Doing Business in Japan: 2012 Country Commercial Guide for U.S. Companies

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Chapter 1: Doing Business In Japan

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It has never been easier to do business in Japan. Savvy observers agree that an active engagement with the Japanese market remains critical to the success of American business, both big and small alike, as well as to U.S. states seeking trade and investment with Japan. While the reasons U.S. firms engage with Japan are diverse and often complex, most firms recognize that underestimating the strategic and tactical importance of selling to and competing in the Japanese market may disadvantage them not only in Japan, but also in the U.S. and third-country markets as well.

Market Overview

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- Japan is very much open for business, despite the 9.0 magnitude earthquake and tsunami that devastated the Northeast coast of Honshu, Japan's main island, on March 11, 2011. Indeed, U.S.-Japan trade actually increased in 2011 over 2010.

- Japan remains the world's third largest economy, after the U.S. and China, with a GDP of roughly $5.9 trillion. Japan is the fourth largest export market for U.S. goods, and our fourth largest trading partner overall in 2011 with over $181 billion in two-way goods trade, a 23.1 percent jump over 2010. In 2011 the U.S. exported $66.2 billion in goods to Japan, up from $60.5 billion in 2010. In services trade, the United States maintains a $19.2 billion surplus with Japan on two-way trade totaling $71.1 billion.

- Japan is the second largest foreign investor in the U.S., with more than $257 billion invested.

- During 2011 the Japanese yen strengthened significantly against the U.S. dollar, reaching a 15-year high of 75.86 yen to the dollar in October 2011. American goods and services have never been more affordable for Japanese buyers.

- Japan's large government debt, which is over 200 percent of GDP, persistent deflation, and an aging and shrinking population are major complications for the economy.

- In 2011, the top exporters to Japan were China, US, Australia, Saudi Arabia, UAE, South Korea, and Indonesia. The top importers from Japan were China, US, South Korea, Taiwan, and Hong Kong.

- The U.S.-Japan alliance is a cornerstone of U.S. security interests in Asia and is fundamental to regional stability and prosperity. Despite the changes in the post-Cold War strategic landscape, the United States-Japan alliance continues to be based on shared vital interests and values. These include stability in the Asia-Pacific region, the preservation and promotion of political and economic freedoms, support for human rights and democratic institutions, and securing of prosperity for the people of both countries and the international community as a whole. Japan is one of the world's most prosperous and stable democracies.

Market Challenges

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The difficulty of penetrating the Japanese market depends to a great extent on the product or service involved. Key variables include the degree of local or third-country competition, the number of regulatory hurdles to be overcome, and cultural factors such as language (both spoken and written), strict service and quality expectations, and business practices.

Generally, tariffs on most imported goods into Japan are low. However, cultural, regulatory, or other non-tariff barriers continue to exist that can impede or delay the importation of foreign products into Japan. These can include Japanese import license requirements, restricted or prohibited imports, temporary entry of goods, certifications, standards, labeling requirements, etc. For more details, see Chapter 5, Trade Regulations, Customs and Standards of this Guide.

Market Opportunities

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The Japanese market offers numerous opportunities for U.S. companies in a wide variety of sectors. Best prospects for U.S. exporters in the Japanese market include the following sectors:

Aerospace
Agricultural
Biotechnology
Computer Software
Cosmetics & Toiletries
Education & Corporate Training
Electronic Components
Healthcare IT
Medical Equipment
Nanotechnology
Pharmaceuticals
Renewable Energy
Safety & Security
Soil Remediation & Engineering Services
Telecommunications Equipment
Travel & Tourism

For more details, please refer to Chapter 4, Leading Sector for U.S. Export and Investment, of this Guide.

Market Entry Strategy

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U.S. companies wishing to enter the Japanese market should consider hiring a reputable, well-connected agent or distributor, and cultivating business contacts through frequent personal visits. Japan‘s business culture attaches a high degree of importance to personal relationships, and these take time to establish and nurture. Patience and repeated follow-up are typically required to clinch a deal. The customs and pace of deal-making in Japan are quite different from the United States. U.S. business executives are advised to retain a professional interpreter, as many Japanese executives and decision-makers do not speak English, or prefer to speak Japanese. For more details, please refer to Chapter 8, Business Travel, of this Guide.

Please note that throughout this report, except where otherwise noted, the following dollar / yen exchange rates were used:

2008	103.39
2009	93.68
2010	87.78
2011	79.70
2012	79.70

The source of the rates above is: http://www.federalreserve.gov/releases/g5a/current/

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Chapter 2: Political and Economic Environment

For background information on the political and economic environment of the country, please click on the link below to the U.S. Department of State Background Notes.

http://www.state.gov/r/pa/ei/bgn/4142.htm

Government Role in the Economy

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Traditionally, the bureaucracy has played a leading role in the Japanese economy. Members of the National Diet, from whose ranks come most of Japan's Cabinet ministers, have small staffs and rely on bureaucrats for policy initiatives and the drafting of legislation. In addition, the ministries have exercised power directly through the issuance of required licenses, permits and approvals that tightly regulate business activity. For much of the post-war period, ministries also issued informal (but in practice, virtually compulsory) directives called "administrative guidance" to the industries they regulated, further controlling business activity. The reach of the bureaucracy also extended through a dense web of close relations with leading business organizations. In addition to the reliance of Japanese elected officials on campaign contributions from business, major industry associations and quasi-governmental regulatory bodies also provided lucrative post-government employment called *amakudari* (literally "descent from heaven") for senior bureaucrats as well as lower-level bureaucrats who regulate their industries. However, in 2007, the Diet approved legislation that established restrictions on the types of post-retirement jobs former senior government officials can accept and centralized authority for finding such employment in the National Personnel Agency. The aim of the legislation is, in part, to weaken the nexus between individual ministries and the industries they regulate, and the central government is continuing efforts to address problems relating to the system of post-government employment.

The role of government institutions in the economy has been changing over the past decade as the central government pursues a long-term program of administrative reform, deregulation, and decentralization. In 2001, the bureaucracy was reorganized from 22 ministries and agencies to 13. A Cabinet Office was also established to coordinate policies and to provide staff support for Japan's leaders separate from the individual ministries. At the same time, the number of Diet members posted to senior positions in the ministries was increased from an average of two or three to five, with the aim of strengthening the control of elected officials over the bureaucracy. Through such measures and other administrative reforms, the bureaucracy's influence over the economy has diminished, but by no means been eliminated completely. Leadership of the government by the Democratic Party of Japan since September 2009, notable for its pledge to make politicians responsible for policymaking, has further eroded the bureaucracy's control.

All foreign exchange transactions to and from Japan – including transfers of profits and dividends, interest, royalties and fees, repatriation of capital, and repayment of principal – are, in principle, freely permitted unless expressly prohibited. Formal controls on the

allocation of foreign exchange and most restrictions on foreign investment have been removed. Nevertheless, the Japanese Government (GOJ) continues to play a significant role in promoting certain favored industries, and GOJ policy and regulatory practices in many cases still favor the interests of domestic producers.

While Japan's economic structure and business culture are somewhat different from that of the United States, U.S. companies can and do successfully adapt. The American Chamber of Commerce in Japan (ACCJ) is one of the largest overseas chambers in the world. Its members come from more than 1,000 companies, and its 60-plus committees and sub-committees are highly visible advocates for U.S. business interests. U.S. Embassy officers liaise with more than 20 of these committees, and work closely with the ACCJ on market access, deregulation, competition, and investment issues. Some knotty regulatory barriers and discrimination still exist, and when a company cannot solve such problems by itself or through its legal advisers in Japan, the U.S. Government stands ready to help.

Infrastructure

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Japan has a fully developed physical infrastructure of roads, highways, railroads, subways, airports, harbors, warehouses, and telecommunications for distribution of all types of goods and services. Toll roads, however, are expensive. Although the government has periodically implemented initiatives to reduce certain tolls, as of February 2012, a large truck will pay over the equivalent of $428 in tolls each way between Tokyo and Osaka (about 370 miles). Tolls for a small passenger car on the same trip amount to about $157. Japan‘s airports are also among the most expensive in the world. Japan's port practices and import processing are generally efficient.

Agricultural Products Market

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The importance of food in the Japanese culture is reflected by size of its food and agricultural market, recently valued at approximately $745 billion. At 23 percent of disposable income, per capita spending (for households of two or more people) on food in Japan is higher than anywhere else on earth. This high per capita food spending is a function of higher food prices, but it is also a reflection of the fact that Japanese consumers are willing to pay a premium for quality and convenience. Given the wide variety of foods produced in the United States, the internationalization of food in Japan has given the United States an important advantage in the Japanese food market. Until recently Japan had a relatively uniform food market, with rice, vegetables, fish, eggs, and soy products making up the traditional Japanese diet. As Japan became more affluent, and more Japanese were exposed to diverse food products from around the world, there has been a major trend toward diet diversification. Despite this trend, one characteristic of this market that has not changed over time is the Japanese consumers‘ obsession with quality. Japanese tend to value the taste of food over the quantity of food. They are highly brand-conscious, cognizant of the seasonality of certain foods, and seek out freshness. Japanese are increasingly health-conscious, and given their aging society, are leading the world in demand for functional foods. They also consider a food product‘s aesthetic appearance, on the shelf, in the package, and on the table, important, and indicative of quality and healthfulness of the product.

Japan is a major destination for U.S. wheat, rice, corn, soybeans, pork, beef, processed fruits and vegetables, citrus, wine, cherries, and processed snack foods. In fact, in 2011, about 10 percent of all U.S. agricultural, forestry and fishery product exports, valued at $15.6 billion, were destined for Japan. The combination of improved market access, declining domestic production, and investments in cultivating the brand awareness of American agricultural products, have helped to make Japan one of the United States‘ top overseas export markets. Given competition from third countries, and the changes in consumer spending resulting from nearly 20 years of stagnant economic growth, Japan is a competitive environment for U.S. food companies. However, long-term prospects for American food and agricultural exporters in Japan are excellent for the following reasons: (1) growing consumer demand for value plays to U.S. strengths (U.S. foods typically cost less than local products); (2) Japanese agriculture continues to decline, leading to increased dependence on imports for stable food supplies; and (3) continued Westernization of the Japanese diet away from fish and rice toward meats, dairy products and other American staples; and (4) American agricultural products enjoy a reputation for being safer than foods from competing markets.

Though domestic protection is still strong, market access has improved over the years via persistent negotiations in the WTO by the United States and others, leading Japan to eliminate some of the agricultural market access barriers for which it was once famous. Where earlier quotas and outright bans restricted the market for U.S. beef, citrus, fruit juice, cherries, apples and ice cream, all of these markets have now, to some degree, been opened. However, access issues still hamper greater farm trade due to high tariffs on processed food products, restrictive plant quarantine measures on fruits and vegetables, trade-limiting quotas and complicated labeling practices. In addition, a stringent system for regulation of agrochemical residues including strict inspection of imported foods and a time-consuming approval process for biotechnology products also hinder trade in agricultural products. For additional information about U.S. agricultural, food, forestry, and fishery product exports to Japan, please see the Foreign Agricultural Service Homepage at:

http://www.fas.usda.gov/scriptsw/attacherep/default.asp

Leading Economic Regions

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Tokyo

Japan‘s capital city, Tokyo (population 13 million), forms the core of an urban area that, along with the suburban prefectures of Kanagawa, Saitama, and Chiba, boasts a total population of over 35 million, roughly equivalent to the New York and Los Angeles metropolitan areas combined. It is Japan's undisputed center of government, business, higher education, information, media, fashion, and culture. The entire geographical region centered on the capital – often referred to as the “Kantō” region – accounts for about one-third of Japan‘s total GDP.

Most major Japanese companies, trade associations, and foreign companies have their headquarters or major branches in Tokyo. Consumers in the capital are more likely to come into contact with foreign products, foods, and fashions than elsewhere in Japan, and consumer trends often originate in Tokyo. For U.S. firms, the major advantages of

establishing a presence in Tokyo, despite the high cost of residential and office space, are the city's concentration of major companies and high-income consumers, proximity to the powerful central government regulatory agencies, and location at the hub of Japan‘s highly centralized transportation networks, including its two busiest airports: Narita International Airport in Chiba Prefecture (often called "Tokyo Narita") and Tokyo International Airport (commonly known as "Tokyo Haneda"). In addition, major urban renewal schemes completed or underway in metropolitan Tokyo have contributed to lower land and business costs in recent years. Attractive areas for U.S. exporters in the greater Tokyo area are environmental technologies, biotechnology, information and telecommunications technologies, medical equipment and welfare services, and the lifestyle market.

Northern Japan (Hokkaido/Tohoku)

Northern Japan (Hokkaido and the six prefectures of northern Honshu that are called Tohoku) – has a combined population of 14.84 million and a Gross Regional Product (GRP) of approximately $577 billion as of 2010 (JPY87.78 to the dollar). Of the northern Japan prefectures, Hokkaido, located roughly 500 miles north of Tokyo, is Japan's northernmost island, with a GRP of $209 billion (2010).

