties in 1998.  - Since January 2007, Japan has been working on the enforcement of laws against the exportation of goods infringing IP rights  - To enhance the level of criminal penalties, amendments were made to the Patent Act, Utility Model Act, Design Act and Trademark Act, as well as to the Unfair Competition Prevention Act in January 2007.  - The Copyright Act was amended in December 2006 in order to enhance penalties and to prohibit exportation and possession for exportation of pirated goods for business (the amendment is in effect from July, 2007).  - The Copyright Act was amended in 2009, which stipulated to introduce the following measures.  \* Illegalizing offer or sale of pirated goods, with the knowledge that such goods are pirated goods.  \* Illegalizing download of music or motion picture from infringing source, with the knowledge that such source is infringing, even if such download is for private use.  - The Prevention of Unauthorized Recording of Movies in Theatres was enacted in May, 2007 to prevent unauthorized recording of the movies which is showing at the theater or the places with similar function  - Japan adopts procedures that do not allow importers to reship the suspended goods before verification has been completed.  - Japan expanded the import suspension application system of IPR infringing goods to cover goods infringing patent rights, utility model rights, design rights, plant breeder’s rights and goods which violate the Unfair Competition Prevention Law as well as trademark rights, copyrights, and neighboring rights.  - Japan amended the Customs Tariff Law to make it possible to inform both the right holder and the importer at the beginning of the process to check the possible infringing goods, and to introduce the following:  1. inspection by the right holder of intellectual property accompanying disassemble of suspected infringing goods under certain criteria, and  2. inquiry to the Minister of Agriculture, Forestry and Fisheries by the Customs to check the suspected infringing goods of plant breeder’s rights  - Japan also amended the Customs Law to adopt a mechanism where the Customs consult experts, as appropriate, regarding the application for import/export suspension and the identification procedures and to commence enforcement on exportation and transhipment of goods infringing intellectual property rights.  - Japan Customs employs a computer database system which provides information concerning intellectual property rights, such as the features distinguishing genuine and fake goods, and the characteristics of goods suspended in the past.  - Amendments to the Plant Variety Protection and Seed Act went into effect in December 1998, in order to strengthen the Plant Breeders’ Rights (PBR) under the UPOV Convention revised in 1991. The Plant Variety Protection and Seed Act was further amended in 2003, 2005 and 2007, expanding the scope of penal provisions and the term of protection for registered varieties, facilitating claim for damages in a civil suit, and strengthening preventive measures against infringement of PBR. | - From April 1, 2018, the JPO commenced operation of the Hantei (advisory opinion) system to determine whether a specific patented invention qualifies as a standard essential patent (SEP).  - In order to enhance user convenience, the JPO revised the "Manual of Hantei (Advisory Opinion) for Essentiality Check" on July 1, 2019.  - JPO created the “Guide to Licensing Negotiations Involving Standard Essential Patents”.  - In order to enable stable patent rights to be granted earlier, a new “Patent Opposition System” was established under the revised Patent Act. | * The Diet of Japan approved the Bill for the Patent Act as follows:   i) Strengthening of evidence collection procedures  Establishing an examination and verification system that enables on-site examination by neutral technical experts  ii) Review of damages calculation method  Determining damages in relation to aspects that exceed the patentee’s production/sales capabilities, etc. and approval for increases in amounts corresponding to licensing fees   * JPO analysed international situations and created the “Guide to Licensing Negotiations Involving Standard Essential Patents” (published June 2018), to present factors to be considered when engaging in negotiations.   - From April 1, 2018, the JPO commenced operation of the Hantei (advisory opinion) system, which utilizes JPO’s technical expertise to determine whether a specific patented invention qualifies as a standard essential patent (SEP), with the aim of facilitating licensing negotiations involving SEPs and speeding up dispute resolution. In order to enhance user convenience, the JPO revised the “Manual of Hantei (Advisory Opinion) of Essentiality Check” on July 1, 2019. According to the revision, the user can also request Advisory Opinion in the following cases: where opinions on essentiality of patented inventions differ between the concerned parties in negotiations of buying and selling patent rights in addition to licensing negotiations; and where advisory opinions (Hantei) stating that the Virtual Object does not fall within the technical scope of the patent invention are requested. |
