

COMMUNICATION FROM JAPAN

The Second Review of MFN Exemptions

The following communication, dated 15 November 2004 from the delegation of Japan is being circulated to the Members of the Council for Trade in Services.

1. With regard to the Review Session to be held on 30 November 2004, we have prepared the following questions for consideration by the Members. In order to proceed in an efficient manner at the above Session, we should be grateful if we could receive written replies from all concerned in advance of the meeting.

2. Japan reserves its right to submit additional questions, as necessary, at a later stage, as well as to raise questions listed in the paragraph 4 of document JOB(04)/131 with regard to any exemptions at the above Session.

For the following questions, all page numbers refer to document JOB(04)/115.

Antigua Barbuda

3. On page 8, measures based on CARICOM are registered for exemption, but as this agreement is based on GATS Article V and has been notified to the WTO, it can be considered that there is no need for registration. Please explain the reason for registering this measure.

Austria

4. On page 14, measures based on “progressive trade liberalization between Austria and Switzerland” are registered for exemption on an indefinite basis. Please specify the reason for the need for such an indefinite exemption. Please also explain the relationship with Article V of the GATS.

Bangladesh

5. On page 16, the term for applying different accounting rates for different operators/countries covered by bilateral agreements with Bangladesh is set for 10 years. As the period is about to expire, this registration should be eliminated by the end of the year. Please confirm this.

Bolivia

6. Please specify the measures concerning Road transportation services that are subject to exemption based on GATS Article II. (page 18)

Brunei Darussalam:

7. On Page 21, “preferences for entry and temporary stay of workers from traditional sources of supply” are registered as an exemption on an indefinite basis. Please specify the reason for the need for such an indefinite exemption. Please also explain the relationship with Article V of the GATS.

Canada

8. On page 34, Measures on “temporary entry of agricultural workers from countries with which Canada has signed a memorandum of understanding is subject to an accelerated process for labour certification”. Please specify the reason for the need for such an indeterminate exemption. Please also explain the relationship with Article V of the GATS.

Colombia

9. On Page 39, Measures in the Telecommunications and Land Transport sectors have been reserved for Andean Group Countries for an indefinite or unlimited duration. Please specify the reason for the need for such an indefinite exemption. Please also explain the relationship with Article V of the GATS.

Costa Rica

10. On page 42, an exemption for measures under the “General Treaty of Central American Economic Integration” has been reserved for an indefinite period. Please specify the reason for the need for such an indefinite exemption. Please also explain the relationship with Article V of the GATS.

Cote d’Ivoire

11. Please specify the measures concerning Insurance services that are subject to exemption related to CIMA based on GATS Article II. (page 4V)

12. Please specify the measures concerning Banking services that are subject to exemption related to WAMU based on GATS Article II. (page 47)

13. Please specify the measures concerning Stock exchange services that are subject to exemption related to WAEMU based on GATS Article II. (page 47)

Cyprus

14. Please specify the measures concerning Road transportation services that are subject to exemption based on GATS Article II. (page 52)

15. Please specify the measures concerning Human health services that are subject to exemption based on GATS Article II. (page 53)

El Salvador

16. Please specify the measures concerning Banking services that are subject to exemption based on GATS Article II. (page 61)

17. On page 61, an exemption for measures under the “General Treaty of Central American Economic Integration” has been reserved for an indefinite period. Please specify the reason for the need for such an indefinite exemption. Please also explain the relationship with Article V of the GATS.

EC

18. In accordance with 13 countries entering the EU, a new exemption table has been presented by the EC. As it is understood that certification procedures are yet to commence, please confirm whether the items registered by the 13 newly entered countries are still in effect.

19. On page 72, the term for facilitating procedures in France for certain services supplied by French speaking countries is set for 10 years. As the period is about to expire, this registration should be eliminated at the end of the year. Please explain the reason for continuing registration.

20. On Page 72, exemptions for measures on the movement of natural persons for historical links with “Portugal and certain countries”, “France and certain countries”, Commonwealth countries, “EC and Switzerland” are registered. Please specify the reason for the need for such an indefinite exemption. Please also explain the relationship with Article V of the GATS.

21. Please clarify the specific countries that are included in the area of central, east and southeast Europe, which is referred to on page 74. Also, as for this item the duration date is set until an economic integration agreement is concluded or completed, please explain the current state of related agreements and specify when the duration will be terminated.

Estonia

22. On Page 62, an exemption for “Preferential treatment when granting permits for entry, stay, and work” has been registered for an indefinite duration. Please specify the reason for the need for such an indefinite exemption. Please also explain the relationship with Article V of the GATS.

Finland

23. Please specify the measures concerning Road transportation services that are subject to exemption based on GATS Article II. (page 75)

Guatemala

24. On page 81, an exemption for measures under the “General Treaty of Central American Economic Integration” has been reserved for an indefinite period. Please specify the reason for the need for such an indefinite exemption. Please also explain the relationship with Article V of the GATS.

Honduras

25. On page 83, an exemption for measures under the “General Treaty of Central American Economic Integration” has been reserved for an indefinite period. Please specify the reason for the need for such an indefinite exemption. Please also explain the relationship with Article V of the GATS.