These prefectures comprise Japan's agricultural heartland, with dairy production and farming in Hokkaido and highly prized rice growing in Akita and Miyagi. As of 2009, Hokkaido produces 100 percent of Japan's sugar beets, 88.1 percent of its red beans, 78 percent of its potatoes, 59 percent of its wheat, 57 percent of its onions, and nearly 50 percent of its milk. Despite agriculture‘s importance only 7.7 percent of Hokkaido's 2.60 million labor force is working in primary industries. Hokkaido's economy depends primarily on services, which account for 71.3 percent of the total workforce. Construction accounts for 11 percent and manufacturing 8 percent of the workforce according to a 2010 METI report on Hokkaido’s industrial structure.

Tohoku on the other hand has a different profile: Tohoku has succeeded in clustering manufacturing plants in sectors such as auto parts, electronic components, devices, circuits, and ICT equipment. Manufacturing accounted for 18.8 percent of the economy in 2008 with farming at 0.1 percent, and construction at 5 percent (source: Tohoku Economy 2010 document issued by Tohoku METI). However, the March 2011 earthquake and tsunami destroyed a considerable amount of Tohoku’s manufacturing capability.

The coastal prefectures of Aomori, Iwate, Miyagi, and Fukushima were severely damaged by the tsunami which occurred following the massive earthquake. Eleven percent of Miyagi’s farmland was damaged by the tsunami, and the total damage to farmland and agricultural facilities nation-wide was estimated at US$8.54 billion (JPY79.7 to the dollar) as of April 25, 2011. The fisheries industry and auto-parts manufacturing industry in the Tohoku region were also extensively damaged. However Japan has begun moving forward. For example, recent economic analysis on the region conducted by Yano Economic Institute indicates:

- Industries in the region will grow by 5 percent on the average;
- The main pillar for future growth is the construction industry, which is expected to increase by 67 percent compared to 2010 (an increase of US$1.6 billion on a monetary basis);

- Outputs for the agriculture, fishery, and forestry industries will total 97 percent of the 2010 level;
- The hardest hit sector is the service and distribution industry, which will remain at 86 percent of the 2010 level. This sector may take longer than others to fully recover.
- In all industries, changes may be accelerated: e.g. use of next generation energy systems, green technology, and manufacturing systems to produce highly value-added products, pursuit of new global strategies, etc.

The Government of Japan's (GOJ) Reconstruction Design Council has estimated necessary post-quake reconstruction costs will total a maximum of 20 trillion yen (US$260 billion) and the GOJ has thus far enacted three supplemental budgets totaling about 18 trillion yen (US$234 billion) for reconstruction. Most of the major reconstruction projects will occur during the next 10 years, and annual public works spending will total about 2 trillion yen (US$26 billion), about a fourfold increase over expenditures for public works in 2010.

In response to the March 11 earthquake, development of new energy sources has drawn more attention than ever. Softbank, one of Japan's major telecommunications companies, has announced its entry into solar energy development. The President of Softbank, Mr. Masayoshi Son, has established a foundation using his own funds (US$78 million) and set up a council along with 35 local governments. Under this foundation, Mr. Son has developed a system whereby local governments would provide vacant land or facilities in return for profits made through power generation. Softbank first constructed a test plant in Obihiro, Hokkaido with an output capacity of 100 kilowatts using different solar panels made by 10 manufacturers. The company will open its second test plant in Tomakomai, Hokkaido in early 2012. The Hokkaido Government is also implementing several model projects such as vegetable cultivation using bio-mass fuel and geo-thermal energy, and fertilizer manufacturing and energy generation using livestock waste.

The construction of the Hokkaido Shinkansen Bullet Train to Sapporo will finally be launched in Japanese fiscal year 2012 (ending March 31, 2013). In order to minimize the financial burden of this project, the total construction period will be extended from the originally planned 10 years to 15-25 years, but it could be shortened if more funding becomes available earlier. The total investment for this construction would be US$19.5 billion with the Hokkaido Government share totaling US$2.6 billion. When opened, the Hokkaido Shinkansen will connect Tokyo with Sapporo in 4 hours and 40 minutes (3 hours from Sendai to Sapporo). The Hokkaido Economic Federation expects it will generate US$1.6 billion dollars worth of economic effects in Hokkaido. As the last leg of the Tohoku Shinkansen began operations to Aomori City in December 2010, construction of the Shinkansen to Hokkaido would be the final step towards making the "bullet line" truly nationwide throughout Japan.

Northern Japan's well-developed infrastructure, highly skilled workers, and relatively low real estate costs, combined with municipal and regional government investment incentives, have prompted many foreign companies to view Hokkaido and Tohoku as attractive locations for investment and operations. Especially with regard to reconstruction efforts in the Tohoku region, new energy technologies, home building materials, biotechnology, marine and agricultural products, pharmaceuticals and medical and homecare equipment are some of the more promising sectors.

With the Sendai Airport, rebuilt just one month after the tsunami, and Sapporo's new Chitose International Terminal 2 which opened in 2010, Northern Japan's passenger and cargo handling capacities are expected to improve prospects for the local economy. Further economic stimulus is expected when the Shinkansen train service reaches Hakodate, Hokkaido in 2015.

Kansai

Traditionally, Kansai is the name given to the nine-prefecture region of Western (central) Japan consisting of Osaka, Hyogo, Kyoto, Shiga, Nara, Wakayama, Mie, Fukui, and Tokushima prefectures. With the recent establishment of a new political Union of Kansai Governments, Tottori prefecture is now included as a part of Kansai. Located halfway between Tokyo and the southern tip of Honshu, Kansai is Japan's second largest industrial area and its second largest population center. The birthplace to many of Japan's largest trading companies, Kansai is also home to several of the nation's leading corporations, including Sharp, Panasonic, Nintendo and Kyocera.

Now consisting of 10 prefectures, Kansai occupies an area of approximately 17,360 square miles. While covering only 12 percent of Japan's total land area, Kansai has a population of almost 25 million people (19.5 percent of Japan's total), concentrated primarily in the cities of Osaka, Kobe and Kyoto. Kansai is an economic giant with a wide range of vibrant industries, including pharmaceuticals, chemicals, textiles, apparel, sporting goods, consumer electronics and electronic components, as well as cutting-edge technologies, such as biotechnology, nanotechnology, industrial ceramics, robotics, lithium-ion batteries and photovoltaic power systems. In Japanese FY 2008, Kansai's Gross Regional Product (GRP) was ¥94.8 trillion ($917 billion). In fact, Kansai by itself would rank as the world's 11st largest economy (just slightly smaller than Korea's) if compared to the world's leading economies.

Kansai's advanced transportation infrastructure of extensive railway and motorway networks, including Shinkansen bullet trains connecting Osaka, Kobe, and Kyoto to Tokyo, is the backbone of the regional economy. Kansai International Airport, with its multiple 4,000-meter runways, Itami Airport (Osaka City) and Kobe Airport efficiently connect the region to numerous domestic destinations and to more than 70 destinations in 27 other countries. Hanshin Port (the combined Osaka and Kobe ports) in Osaka Bay serves as a "super hub" for East Asia. Kansai also features a concentration of education and R&D institutions, with hundreds of universities, colleges and technical schools and more than 1,000 national and corporate research centers. In addition, "Spring 8," the world's largest third-generation synchrotron radiation facility and "Riken," the world's fastest supercomputer center (coming online in 2012), are both located in Kansai.

Recent political developments in Kansai have brought a progressive mix of governmental reforms that could revitalize Japanese society and the national economy. The previous governor of Osaka Prefecture took the lead in establishing the Union of Kansai Governments, a grouping of seven prefectures, in 2010. Since then, under new political leadership, the municipal and prefectural governments are combining to form a new "Osaka Metropolis" to rival Tokyo. Kansai regional governments are also aiming to increase cooperation to address region-wide, cross-prefectural issues. In the spirit of this new cohesion, the prefectures of Osaka, Kyoto and Hyogo are jointly forming a "Comprehensive Strategic Zone." With designated tax reductions and supporting

measures, this special zone will host intensive investment in the fields of pharmaceuticals, medical equipment and advanced technologies. The zone will be concentrated in nine areas throughout the three prefectures, including Osaka Station, Kobe Medical Industry City and the Keihanna Science City district. The faster innovation and increased regional dynamism resulting from the zone will fuel Kansai's engine for revitalized economic growth.

Kansai has already attracted domestic and international businesses to establish their bases in the region, such as Amazon's logistic center for Asia in Sakai City and Japan's first low-cost international carrier, Peach Air, based at Kansai International Airport. As of 2010, 236 foreign-affiliated companies maintained their Japanese headquarters in the region. The Osaka Customs Office reported ¥14.6 trillion ($182.7 billion) in exports from Kansai and ¥13.2 trillion ($166.0 billion) in imports for 2011, approximately 21 percent of Japan's total international trade volume. Despite its historically strong trade links to other Asian countries, Kansai increased its imports from the United States by 10 percent to $11.5 billion in 2011.

The U.S. Commercial Service Osaka-Kobe provides an extensive array of products and services designed to help U.S. companies capitalize on opportunities in Japan. CS Osaka-Kobe has national responsibility for building products, sporting goods, apparel and textiles, and regional responsibility for all other sectors, with a special focus on Kansai's key industries of biotechnology, pharmaceuticals, medical devices, renewable energy, environmental technologies, educational services and tourism. Working closely with the American Chamber of Commerce in Japan (ACCJ) and other local multipliers, CS Osaka-Kobe helps promote American products, services and tourism through the organization of trade promotional events and U.S. Pavilions, targeted market research, business counseling, partnership searches, matchmaking services, networking and advocacy. For more information about the opportunities in Kansai for U.S. firms, visit our CS Japan website at www.buyusa.gov/japan/en

Central Japan (Chūbu)

The Chūbu region (lit., Central Japan) is Japan‘s third most populous region, located midway between the largest (Tokyo/Kantō) to the northeast and the second largest (Osaka/Kansai) to the southwest. The nine prefectures of Aichi, Fukui, Gifu, Ishikawa, Mie, Nagano, Shizuoka, Toyama and Yamanashi are home to 21.2 million people, with the majority of the population (15.1 million) and industry concentrated in the four prefectures in the Tokai area (Aichi, Gifu, Mie, and Shizuoka.)

Central Japan‘s theme is "monozukuri," or "making things," and the region boasts large shares of Japan's manufacturing sectors. For example, Central Japan's share of transportation sector manufacturing is well over 50 percent as the region hosts the headquarters or main factories of world-class manufacturers in autos (Toyota, Honda, Yamaha, and Suzuki), auto parts (Denso, Aishin), aerospace (Mitsubishi, Kawasaki), composite materials (Toray), machine tools (Mazak, Okuma), power tools (Makita), and office automation (Brother). Additionally, thousands of supporting suppliers make this one of the top industrial accumulations in the world.

Thus, the region accounts for about 1.4 percent of the world economy, 17 percent of Japan's GDP, and nearly 70 percent of Japan's total trade surplus with the United States. Aichi Prefecture (pop. 7.4 million) is the political, economic, and transportation

center of the region, and it has ranked number one in the shipment of manufactured goods every year since 1977. The U.S. Consulate Nagoya is located in the city of Nagoya (pop. 2.3 million), the prefectural capital.

The auto industry experienced unexpected and serious hardships in 2011. Supply chain disruption caused by the March 11 earthquake/tsunami and the floods in Thailand temporarily crippled production and deferred sales. The industry is determined to recover with the region's traditional resilience by restructuring its supply chain and accelerating development and production of "green cars" (low fuel consumption and emission vehicles).

About half of Japan's 1.3 trillion yen aerospace sector is based in the region, and Mitsubishi, Kawasaki, and Fuji produce 35 percent of the Boeing 787 Dreamliner. A dozen U.S. suppliers are partnering with the Mitsubishi to develop Japan's first jetliner, the 70-90 seat Mitsubishi Regional Jet which is expected to start test flights in 2012 or 2013.

In December 2011, the Japanese government designated the Greater Nagoya area as a Special Economic Zone for promoting the aerospace industry. Detailed programs will be determined in Spring 2012, but they could include: a free trade zone, investment incentives, networking of suppliers, and the creation of a national composite material center. In October, the region will host Asia's largest aerospace trade show, "Japan Aerospace 2012" which expects to bring more than 500 exhibitors and 50,000 visitors.

Though none of its facilities were damaged during the March 11 earthquake/tsunami, Chubu Electric Power Company (CEPCO), Japan's third-largest utility and based in Chubu, was ordered by the Japanese Government to shut down its only nuclear plant as a precautionary measure until an adequate tsunami defense wall is completed in about two years. Even then it is uncertain whether or not the plant will be restarted due to anti-nuclear sentiment. The high costs of switching to alternative power sources threatens CEPCO's profitability and the utility is working diligently to introduce "renewable energy" use as well as to find ways to reduce costs, such as through aggressive global procurement for cost-competitive equipment and products.

A boost to Central Japan's economy should come as Central Japan Railway Company's (JR Tokai) Maglev (superconducting magnetic levitation) train efforts have progressed from the feasibility study stage to the project stage. Construction of the new "Linear New Line," which will connect Nagoya to Tokyo in 40 minutes (rather than current hour and a half via the "bullet train") is expected to start in FY 2014 with a budget of $64 billion (5.1 trillion yen). The target completion year is 2027.