| 1. Measures to harmonise IP rights systems in the APEC region | For the purpose of promoting international harmonization of legal frameworks, Japan was regularly holding the Trilateral Conference with patent offices in the United States and Europe in order to discuss patent information issues and harmonization of examination practices. Japan also held the meetings with the United States and, based on the results of the meetings, amended the Patent Act in 1994 to permit patent applications to be submitted in English, from July 1995, and to introduce a post-grant opposition system, which went into effect in January 1996. | Japan amended the Patent Act for the purpose of harmonizing the Japanese Patent System with the global standard to encourage acquisition of foreign patents based on the application in Japan (came into effect in January 2004) | - Amendment was made to relevant provisions of the Patent Act and the Trademark Act as follows to ensure the implementation of the TPP11.  - Japan amended to national laws in order to accede to the Patent Law Treaty (PLT) and the Singapore Treaty on the Law of Trademarks (STLT). The PLT and the STLT took effect on June 11, 2016 in Japan.  - IP5 annually has held the Industrial Design Forum (ID5) since 2015 and Trademark 5 (TM5) since 2011. |  |
| 1. Public education about IP | - Holding public seminars regarding intellectual property  - Japan Customs distributed pamphlets and posters to publicize that IPR infringing goods are contrabands and to provide information of Customs enforcement on IPR infringing goods such as import suspension application. | - Preparing and distributing educational materials regarding intellectual property  - Holding seminars regarding intellectual property targeting different levels of audience, including International Patent Licensing Seminar since 2000 by the National Center for Industrial Property Information and Training (INPIT).  - JPO has and related ministries and agencies have conducted “Anti-Counterfeits and Pirated Goods Campaign” since 2003, in order to prevent consumers from purchasing the counterfeits and pirated goods.  - The textbooks for school education to learn the social meaning of IPR system and multimedia subjects have been developed and distributed  - Japan Customs distributed pamphlets and posters to publicize that IPR infringing goods are contrabands and to provide information of Customs enforcement on IPR infringing goods such as import suspension application. These Customs information is available through the internet as well. | - Distributing educational materials regarding intellectual property  - Continuing distributing textbooks and holding seminars regarding intellectual property by the National Center for Industrial Property Information and Training (INPIT). |  |
| 1. International cooperation on IP rights | - Japan carried out, under a variety of formats, programs of technical cooperation between JPO and APEC industrial property rights agencies, and between related private sector organizations and the private sector in the APEC economies.  - The JCO launched the Asia-Pacific Copyright Systems Enhancement (APACE) Program in 1993 by entrusting a fund to the WIPO, which consisted of symposium, seminar and training program.  - Since 1995, Japan had provided training courses in the field of border measures for the enforcement of intellectual property rights. The main purpose of the programs is to assist in the smooth implementation of the TRIPs Agreement and to provide the expertise and skills required for efficient enforcement system for IPR by customs officials in developing economies.  - Seminars on protection of PBR have been held since 1991 under the Japanese fund to the UPOV, with participation from some APEC economies. | - In July 2003, JPO launched the Asian Industrial Property Network (AIPN) for providing JPO's patent examination information to the Patent Offices in APEC region.  - In October 2004, the AIPN was improved to provide JPO dossiers using the English-Japanese Machine Translation System and renamed to the Advanced Industrial Property Network (AIPN).  - In addition to APACE Program, Japan is carrying out, under a variety of formats, programs of technical cooperation between the Japan Copyright Office and APEC copyright agencies.  - Customs cooperation has been continuing.  - Seminars on protection of P BR have been held since 1991 under the Japanese fund to the UPOV, with participation from some APEC economies.  - JICA Groups training courses on protection of PBR have been held since 2000, with participation from some APEC economies. | - Establishing “One Portal Dossier (OPD)” and connecting the OPD and the WIPO-CASE in order to facilitate to retrieve dossier information of other offices.  - The JPO has expanded its competency as the International Searching Authority (ISA) and the International Preliminary Examining Authority (IPEA) under the PCT so that the JPO can provide International Search Reports and International Preliminary Examination Reports for PCT international applications filed from other members states.  - Ministry of Agriculture, Forestry and Fisheries (MAFF) supports establishing effective PVP system consistent with UPOV system under the East Asia Plant Variety Protection Forum (EAPVP Forum) which adopted 10-Year Strategic Plan in 2018 with participation of East Asian countries.  - MAFF started a pilot project for plant variety protection platform under the EAPVP Forum to facilitate harmonization of application procedure and examination cooperation.  - JICA Groups training courses on protection of PBR.  - In addition to APACE Program, Japan is carrying out, under a variety of formats such as holding training seminars and events, programs of technical cooperation between the Japan Copyright Office and APEC copyright agencies. | - The “Global Dossier” concept aims for building up a virtual common system by mutually linking the information technology (IT) systems of IP Offices so that the information concerning patent application procedures and examinations (dossier information) held by IP Offices can be shared and that IT-based new service can be provided.  In July 2013, under the “Global Dossier” concept, a service for IP5 examiners called “One Portal Dossier (OPD)” was launched led by JPO’s initiative, which allows examiners of the IP5 Offices to retrieve dossier information of other offices collectively. In March 2014, the OPD system and the WIPO-CASE, which is a dossier information sharing system developed by the WIPO, were connected. As a result, the dossier information sharing network has expanded beyond the framework of the IP5 Offices.  The IP5 Offices have been working together to make the OPD service available to public users. Since July 2016, in Japan, dossier information of inventions whose applications were filed with the IP5 Offices or other IP Offices participating in the WIPO-CASE, has been available to public users through the Japan Platform for Patent Information (J-PlatPat). |
| 1. Measures to promote transparency of IP rights requirement (for example, the APEC Leaders’ Transparency Standards) | The Examination Guidelines for Patents and Utility Models was published. | - The Examination Guidelines for Patents and Utility Models has been revised or published.  - Laws and regulations and its amendment relating Copyright and neighboring rights are published on the website of JCO and Copyright Research and Information Center (CRIC).  - In recent years, when JCO amended the laws and regulations, JCO has made public them, along with explanation, on its website.  - In case of establishing, improving or eliminating copyright-related regulations, JCO makes public the draft outline, where appropriate; seeks the opinions on it from the public; and takes account of the opinions to finalize them.  - Japan Customs has made public, through the internet, laws and regulations related to customs enforcement on IPR and enforcement measures including import suspension application of IPR infringing goods as well as statistical data such as numbers of IPR infringing goods that customs suspended.  - Japan Customs has received public comments when amending customs-related regulations. | - The Examination Guidelines for Patents and Utility Models has been revised or published. | -　The “Examination Guidelines for Patent and Utility Model” was comprehensively reviewed and revised aiming to explain examination practices clearly and logically for domestic and oversea users in 2015.  -　JPO created the “Handbook for PCT International Search and Preliminary Examination in Japan Patent Office” as guidelines, which is unique in the world, consolidating and organizing all the procedures and judgement criteria concerning PCT international applications in a comprehensive and detailed manner in 2015.  - JPO revised and published the Examination Guidelines for IoT/AI related inventions in order to add case examples and clarify the practice of examination for domestic and oversea users from 2017 to 2019. |
| **8. Competition Policy** |  |  |  |  |
| 1. Development of competition laws and establishment of competition authority | Competition law and authority were existent.  Law: the Act on Prohibition of Private Monopolization and Maintenance of Fair Trade (Antimonopoly Act: AMA)  Authority: Japan Fair Trade Commission (JFTC) | Competition law and authority are existent.  Law: the Act on Prohibition of Private Monopolization and Maintenance of Fair Trade (Antimonopoly Act: AMA)  Authority: Japan Fair Trade Commission (JFTC) | Competition law and authority are existent.  Law: the Act on Prohibition of Private Monopolization and Maintenance of Fair Trade (Antimonopoly Act: AMA)  Authority: Japan Fair Trade Commission (JFTC) | - Japan has actively been advancing competition policy, focusing on vigorous enforcement of the Antimonopoly Act (AMA), since it was enacted in 1947 with a view to promoting free and fair competition. The AMA mainly prohibits following types of business practices: (a) unreasonable restraint of trade, (b) private monopolization, (c) unfair trade practices and (d) anti-competitive M&A. The JFTC is in charge of enforcing the AMA.  - Recent years, there were three significant amendments of the AMA in Japan. The first one was 2013 amendment (enacted in December 2013, came into force in April 2015), the second one was 2016 amendment (enacted in December 2016, came into force in December 2018), and the last one was 2019 amendment (enacted in June 2019). The feature of the first amendment is the abolition of hearing procedure for administrative appeals, that of the second amendment is introduction of “commitment procedure,” and that of the last amendment is the revision of surcharge systems (basis for calculation, calculation rate, etc.). |
