

WORLD TRADE ORGANIZATION

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Negotiating Group on Market Access

NON -TARIFF BARRIER NOTIFICATIONS

Revision

I.	JAPAN	2
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I. JAPAN

(Japan reserves the right to submit further items in the course of negotiations)

No	Maintaining Participant	Products affected by the barrier	Nature of the barrier	Trade effects of the barrier	Inventory category	Relevant WTO provision	Treatment of the barrier
	1	2	3	4	5	6	7
1		automobiles and their parts HS Chapters 84, 85 and 87	Non-transparency of customs classification and customs valuation, inconsistent with classification by the WCO, e.g. non-transparency of customs classification of CKDs, arbitrary determined customs values	unstableness and unpredictability of trade	II-B, II-C, II-G	GATT Articles II, X Agreement on Implementation of Article VII of The GATT 1994	c
2		Mineral Resources (copper or copper concentrates /HS chapter 26)	Price of raw copper material is soaring due to the refund of the internal tax on domestic raw copper material and to buying the material at a high price, e.g. a part of the value added tax VAT is refunded on raw copper material imported by the refinery	trade distortive effects	I-A	Agreement on Subsidies and Countervailing Measures	c
3		chemical products (HS Chapters 28 to 40)	Registration of new and existing chemicals (REACH), e.g. under the REACH system; in the regulation for the protection of health, safety and the environment, there is a possibility that a greater burden could be imposed on importers than on the manufacturers within the EU member states, and that the importers could be placed in a disadvantageous position in the competition. (This measure is under consideration by the EU member states concerned)	trade restrictive effect caused by excessive burden on importers	III-B	GATT Article 3 TBT Articles 2.1 and 2.2	c
4		textiles HS Chapters 50 to 63	Lack of enforcement for infringement of intellectual property rights, e.g. false representation on well-known brand names and designs, and free circulation of counterfeit goods Inappropriate and insufficient protection of intellectual property rights, e.g. lack of protection system on intellectual property rights	trade restrictive effect	VII-A	TRIPS	
5		automobile parts (HS Chapters 84, 85 and 87)	Local contents requirements, e.g. use of local contents is required for foreign companies	trade restrictive effect	V-F	TRIMs	c

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6		automobile parts (HS Chapters 84, 85 and 87)	Trade balancing requirements, e.g. imposing export requirements on automobile companies in relation to the import value	trade and investment restrictive effect	VII-D	TRIMs	c
7		automobile parts (HS Chapters 84, 85 and 87), petroleum oils and their products (HS Chapter 27)	Restriction on foreign investment (investment ratio, restriction on liaison offices, e.g. restriction on joint-venture investment, restriction on setting up liaison offices	trade and investment restrictive effect	VII-D	GATS	c
8		information technology products (HS Chapters 84, 85 and 90), base metals (HS Chapters 72 to 83), textiles (HS Chapters 50 to 63) cosmetics (HS Headings 3303 to 3305, 3307, HS Subheading 3401.11)	Discrimination by country in refunding of internal tax	trade restrictive effect	VI		
9		automobile (HS Chapter 87)	prohibition of selling both imported cars and domestic cars	trade distortive effect	VII-C	GATT Article III	
10		cabotage (HS Chapter 89)	Measures taken by a Member under specific mandatory legislation, enacted by that Member before it became a contracting party to GATT 1947, which prohibit the use, sale or lease of foreign-built or foreign-reconstructed vessels in commercial applications between points in national waters	substantial import restriction	I-C, V-B	GATT Paragraph 3	a
11		textiles HS Chapters 50 to 63), machinery HS Chapters 84 to 85	Lack of preventive measures in the countries concerned for false country of origin marking, e.g. false country of origin marking of textile products	trade distortive effect	II-F, VII-E	GATT Article IX	

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12		automobiles HS Chapter 87	Price registration system on import products, e.g. requirement to submit price registration form and difficulty in modifying the registered price	trade restrictive effect	V-H	GATT Article VIII	
13		automobiles and their parts, machinery for building automobiles (HS Chapters 84, 85 and 87)	Customs procedure lacks transparency, is complicated and unstable - more time needed for procedures and import ports are limited, e.g. complicated customs procedures for imported cars	unstableness and unpredictability of trade	II-G, VII-E	GATT Articles VIII, X	a
14		information technology products, electrical machinery (HS Chapters 84, 85 and 90)	Inappropriateness, non-transparent and unstable customs classification, e.g. levying duties on camcorders, FPD (Flat Panel Display) based on inappropriate customs classification	unstableness and unpredictability of trade	II-C	GATT Article II	a
15		mineral products (HS Heading 25.29,28.46)	Export quantity restrictions and their untransparent quota allocation e.g. export quantity restrictions on fluorspar,rare earth by E/L.	trade restrictive effect	V-G	GATT Articles X, XI, XX	a
16		automobiles and their parts HS Chapters 84, 85 and 87	Non-transparency and unfairness of implementation of issuing import licenses, e.g. import licensing process lacks transparency	unstableness and unpredictability of trade	II-H, V-A	GATT Articles X, XIII Agreement on Import Licensing Procedures	c
17		forest products (HS Chapter 44)	Export ban and export restriction	trade distortive effect	V-G	GATT Articles XI, XX	a
18		textiles HS Chapters 50 to 63	Import prohibition on used products, e.g. import ban on used textile products	trade restrictive effect	V-A	GATT Articles XI, XX	c
19		forest products (HS Chapter 44)	Export taxes and levies	trade distortive effect	V-J		a
20		Generic	Trading rights	trade distortive effects	VII-E		

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21		cosmetics (HS Chapter 33)	Requirement of a production license from the government of an importing country, e.g. export is prohibited without a license issued by the government of an importing country	substantial import restriction	III-C		
22		Generic	Unstableness of refund of Value-Added Tax on imported goods, e.g. though it is the object of a refund, it is not refunded nor delayed, due to new regulations or for fiscal reasons. Also, there is a lack of a clear explanation prior to any change of regulations - it changes so often and it is not stable	unpredictability of trade	VII-E		