Kyushu/Yamaguchi Region

The Kyushu/Yamaguchi region of southwestern Japan consists of seven prefectures on Kyushu Island (Fukuoka, Oita, Saga, Nagasaki, Kumamoto, Miyazaki, Kagoshima) and Yamaguchi Prefecture on the southern tip of Honshu, with a combined population of about 15 million. The region's $480 billion economy constitutes Japan's fourth largest economic center, representing about 10 percent of national GDP – comparable in size to Switzerland. This region is traditionally known as Japan's gateway to Asia and enjoys extensive historical, cultural and trade ties with continental Asia, particularly South Korea, Taiwan and mainland China. The United States remains an important trading

partner, but trade with Asia is predominant and Kyushu is becoming increasingly integrated into the East Asian regional economy.

Kyushu is often called “Silicon Island,” “Car Island,” “Food Island” and “Solar Island.” The region accounts for 23 percent of Japan's total production of semiconductors and IC chips. American companies like Teradyne have facilities here. Northern Kyushu also boasts nearly 10 percent of Japan's automobile output, with Toyota, Nissan and Daihatsu operating state-of-the-art final assembly facilities, and Honda has an advanced motorcycle plant in the region. Kyushu’s agricultural sector produces about 20 percent of Japan's agricultural output and ranks first in Japan in livestock output (about $7 billion in 2009), while the region accounts for about 10 percent of solar module production. The region also includes important industries such as steel manufacturing, ship-building and tourism. Japan's two space-launch facilities are located in Kagoshima Prefecture. A recent report shows that as of 2011, Kyushu has 247 offices of America-related companies (excluding hotels, airlines, retail outlets, insurance and food services) with almost half being pharmaceutical/medical firms, such as Baxter, Boston Scientific Japan and GE Healthcare Japan.

With a population of 1.4 million, Fukuoka City is the economic, educational and cultural center of Kyushu. While manufacturing is prevalent in Fukuoka Prefecture’s surrounding areas, the city’s economy is services-based, with many large retail outlets and regional headquarters offices for banking, insurance and real estate. The city enjoys an excellent transportation infrastructure, including Kyushu’s principal international airport, with access to much of Asia and direct flights to Hawaii and Guam; ferry services to South Korea and China; and the new Kyushu Shinkansen bullet train line to Kagoshima. Fukuoka has over the past few years welcomed new American businesses to the Kyushu market such as J.P. Morgan Asset Management, Hilton Group and Delta Air Lines.

The Political/Economic Section of the U.S. Consulate in Fukuoka has been actively assisting U.S. businesses and promoting their interests in the region for almost 50 years. The Consulate believes many sectors of the Kyushu/Yamaguchi economy offer promising opportunities. With its long history of openness to foreign influences, the Fukuoka area has an established reputation as a useful test market for new consumer products, services and retail concepts before they are expanded to wider areas of Japan. Major U.S. companies have established research and production facilities in electronics, computers and medical devices, and are also active in architecture, design and construction, energy, insurance and finance. A sector of growing interest is environmental products and services. Good export prospects exist in many other sectors, including building materials, medical equipment and health care products.

Okinawa

Okinawa – Japan’s only subtropical region and its southernmost prefecture – comprises 160 islands stretching 623 miles from mainland Japan to Taiwan, but its 1.4 million people and $40-billion economy are concentrated on the largest island, also called Okinawa. Although Okinawa’s market is relatively small by Japanese standards, there are significant opportunities for U.S. businesses, in part due to Okinawa’s history as a U.S.-administered territory from 1945-1972 and the continued U.S. military presence in Okinawa. Okinawans are open to imported goods and are already familiar with many American products and American food culture. Okinawa’s growing and well-educated

workforce is the youngest in Japan and average wages are among the lowest in Japan. In addition, Okinawa offers a wide range of subsidies and tax incentives for investors and employers.

Because of Okinawa's unique circumstances, the central government provides an extra annual subsidy to promote economic development in the prefecture. In FY2012, this subsidy will total $3.35 billion, a 27.6 percent increase over FY2011, including a record $1.79 billion lump-sum subsidy controlled exclusively by the local government. Officials plan to invest approximately $2.15 billion in public infrastructure in FY2012, including constructing and upgrading air- and sea ports and sewage and water treatment facilities, expanding Okinawa's new Institute of Science and Technology, and constructing a new biotech incubation center and information technology training center.

Tourism is Okinawa's major economic activity, and we project this approximately $4.5 billion industry will continue growing. The Great East Japan Earthquake caused the total number of tourists visiting Okinawa to drop 6.4 percent to 5.48 million in 2011, but the number of tourists from Korea, China, and Hong Kong increased in 2011. The number of Chinese tourists will likely increase significantly in 2012 due to new visa rules and new flights from Beijing. Nearly 95 percent of all tourists visiting Okinawa are mainland Japanese, offering unique opportunities to introduce new products to Japan via Okinawa.

Although public sector spending and tourism dominate Okinawa's economy, government policy encourages diversification into the information and communication technology (ICT) and biotechnology sectors, entrepreneurship, and the island's growth as an air cargo hub in the East Asia region. Since 1990, over 200 ICT companies, some affiliated with American firms, have begun operating in Okinawa. By January 2011, these firms had created over 20,000 new jobs, about three-quarters of which are in call centers. In addition, Okinawa has fewer large earthquakes than other Japanese regions, and has therefore become a popular location for business continuity and disaster recovery-related investment.

The Okinawa Institute of Science and Technology (OIST), a world-leading natural sciences graduate school with an annual operating budget of about $1 billion, will admit its first doctoral students in September 2012. OIST aims to contribute to the development of Okinawa by conducting ground-breaking research and attracting corporate research institutions and venture businesses to Okinawa to form an intellectual and industrial cluster well-suited to American companies' strengths. Constructing and equipping OIST's newly approved $0.79 billion third laboratory building also offers business opportunities.

Okinawa's Naha International Airport is just two to four hours from major Asian cities like Tokyo, Osaka, Seoul, Shanghai, Taipei, Hong Kong and Bangkok, and conducts cargo operations 24 hours a day. In 2011, it handled the third-largest international air cargo in Japan after Tokyo Narita and Osaka Kansai. All Nippon Airways (ANA) is working with the local government to create an Okinawa-based international air freight network that we expect will attract new industries to Okinawa, and may offer opportunities for U.S. businesses.

Government policies are funneling new investment into renewable energy systems. The four year, $74-million "Okinawa Smart Energy Island Infrastructure Project," launched in

FY2011 and concentrated in Miyakojima City and the northern part of the main island, will facilitate large-scale introduction of renewable energy sources, particularly photovoltaic solar and wind power. Government officials also plan to invest $5.7 million in a 100kW ocean thermal energy conversion (OTEC) demonstration plant in Kumejima. They plan to issue requests for proposals in the spring of 2012 and begin operation in early 2013.

The U.S. Consulate General in Okinawa and the American Chamber of Commerce in Okinawa, which has over 100 members from the American and Okinawan business communities, welcome contact with American companies seeking to initiate or expand exports into this regional market. Both are well plugged into local business and public sector entities, and are working to discover commercial opportunities for U.S. firms in this dynamic regional market.

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Chapter 3: Selling U.S. Products and Services

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Using an Agent or Distributor

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For some companies, establishing a direct presence in Japan is the best way to enter the Japanese market, but this can be an extremely expensive strategy. The use of agents or distributors is a more realistic first step for most small- or medium-sized U.S. firms, but this approach requires great care in the selection of the representative and the establishment of the terms of agreement.

U.S. firms are cautioned against trying to use contact lists for “cold calls” on prospective Japanese agents. Most Japanese business people prefer to do business with someone only when they have been properly introduced and have met face-to-face, and an introduction by a familiar "go-between" typically helps to dispel reluctance. Appropriate third parties for such introductions include other Japanese firms, U.S. companies that have successfully done business in Japan, banks, trade associations, chambers of commerce, the Japanese External Trade Organization (JETRO), U.S. state representative offices in Japan, the U.S. Department of Commerce and the U.S. Commercial Service in Japan (CS Japan).

Distributors in Japan usually cover a specific territory or industry. Importers are often appointed as sole agents for the entire country. In some cases granting exclusivity may be necessary to ensure a strong commitment by the Japanese agent towards expanding sales. However, under no circumstances should a U.S. company be pressured into granting exclusivity if there is doubt as to the ability or willingness of the Japanese agent to develop the entire market. Even if a U.S. company‘s ultimate goal is to offer an exclusive agency arrangement to its Japanese partner, the U.S. company may want to consider starting with any of the following good, first-step measures before moving

forward with a greater commitment: regional exclusivity, a limited term of representation, minimum sales thresholds, or qualitative indicators of sales efforts.

While the Japanese Fair Trade Commission has guidelines applicable to exclusive agency contracts, there are no statutory damages required upon termination of an agency. But given the close-knit nature of business circles and the traditional wariness towards foreign suppliers in Japan, replacing an agent or distributor could damage a U.S. firm‘s reputation – and even compromise its entire market strategy – if not handled sensitively. A U.S. company should at all costs avoid being viewed as lacking adequate commitment to its Japanese business relationships. Japanese agents may request “parting compensation” in the event the foreign exporter decides to dissolve a business relationship. Since this is a common practice in this market, U.S. companies should address this eventuality prior to executing a contract.

U.S. companies should be selective in choosing a Japanese business partner. Credit checks, a review of the Japanese company's industry standing and existing relations with Japanese competitors, and trust building are all part of the process. Many problems can be avoided by carrying out comprehensive due diligence.

Part of the difficulty in choosing a Japanese agent is assuring that the agent will devote sufficient attention to expanding the market share of the U.S. product. Distributors that target only limited, high-price niches, that are bound by strong ties to one particular industry group (*keiretsu*), that fail to compete directly with established Japanese products, or that are not prepared to pursue volume sales for the U.S. exporter should be avoided. U.S. firms should also be wary of distributors that handle competing lines or are subject to other potential conflicts of interest.

Another important factor that merits consideration is sales commissions paid to agents and distributors. Under an agency contract, the supplier normally invoices the agent for the same amount that the agent will sell to the customer (”back-to-back”). The supplier then pays a sales commission to the agent at the percentage provided for in the agency contract or agreement. Under a distributorship contract, the supplier sells the product to the distributor, who is then free to add to the purchase price whatever markup it chooses in determining the sales price to the customer. Commission rates vary according to the product and contract terms. Generally speaking, sales commissions range from ten to twenty percent for ”spot” (one-time or irregular) transactions, and from five to ten percent for regular, ongoing business transactions. In the case of bulk materials (*e.g.,* iron ore or coal), however, commission rates are much lower, in the neighborhood of one to three percent. In the case of medical, laboratory, and scientific analytical instruments, commission rates typically are much higher, in the neighborhood of twenty percent or above.

Japan's business world is small and relatively concentrated, both politically and economically. Business relationships are formed, conducted, nurtured, and ended with an extraordinary degree of attention to appearances and decorum. Caution and diplomacy are therefore warranted if an overseas company wishes to sever its relationship with its existing Japanese agent or distributor.

Once an agent or distributor agreement is signed and the U.S. company‘s products gain a foothold in the Japanese market, the U.S. company may want to consider establishing a representative office in Japan (see below) to support the distributor's sales and

marketing efforts and to facilitate communications with U.S. company headquarters. For businesses offering goods and/or services of a technical nature, a technical engineer is often best suited for this role because such a person generally understands product capabilities and end-user requirements. This is, of course, more of a long-term consideration, but one that U.S. companies may wish to consider when putting together their strategic mid- to long-term plan for Japan.

Establishing an Office

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Before setting up an office in Japan, U.S. companies may wish to examine programs of Japan‘s Ministry of Economy, Trade & Industry (METI) for promoting foreign investment into Japan. Programs include loans available through the Japan Bank for International Cooperation and the Development Bank of Japan. Entry-level business support programs are provided by the Japan External Trade Organization (JETRO) as well as by some municipal and prefectural governments. Current information on investing in Japan, establishing an office, and other JETRO programs for foreign businesses can be found on JETRO‘s website at http://www.jetro.go.jp. Please also review Chapter 6, ”Investment Climate,” of this Country Commercial Guide.

Finding suitable local staff is also an important consideration for U.S. companies seeking to establish an office in Japan. There are a number of executive search firms in Japan that can help address this important issue. For a list of some of these firms, please visit the Business Service Providers section of the CS Japan website at http://export.gov/japan/bsp/index.asp, or the Membership Directory of the American Chamber of Commerce in Japan website at http://www.accj.or.jp.

Franchising

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In 2010 the total number of franchise chains increased to 1,233 from 1,206 in 2009, reversing a decline over the prior two years. The total number of stores and outlets were 234,146, up 2,480 or 1.1 percent from the year earlier. The total turnover amounted to ¥21.3 trillion, showing an increase of 2.8 percent, or ¥500 billion from 2009. Approximately 39.6 percent of total turnover at franchised outlets were from convenience stores (CVS) and about 18.1 percent from food service chains.

The overall franchise market in 2012 is expected to show a decline due negative impacts of the catastrophe caused by the March 2011 earthquake. Industry experts point out that convenience stories have been and will be the driver for the growth of stores and sales revenues. Also, they also called attention to the rise of low-capital requirement franchise models in the service sector such as cram school, auto lease & car rental service, and nursing care service. In the retail business, secondhand store models are on the rise with examples including books, home appliances, games & home entertainment (equipment and software), CD & DVD, clothing, luxury brand products, sporting goods, toys, jewelry, and mobile phones. On the other hand, food service chains in general have been affected adversely by the general deflationary trend of recent years. These trends are expected to continue in 2012.

