

Chapter 1
General Provisions

Article 1
Objectives

The objectives of this Agreement are to:

- (a) liberalise and facilitate trade in goods and services between the Parties;
- (b) increase investment opportunities and strengthen protection for investments and investment activities in the Parties;
- (c) establish a framework for further bilateral cooperation and improvement of business environment; and
- (d) create effective procedures for the implementation and application of this Agreement and for the resolution of disputes.

Article 2
General Definitions

For the purposes of this Agreement:

- (a) "Area" means:
 - (i) with respect to Brunei Darussalam, the territory of Brunei Darussalam including its territorial sea, extending to the airspace above such territory, over which it exercises sovereignty, and the maritime area beyond its territorial sea, including sea-bed and subsoil, which has been or may hereafter be designated under the laws of Brunei Darussalam, over which it exercises its sovereign rights and jurisdiction in accordance with international law; and
 - (ii) with respect to Japan, the territory of Japan, and all the area beyond its territorial sea, including the sea-bed and subsoil thereof, over which Japan exercises sovereign rights or jurisdiction in accordance with international law and the laws and regulations of Japan;

第一章 总则 第六条 保密信息

本协议的目的是:

(a) 促进和便利缔约方之间的货物和服务贸易; (b) 增加投资机会, 加强缔约方对投资和投资活动的保护; (c) 建立进一步双边合作和改善营商环境的框架; 以及 (d) 为本协议的实施和应用以及争端的解决创造有效程序。第六条 总则定义

就本协议而言:

- (a) “区域”是指:
 - (i) 就文莱达鲁萨兰国而言, 文莱达鲁萨兰国的领土, 包括其领海, 延伸至其领土上空的领空, 该国对其行使主权, 以及其领海以外的海域, 包括海底和底土, 该海域已根据文莱达鲁萨兰国的法律被指定或将来可能被指定, 该国根据国际法对其行使主权权利和管辖权; 以及
 - (ii) 关于日本, 日本的领土, 以及其领海以外的所有区域, 包括其海底和底土, 日本根据国际法以及日本的法律和法规行使主权权利或管辖权;

Note: Nothing in this subparagraph shall affect the rights and obligations of the Parties under international law, including those under the United Nations Convention on the Law of the Sea, done at Montego Bay, December 10, 1982.

- (b) “customs authority” means the authority that, according to the legislation of each Party or non-Parties, is responsible for the administration and enforcement of customs laws and regulations. In the case of Japan, the Ministry of Finance, and in the case of Brunei Darussalam, the Royal Customs and Excise Department;
- (c) “GATS” means the General Agreement on Trade in Services in Annex 1B to the Marrakesh Agreement Establishing the World Trade Organization, done at Marrakesh, April 15, 1994, as may be amended;
- (d) “GATT 1994” means the General Agreement on Tariffs and Trade 1994 in Annex 1A to the Marrakesh Agreement Establishing the World Trade Organization, done at Marrakesh, April 15, 1994, as may be amended. For the purposes of this Agreement, references to articles in the GATT 1994 include the interpretative notes;
- (e) “Harmonized System” or “HS” means the Harmonized Commodity Description and Coding System set out in the Annex to the International Convention on the Harmonized Commodity Description and Coding System, as may be amended, and adopted and implemented by the Parties in their respective laws;
- (f) “Parties” means Japan and Brunei Darussalam and “Party” means either Japan or Brunei Darussalam; and
- (g) “WTO Agreement” means the Marrakesh Agreement Establishing the World Trade Organization, done at Marrakesh, April 15, 1994, as may be amended.

Article 3 Transparency

1. Each Party shall make publicly available its laws, regulations and judicial decisions of general application as well as international agreements to which the Party is a party, that pertain to, or affect any matter covered by this Agreement.