| 1. Consistency with APEC Principles to Enhance Competition and Regulatory Reform and efforts to become consistent with the Principles | All | All | All | Japan has actively been advancing the competition policy in line with the Principle. Especially, in the area of capacity building, Japan has conducted a series of APEC training courses on competition policy since 2005 in cooperation with the Philippines, Thailand, Singapore, Indonesia and Chinese Taipei. These training courses have greatly contributed to realization of the Principle. |
| 1. International cooperation on Competition law/policy | - Japan had no arrangements or agreements for assistance or cooperation with other APEC members regarding competition policy.  - The JFTC had held bilateral meetings for exchange of views with foreign competition authorities regularly (including those of the following three APEC members: the US, Canada and Korea).  - The JFTC had participated in the discussions of the OECD and UNCTAD concerning Competition Law and Policy.  - The JFTC and Japan International Cooperation Agency (JICA) co-organized training course on the AMA and competition policy for developing countries, including those in a number of APEC members.  - The JFTC and JICA co-organized country-focused training course on the AMA and competition policy for Russia. | - Japan has agreements, including EPAs, which stipulate cooperation in the field of regulation of anticompetitive activities with other APEC members (the US, Singapore, Mexico, Canada, Malaysia, the Philippines, Chile, Thailand, Indonesia and Viet Nam).  - The JFTC has held bilateral meetings for exchange of views with foreign competition authorities regularly (including those of the following three APEC members: the US, Canada and Korea).  - The JFTC has participated in the discussion of the OECD, UNCTAD, the WTO and the International Competition Network (ICN) concerning Competition Policy.  - The JFTC has held a series of the East Asia Top Level Officials’ Meeting on Competition Policy annually since 2005 in cooperation with competition authorities in East Asia region, including those of APEC members.  - The JFTC and JICA co-organized training course on the AMA and competition policy for developing countries, including those in a number of APEC members.  - The JFTC and JICA co-organized country-focused training course on the AMA and competition policy for China and Viet Nam. | - Japan has agreements, including EPAs, which stipulate cooperation in the field of regulation of anticompetitive activities with other APEC members (the US, Singapore, Mexico, Canada, Malaysia, the Philippines, Chile, Thailand, Indonesia, Viet Nam, Peru, and Australia).  - The JFTC has held bilateral meetings for exchange of views with foreign competition authorities regularly (including those of the following three APEC members: the US, Canada, Korea, and China).  - The JFTC has participated in the discussion of the OECD, UNCTAD, the WTO and the International Competition Network (ICN) concerning Competition Policy.  - The JFTC has held a series of the East Asia Top Level Officials’ Meeting on Competition Policy annually since 2005 in cooperation with competition authorities in East Asia region, including those of APEC members.  - The JFTC and JICA co-organized training course on the AMA and competition policy for developing countries, including those in a number of APEC members.  - The JFTC and JICA co-organized country-focused training course on the AMA and competition policy for Indonesia and Viet Nam.  - Japan organized Capacity Building workshops on high-quality and comprehensive competition chapter in FTAs/RTAs addressed to the policy makers and negotiators of APEC economies in 2017, 2018 and 2019. | - From 2005 to 2019, eight EPAs with competition chapter were signed between Japan and APEC members which are Malaysia (2005), the Philippines (2006), Chile (2007), Thailand (2007), Indonesia (2007), Viet Nam (2008), Peru (2011), and Australia (2014).  - The Japan Fair Trade Commission (JFTC) has demonstrated its initiative in establishment of the East Asia Top Level Officials’ Meeting on Competition Policy, which has been held 15 times since 2005 in cooperation with competition authorities in East Asia region, including those of APEC members.  - The JFTC and JICA have co-organized training course on the AMA and competition policy for developing countries, including those in a number of APEC members, 14 times from 2005 to 2019.  - The JFTC and JICA have co-organized country-focused training course on the AMA and competition policy for Indonesia (26 times), China (13 times), Viet Nam (ten times), the Philippines (16 times), and Malaysia (two times) from 2005 to 2019.  - The JFTC has sent long-term experts on competition policy and law to developing countries including some APEC members such as Viet Nam, Indonesia, for technical assistance.  - Japan organized Capacity Building workshops on high-quality and comprehensive competition chapter in FTAs/RTAs addressed to the policy makers and negotiators of APEC economies in 2017, 2018 and 2019. |