U.S. franchising has heavily influenced the development of Japan‘s franchise industry since in the early 1970s. Although Japanese consumers are generally receptive to U.S. franchise concepts, products and services must be adjusted to local tastes and expectations to ensure success in Japan. U.S. franchising businesses have a number of ways to enter the Japanese market, such as establishing a wholly-owned subsidiary as a master franchisee with a flagship store(s), seeking a joint venture partner to develop the market in Japan, or entering into an agreement with a master franchisee.

Identifying the right business partner in Japan requires time and effort, and it can be difficult to find companies that are willing to invest in master franchise rights or to invest in business concepts that do not have a clear market or strong growth potential in Japan. Therefore, thorough market research and a long-term commitment are necessary for U.S. companies that are considering launching a franchise-based business in Japan.

Direct Marketing

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The scale of direct marketing in Japan, which includes mail order, telemarketing, direct response television, and Internet sales, is still modest by U.S. standards. However, sales were estimated at 4.67 trillion yen in 2010. Business-to-consumer (B2C) Internet shopping has grown rapidly, and according to a survey by the Japan Direct Marketing Association (JADMA), 54.5 percent of direct sales shoppers (15-79 years old) used the Internet to place their orders in 2010 (up by 0.7 point from 2009). The other popular methods to place orders were via home phones (excluding mobile phones) 42.5 percent of shoppers (down by 2.7 points from 2009), and mail order (26.7 percent, down by 4.2 points).

The most popular way of gathering product information in 2010 was the Internet via computer (52.8 percent), followed by hardcopy catalogs (33.5 percent), and Internet via mobile devices (16.1 percent). Young people are particularly adept at gathering product information via mobile devices. 54.3 percent of young women aged 29 or younger report using mobile devices to get product information. Japanese direct marketers use websites optimized for both PC and mobiles to reach consumers. U.S. exporters wishing to sell products targeting young Japanese will need to optimize their platforms for mobile access.

Because of ongoing revisions to credit card and e-commerce laws that provide increased protection for consumers in Japan, including protection against identity theft, Japanese consumers have less hesitation than in the past to buy online. C.O.D. (cash on delivery), payments at convenience stores (where Japanese are able to pay various bills), and credit cards were the three major payment methods in 2010. In 2011, 77.9 percent of shoppers used credit cards to pay for online purchases. The most popular credit card with Japanese consumers by far is the JCB card, which had over 71 million cardholders in Japan and 8.7 million cardholders outside of Japan in 2011.

Shopping from hard copy or online foreign catalogs, is referred to as ”personal importing” in Japan. Personal importing surged in the mid-1990s due to the novelty of the concept, a very strong yen, and a growing appreciation of foreign consumer goods. Although providing adequate customer service and handling product returns challenged those firms that did not have in-country representation, many U.S. companies enjoyed an enormous expansion of orders from Japan.

Beginning in 1996, the relative strengthening of the dollar and the passing of the “fad” component of the boom caused the market to cool considerably. However, recent appreciation of the yen (79.7 yen for $1 in 2011) has made U.S. prices once again very appealing and there may be good opportunities for U.S. companies that can offer Japanese consumers high quality products with unique attributes. Products Japanese consumers currently order from abroad include apparel, accessories, books, magazines, toiletries, and cosmetics.

Joint Ventures/Licensing

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U.S. companies often consider joint ventures or licensing agreements when considering entering the Japanese market. For the latest information on regulations and procedures for establishing an operation in Japan, please visit the JETRO website at http://www.jetro.go.jp.

Although the vast majority of U.S. commercial exports to Japan do not require export licenses, the export of any form of technical data from the United States can be subject to U.S. export control laws. In such a case, a thorough review of the U.S. Department of Commerce‘s Export Administration Regulations (EAR) should precede the signing of any licensing agreement. To learn more about the EAR, please visit the following website:

Government Printing Office's EAR database:
http://www.access.gpo.gov/bis/ear/ear_data.html

Selling to the Government

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On January 1, 1996, Japan implemented the WTO Agreement on Government Procurement (GPA) in an effort to expand opportunities for foreign firms and increase international competition in government procurement in Japan. The Agreement extended coverage to include the procurement of services as well as procurement throughout Japan by what are referred to as "sub-central government entities." These entities include all prefectural (regional) governments in Japan, major cities and designated municipalities, and a host of other quasi-governmental agencies, corporations, companies and authorities.

Government procurement contracts covered by the Agreement must have a value not less than the thresholds (denominated in special drawing rights of the International Monetary Fund or “SDRs”) specified by the Agreement, and include the procurement of products and services by purchase, lease, or rental by the agencies and organizations subject to the Agreement. Under revisions to the GPA, the present voluntary specified threshold for procurement by central government entities of 100,000 SDRs (except for construction and architectural, engineering and other technical services) will become obligatory in April 2013. For sub-central government entities, with the same exceptions noted above, Japan's voluntary threshold is 200,000 SDRs.

There are three types of government tendering procedures in Japan covered by the Agreement: 1) open tendering; 2) selective tendering; and 3) limited or single tendering.

Under an open tender, the procuring entity publishes an invitation for qualified suppliers to participate in the tendering process. Contracts are awarded to the bidder that offers the greatest advantage in terms of price. Selective tendering is done in cases when the number of potential suppliers is limited (due to the nature of the contract), or when open tendering is otherwise regarded as inappropriate. In this case, the procuring entity designates those companies it considers capable from a list of qualified suppliers and invites them to bid. Again, the contract is awarded to the bidder with the best offer in terms of tendered price and other required criteria. Limited or single tenders are used in a variety of cases where products or services cannot be obtained through open or selective procurement procedures, where there has been an absence of bids in response to a public notice, where it has been determined there is a need for protection of exclusive rights such as patents, or where the procurement is of extreme urgency.

Open tender and selective tender invitations are published in Japan‘s official (central) government procurement gazette or *Kanpō* – http://kanpou.npb.go.jp (Japanese only) – or in an equivalent regional-level or local publication. The procuring entity publishes the invitation to tender at least 50 days (40 days is required by the GPA) in advance of the closing date for receipt of bids. In order to increase access opportunities for foreign suppliers, as a voluntary measure, many procuring entities publish notices on the use of limited (closed) tenders at least 20 days in advance of the awarding of a contract. When the tender is announced on open bids, the type and quantity of products, time limits set for submission of bids, and names and contact data of the procuring entity are published within the announcement in English. Notices on selective tendering also outline the requirements necessary for firms to be designated for participation in the tender bidding process. Most companies find it useful to contact the procuring entity directly with any specific questions before a tender is submitted for consideration. Recent revisions to the GPA Agreement allow for modern procurement procedures such as electronic bidding.

Japan's Ministry of Foreign Affairs (MOFA) hosts a Government Procurement Seminar each spring where central government procuring entities explain their procurement plans for the fiscal year. Individual ministries sometimes follow this with their own seminars. Notice of these meetings can also be found in the *Kanpō* gazette.

U.S. suppliers can find information about Japanese government procurement on the Japan External Trade Organization (JETRO) website at (http://www.jetro.go.jp/en/matching/procurement), which includes an online database of government procurement notices and invitations published in the National Printing Bureau‘s “Official Gazette.” Users can search by publication date, product/service category as well as location. For additional information including suggestions for accessing the government procurement market in Japan please visit the MOFA website (http://www.mofa.go.jp/policy/economy/procurement), which maintains a detailed list of contact points for entities covered by the Agreement.

Potential suppliers must first be qualified by the procuring agency and registered on the tendering agency‘s permanent list of qualified suppliers. Each procuring entity in Japan specifies the qualifications required of any potential supplier participating in open or selective tenders. Procuring entities are allowed to review a company's capacity to implement a contract, including the scale of business and past business performance. In most cases, Japanese subsidiaries, agents, or distributors of a U.S. company can register on behalf of the firm. Documents required for qualification are set out in the public notice, but typically include: an application form, registration certificate, company

history, financial statements, and tax payment certificate. The qualification is usually valid for one to two years.

Sealed bids must be submitted to the designated location by the closing date and time specified in the tender notice. Although a five percent guarantee fee is stipulated, payment is usually waived since those participating are normally pre-qualified. If there are tenders made by unqualified suppliers or in violation of the tender requirements, the procuring entity will rule them invalid and notify the unsuccessful bidder. The contract is normally awarded to the lowest qualified bid and bidders are informed of the result in writing by the procuring entity.

Pursuant to the 1996 GPA, Japan has established a mechanism to process complaints about procurements by entities other than sub-central government entities. The Office of Government Procurement Review (OGPR), within the Prime Minister's Office, implements the provisions of the WTO Agreement regarding bid challenge procedures. For procurement by central government entities the Government Procurement Review Board processes and considers complaints in accordance with the specific procedures set out by the OGPR. Prefectural governments and designated cities have established their respective procedures to process complaints regarding procurement subject to the Agreement. Complaints by qualified bidders may be filed with the Secretariat of the Board in the Office for Government Procurement Challenge System (CHANS). For additional information, please visit http://www5.cao.go.jp/access/english/chans_main_e.html .

Further information on recent developments regarding Japanese government procurement can be found in Japan‘s most recent submission to the WTO Trade Policy Review Mechanism: http://www.wto.org/english/tratop_e/tpr_e/tp311_e.htm

Defense Procurement

In December 2010, the Japan Ministry of Defense (JMOD) released the National Defense Program Guidelines, which outline Japan‘s defense policies and goals for the next ten years. At the same time the JMOD also released the five year Mid-Term Defense Program which lists major equipment purchases and envisions a total budget of approximately 23,490 billion yen ($267.6 billion at 87.78 yen/USD) to be spent over the next five years.

The U.S.-Japan Security Alliance, which marked its 50th anniversary in 2010, is a cornerstone in maintaining peace, stability and prosperity in the Asia-Pacific region. Major U.S. defense contractors, as well as other U.S. makers of defense-related technologies and equipment, play important roles in the Japanese defense market, participating through production licensing and direct sales.

Foreign Military Sales (FMS) by U.S. companies to Japan are administered by the Defense Security Cooperation Agency (DSCA), which is part of the U.S. Department of Defense. The Mutual Defense Assistance Office (MDAO) at the U.S. Embassy in Tokyo is the in-country office for FMS. All transactions are initiated by a request from the Government of Japan for price and availability data for a specific item or service. Direct Commercial Sales (DCS) are handled by Japanese defense trading firms, distributors and agents.

The Equipment Procurement and Construction Office (EPCO) of the JMOD is charged with the central procurement of military equipment and services valued at over 1.5 million yen ($17,071 at 87.78 yen/USD) for such items as firearms, guided weapons, telecommunications instruments, ships, aircraft, vehicles, machinery, ammunitions, foods, fuel, textile, and other necessary materials. EPCO is also charged with overseeing implementation plans for construction work at Self-Defense Force (SDF) bases. Regional Defense Bureaus, also part of the JMOD, handle military items of 1.5 million yen or less and other local supplies.

As with any other government procurement, potential vendors to the JMOD and SDF are required to apply for and register with the EPCO. It is recommended that potential U.S. military equipment makers partner with Japanese trading firms, distributors or agents to conduct business with the Japanese military. A Japanese partner is also helpful with the local language and unique cultural and business practices.

The Japan Ministry of Defense (JMOD) http://www.mod.go.jp/e/index.html

Defense Security Cooperation Agency (DSCA) http://www.dsca.mil/

Equipment Procurement and Construction Office (EPCO) http://www.epco.mod.go.jp/en/

Distribution and Sales Channels

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Distribution channels in Japan have undergone much consolidation over the past two decades. Many of the traditional channels have been streamlined, yet complexities still exist. Paradoxically, in some sectors, cutting edge technologies have been applied to channels that nevertheless retain significant structural inefficiency and redundancy. Channels vary significantly between consumer goods and industrial products. For detailed information on distribution channels for specific products and sectors, it is best to contact the relevant Commercial Specialist at CS Japan. Contact information can be found on the CS Japan website at http://export.gov/japan.

International Courier Services for Food Samples

In 2010, three major international couriers began enforcing a policy of not accepting packages that contain foods requiring phytosanitary certificates. This policy could potentially affect U.S. exporters‘ ability to ship product samples to Japan. The reason for this policy shift is that these couriers are now refusing to handle any items involving animal or plant quarantine (including dried fruit and nuts) for express/overnight service since one parcel containing items subject to quarantine regulations can delay a whole container containing hundreds of parcels for about two hours until the package with the phytosanitary certificate is cleared. The carriers have decided that they cannot afford the delay in their express service but it should be noted that the carrier‘s policies only affect express/overnight shipments. These couriers will still accept packages that require phytosanitary certificate as regular air freight services that may take an extra few days to be delivered. For more information please see the following report Express Services Food Sample Policy.

Selling Factors/Techniques

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As in the United States, sustained personal contact with customers is usually essential for successful market entry and expansion in Japan. Having a visiting U.S. company representative accompany the firm‘s Japanese agent or distributor on visits to existing or potential customers strengthens the potential for sales. Such joint sales calls demonstrate commitment to clients and provide unparalleled opportunities to obtain market feedback.

