



Japan: Parallel Negotiations on Non-Tariff Measures

Non-tariff measures on a range of sectors such as insurance and government procurement have historically impeded market access for U.S. exporters, investors, workers, farmers, and ranchers. In April 2013, the United States and Japan agreed to begin negotiations on these non-tariff measures in parallel with Trans-Pacific Partnership (TPP) negotiations on the automotive and other sectors. Japan is taking a number of actions to address these measures through steps that will help to eliminate barriers to trade, improve transparency and provide greater opportunities for Americans to compete in the Japanese market.

Insurance

Japan is providing assurances and taking regulatory steps so that U.S. insurance companies have open access to Japan Post's vast distribution network, and can compete on a level playing field and under equivalent conditions of competition with Japan Post as it goes public.

Express Delivery

Japan will improve transparency related to Japan Post's express mail service

business activities, by providing annual financial disclosures, and will take steps to facilitate customs treatment of express shipments through electronic data submissions.

Transparency

Government-established advisory councils play a critical role in the Japanese regulatory policymaking process. Those advisory councils will be subject to greater transparency requirements, which will make it easier for U.S. firms to participate in the regulatory process and compete on an equal footing with Japanese firms.

Investment / M&A

Improved corporate governance standards, including those that strengthen requirements with respect to outside directors, will help to improve the environment for U.S. companies to expand business and invest in Japan.

Intellectual Property Rights

Along with TPP commitments on copyright term of protection, technological protection measures and enforcement, Japan will examine the appropriate scope of the application of the private use exception with regard to works other than sound recordings and motion pictures from illegal sources, further improving Japan's intellectual property regime for U.S. companies and artists.

Standards

The U.S. and Japan will establish a working group to facilitate trade in goods, including eliminating unnecessary technical barriers to trade and promoting regulatory cooperation and good regulatory practice, which will help to reduce costs and regulatory burdens for U.S. firms.

Government Procurement

Japan will take steps to prevent bid-rigging and to provide for greater transparency and participation in the bidding process, such as maintaining an open data portal website that makes information on prior government procurements publicly available, thereby increasing procurement opportunities for U.S. firms.

Competition Policy

Amendments to Japan's Antimonopoly Law providing for independent review, access to evidence, and pre-order procedures will help ensure procedural fairness and transparency, and the Japan Fair Trade Commission will clarify its investigative procedures related to on-the-spot inspections and depositions by issuing new guidelines.

SPS

Japan will streamline the approval process for certain fungicides, complete its approval of internationally commonly-used food additives, and ease restrictions on imports of gelatin and collagen.