| **9. Government Procurement** |  |  |  |  |
| 1. Increasing transparency of laws, regulations, bidding system, and how to determine bidding qualifications and bid winners | With a view to further enhancing transparency of government procurement, Japan, as a party to the Agreement on Government Procurement, which went into effect on January 1, 1996, is implementing government procurement through fair, open and transparent procurement procedures in accordance with the provisions of the Agreement.  In addition to fulfilling its obligations under the Agreement, Japan has since 1985 initiated voluntary measures to improve access to government procurement markets for goods and service except public works by lowering part of threshold of procurements covered by the Agreement. | On April 1 2001, Proper Tendering Act came into force. Its basic principles are "Secure transparency", "Promote fair competition", "Proper implementation of works" and "Abolish improper actions" | With a view to further expanding the coverage, Japan ratified the Protocol Amending the Agreement on Government Procurement and has been as its party since April 14, 2014. | Japan, together with the other Parties to the Agreement on Government Procurement, is presently actively participating in the review of the Agreement with a view to improving the Agreement and further expanding its coverage, while seeking a widest possible participation of other WTO Members. |
| 1. Restrictions on foreign goods, services or suppliers, or preferences to domestic suppliers | None | None | None |  |
| 1. Reciprocity requirements in providing access to government procurement markets | No reciprocity requirements inconsistent with the commitment under WTO existed. | No reciprocity requirements inconsistent with the commitment under WTO exist. | No reciprocity requirements inconsistent with the commitment under WTO exist. |  |
| 1. Consistency with the APEC Non-binding Principles on Government Procurement | All | All | All |  |
| 1. Introduction of electronic means for government procurement | (Introduced, Not introduced) | Introduced | Introduced | - E-procurement system was introduced in all the public works that are directly conducted by the Ministry of Land, Infrastructure and Transport in April 2003. (Tendering information website: http://www.i-ppi.go.jp (Japanese only); Tendering participation website: http://www.e-bisc.go.jp (Japanese only))  - All the Government agencies introduced a on-line system for the submission and opening of tenders via the internet by the end of FY 2003. |
| **10. Deregulation/ Regulatory Reform** |  |  |  |  |
| 1. Reviews of existing regulations | Some  Japan’s Cabinet approved "the Plan for Promotion of Deregulation" in 1995 and established the small committee for deregulation in the Government of Japan. | Most  Since 1995, over 5000 items have been deregulated by cabinet approval. The Committee of Promotion of Regulatory Reform has reported on deregulation three times in order to promote deregulation strongly. | Most  Since 2013, Japan’s Cabinet has approved "the Regulatory Reform Implementation Plan" every year. The new organization of the Council for Regulatory Reform was launched as the permanent installation in October 2019. |  |
| 1. Reviews of new or proposed regulations | All | All | All | As a rule, forthcoming regulation shall be reviewed after a certain period of time with a possibility of abolishment. |
| 1. Consistency with APEC Principles to Enhance Competition and Regulatory Reform | All | All | All |  |
| 1. Improving transparency in regulatory regimes | Transparency standards are implemented according to Administrative Procedure Act (Act 88,1993) | Transparency standards are implemented according to Administrative Procedure Act (Act 88,1993) and “Prior Clearance Procedures for Application of Laws and Ordinances by Administrative Organs” (no action letter system) ( Cabinet Decision, March 27, 2001) | Transparency standards are implemented according to Administrative Procedure Act (Act 88,1993) and “Prior Clearance Procedures for Application of Laws and Ordinances by Administrative Organs” (no action letter system) ( Cabinet Decision, March 27, 2001) |  |
| **11. WTO Obligation/ Rules of Origin** |  |  |  |  |
| 1. WTO/UR Agreements not yet fully implemented | None | None | None |  |
| 1. Ensuring application of rules of origin in an impartial, transparent and neutral manner | Japan had faithfully implemented the WTO Agreement on Rules of Origin, and actively been involved in the HWP by the WTO/WCO. | Japan faithfully implements the WTO Agreement on Rules of Origin, and has been actively involved in the on-going Harmonization Work Programme (HWP) by the WTO/WCO. | Japan faithfully implements the WTO Agreement on Rules of Origin. |  |
| **12. Dispute Mediation** |  |  |  |  |