Learning how to negotiate and maintain relationships with Japanese face-to-face can significantly increase a U.S. company‘s chances for success in the market. Japanese language skills and familiarity with the nation‘s culture and etiquette can be invaluable. Be prepared to attend after-hours social events: these informal gatherings go a long way towards establishing mutual trust and understanding between new partners. It has been said that many business deals in Japan are made ”after five,” though this does not mitigate the important roles that price, quality and after-sales service play in making an export sale.

Initial contact between Japanese firms is usually formal and made at the executive level, with more detailed negotiations often delegated to the working level. Typically, the point of an initial meeting is to allow the parties to become acquainted, to establish the interest of the calling party, and to allow both sides an opportunity to size each other up. Don‘t expect too much from a first visit – sometimes the actual business subject may be overtaken by more mundane topics. A series of meetings with a large number of Japanese company representatives is common, as part of the ”sizing up” process. Business negotiations may proceed slowly, as the Japanese side might prefer to avoid an agreement rather than risk being criticized later for making a mistake.

While many Japanese business executives speak some English, a skilled and well-briefed interpreter is essential to prevent communication problems. A good interpreter is worth the expense. Firms that choose to skimp on or forego this expense not only significantly increase their chances for miscommunication, but also risk sending a message that they lack commitment to their Japanese counterpart and to the Japanese market. Though there are some U.S. firms that do business in Japan without a signed contract, the use of written contracts between U.S. and Japanese firms is an accepted practice. Contracts satisfy tax, customs, and other legal requirements. Japanese companies prefer shorter and more general contracts as opposed to lengthy, detailed documents spelling out every right and obligation in detail. Personal contact and relationships are important in Japan, and a contract should be viewed as just one element of a broader effort to create a mutual understanding of obligations and expectations.

Electronic Commerce

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A website is a must for any business looking to break into the market in Japan. There are some key elements that should be incorporated into your website to gain familiarity and trust among potential Japanese buyers. Details in the “About Us” section of your website are especially important since this is a main information source that potential Japanese buyers will review. An “About Us” page for a US website usually contains the

company's mission statement, description of the company's business, management bios and contact information. In Japan, however, an "About Us" page includes more details such as a section called "Corporate Profile" in which corporate information such as the official company name, date of establishment, capital stock, revenue, board member names, number of employees, business partners, industry associations, banking, and the period of accounting are included. This additional information is not a requirement in Japan but many companies, including small businesses, disclose this information to help build trust and legitimacy with potential customers.

According to statistics published in June 2011 (http://www.meti.go.jp/policy/it_policy/statistics/outlook/ie_outlook.htm) by the Japanese Ministry of Economy, Trade and Industry (METI), the market size of business-to-business (B2B) electronic commerce in Japan in 2010 was ¥169 trillion ($2.1 trillion), and the market size of the business-to-consumer (B2C) electronic commerce market in the same period was ¥7.8 trillion ($97.9 billion). METI notes that the e-commerce market size has recovered to levels recorded before the shocks to the global economy in 2008. For cross-border e-commerce, METI estimates US exports to Japan via e-commerce to be ¥61.3 billion ($769.1 million) in 2010.

There are few open B2B sites for foreign exporters in Japan, with most Japanese B2B sites focusing on domestic business transactions. Japan's international B2B site is: http://www.export-japan.com/. On the other hand, B2C ecommerce sites are flourishing, and include Amazon Japan, Yahoo! Japan, and Japan's largest e-commerce site, Rakuten. The growth of online entertainment sites is also notable in Japan, especially in the mobile arena. Japan's major providers of online games are:

GREE: http://developer.gree.co.jp/en/

DeNA: http://dena.jp/intl/

U.S. firms interested in ecommerce might consider listing on the Japan External Trade Organization (Jetro)'s business matchmaking database known as TTPP (http://www.jetro.go.jp/ttppoas/howto/index.html#). Registration is free and may be done in English.

Trade Promotion and Advertising

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Unless a U.S. company is setting up operations directly in Japan, the company's agent or distributor in Japan will likely execute the advertising and marketing effort. It is quite expensive to advertise in Japan. Because of this, local firms often look for some type of cooperation from their overseas suppliers. Willingness to support this effort sends a strong signal of commitment to the Japanese market.

Not all companies can afford to place advertisements in Japan's major national daily newspapers or commercials on Japanese television. Regional and local newspapers and television stations, and daily sports newspapers are less expensive and might make sense for a product with strong potential in a specific region or demographic segment. A more affordable option for small- to medium-size or new-to-market U.S. companies might be advertising in some of Japan's roughly 4,500 weekly or monthly magazines.

These publications often represent a cost-effective means to reach a specific target consumer – whether gourmet or gardener, cyclist or camper. For industrial and commercial products, Japan's many industrial daily, weekly or monthly newspapers and trade journals might offer the best advertising options.

Japan‘s railways, as the primary transportation option for commuters in major cities, carry hundreds of millions of passengers every year. Therefore, transit advertising should not be overlooked. Transit advertisements can be found inside commuter rail cars, buses, and in stations. Advertisements inside trains and buses include hanging flyers, framed posters, stickers, and flat-panel video.

Internet advertising and email newsletters (generally called ”mail magazines” or “*merumaga”*) have become popular in Japan. American companies considering using such methods in Japan should be aware of Japan‘s Law on Regulation of Transmission of Specified Electronic Mail: unlike the “opt out” system in the United States in which the sender must stop sending to recipients who choose not to receive future emails, Japanese law requires use of an “opt in” system in which email can only be sent to people who have agreed in advance to receive it.

Japan‘s media primarily arrange advertising placements by working with advertising agencies, and typically do not deal directly with advertisers themselves. Generally, mood or image advertising achieves the best results. Hard-sell, combative advertising is considered to be in bad taste and is usually counterproductive, but comparative advertising is becoming more accepted in an increasingly competitive and tight economy.

U.S. exporters can benefit from Japan‘s extensive trade event circuit: not only in Tokyo and Osaka, but also in the huge regional economies and industrial centers where many of Japan‘s international conferences, seminars, and trade shows take place. U.S. Department of Commerce-certified trade shows and trade missions, as well as events sponsored by U.S. states and industrial organizations, are an excellent means of gaining exposure in the Japanese market. For a listing of U.S. Department of Commerce supported events in Japan, please visit our website:
http://export.gov/japan/tradeevents/index.asp

Pricing

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Tough economic times have made price an increasingly important consideration for Japanese consumers. Traditionally, many people made their buying decisions based on a product's attributes, quality, and brand name and they were willing to pay more for superior quality, reputation, or reliability. However, Japanese consumers are now more price-conscious and notions such as bargains and value have become mainstream. If an imported product can be purchased more inexpensively than a domestic product, consumers will be interested. This has proven to many Japanese that U.S. products can be affordable and offer quality that equals or even exceeds that of Japanese goods.

The strength of the yen, streamlining of distribution channels, and Japanese economic reforms have recently helped open doors for U.S. products by improving their price competitiveness. However, landed cost is only one part of a total pricing scheme and should not be the only consideration for U.S. firms interested in exporting to Japan.

Distribution markups often cause imports to price at levels far higher than comparable domestic products. For instance, shipping costs between the port of Osaka and Tokyo have been shown to be much higher than shipping costs from the U.S. West Coast to Osaka. A good example is imported U.S. apparel products, where street prices are often three to four times FOB.

Japanese manufacturers traditionally set prices at each level of the distribution chain and enforce compliance using complicated rebate systems. Such price maintenance has recently come under pressure from consumers who are demanding lower prices, and from manufacturers who themselves find the rebate system burdensome. As distribution practices have undergone reform, costs have come down and distributors have gained additional flexibility in selecting and purchasing items.

Distribution of imported goods has also traditionally followed a multi-layered system, with established lines of product flow and pricing structures that vary according to the types of services provided by the importer or wholesaler (e.g., inventory, advertisement costs, packaging costs, financing, acceptance of unsold/returned goods, etc.). As with the distribution of Japanese manufactured goods, increased price sensitivity among Japanese consumers has led to more and more middlemen either being forced to cut their markups or eliminated from the distribution chain altogether.

Some Japanese retailers now import products directly in order to offer lower retail prices. However, U.S. suppliers should understand that retailers usually import smaller quantities, and other importers and wholesalers usually are uninterested in representing products that are imported directly by retailers.

Finally, U.S. exporters should also consider yen/dollar fluctuations in their product pricing and sales strategies. Starting in late 2008 and continuing to early 2012, the yen has risen significantly against the dollar, boosting the price competitiveness of U.S. goods.

Sales Service/Customer Support

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High-quality, highly-responsive product service and customer support throughout the sales cycle are crucially important in Japan. This begins with establishing a close working relationship with, and long-term commitment to, a U.S. exporter‘s potential Japanese partners. Every effort should be made to answer technical questions in detail, to ensure that delivery dates are met, and to maintain absolute clarity regarding all issues from initial order through shipment and delivery. Problems most often arise from misunderstandings, lack of communication, language difficulties, and differing business practices.

The arrival times and condition of shipments are critical. Shipments should arrive on time, they should be well packed, and they must not be damaged upon arrival. Customs documentation should be complete and accurate; if it is not, the entry of the merchandise could be delayed or, in certain cases, the merchandise might be returned to the sender. Japanese buyers are highly concerned with the quality of packing and poor packaging may lead to market entry problems. Missed deadlines and the arrival of goods damaged through poor packaging and shipping practices are interpreted as a “message” from, and about, the supplier.

Protecting Your Intellectual Property

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Japan generally provides strong IPR protection and enforcement. Nevertheless, the U.S. Government continues to encourage Japan to strengthen intellectual property rights protection and enforcement. Any U.S. company doing business in Japan should have an intellectual property plan and register their intellectual property prior to entering the market. The Japanese registration of patents and trademarks is on a first-in-time, first-in-right basis as opposed to the U.S. first-to-invent system which means that U.S. companies need to be especially diligent in protecting their intellectual property. The U.S. Government works with the Government of Japan to improve the intellectual property environment, however, rights holders should take the basic steps to secure and enforce their intellectual property in a timely manner.

Protecting Your Intellectual Property in Japan:

Several general principles are important for effective management of intellectual property ("IP") rights in Japan. First, it is important to have an overall strategy to protect your IP. Second, IP is protected differently in Japan than in the U.S. Third, rights must be registered and enforced in Japan, under local laws. Your U.S. trademark and patent registrations will not protect you in Japan. There is no such thing as an "international copyright" that will automatically protect an author's writings throughout the entire world. Protection against unauthorized use in a particular country depends, basically, on the national laws of that country. However, most countries do offer copyright protection to foreign works under certain conditions, and these conditions have been greatly simplified by international copyright treaties and conventions.

Registration of patents and trademarks is on a first-in-time, first-in-right basis, so you should consider applying for trademark and patent protection even before selling your products or services in the Japan market. It is vital that companies understand that intellectual property is primarily a private right and that the US government generally cannot enforce rights for private individuals in Japan. It is the responsibility of the rights' holders to register, protect, and enforce their rights where relevant, retaining their own counsel and advisors. Companies may wish to seek advice from local attorneys or IP consultants who are experts in Japan law. The U.S. Commercial Service can provide a list of local lawyers upon request: http://japan.usembassy.gov/e/acs/tacs-7113.html.

While the U.S. Government stands ready to assist, there is little we can do if the rights holders have not taken these fundamental steps necessary to securing and enforcing their IP in a timely fashion. Moreover, in many countries, rights holders who delay enforcing their rights on a mistaken belief that the USG can provide a political resolution to a legal problem may find that their rights have been eroded or abrogated due to legal doctrines such as statutes of limitations, laches, estoppel, or unreasonable delay in prosecuting a law suit. In no instance should U.S. Government advice be seen as a substitute for the obligation of a rights holder to promptly pursue its case.

It is always advisable to conduct due diligence on potential partners. Negotiate from the position of your partner and give your partner clear incentives to honor the contract. A good partner is an important ally in protecting IP rights. Consider carefully, however, whether to permit your partner to register your IP rights on your behalf. Doing so may

create a risk that your partner will list itself as the IP owner and fail to transfer the rights should the partnership end. Keep an eye on your cost structure and reduce the margins (and the incentive) of would-be bad actors. Projects and sales in Japan require constant attention. Work with legal counsel familiar with Japan laws to create a solid contract that includes non-compete clauses, and confidentiality/non-disclosure provisions.

It is also recommended that small and medium-size companies understand the importance of working together with trade associations and organizations to support efforts to protect IP and stop counterfeiting. There are a number of these organizations, both Japan or U.S.-based. These include:

- The U.S. Chamber of Commerce and local American Chambers of Commerce overseas
- National Association of Manufacturers (NAM)
- International Intellectual Property Alliance (IIPA)
- International Trademark Association (INTA)
- The Coalition Against Counterfeiting and Piracy
- International Anti-Counterfeiting Coalition (IACC)
- Pharmaceutical Research and Manufacturers of America (PhRMA)
- Biotechnology Industry Organization (BIO)

IP Resources
A wealth of information on protecting IP is freely available to U.S. rights holders. Some excellent resources for companies regarding intellectual property include the following:

- For information about patent, trademark, or copyright issues -- including enforcement issues in the US and other countries -- call the STOP! Hotline: **1-866-999-HALT** or register at www.StopFakes.gov.