注意：本款中的任何内容均不影响
缔约方在国际法下的权利和义务，包括根据联合国海洋法
公约的规定，于1982年12月10日在蒙特哥贝签署的。

(b) “海关当局”是指根据每一缔约方或非缔约方的立法负责海关法律和法规的行政和执行当局。在日本，是财政部；在文莱达鲁萨兰国，是皇家海关和税务部门；(c) “服务贸易总协定”（GATS）是指马拉喀什建立世界贸易组织协定附件1B中的服务贸易总协定，于1994年4月15日在马拉喀什签署，并可进行修订；(d) “1994年关税及贸易总协定”（GATT 1994）是指马拉喀什建立世界贸易组织协定附件1A中的1994年关税及贸易总协定，于1994年4月15日在马拉喀什签署，并可进行修订。就本协议而言，对1994年关税及贸易总协定中条款的引用包括解释性注释；(e) “协调制度”（Harmonized System）或“HS”是指根据协调商品描述和编码制度国际公约附件中规定并经修订的协调商品描述和编码制度，由缔约方在其各自的法律中采纳和实施；(f) “缔约方”是指日本和文莱达鲁萨兰国，“缔约方”是指日本或文莱达鲁萨兰国；以及(g) “世界贸易组织协定”（WTO Agreement）是指马拉喀什建立世界贸易组织协定，于1994年4月15日在马拉喀什签署，并可进行修订。第六条

透明度

1. 每一方应当将其具有普遍适用性的法律、法规和司法判决，以及缔约方所参与的国际协议，其中与本协议所涵盖的任何事项相关或对其产生影响的，向公众公开。

2. Each Party shall make easily available to the public, the names and addresses of the competent authorities responsible for laws and regulations referred to in paragraph 1.

3. Each Party shall, upon the request by the other Party, within a reasonable period of time, respond to specific questions from, and provide information to, the other Party in the English language with respect to matters referred to in paragraph 1.

Article 4 Administrative Procedures

1. Where administrative decisions which pertain to or affect the implementation and operation of this Agreement are taken by the competent authorities of the Government of a Party, the competent authorities shall, in accordance with the applicable laws and regulations of the Party:

- (a) inform the applicant of the decision within a reasonable period of time after the submission of the application considered complete under the laws and regulations of the Party, taking into account the established standard period of time referred to in paragraph 3; and
- (b) provide, within a reasonable period of time, information concerning the status of the application, at the request of the applicant.

2. The competent authorities of the Government of a Party shall, in accordance with the applicable laws and regulations of the Party, establish standards for taking administrative decisions in response to submitted applications. The competent authorities shall:

- (a) make such standards as specific as possible; and
- (b) make such standards publicly available except when it would extraordinarily raise administrative difficulties for the Government of the Party.

3. The competent authorities of the Government of a Party shall, in accordance with the applicable laws and regulations of the Party, endeavour to:

- (a) establish standard periods of time between the receipt of applications by the competent authorities and the administrative decisions taken in response to submitted applications; and

2. 每一方应当向公众容易获取，第1段所述法律和法规的负责主管当局名称和地址。

3. 每一方应根据另一方的要求，在合理期限内，使用英语就第1段所述事项向另一方回答具体问题并提供信息。

Article 4 Administrative Procedures

1. 当一方政府的主管当局作出与实施和运营本协议相关或对其产生影响的行政决定时，该主管当局应根据该方的适用法律法规：

(a) 在根据该方的法律法规被视为完整的申请提交后，在考虑第3段所述的标准期限的前提下，在合理期限内通知申请人该决定；以及 (b) 在申请人要求时，在合理期限内提供有关申请状态的信息。

2. 一方政府的主管当局应根据该方的适用法律法规，为应对提交的申请建立作出行政决定的标准。该主管当局应：

(a) 使此类标准尽可能具体；以及 (b) 使此类标准向公众公开，除非这将异常地给一方政府带来行政困难。

3. 一方政府的主管当局应根据该方的适用法律法规，努力做到：

(a) 建立主管当局收到申请与作出相应行政决定之间的标准期限；以及

(b) make publicly available such periods of time, if established.

4. The competent authorities of the Government of a Party shall, in accordance with the applicable laws and regulations of the Party, prior to any final decision which adversely affects the interests of a person, provide that person with:

- (a) a reasonable notice, including a description of the nature of the measure, specific provisions upon which such measure will be based, and the facts which may be a cause of taking such measure; and
- (b) a reasonable opportunity to present facts and arguments in support of position of such person,

provided that time, nature of the measure and public interest permit.

Article 5 Review and Appeal

1. Each Party shall maintain judicial or administrative tribunals or procedures for the purpose of prompt review and, where justified, appropriate remedies for actions taken by its Government regarding matters covered by this Agreement. Such tribunals or procedures shall be impartial.