| Dispute mediation methods, process and bodies are available to foreign businesses | The civil mediation proceeding at the district or summary court was also available for foreign businesses under the Civil Mediation Law. | The following proceedings are available for foreign businesses;  (1) civil mediation proceeding at the district or summary court  (2) arbitration proceeding under the Arbitration Law which was enacted in August 2003 and came into force in March 2004 modeling the UNCITRAL Model Law on International Commercial Arbitration  (3) labor dispute adjudication proceeding at the district court under the Labor Dispute Adjudication Act which was enacted in May 2004 and came into force in April 2006 aiming for expeditious, fair and effective resolution of labor disputes  (4) alternative dispute resolution proceeding under the Act on Promotion of Use of Alternative Dispute Resolution which was enacted in December 2004 and came into force in April 2007. | The following proceedings are available for foreign businesses;  (1) civil mediation proceeding at the district or summary court  (2) arbitration proceeding under the Arbitration Law which was enacted in August 2003 and came into force in March 2004 modeling the UNCITRAL Model Law on International Commercial Arbitration  (3) labor dispute adjudication proceeding at the district court under the Labor Trubunal Act which was enacted in May 2004 and came into force in April 2006 aiming for expeditious, fair and effective resolution of labor disputes  (4) alternative dispute resolution proceeding under the Act on Promotion of Use of Alternative Dispute Resolution which was enacted in December 2004 and came into force in April 2007. | * + A new law aimed at promoting the development and use of Alternative Dispute Resolution (ADR) was enacted in December 2004 and came into force in 2007.   + The Labor Tribunal Act was enacted in May 2004 and came into force in April 2006. |
| **13. Mobility of Business People** |  |  |  |  |
| 1. Number of visa free or visa waiver arrangements | 48 countries and regions | 63 countries and regions | 68 countries and regions |  |
| Visa free or visa waiver arrangements with APEC member economies | Brunei, Canada, Chile, Mexico, NZ, Singapore and the U.S. | Australia; Brunei; Canada; Chile; Hong Kong, China; Korea; Mexico; NZ; Singapore; Chinese Taipei and the U.S. | Australia; Brunei; Canada; Chile; Hong Kong, China; Indonesia; Korea; Malaysia;Mexico; NZ; Singapore; Thailand; Chinese Taipei and the U.S. |  |
| 1. Participation in the APEC Business Travel Card scheme | NO | YES | YES | Japan has participated in ABTC scheme since 1st April 2003. Until the end of 2019, Japan printed 60,145 cards. |
| 1. Other efforts to facilitate mobility of business people than the above | To facilitate the movement of people between Japan and other economies and to respond to rapidly growing needs for business mobility in the region, Japan continued its efforts to streamline visa regimes and upgrade them. | - The Government of Japan amended the Immigration Control and Refugee Recognition Act for the purpose of introducing a new residence management system which will contribute to equitable control of foreign nationals. It includes provisions that extend the maximum period of stay from three years to five years, that allow re-entry within one year, without the need to be granted re-entry permission, to foreign nationals who have a valid passport and a residence card issued under the new residence management system, and that, in the case of re-entry permission being granted, extends the valid maximum period of re-entry permission from three years under the present system to five years. And, the amendment will be enforced within three years.  Japan concluded APEC Architect Memorandum of Cooperation on Registered/ Licensed Architects with Australia in July 2008 and New Zealand in July 2009, which is completed within the scope of the APEC Architect Project. This Memorandum help expedite the process to be authorized and registered as an architect (Kenchikushi in Japan) reciprocally. | -Japan introduced preferential immigration control and residency management treatment based on the point-based system for highly-skilled foreign professionals in May 2012, and has since been promoting the acceptance of highly-skilled professionals.  -Japan commenced online residence application procedures (the acceptance of requests for use commenced in March 2019, and the acceptance of applications commenced in July of the same year).  -In October 2016, devices to acquire Biometric information (finger prints and a facial photograph) making best use of the waiting time for a landing examination so-called Bio Carts, were introduced at Kansai, Takamatsu and Naha airports, and from April 2017. After that they were introduced at 12 other airports including Narita Airport, and from May 2018, were brought in at Kitakyusyu and Oita Airport, and were brought in at Haneda Airport on December 2019 to promote smoother examinations.  -During 2018, the facial recognition automated gates were introduced on a full-scall in the landing and departure examination areas of Narita, Haneda, Chubu, Kansai and Fukuoka Airport, and are being operated in the departure and return procedures for Japanese nationals. The automated gates have started to operate in the departure procedure for foreign nationals at Haneda Airport on July 2019, and since then, also at Narita, Kansai, Fukuoka, Chubu and New Chitose Airport. | * + Japan is one the founding members of the APEC Engineer and started registration from November, 2000.   + In December 2001, Japan revised a Ministerial Ordinance to ease requirements for the entry and stay of foreign IT engineers.   + Japan has simplified visa application documents for Intra-company Transferee on December 2003.   + Since March 2004, Japan has expedited and simplified the examinations on applications for certificates of eligibility for the status of residence filed by companies of good performance.   + Japan has streamlined the visa procedure at its overseas establishments worldwide since 2005, especially not to overlap visa procedure with the procedure for the issuance of Certificate of Eligibility.   + Japan has joined APEC Architect Project and started registration from 2005. |