- For more information about registering trademarks and patents (both in the U.S. as well as in foreign countries), contact the US Patent and Trademark Office (USPTO) at: **1-800-786-9199**.

- For more information about registering for copyright protection in the US, contact the US Copyright Office at: **1-877-476-0778** (toll free) or **1-202-707-5959**.

- For more information about how to evaluate, protect, and enforce intellectual property rights and how these rights may be important for businesses, a free online training program is available at www.StopFakes.gov.

- For US small and medium-size companies, the Department of Commerce offers a "SME IP Advisory Program" available through the American Bar Association that provides one hour of free IP legal advice for companies with concerns in Brazil, China, Egypt, India and Russia. For details and to register, visit: http://www.abanet.org/intlaw/intlproj/iprprogram_consultation.html.

- For information on obtaining and enforcing intellectual property rights and market-specific IP Toolkits visit: www.StopFakes.gov. This site is linked to the USPTO website for registering trademarks and patents (both in the U.S. as well

as in foreign countries), the U.S. Customs & Border Protection website to record registered trademarks and copyrighted works (to assist customs in blocking imports of IP-infringing products) and allows you to register for Webinars on protecting IP.

Due Diligence

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A U.S. company resident in Japan is not legally required to use a Japanese attorney for filings, registrations, contracts or other legal documents, which can be prepared by in-house staff, but retaining a competent Japanese attorney *(bengoshi),* patent practitioner *(benrishi),* or other legal professional is a practical necessity. A U.S. company not resident in Japan should also retain competent Japanese counsel. Projects and sales in Japan require constant attention. Work with legal counsel familiar with Japan laws to create a solid contract that includes non-compete clauses and confidentiality/non-disclosure provisions, among others.

Japanese industry continues to be affected by downsizing and bankruptcies in the current economic and financial climate. Importers, wholesalers and distributors can find it difficult to obtain trade financing in the present environment. Banks in Japan have become less inclined to provide credit to small- and medium-sized enterprises of all types. Larger companies, especially those with excessive debt, may also experience problems obtaining financing.

The U.S. Embassy in Tokyo encounters trade dispute cases of all kinds. It has become more common for small- and medium-sized Japanese trading companies to run into payment problems. For information about structuring payment options, see *How Do I Get Paid (Methods of Payment)* under Chapter 7, Trade and Project Financing.

As a result of these concerns, U.S. companies are advised to establish due diligence procedures and check the *bona fides* of their Japanese agents, distributors and/or customers. To assist with this need, the U.S. Commercial Service in Japan provides the International Company Profile (ICP) service designed to help U.S. companies evaluate potential business partners. For information on the ICP and other services available from the Commercial Service in Japan, please visit our website: http://export.gov/japan/ (Please note that the ICP is not intended to be a substitute for a comprehensive due diligence review to meet obligations under the Foreign Corrupt Practices Act of 1977.)

Local Professional Services

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CS Japan‘s website features lists of business service providers in different fields who may be of assistance to U.S. firms doing business with Japan. Although these lists are not comprehensive, and inclusion does not in any sense constitute an endorsement or recommendation by the U.S. Commercial Service or the U.S. Government, they are a useful starting point for firms that need professional services in Japan. Please visit the Business Service Providers section of our website at: http://export.gov/japan/bsp/index.asp.

Web Resources

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Information on investing in Japan, establishing an office, and other programs for foreign businesses:

Japan External Trade Organization (JETRO)
http://www.jetro.go.jp/en/invest/setting_up

Information on business service providers in Japan:

U.S. Commercial Service, U.S. Embassy, Tokyo
http://export.gov/japan/bsp/index.asp

Foreign Agricultural Service (FAS), U.S. Embassy, Tokyo
http://www.usdajapan.org
FAS Trade Lead System

U.S. Embassy, American Citizen Services
http://tokyo.usembassy.gov/e/tacs-main.html

Information on Japanese government procurement:

Japan External Trade Organization (JETRO)
http://www.jetro.go.jp/en/matching/procurement

Office for Government Procurement Challenge System (CHANS)
Cabinet Office
http://www5.cao.go.jp/access/english/chans_main_e.html

Japan‘s Submission to WTO Trade Policy Review Mechanism
http://www.wto.org/english/tratop_e/tpr_e/tp311_e.htm

B-to-B e-commerce marketplaces:

Trade Tie-up Promotion Program by Japan External Trade Organization
http://www.jetro.go.jp/ttppoas/

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Chapter 4: Leading Sectors for U.S. Export and Investment

Commercial Sectors

- Aerospace
- Computer Software (CSF)
- Cosmetics / Toiletries
- Education and Corporate Training
- Electronic Components (ELC)
- Medical Equipment (MED)
- Pharmaceuticals (DRG)
- Renewable Energy
- Safety and Security (SEC)
- Soil Remediation/Engineering Services
- Telecommunications Equipment (TEL)
- Travel and Tourism

Agricultural Sectors

Commercial Sectors

The above list of 12 sectors represents a targeted rundown of the best prospects for export-ready U.S. firms. Detailed overviews of each of these well-established sectors can be found in the pages that follow.

In addition to the above sectors, the following are three emerging sectors that we have identified as offering good export opportunities for U.S. companies as well:

Biotechnology

The Japanese biotechnology industry presents good business opportunities for U.S. firms. In 2011, the size of the Japanese biotechnology market was estimated to be $33 billion. Medical biotechnology is the leading sub-sector and antibody drugs have the highest growth potential. In 2010, the size of the market for antibody drugs was $3.3 billion and is expected to grow to over $8 billion by 2015. Regenerative medicine is another area with high growth potential in the near future. In 2009, the size of the market for regenerative medicines and related businesses, including research equipment, was approximately $451 million. This market segment is expected to grow to over $800 million by 2020.

The Japanese government has been allocating significant funding for induced pluripotent stem cell (iPSC) research to develop this area as a leading technology in Japan. At this time, with the exception of tissue-engineered skin, there are not many commercial applications for regenerative medicine in Japan, however, there is good potential for technology licensing and sales of research equipment relating to stem cell research and tissue engineering. The market for cell and tissue culture research products, including reagents, medium and serum,

is also expected to grow. Japanese pharmaceutical and medical device companies are seeking strategic partnerships, licensing and research collaboration opportunities with U.S. biotech companies/research institutes in these areas.

Healthcare IT

In 2010 the market size of healthcare IT systems in Japan totaled $5.0 billion, only a 0.3 percent decrease over 2009 despite the economic downturn. The adoption of electronic medical records is a major healthcare IT priority in Japan, and according to an industry source, the adoption rate for electronic medical records among hospitals and general clinics in 2010 was 14.3 percent and 12.8 percent respectively. 46.5 percent of the hospitals with more than 400 beds implemented electronic medical records and 71.6 percent of them have ordering systems. In February 2010, the Japanese government announced a significant change in policy allowing for the first time medical information to be stored in Japanese data centers located outside the immediate medical facility. This change is expected to accelerate the use of cloud computing services in the healthcare sector. Healthcare IT is an emerging sector and promising areas for U.S. exporters would include security, cloud computing, mobile applications, and social media.

Nanotechnology

Nanotechnology is expected to dramatically improve Japan's current electronics technology and contribute to expanding energy-saving or "green" businesses. According to a survey by the Japanese Ministry of Economy, Trade, and Industry, Japan's nanotechnology market size will grow to an estimated 13.4 trillion yen ($175 billion) by 2020, and reach 26.3 trillion yen ($342 billion) by 2030. Electronics-related nanotech is expected to lead expansion of this sector until 2020. After 2020, the nanotech-related fuel cell market is expected to surge. Nanotech International's Nanotechnology Exhibition & Conference (http://www.nanotechexpo.jp/en/index.html), held each February in Japan, is one of the world's largest nanotechnology fairs.

Aerospace

Overview

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Unit: USD thousands

	2010	2011 (up to November)	2011 (estimated)	2012 (estimated)	2013 (estimated)
Total Market Size	12,497	11,430	13,297	13,962	14,660
Total Local Production	11,472	12,434	12,206	12,817	13,457
Total Exports	7,519	8,394	8,000	8,400	8,820
Total Imports	8,544	7,390	9,091	9,545	10,023
Imports from the U.S.	6,653	5,483	7,079	7,433	7,804
Exchange Rate: 1 USD	87.78	79.70	79.70	79.70	79.70

Total Market Size = (Total Local Production + Total Imports) – (Total Exports)
Data Sources:

Total Local Production: Ministry of Economy, Trade and Industry
Total Exports: Ministry of Finance
Total Imports: Ministry of Finance
Imports from U.S.: Ministry of Finance

Notes:

The Japan Machinery Federation (JMF) announced in November 2011 that estimated local production will increase in 2011 by 6.4 percent compared to the previous year.

2012 and 2013 estimates are based on projections provided by the Society of Japanese Aerospace Companies (SJAC). SJAC forecasted a 5 percent annual increase for the next 7-8 years. Japanese firms participate in various programs with Boeing and Airbus who have many backorders.

Japan continues to offer a lucrative market for imported aircraft and aircraft parts, including aircraft engines. Long-term relationships between U.S. aircraft and aircraft parts makers and Japanese manufacturers and trading firms – some spanning over fifty years – have given the United States an overwhelming presence in the Japanese market. Japan's aerospace industry is shifting its focus from defense demand to civil demand with defense accounting for 44.7 percent, and civil demand 55.3 percent, of the market in 2010. Japan's space industry is also hoping to achieve commercial success in the coming years. Though Japan's economy has been heavily impacted by the global economic slowdown, aerospace demand is projected to increase over the long run.

In the civil aircraft market, Japanese manufacturers such as Mitsubishi Heavy Industries (MHI), Kawasaki Heavy Industries (KHI), and Fuji Heavy Industries (FHI), supplies about 35 percent of the content for the Boeing 787. The launch customer, All Nippon Airways, received the first 787 from Boeing in September 2011. Production is expected to increase.

Mitsubishi Heavy Industries (MHI) established Mitsubishi Aircraft Corporation (MJET) in April 2008 to undertake the design, type certification, procurement, sales and marketing

and customer support of Mitsubishi Regional Jet (MRJ). MJET announced in October 2007 that it selected Pratt & Whitney to supply Geared Turbofan engines for the aircraft. This next-generation engine will make the planes 20-30 percent more efficient and about 15 percent cheaper to operate than conventional regional jets. Other U.S. manufactures such as Parker Aerospace (hydraulic systems), Hamilton Sundstrand Corporation (electrical power system), and Rockwell Collins (flight control system) are also suppliers of MRJ. MHI started assembly work on MRJ in April 2011.

In terms of engines, the Japan Aero Engines Corporation (JAEC) announced its participation in the international joint development of the PW1100G-JM, a next-generation engine for the A320neo, a single-aisle aircraft which Airbus is developing with the aim of entering into service from 2015. The agreement between JAEC, Pratt & Whitney and MTU Aero Engines Holding AG (MTU) of Germany, was signed in September 16, 2011.

In the defense sector, a test flight for the XC-2 (formally C-X), a small transport aircraft, took place successfully in January 2010, and the prototype was delivered to the Ministry of Defense in March 2010. The Government of Japan is seeking ways to commercialize the XC-2 and the US-2, a large amphibious aircraft. The on-going program, XP-1 (formally P-X) next maritime patrol aircraft, is steadily progressing and is set to move to the production phase, though dates have not been announced. In December 2011 Japan selected the Lockheed Martin F-35A Lightning II JSF as its next-generation fighter jet.

In the space industry sector, in June 2010 the space probe nicknamed Hayabusa (Falcon) completed its seven-year voyage to and from the asteroid Itokawa, becoming the first space probe to return to Earth from a celestial body farther away than the moon. The HII-A, Japan's primary launch vehicle has been launched successfully 13 consecutive times since February 2005. The launch business was privatized to MHI in 2007. The first satellite of the Quasi-Zenith Satellite System (QZSS) nicknamed Michibiki was launched successfully in September 2010. In September 2011 Japan launched a new Information Gathering Satellite (IGS) known as Optical-4. Japan hopes to create further opportunity to market the nation's space satellite technologies. The success of the missions is likely to lead to opportunities in the global space industry for Japanese companies and their international partners – Japanese companies seeking to expand their space industry business need imports to complement their own technologies.

Sub-Sector Best Prospects

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Commercial aircraft and aircraft engines, helicopters, aircraft parts and supplies, avionics.

Opportunities

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Event:	Japan International Aerospace Exhibition 2012 (Japan Aerospace 2012/JA2012)
Date:	October 9 – 14, 2012
Venue:	Port Messe Nagoya and surrounding aerospace facilities

Organizer: The Society of Japanese Aerospace Companies (SJAC)
URL: http://www.japanaerospace.jp/english/index.html

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Japan Civil Aviation Bureau (Ministry of Land, Infrastructure, Transport and Tourism)
http://www.mlit.go.jp/koku/english/index.html

Society of Japanese Aerospace Companies (SJAC)
http://www.sjac.or.jp/en_index.html

Japan Business Aviation Association (JBAA)
http://www.jbaa.org/english/index_e.html

Computer Software (CSF)

Overview

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Unit: USD millions

	2010	2011	2012 (estimated)	2013 (estimated)
Total Market Size	8,445	9,413	9,469	9,526
Exchange Rate: 1 USD	87.78	79.70	79.70	79.70

Data Sources:
Total Market Size: JEITA and unofficial CS estimate

As with many other sectors, Japan's software market was also impacted by the March 2011 earthquake and tsunami disasters. In the aftermath of these disasters, the cloud service model has gained increasing attention from both the private and public sectors given its ability to address needs for business continuity planning and disaster recovery. U.S. software companies (the majority of large U.S. software companies providing cloud services have subsidiaries in Japan) are therefore enjoying a growing share of Japan's cloud computing business.