India

26. Please specify the measures concerning Telecommunication services that are subject to exemption based on GATS Article II. (page 90)

Indonesia:

27. On Page 91, an exemption for movement of personnel for Malaysia, Singapore, Brunei, PNG and Australia has been registered on an indefinite basis. Please specify the reason for the need for such an indefinite exemption. Please also explain the relationship with Article V of the GATS.

Jamaica

28. On page 93, measures based on CARICOM are registered for exemption, but as this agreement is based on GATS Article V and has been notified to the WTO, it can be considered that there is no need for registration. Please clarify the reason for registering.

Jordan

29. On Page 94, an exemption for services fees related to movement of natural persons is registered on an indefinite basis. Please specify the reason for the need for such an indefinite exemption. Please also explain the relationship with Article V of the GATS.

30. Please specify the measures concerning Land Transport services that are subject to exemption based on GATS Article II. (page 97)

Liechtenstein

31. On page 102, measures based on EFTA are registered for exemption, but as this agreement is based on GATS Article V and has been notified to the WTO, it can be considered that there is no need for registration. Please clarify the reason for registering.

32. On Page 104 and 105, an exemption for temporary stay and permanent residency between Liechtenstein and Switzerland, Liechtenstein and EC and EFTA countries, is registered on an indefinite basis. Please specify the reason for the need for such an indefinite exemption. Please also explain the relationship with Article V of the GATS.

Malaysia

33. On page 112, the term for the exemption of measures covering all sectors is set for V years. As the period is about to expire, this registration should have been eliminated. Please clarify the reason for continuing registration.

34. On page 112, an exemption for movement of foreign semi-skilled and unskilled workers into Malaysia is registered for an indefinite period. Please specify the reason for the need for such an indefinite exemption. Please also explain the relationship with Article V of the GATS.

Malta

35. Please specify the measures concerning all sectors of services that are subject to exemption based on GATS Article II. (page 115)

Morocco

36. Please specify the measures concerning International Road Transport services that are subject to exemption based on GATS Article II. (page 120)

Nicaragua

37. On page 124, an exemption for measures under the “General Treaty of Central American Economic Integration” has been reserved for an indefinite period. Please specify the reason for the need for such an indefinite exemption. Please also explain the relationship with Article V of the GATS.

Pakistan

38. Please specify the measures concerning Telecommunication services that are subject to exemption based on GATS Article II. (page 131)

Panama

39. On page 132, an exemption for measures under the “General Treaty of Central American Economic Integration” has been reserved for an indefinite period. Please specify the reason for the need for such an indefinite exemption. Please also explain the relationship with Article V of the GATS.

Peru

40. On Page 133, measures in the Transport sector have been reserved for Andean Group Countries for an indefinite or unlimited duration. Please specify the reason for the need for such an indefinite exemption. Please also explain the relationship with Article V of the GATS.

Philippines

41. On Page 135, an exemption for entry and temporary stay of natural persons is registered for an indefinite period. Please specify the reason for the need for such an indefinite exemption. Please also explain the relationship with Article V of the GATS.

Senegal

42. Please specify the measures concerning Insurance services that are subject to exemption related to WAEMU and CIMA based on GATS Article II. (page 142)

43. Please specify the measures concerning Banking services that are subject to exemption related to WAEMU and WAMU based on GATS Article II. (page 143)

Singapore

44. On Page 145, “preferences for entry and temporary stay of workers from traditional sources of supply” are registered as an exemption on an indefinite basis. Please specify the reason for the need for such an indefinite exemption. Please also explain the relationship with Article V of the GATS.

Sri Lanka

45. Please specify the measures concerning Telecommunication services that are subject to exemption based on GATS Article II. (page 157)

Swaziland

46. Please specify the measures concerning Road transportation services that are subject to exemption based on GATS Article II. (page 158)

Switzerland

47. On page 162, measures based on EFTA are registered for exemption, but as this agreement is based on GATS Article V and has been notified to the WTO, it can be considered that there is no need for registration. Please clarify the reason for registering.

48. On page 164, among the measures concerning Road transportation services, the term of revision of measures concerning freight is set for 12 years from the entering into force of the bilateral agreement between Switzerland and EC. Please update the situation providing specific revision dates, and if the period has expired, please explain the reason why registration is not eliminated.

49. On Page 165 and 166, an exemption for temporary stay and permanent residency between Switzerland and Liechtenstein, Switzerland and EC and EFTA countries, is registered on an indefinite basis. Please specify the reason for the need for such an indefinite exemption. Please also explain the relationship with Article V of the GATS.

Thailand

50. On page 171, the term for applying NT only to American citizens and entities with respect to operating business and providing services in Thailand upon the bilateral agreement with the United States is set for 10 years. As the period is about to expire, this registration should be eliminated by the end of the year. Please confirm this.

Turkey

51. Please specify the measures concerning Telecommunication services that are subject to exemption based on GATS Article 2. (page 179)

52. Please specify the measures concerning Telecommunication services and Rail Transport Services that are subject to exemption based on GATS Article II. (page 179)

UAE

53. Please specify the measures concerning members of the GCC that are subject to exemption based on GATS Article II. (page 184)

Venezuela

54. Please specify the measures concerning Petroleum related services that are subject to exemption based on GATS Article II. (page 202)