| 1. Average time to approve for short term business visit visa |  | 5 working days | 5 working days |  |
| **14. Trade Facilitation** |  |  |  |  |
| 1. Consistency with APEC Principles on Trade Facilitation | -- | Most  (In particular for the aspects of customs procedures: All) | All |  |
| 1. Implementation of Trade Facilitation Action and Measures (approved in 2002) | Customs Procedures: 55  Standards: 17  Business Mobility: 5  Electronic Commerce: 10 | Customs Procedures: 56  Standards: 18  Business Mobility: 5  Electronic Commerce: 10 | Customs Procedures: 56  Standards: 20  Business Mobility: 5  Electronic Commerce: 10 | -Japan contributed to promote WTO negotiations on E-commerce as a co-convener, which will have a positive effect on enhancing the business mobility and further trade facilitation in the digital era. |
| **15. Promotion of High-Quality RTAs/FTAs** |  |  |  |  |
| 1. Number of RTAs/FTAs concluded/signed | None | 11 agreements | 18 agreements | Since 2009, 6 agreements have entered into force.   * + Comprehensive Economic Partnership Agreement between Japan and the Republic of India   + Agreement between Japan and the Republic of Peru for an Economic Partnership   + Agreement between Japan and Australia for an Economic Partnership   + Agreement between Japan and Mongolia for an Economic Partnership   + Comprehensive and Progressive Agreement for Trans-Pacific Partnership (TPP11)   + Agreement between the European Union and Japan for an Economic Partnership |
| RTAs/FTAs concluded/signed with APEC member economies | None | * + Agreement between Japan and the Republic of Singapore for a New-Age Economic Partnership   + Agreement between Japan and the United Mexican States for the Strengthening of the Economic Partnership   + Agreement between the Government of Japan and the Government of Malaysia for an Economic Partnership   + Agreement between Japan and the Republic of Chile for a Strategic Economic Partnership   + Agreement between Japan and the Kingdom of Thailand for an Economic Partnership   + Agreement between Japan and the Republic of Indonesia for an Economic Partnership   + Agreement Between Japan and Brunei Darussalam for an Economic Partnership   + Agreement between Japan and the Republic of the Philippines for an Economic Partnership   + Agreement between Japan and the Socialist Republic of Viet Nam for an Economic Partnership | - Japan and the Kingdom of Thailand for an Economic Partnership  - Agreement between Japan and the Republic of Indonesia for an Economic Partnership  - Agreement between Japan and Brunei Darussalam for an Economic Partnership  - Agreement between Japan and the Republic of the Philippines for an Economic Partnership  - Agreement between Japan and the Socialist Republic of Viet Nam for an Economic Partnership  - Agreement between Japan and the Republic of Peru for an Economic Partnership  - Agreement between Japan and Australia for an Economic Partnership  - Trans-Pacific Partnership (TPP) Agreement  - Comprehensive and Progressive Agreement for Trans-Pacific Partnership (TPP11)  -Trade Agreement between Japan and the United States of America | Since 2009, 3 agreements have entered into force with APEC member economies.   * + Agreement between Japan and the Republic of Peru for an Economic Partnership   + Agreement between Japan and Australia for an Economic Partnership   + Comprehensive and Progressive Agreement for Trans-Pacific Partnership (TPP11) |
| 1. Number of RTAs/FTAs under negotiation | None | 5 agreements | 7 agreements | Since 2009, Japan has launched negotiations with Canada, Colombia, China and Republic of Korea, Turkey, and the participating countries of RCEP. |
| RTAs/FTAs being negotiated with APEC member economies | None | * + Japan - Korea Economic Partnership Agreement   + Japan - Australia Economic Partnership Agreement   + Japan - Peru Economic Partnership Agreement | - Regional Comprehensive Economic Partnership(RCEP)  - Japan-China-Republic of Korea Free Trade Agreement  - Japan-Republic of Korea Economic Partnership Agreement  (In suspension)  - Japan-Canada Economic Partnership Agreement (In suspension) |  |
| 1. Consistency with APEC Model Measures for RTAs and FTAs | None (There was no agreement in1995.) | In case of the agreement with Switzerland, it is mostly consistent with APEC Model Measures, containing most of the elements of APEC Model Measures. | In case of the other agreements with non-APEC member economies, it is mostly consistent with APEC Model Measures, containing most of the elements of APEC Model Measures. |  |
| **16. Voluntary Self-Reporting** |  |  |  |  |