Due to the surge of the smartphone market in Japan, interest is high for U.S. smartphone business applications which should expand business opportunities for software vendors interested in Japan. Demand for mobile security applications is always at a high level.

NOTE: Export/Import figures are not shown for this sector because the major method of obtaining software is via downloads and available trade statistics only account for physical media sales of software, such as software sold via CD-ROMs. Market share for US software is significant in the Japanese market, particularly for operating systems, but this is not reflected in available data that does not account for downloaded software.

Sub-Sector Best Prospects

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Disaster recovery, business continuity, cloud computing, smartphone applications for enterprise/ government.

Opportunities

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According to a September 2011 action plan released by Japan's Ministry of Internal Affairs and Communications (MIC), MIC is providing approximately $235.9 million in funding for IT infrastructure to enhance emergency communications and recovery support for areas affected by disasters.

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Computer Software Association of Japan (CSAJ)
http://www.csaj.jp/english/

Japan Electronics and Information Technology Industries Association (JEITA)
http://www.jeita.or.jp/english/

CEATEC Japan (October 2-6, 2012)
http://www.ceatec.com/2011/en/news/infolist_detail.html?info_no=00043

CS Japan Contact: Rika Saito
Rika.Saito@trade.gov

Cosmetics / Toiletries (COS)

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Unit: USD Millions

	2010	2011	2012* (estimated)	2013* (estimated)
Total Market Size	16,765	17,436	18,030	18,498
Total Local Production	16,176	17,158	17,566	18,068
Total Exports	1,452	1,653	1,694	1,745
Total Imports	2,041	2,091	2,158	2,175
Imports from the U.S.	353	373	382	398
Exchange Rate: 1 USD	87.78	79.70	79.70	79.70

Data Sources: Ministry of Economy, Trade and Industry, Trade Statistics of Japan
Note: * represents unofficial estimates of CS Japan

The impact of the Great East Japan Earthquake and the subsequent tsunami and nuclear plant disasters caused the overall cosmetics market to decline 3.6 percent to 1,367.5 billion yen in 2011 from 1,419.9 billion yen in 2010. However, due to the sharp rise of the yen against the US dollar (9.2 percent, from 87.78 to 79.70) over this period, in dollar terms the cosmetics market appeared as if it managed positive growth ($17.4 billion from $16.7 billion in 2010). The disaster-induced yen-based decline interrupted the market's recovery following a turn around after the global financial crisis in 2008. In constant 2010 dollar terms, the total market size was $15.5 billion rather than $17.4 billion.

Cosmetics imports to Japan in 2011 were down 6.9 percent to 166.6 billion yen compared to 179.1 billion yen in 2010 reflecting sunken consumer psychology after the catastrophic disaster in March. The U.S. remained the second largest overall cosmetics exporter (17.8 percent of the total) to Japan only after France (27.2 percent). France and the U.S. have been the top two cosmetics suppliers to Japan historically though their shares have been declining due to the surge of other exporting countries. China ranked third in exports (10 percent in 2011 compared to 7.7 percent in 2010 and 8.1 percent in 2009).

Skincare products continued to be the largest import category in 2011 with 63.4 billion yen ($796.1 million), which compares to 67.6 billion yen ($770.4 million) in 2010. Imports of this category from the U.S. were $199.8 million (25.1 percent of the skincare products total), second to France's $296.0 million (37.1 percent). The hair care product category which includes shampoos, rinses, preparations for hair perms, and hair lacquers has become the second largest import category recently. Following remarkable growth in 2010 ($601.1 million from $321.4 million in 2009), the 2011 import volume was 44.5 billion yen ($559.0 million). Having maintained its position as the top supplier in this category until recently ($38.6 million in 2010, $29.7 million in 2009), the U.S. (3.6 billion yen or $45.1 million) in 2011 was overtaken by Thailand which logged a remarkable surge to 29.0 billion yen, or $364.2 million in 2011. Fragrance imports in 2011 were down to 18.4 billion yen ($231.8 million) from 21.2 billion yen ($242.1 million) from the

previous year. The U.S. was the third largest exporter with $21.9 million after France ($138.5 million) and Italy ($45.4 million).

Make-up imports in 2011 continued declining to 21.3 billion from 21.5 billion yen in 2010 and from 22.1 billion yen in 2009 despite an increase in dollar terms to $267.5 million in 2011 from $245.4 million in 2010 and $236.6 million. France remained the leading supplier ($97.2 million), followed by China ($48.3 million) and the U.S. ($46.7 million) in 2011. These three countries dominate the make-up segment with a combined share of 71.5 percent.

Industry sources are cautiously optimistic about the business environment for cosmetics in 2012 and forward. They expect the market will maintain at least 2011 levels and probably recover at a healthy pace. Imports are also expected to grow, assuming the current trends of a strong yen against the dollar and Euro through 2012.

Sub-Sector Best Prospects

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Industry sources report that Japanese consumer interest in beauty and health continues to be high. Japanese consumers are traditionally more interested in skincare than make-up and fragrances. The skincare segment accounts for the largest share of the market, a striking contrast to Western countries where make-up preparations have the largest share. Japanese cosmetics consumers are known to be highly brand and quality conscious.

Best prospects include:

Skincare cosmetics with specific appeals such as aging-care, skin whitening (lightening), and skin moisturizing as well as high performance and quick-acting spot skincare products.

Natural and/or organic products for sensitive skin and troubled skin are also becoming more popular in the marketplace.

Men‘s skincare and personal care products, such as cleansing foam, toning lotion, moisturizing emulsion, skin revitalizer, anti-shine refresher, deep cleansing scrub, hydrating lotion, eye soother, tanning lotion, fragrance, and deodorant products.

Fragrances, especially new product launches with a light-feel scent.

Make-up preparations particularly mascara with moisturizing, thickening, curling, or other special features. Mineral make up products are gaining popularity.

Opportunities

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Event:	The 1st Organic & Natural Products Fair & Tokyo Health Industry Show 2012
Date:	March 14 - 16, 2012
Venue:	Tokyo Big Sight, Tokyo
Organizer:	UBM Media Co., Ltd.

Phone: 81/3/5296-1025
Fax: 81-3-5298-1018
URL: http://www.this.ne.jp/organicnatural/
URL: http://www.this.ne.jp/eng/

Event: Japan Drug Store Show 2012
Date: March 16 - 18, 2012
Venue: Japan Convention Center (Makuhari Messe), Chiba
Organizer: Japan Association of Chain Drug Stores
Tel: 81/3/6410-4051
Fax: 81/3/3353-1745
URL: http://www.drugstoreshow2012.jp/english

Event: Beautyworld Japan 2012
Date: May 14 – 16, 2012
Venue: Tokyo Big Sight, Tokyo
Organizer: MESAGO Messe Frankfurt Corporation
Phone: 81/3/3262-8939
Fax: 81/3/3262-8442
URL: http://www.beautyworldjapan.com/english/tokyo/

Event: 1st COSME TOKYO (Int'l Cosmetics Trade Fair) &
3rd COSME INNOVATION
Date: June 27 – 29, 2012
Venue: Tokyo Big Sight, Tokyo
Organizer: Reed Exhibitions Japan Ltd.
Phone: 81/3/3349-8509
Fax: 81/3/3349-4922
URL: http://www.cosmetokyo.jp/en/
URL: http://www.cosme-i.jp/en/

Event: DIET & BEAUTY FAIR ASIA 2012 & SPA JAPAN 2012
Date: September 10 – 12, 2012
Venue: Tokyo Big Sight, Tokyo
Organizer: UBM Japan Co., Ltd.
Phone: 81/3/5296-1013
Fax: 81/3/5296-1018
URL: http://www.dietandbeauty.jp/en/
URL: http://www.spajapan.info/en/

Event: Beautyworld Japan West 2012
Date: October 15 - 17, 2012
Venue: INTEX, Osaka
Organizer: MESAGO Messe Frankfurt Corporation
Phone: 81/3/3262-8939
Fax: 81/3/3262-8442
URL: http://www.beautyworldjapan.com/english/osaka/

Event: BioFach Japan Organic EXPO 2012
Date: November 21 – 23, 2012
Venue: Tokyo Big Sight, Tokyo

Organizer:	NürnbergMesse GmbH
Phone:	49/911.86 06-86 92
Fax:	49/911.86 06-86 94
URL:	http://www.biofach-japan.com/en/

Event:	CITE Japan 2013 (Cosmetics Ingredients & Technology Exhibition)
Date:	May 15 – 17, 2013
Venue:	Pacifico Yokohama, Yokohama
Phone:	81/3/3219-3647
Fax:	81/3/3219-3628
URL:	http://www.citejapan.info/en

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Chris.Ono@trade.gov

Japan Cosmetics Industry Association
www.jcia.org

Cosmetics Importers Association of Japan
www.ciaj.gr.jp

Japan Nailist Association
www.nail.or.jp

Japan Cosmetic Suppliers Association
http://jcsa.ne.jp/en/index.html

Personal Care Products Council
(f/k/a Cosmetics, Toiletry and Fragrance Association or CTFA)
www.personalcarecouncil.org

Education and Corporate Training

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Higher Education Study Abroad

($ Unit: USD thousand)

	2009/10	2010/11	2011/12	2012/13
Total Market Value*	$720,000	$610,000	N/A	N/A
Number of Int'l Students in US**	690,923	723,277	N/A	N/A
Number of Japanese Students in US**	24,842	21,290	21,500***	22,500***

*--Estimated Japanese student expenditures as 2.9 percent of total of international students' expenditures at $21 billion.
**--Number of students enrolled in the schools of higher education (Source: IIE OpenDoors)
*** --Unofficial CS Japan estimate

In the 2010/2011 academic year, a total of 723,277 international students studied in institutions of higher learning in the United States. International students contribute more than $21 billion to the U.S. economy thorough their expenditures on tuition and living expenses. Japanese students accounted for 2.9 percent or 21,290 of the total international students in the U.S. in 2010/11. The Japanese number dropped by 14.3 percent from the previous year.

The number of college age individuals in Japan has steadily decreased since 1992 due to the declining birth rate, and while interest among young people in overseas experiences has also declined, Japan is still the seventh leading country of origin of international students in the United States, following India, China, South Korea, Canada, Taiwan and Saudi Arabia. The U.S. has been and still is the most popular destination for Japanese students seeking degree programs. The ratio of Japanese undergraduate students to graduates in the U.S. had been about 7:2 until several years ago, but the graduate ratio has been increasing and it was roughly 5:2 in 2010/11. In addition to the 21,290 Japanese students noted above, tens of thousands of Japanese go to the United States for short-term language studies annually.

Recent corporate and government realization of the need for a Japanese workforce of people with global competency, started to have some influence on the number of students interested in studying abroad. Helped by the strong Australian dollar against the US dollar and toughened visa regulations in the United Kingdom, the U.S. is becoming more attractive as a study abroad destination. An increase in the number of inquiries about U.S. institutions during 2011 have been reported by many study abroad agencies and advising centers. Study abroad agencies in Japan are jointly developing agent accreditation systems, which was welcomed by the Education Ministry.

The University of Tokyo has announced plans to change the academic year to start in September instead of April in five years. A few other Japanese universities also expressed their intention/interest to follow suit. The new academic year, if and when

implemented, will make it easier for their students to take part in one-semester/one-year abroad programs. These changes may help increase the number of Japanese students going overseas.

Corporate Training Market
Because of the prolonged economic downturn and of the decision to make employee retention a priority, Japanese companies tend first to cut outside training/education costs, opting to use their low-cost, in-house trainers for training that is essential. According to a survey by the Ministry of Health, Labor and Welfare which was issued in March 2011, the number of companies which provided scheduled-off-the-job-training in 2010 for their regular payroll employees decreased by 1.4 percentage points from that in 2009. The average expenditure of those companies providing off-the-job training in 2010 was 13,000 yen or $148 per employee.

Competition from low-cost domestic training programs is strong, but U.S. programs with unique offerings, a strong track record, and localization for the Japanese market may find opportunities. Because the ratio of fluent English speakers in the Japanese business environment is small, quality localization, whether in presentation style, materials, and/or content, will be required by U.S. firms looking to succeed in Japan. In addition, Japanese firms (especially larger corporations) may be hesitant to purchase products and services directly from overseas suppliers. U.S. companies may wish to consider partnering with local companies, such as consulting companies and placement firms, which often service the training and/or workforce needs of Japanese companies.

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Study Abroad:

- TOEFL scores of Japanese students are low by global standards, and are even lower with iBT testing. Hence, U.S. colleges with flexible TOEFL score requirements for admission attract more attention.

- Interest among senior citizens in overseas experiences is growing. Especially, new retirees will be interested in ESL programs on university campuses. The strength of the Japanese yen in recent years translates into good opportunities for U.S. schools to attract these seniors (who have time and money) to short-term, adult-oriented programs.