2. Each Party shall ensure that the parties in any such tribunals or procedures are provided with the right to:

- (a) a reasonable opportunity to support or defend their respective positions; and
- (b) a decision based on the evidence and submissions of record.

3. Each Party shall ensure, subject to appeal or further review as provided for in its applicable laws and regulations, that such decision is implemented by the relevant authorities with respect to the action at issue which is taken by its Government.

(b) 如果已建立，则向公众公开这些期限。

4. 一方政府的主管当局应当，在作出任何对个人利益产生不利影响的最终决定之前，根据该方的适用法律法规，向该个人提供：

(a) 合理通知，包括措施的性质、将依据的具体规定以及采取该措施可能的原因的事实；以及 (b) 合理的机会陈述该个人的立场的事实和论据，

前提是时间、措施的性质和公共利益允许。

第六条 保密信息

1. 每一方应当维持司法或行政法庭或程序，以便迅速审查，并在必要时提供适当的补救措施，针对其政府就本协议所涵盖的事项采取的行动。此类法庭或程序应当是公正的。

2. 每一方应当确保任何此类法庭或程序中的各方有权：

(a) 合理机会支持或捍卫其各自立场；以及 (b) 基于证据和案卷提交的决定。

3. 每一方应确保，根据其适用法律法规中规定的上诉或进一步审查程序，相关当局就其政府采取的相关行动作出该决定。

Article 6
Confidential Information

1. Each Party shall, in accordance with its laws and regulations, maintain the confidentiality of information provided in confidence by the other Party pursuant to this Agreement. Such information shall be used only for the purposes specified, and shall not be otherwise disclosed without the specific permission of the Party providing the information.
2. Nothing in this Agreement shall be construed to require a Party to provide confidential information, the disclosure of which would:
 - (a) be contrary to the public interest;
 - (b) impede enforcement of its laws and regulations; or
 - (c) prejudice legitimate commercial interests of particular enterprises, public or private.
3. In the event of the termination of this Agreement, the Parties agree that the provision of this Article shall continue to apply.

Article 7
Taxation

1. Unless otherwise provided for in this Agreement, the provisions of this Agreement shall not apply to any taxation measures.
2. Articles 3 and 6 shall apply to taxation measures, to the extent that the provisions of this Agreement are applicable to such taxation measures.

Article 8
General and Security Exceptions

1. For the purposes of Chapters 2,3,4,5 other than Article 64, and 7, Article XX of the GATT 1994 is incorporated into and forms part of this Agreement, *mutatis mutandis*.
2. For the purposes of Chapter 5 other than Article 64, and Chapter 6, Article XIV of the GATS is incorporated into and forms part of this Agreement, *mutatis mutandis*.
3. Nothing in this Agreement other than Article 64, shall be construed:

第6条 保密信息

1. 每一方应根据其法律法规，维持本协议另一方根据本协议提供的保密信息的机密性。该信息应仅用于指定用途，未经提供信息的另一方特别许可，不得以其他方式披露。
2. 本协议任何条款均不得解释为要求缔约方提供保密信息，其披露将：
 - (a) 违反公共利益；(b) 妨碍其法律法规的执行；或 (c) 损害特定企业（公有或私有）的合法商业利益。
3. 如本协议终止，缔约方同意本条的规定应继续适用。

第7条 税收

1. 除非本协议另有规定，本协议的规定不应适用于任何税收措施。
2. 第3条和第6条应适用于税收措施，在本协议的规定适用于此类税收措施的程度内。

Article 8
General and Security Exceptions

1. 除第64条外，第2、3、4、5章和第7章的1994年关税及贸易总协定第XX条纳入本协议，并构成本协议的一部分，相应修改。
2. 除第64条外，第5章和第6章的服务贸易总协定第14条纳入本协议，并构成本协议的一部分，相应修改。
3. 本协议除第64条外，其他任何规定均不得be 构述：

- (a) to require a Party to furnish any information, the disclosure of which it considers contrary to its essential security interests;
- (b) to prevent a Party from taking any action which it considers necessary for the protection of its essential security interests:
 - (i) relating to the production or supply of, or traffic in, arms, ammunition and implements of war and to such production or supply of, or traffic in, other goods and materials, or such supply of services, as is carried on directly or indirectly for the purpose of supplying or provisioning a military establishment;
 - (ii) taken in time of war, or armed conflict, or other domestic or international emergency; or
 - (iii) relating to fissionable and fusionable materials or the materials from which they are derived; or
- (c) to prevent a Party from taking any action in pursuance of its obligations under the United Nations Charter for the maintenance of international peace and security.