| 1. Efforts in support of TILF: Measures on e-commerce | Door to Door Sales Law (current: Act on Specified Commercial Transactions) which included the provisions to promote e-commerce was in effect. | Japan has domestic laws, regulations and guidelines to promote e-commerce including the Basic Act on the Formation of Advanced Information and Telecommunications Network Society, the Act on Specified Commercial Transactions, the Act on Special Provisions to the Civil Code Concerning Electronic. Consumer Contracts and Electronic Acceptance Notice, and the Act on the Protection of Personal Information, and the Interpretative Guidelines for Electronic Commerce | * + Japan has domestic laws, regulations and guidelines to promote e-commerce including the Basic Act on the Formation of Advanced Information and Telecommunications Network Society, the Act on Specified Commercial Transactions, the Act on Special Provisions to the Civil Code Concerning Electronic. Consumer Contracts and Electronic Acceptance Notice, and the Act on the Protection of Personal Information, and the Interpretative Guidelines for Electronic Commerce | * + Japan-Switzerland EPA has a chapter on electronic commerce which includes provisions regarding cooperation to make the current practice of not imposing customs duties on electronic transmissions binding within the framework of the WTO, non-discriminatory treatment of digital products and services, rules on market access, protection of online consumers, and paperless trade administration. |
| 1. Efforts in support of TILF in environmental aspects and efforts to mitigate impact on environment derived from trade and investment: Environment-related articles in RTAs/FTAs | None (There was no agreement in1995.) | All EPAs signed (11 agreements) have some kind of environment-related articles. | All EPAs signed (18 agreements) have some kind of environment-related articles.  Two signed EPAs (TPP and Japan-EU EPA) have an independent chapter on environment. | * + All signed EPAs have investment chapter. In order to protect environment, 2 of those 18 has a provision which stipulates that each party of the agreement shall not encourage investments by investors of the other party by relaxing its environmental measures, while 10 EPAs have provisions which stipulate that each party recognises its inappropriateness of encouraging investments by relaxing its environmental measures.   + 15 among 18 signed EPAs have chapter(s) relating to bilateral economic cooperation in which environment is stipulated as one of the fields of cooperation.   + Japan-Brunei EPA and Japan-Indonesia EPA have a chapter on energy/ energy and mineral resources in which there are provisions on environmental aspects. The purposes of these provisions are:     - to endeavour to minimise/to confirm, in an economically efficient manner, harmful environmental impacts of all activities related to energy/ energy and mineral resources in its area, in pursuit of sustainable development and taking into account its obligations under those international agreements concerning environment to which it is a party;     - to take account of environmental considerations throughout the process of formulation and implementation of its policy on energy/ energy and mineral resources;     - to encourage favourable conditions for the transfer and dissemination of technologies that contribute to the protection of environment, consistent with the adequate and effective protection of intellectual property rights; and     - to promote public awareness of environmental impacts of activities related to energy/energy and mineral resources and of the scope for and the costs associated with the prevention or abatement of such impacts.   + Japan-Switzerland EPA has a provision that the parties shall encourage trade and dissemination of environmental products and environmental-related services in order to facilitate access to technologies and products that support the environmental protection and development goals though there are no definitions of “environmental products” and “environmental-related services”.   + Japan-EU EPA has a chapter on trade and sustainable development including environment-related provisions. The objective of this chapter is to strengthen the trade relations and cooperation between the Parties in ways that promote sustainable development. |
| 1. Labour | N.A. | The laws and regulations related to labour standards including the Labour Standards law, the Employment Contracts Act, the Minimum Wages Law, the Industrial Safety and Health Law, and the Workmen’s Accident Compensation Insurance Law apply to foreign workers in Japan as well as the Japanese. | * + Two signed EPAs (TPP and Japan-EU EPA) have an independent chapter on labour.   + Japan-Philippines EPA has a provision on labour in its Investment Chapter. | * + Japan has implemented various international cooperation projects regarding vocational training and developing human resources through regional frameworks including APEC in order to create and ensure well-educated labour force mainly in East Asia.   + Japan has engaged in discussions on labour at international multilateral fora such as International Labour Organisation (ILO), OECD and World Health Organisation (WHO). |

1. Changed to Nippon Automated Cargo and Port Consolidated System [↑](#footnote-ref-1)