

WORLD TRADE ORGANIZATION

S/C/N/77
18 September 1998

(98-3589)

Council for Trade in Services

Original: English

NOTIFICATION PURSUANT TO ARTICLE III.3 OF THE GENERAL AGREEMENT ON TRADE IN SERVICES

The following notification has been received from Japan.

1. **Member notifying:**

Japan

2. **Notification under:**

Article III, paragraph 3, of the General Agreement on Trade in Services.

3. **Date of entry into force:**

13 August 1998

Duration

Indefinite

4. **Agency responsible for implementation and enforcement of the measures:**

Ministry of Justice

5. **Description of the measures:**

Special Measures Law Concerning the Handling of Legal Business by Foreign Lawyers is revised as follows:

(1) Relaxation of requirements of practising experience

Regarding the practical experience requirement for qualification which is one of standards for approval as a *gaikokuho-jimu-bengoshi* (a foreign lawyer qualified by Japanese law), necessary period during which an applicant has to engage in practice as a foreign lawyer in the foreign country where he or she acquired a qualification to become a lawyer of that country ("home country") is shortened to three years.

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In cases where a person, after being qualified to become a lawyer of the foreign country, was under the employment of a *bengoshi* or a *gaikokuho-jimu-bengoshi* in Japan, up to one-year period of the time in total during which as an employee he or she has rendered services regarding the law of the "home country" to a *bengoshi* or a *gaikokuho-jimu-bengoshi*, shall be regarded as the period of his or her having engaged in practice as a lawyer in the "home country".

- Restrictions on the objectives of joint enterprise between a *gaikokuho-jimu-bengoshi* and a *bengoshi* are relaxed. The joint enterprise could institutionally offer a consistent legal service based on a comprehensive co-operation between a *gaikokuho-jimu-bengoshi* and a *bengoshi* up to the stage of ultimate solution of the following foreign legal cases:

- legal cases which require knowledge of foreign law;
- legal cases in which all or part of parties have addresses, main offices or headquarters in foreign countries; and
- legal cases committed by a company whose the majority of stocks or shares is owned by those persons who have addresses, main offices or headquarters in foreign countries.

Affected commitments in the Schedule:

"Consultancy on law of jurisdiction where the service supplier is a qualified lawyer"; "The service supplier has engaged himself as a lawyer for at least 5 years in the jurisdiction." in ii) of Note for transparency; and "Practice of third country law and Japanese law is not permitted." in i), mode (3) of the column of additional commitments, in sector 1.A. a).

6. Members affected:

None

7. The texts are available from:

Gaikokuho-jimu-bengoshi Qualification Examination Office,
 Judicial System and Research Department,
 Ministry of Justice

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