4. In cases where a Party takes any measure or action pursuant to this Article, the Party shall make reasonable effort to notify the other Party of the description of such measure or action either before the measure or action is taken or as soon as possible thereafter.

Article 9 Relation to Other Agreements

1. The Parties reaffirm their rights and obligations under the WTO Agreement or any other agreements to which both Parties are parties.
2. In the event of any inconsistency between this Agreement and the WTO Agreement or any other agreements to which both Parties are parties, the Parties shall immediately consult with each other with a view to finding a mutually satisfactory solution, taking into consideration general principles of international law.

(a) 要求缔约方提供任何其认为与其基本安全利益相悖的信息；(b) 阻止缔约方采取其认为为保护其基本安全利益所必需的任何行动：(i) 与武器、弹药和战争工具的生产、供应或交易有关，或与为向军事设施直接或间接供应或提供其他货物和材料或服务有关的行为；(ii) 在战争时期、武装冲突或其他国内或国际紧急状态时采取；(iii) 与裂变材料和聚变材料或其衍生物有关的行为；或(c) 阻止缔约方为维护国际和平与安全而根据联合国宪章所承担的义务采取任何行动。

4. 在缔约方根据本协议采取任何措施或行动的情况下，该缔约方应尽合理努力，在措施或行动采取之前或采取之后尽快，通知另一方该措施或行动的描述。

第九条 与其他协议的关系

1. 缔约方重申其根据世界贸易组织协定或任何其他双方均为缔约方的协议所享有的权利和义务。
2. 如本协议与世界贸易组织协定或缔约方均为其缔约方的任何其他协议之间存在任何不一致之处，缔约方应立即相互磋商，以寻求相互满意的解决方案，并考虑国际法基本原则。

Article 10
Implementing Agreement

The Governments of the Parties shall conclude a separate agreement setting forth the details and procedures for the implementation of this Agreement (hereinafter referred to in this Agreement as "the Implementing Agreement").

Article 11
Joint Committee

1. A Joint Committee shall be established under this Agreement.
2. The functions of the Joint Committee shall be:
 - (a) reviewing and monitoring the implementation and operation of this Agreement;
 - (b) considering and recommending to the Parties any amendments to this Agreement;
 - (c) supervising and coordinating the work of all Sub-Committees established under this Agreement;
 - (d) adopting:
 - (i) Operational Procedures referred to in Chapter 3; and
 - (ii) any necessary decisions; and
 - (e) carrying out other functions as the Parties may agree.
3. The Joint Committee:
 - (a) shall be composed of representatives of the Parties; and
 - (b) may establish and delegate its responsibilities to Sub-Committees.
4. The Joint Committee shall meet at such venues and times as may be agreed by the Parties.

Article 12
Communications

Each Party shall designate an enquiry point to facilitate communications between the Parties on any matter relating to this Agreement.

第10条 实施协定

缔约方政府应缔结单独协定，规定本协议的实施细节和程序（以下简称本协议中为“实施协定”）。

第11条 联合委员会

1. 联合委员会应根据本协议成立。
2. 联合委员会的职能如下：
 - (a) 审查和监督本协议的实施和运营；
 - (b) 考虑并向缔约方提出对本协议的任何修订建议；
 - (c) 监督和协调根据本协议设立的各分委员会的工作；
 - (d) 通过：
 - (i) 第3章中提到的操作程序；以及
 - (ii) 任何必要决定；以及
 - (e) 执行缔约方可能同意的其他职能。
3. 联合委员会：
 - (a) 应由各方的代表组成；以及
 - (b) 可以设立并将其职责委托给分委员会。
4. 联合委员会应在各方同意的场所和时间举行会议。

第12条 通讯

每一方应指定一个咨询点，以促进各方就与本协议有关的任何事项进行通讯。