

Annex 8 referred to in Chapter 6
Lists of Most-Favoured-Nation Treatment Exemptions in relation to Article 79

List of Japan

Sector or sub-sector	Description of measure indicating its inconsistency with Article 79	Intended duration	Conditions creating the need for the exemption ¹
Maritime freight forwarding services	An operation permit or governmental registration for maritime freight forwarding services (including services related to multimodal transport services ²) is granted only to those firms of the countries in which Japanese firms are eligible for such permit or qualified for such registration.	Termination of this measure shall be considered depending upon the outcome of future negotiations for trade liberalisation.	Need to ensure that Japanese persons have satisfactory access to the supply of maritime freight forwarding services (including services related to multimodal transport services) in Brunei Darussalam.
International shipping services (including passenger transportation and freight transportation services)	Restriction or prohibition of a) entry in Japanese ports and b) loading or unloading of cargoes in Japanese ports for a designated period may be imposed as a countermeasure on operators of vessels who belong to the country in which interests of Japanese operators continue to be substantially damaged, in spite of prior notification of taking such measure, under unfavourable treatment imposed on them by that country or by local authorities or similar entities of that country.	Termination of this measure shall be considered depending upon the outcome of future negotiations for trade liberalisation.	Need to ensure favourable treatment for Japanese vessels operators in Brunei Darussalam.
Energy Services	With respect to the supply of services in the Electricity Utility Industry, Gas Utility Industry and Nuclear Energy Industry, excluding services supplied under subparagraph (w)(iii) of Article 74, preferential treatment may be accorded to the service suppliers of a non-Party.	Indefinite	Need to secure an efficient and stable supply of energy.

1 Description in this column shall be construed as information provided for reference purposes that does not form a part of commitments.

2 “Multimodal transport services” means freight transport services combining international maritime transport and road/railroad transport, provided on ‘door to door’ basis by a multimodal transport operator (as defined in Note to the Specific Commitments in the Sectors of Maritime Transport Services and Maritime Auxiliary Transport Services in the Schedule of Specific Commitments of Japan in Annex 7).

Article 79

	Conditions creating the need for the exemption ¹
	Need to ensure that Japanese persons have satisfactory access to the supply of maritime freight forwarding services (including services related to multimodal transport services) in Brunei Darussalam.
	Need to ensure favourable treatment for Japanese vessels operators in Brunei Darussalam.
	Need to secure an efficient and stable supply of energy.

1 Information that does not form a part of

maritime transport and
or (as defined in Note to the
Transport Services in the Schedule

Fisheries related services	With respect to the supply of services in fisheries in the territorial sea, internal waters, exclusive economic zone and continental shelf of Japan, including the following fisheries related services, preferential treatment may be accorded to the service suppliers of a non-Party: (a) investigation of aquatic resources without taking such resources; (b) luring of aquatic resources; (c) preservation and processing of fish catches; (d) transportation of fish catches and fish products; and (e) provision of supplies to other vessels used for fisheries.	Indefinite	Need to ensure conservation and management of fishery resources.
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Need to ensure conservation and management of fishery resources.
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List of Brunei Darussalam

Sector or sub-sector	Description of measure indicating its inconsistency with Article 79	Intended duration	Conditions creating the need for the exemption
Legal Services	Most-favoured-nation treatment shall not be accorded with respect to all measures pertaining to certificate to practice in Brunei and recognition of qualification for such certificate.	Indefinite. Brunei Darussalam will keep the possibility of removing this exemption under review.	This exemption is necessary as the establishment of foreign law firms in Brunei Darussalam is based on case-by-case approval.
Radio and Television Radio and television is defined to include: - Free-to-air broadcasting - Cable and Pay television - Direct broadcasting by satellite - Teletext - All broadcasting services listed in the Services Sectoral Classification List, MTN.GNS/W/120.	The Radio Television of Brunei(RTB) accords preferential broadcast and transmission rights to selected countries with which it has signed bilateral agreements.	Brunei Darussalam will keep the possibility of removing this exemption under review.	To promote social, economic and cultural relations.
Financial Services	Treatment with respect to the granting of approval to establish offshore banks and merchant banks, to expand existing operations and to conduct new activities in the financial services sector may be accorded to service suppliers of another country in a differentiated manner or on the basis of reciprocity and at the discretion of the relevant authority of Brunei Darussalam.	Indefinite	To accord differentiated treatment to another country which accords favourable treatment to Brunei Darussalam financial institutions.

	Conditions creating the need for the exemption
	This exemption is necessary as the establishment of foreign law firms in Brunei Darussalam is based on case-by-case approval.
	To promote social, economic and cultural relations.
	To accord differentiated treatment to another country which accords favourable treatment to Brunei Darussalam financial institutions.

Reinsurance and retrocession	Exception granted to ASEAN Reinsurance Corporation, a private-sector venture with equal shareholdings from six ASEAN countries, to be established with paid-up capital of B\$6 million instead of the minimum B\$10 million stipulated in the Insurance Order. Other than this, ASEAN Reinsurance Corporation is subject to the same rules and regulations applied to all reinsurers in Brunei Darussalam.	Indefinite	To promote greater cooperation amongst ASEAN in the reinsurance sector.
Banking and other financial services	Under a currency interchangeability agreement between Brunei Darussalam and Singapore, the currency issuing authority of Brunei Darussalam would: - accept from banks, notes and coins of the issuing authority of Singapore, at par and without charge, to exchange such notes and coins into the currency of Brunei Darussalam; and - arrange repatriation of Brunei currency from Singapore at its expense; and repatriate the Singapore currency to Singapore at the expense of the currency issuing authority of Singapore and to receive at par the equivalent in Brunei dollars.	Indefinite, until Brunei Darussalam or Singapore terminates the agreement.	The currency interchangeability agreement was entered into force in 1967 arising from special historical and economic ties between Brunei Darussalam and Singapore.
Services sector not scheduled in the Trans-Pacific Strategic Economic Partnership Agreement	Most-favoured-nation treatment may not be accorded with respect to all measures affecting trade in services in all modes of supply	Three years from the date of entry into force of this Agreement. Both Parties shall, upon the request of either Party, review this exemption on a sectoral basis before the expiry of the abovementioned duration.	

	To promote greater cooperation amongst ASEAN in the reinsurance sector.
	The currency interchangeability agreement was entered into force in 1967 arising from special historical and economic ties between Brunei Darussalam and Singapore.