Corporate Training: When the economy recovers, training of middle management, mid-career employees, and young employees will be a primary focus area for Japanese companies. Long-term development, improvement of management capabilities, and the improvement of the capabilities of young employees are the main objectives for HR training programs. The United States leads in IT and computer certificate and test training programs in the Japanese market.

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Event: The Association of Boarding Schools Fair (Tokyo)
Date: Fall, exact date TBD (but most likely in early November)
Website: http://www.boardingschools.com/for-schools.aspx

Event:	Student recruiting fairs by leading study abroad agents
Date:	Spring (mainly for ESL programs) & Fall (heavier focus on degree programs).
Event:	America EXPO (College Fair, etc) Tokyo
Date:	Summer or Fall
Website:	http://connectusa.jp/report/2011/0730_000450.html Japanese (event-search page of ConnectUSA)

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JASSO (Japan Student Services Organization)
http://www.jasso.go.jp/index_e.html

Ministry of Education, Culture, Sports, Science, and Technology
http://www.mext.go.jp/english/

CS Japan Contact: Ms. Mieko Muto
Mieko.Muto@trade.gov

Electronic Components (ELC)

Overview

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Unit: USD millions

	2010	2011	2012 (estimated)	2013 (estimated)
Total Market Size	48,866	47,730	47,968	48,928
Total Local Production	94,163	93,072	93,537	95,408
Total Exports	91,171	87,767	88,206	89,970
Total Imports	45,874	42,425	42,637	43,490
Imports from the U.S.	9,175	8,485	8,527	8,698
Exchange Rate: 1 USD	87.78	79.70	79.70	79.70

Total Market Size = (Total Local Production + Total Imports) – (Total Exports)
Data Sources:

Total Local Production: JEITA
Total Exports: JEITA
Total Imports: JEITA
Imports from U.S.: Unofficial CS estimate

The earthquake and tsunami disasters of March 2011 caused significant supply shortages in the Japanese electronic components industry, thus adversely affecting major Japanese industries ranging from telecommunications to transportation. Earthquake damage was negligible at most facilities of Japanese component makers who were mostly located away from the quake epicenter, however, many companies faced difficulties in obtaining stable power supplies, shipping component parts, receiving raw materials and getting their workers to facilities. The disaster also had varying degrees of impact on assorted segments within the semiconductor sector. The impact was most severe on the automotive equipment sector given that Japan accounts for 31.5 percent of global semiconductor production for automotive electronics. Consumer electronics bore the next greatest impact, with a moderate effect on production (Japan is responsible for 45.1 percent of semiconductor production for the global consumer electronics market). In comparison, the impact on the wireless and data processing semiconductor markets was mild, while the wired communications segment was not adversely affected at all. After the quake, electronics companies and automakers were initially searching for foreign manufacturers for needed parts, but at this point Japan's supply chain has been nearly restored to its pre-earthquake status.

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As commoditization of electronic components proceeds, Japan's market share is dropping compared to China and South Korea. Japan is looking now towards more innovative, high value- added products, for example, clean tech-related products such as sensors for home energy management systems equipment or in-home displays. Opportunities exist not only for approaches to traditional energy companies such as utilities but also for licensing to Japanese manufacturers.

Opportunities

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Starting in September 2010, the Japanese government has begun conducting pilot smart community projects in four cities: http://www.oecd.org/dataoecd/24/62/46137685.pdf

The Japan Ministry of Economy, Trade, and Industry's smart community office has $133 million USD funding in its FY2012 budget for smart community projects utilizing information technologies.

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EDSfair/ Embedded Technology
http://www.edsfair.com/e/
http://www.embeddedtech.net/
Date: November 14-16, 2012
Venue: Pacifico Yokohama

Semicon Japan
http://www.semiconjapan.org/en/
Date: December 5 - 7, 2012
Venue: Makuhari Messe

Green Device
http://expo.nikkeibp.co.jp/greend/2011/exhibitors/english/
Date: TBD
Venue: Pacifico Yokohama

Japan Electronics and Information Technology Industries Association (JEITA)
http://www.jeita.or.jp/english/index.html

CS Japan Contact: Rika Saito
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Medical Equipment (MED)

Overview

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Unit: USD thousands

	2010	2011 (estimated)	2012 (estimated)	2013 (estimated)
Total Market Size	26,378	28,665	28,936	29,209
Total Local Production	19,520	21,188	21,378	21,571
Total Exports	5,165	5,297	5,345	5,393
Total Imports	12,023	12,774	12,902	13,031
Imports from the U.S.	6,133	6,643	6,967	7,037
Exchange Rate: 1 USD	87.78	79.70	79.70	79.70

Total Market Size = (Total Local Production + Total Imports) – (Total Exports)
Data Sources:

Total Local Production: GOJ Ministry of Health, Labour and Welfare (MHLW)
Total Exports: MHLW
Total Imports: MHLW
Imports from U.S.: MHLW
Figures for 2011, 2012 and 2013 are unofficial CS Japan estimates.

Japan‘s market for medical devices and materials continues to be one of the world‘s largest. According to the latest official figures from the Ministry of Health, Labour and Welfare‘s (MHLW’s) Annual Pharmaceutical Production Statistics, the Japanese market for medical devices and materials in 2010 was approximately $26.4 billion (up six percent from 2009 in yen terms). Japan’s total imports of U.S. medical devices exceeded $6.1 billion in 2010, a 23 percent market share. Based on preliminary reports from MHLW, in 2011 the Japanese market for medical devices and materials was projected to have slightly declined in yen terms. However, in the near term the market is expected to increase in a measured fashion due to Japan’s aging population and continued demands for advanced medical technologies.

The market remains heavily dependent on imports, especially sophisticated medical technologies. However, many globally available advanced medical technologies are introduced later in Japan than in Europe and the U.S (device lag) or not introduced at all in Japan (device gap). The Government of Japan (GOJ) has recognized that the device lag and gap prevent timely patient access to innovative and life-saving products, and GOJ has been steadily improving review times and processes in accordance with the Five-Year Action Program for Speedy Review of Medical Devices that was implemented in December 2008. The Action Program included specific targets to be reached by the end of March 2013 (JFY 2013). Major targets included increasing the number of medical device reviewers (from 25 in 2008 to 104); introducing a three-track review system whereby medical devices would be classified according to their novelty and undergo review processes specific to their novelty; setting the performance goal for each review tracks, etc. The Pharmaceutical and Medical Device Agency (PMDA) incorporated the Action Program’s specific targets in its Mid-term Plan (http://www.pmda.go.jp/english/about/pdf/Second_Mid-term_Plan.pdf) of February 2009. In JFY 2011, PMDA (1) increased the number of medical device reviewers to 75 (as of

October 1, 2011); (2) implemented the three-track review system and also started a "buddy" review system whereby an experienced and a new reviewer were paired to conduct reviews of me-too medical device applications; (3) established the Office of Medical Device Division III (solely in charge of me-too medical device review), etc. These measures are expected to further accelerate medical device review times. In addition, the medical review process could be further improved as a result of the revision of the Pharmaceutical Affairs Law. MHLW plans to submit a bill to amend the PAL during the ordinary session of the Diet (which convened in January and will continue until June 2012). The proposed bill for amendment of the PAL includes the creation of a system that considers the characteristics of medical devices separately from pharmaceuticals.

While the regulatory environment is expected to continue improving and the market for U.S. medical equipment in Japan remains strong, U.S. firms have been facing challenges with pricing and reimbursement due to the GOJ's efforts to contain overall healthcare costs as a result of Japan's aging population. The GOJ has implemented pricing policies, such as the Foreign Average Price (FAP), to cut medical device reimbursement rates. The FAP rule adjusts the reimbursement prices of medical devices to no more than 1.5 times the simple average of the actual sales price in four comparator countries (the U.S., Germany, France, and the UK). In the 2012 reimbursement revision, the GOJ will again change the FAP rule by adding Australia to the FAP group of countries for new devices. This may cause further downward adjustments in medical device reimbursement rates and make Japanese reimbursements comparable to rates in lower-cost countries. In addition, the dollar-yen exchange rate remains a major issue as the continued appreciation of the yen has a direct negative impact on FAP ratios although a temporary measure to alleviate the impact of the sharp yen appreciation on FAP calculations will be adopted in the 2012 reimbursement revision. On a positive note, as a result of the 2012 reimbursement revision, the GOJ will introduce a new pricing rule for new medical devices whereby a premium can be given if the regulatory approval application can be submitted within certain period time after submission in the United States. In general, however, as national health expenditures are expected to further increase in coming years, the GOJ will continue to take measures to contain overall healthcare costs including reducing medical device reimbursement rates.

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Given Japan's aging population and the increasing number of patients with chronic and life-style diseases, medical devices that alleviate pain, complement lost functions, and improve the quality of life should show steady growth in demand. Also, the market for in-home care devices, technologies, and health IT related products is expected to grow as the number of people in out-patient care increases. Due to stronger consumer health concerns, other promising growth areas include self care and preventive care medical devices and products. The New Vision for Medical Device and Medical Technology Industry report, issued by the Ministry of Health, Labour and Welfare (MHLW) in August 2008, cited the following fields and technologies as focus areas: navigation medical devices; implantable devices; regenerative medicine; tailor made medical diagnostics; etc.

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Event: MEDTECH Japan 2012
Date: April 18 - 19, 2012
Venue: Pacifico Yokohama
Web: www.medtecjapan.com/

Event: The International Modern Hospital Show 2012 (IMHS2012)
Date: July 18 -20, 2012
Venue: Tokyo Big Sight
Web: www.noma.or.jp/english/show/index.html

Event: HOSPEX Japan 2012
Date: November 14 - 16, 2012
Venue: Tokyo Big Sight
Web: www.jma.or.jp/hospex/

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Ministry of Health, Labour and Welfare (MHLW)
www.mhlw.go.jp

Pharmaceutical and Medical Device Agency (PMDA)
www.pmda.go.jp

Advanced Medical Technology Association (AdvaMed)
www.advamed.org

The American Medical Devices and Diagnostics Manufacturers‘ Association (AMDD)
www.amdd.jp/en/index.html

Japan Federation of Medical Device Associations (JFMDA)
www.jfmda.gr.jp

Pharmaceuticals (DRG)

Overview

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Unit: USD thousands

	2010	2011 (estimated)	2012 (estimated)	2013 (estimated)
Total Market Size	101,973	114,257	115,316	116,385
Total Local Production	77,228	85,174	85,941	86,714
Total Exports	1,646	1,703	1,719	1,734
Total Imports	26,390	30,786	31,094	31,405
Imports from the U.S.	4,370	6,219	6,219	6,281
Exchange Rate: 1 USD	87.78	79.70	79.70	79.70

Total Market Size = (Total Local Production + Total Imports) – (Total Exports)
Data Sources:

Total Local Production: GOJ Ministry of Health, Labour and Welfare (MHLW)
Total Exports: MHLW
Total Imports: MHLW
Imports from U.S.: MHLW
Figures for 2011, 2012 and 2013 are unofficial CS Japan estimates.

Japan continues to be the second largest pharmaceuticals market in the world after the U.S. According to the latest official figures from the Ministry of Health, Labour and Welfare's (MHLW's) Annual Pharmaceutical Production Statistics, the Japanese market for prescription and non prescription pharmaceuticals totaled $101.9 billion (up three percent from 2009 in yen terms) in 2010. More than 90 percent of the total market consists of prescription pharmaceuticals. Imports of foreign pharmaceuticals accounted for approximately 26 percent of the total Japanese market in 2010, yet the actual size of the total foreign market share was closer to approximately 40 percent if local production by foreign firms and compounds licensed to Japanese manufacturers are included. When including local production and licensing, U.S. firms have achieved a market share approaching 20 percent according to a Japan-based representative of the U.S. pharmaceutical industry. In the near term, the size of the market is expected to increase due to continued demands for drugs from Japan's aging population and the rising number of chronic and long-term diseases. However, market growth will be restrained by the Government of Japan's (GOJ's) efforts to contain overall healthcare costs including downward pressure on expenditures associated the GOJ's reimbursement pricing system.

The trial implementation of the premium for new drug development and elimination of off-label drug use (new premium system), that would minimize downward pressure on prices for new drugs without a generic equivalent, was a major positive development for pharmaceutical firms in the 2010 reimbursement revision. Both Japanese and foreign pharmaceutical industries called for making the new pilot premium system permanent as they believe that the system is working as expected and will lead to elimination of the drug lag in the long-term. However, in the biennial price revision of April 1, 2012, the GOJ decided to continue the new premium system trial for an additional two years, from April 1, 2012, instead of making the system permanent. The GOJ explained that the new

premium system trial has contributed to the development of unapproved and off-label drugs, but the Japanese government needs additional time to verify the impact on new drug development. Although the new premium system was not made permanent in 2012, the fact that the trial will continue is one of the positive developments of the 2012 reimbursement revision. The GOJ continued to utilize pricing policies to reduce drug reimbursement rates such as the "Repricing Based on Market Expansion Rule," a mechanism that cuts drug reimbursement prices where sales exceed a certain amount. Reimbursement rates can be reduced by 10-25 percent for drugs priced by the cost calculation method and 10-15 percent for those priced by the similar efficacy comparison method. In the 2012 reimbursement revision, MHLW proposed to apply this rule for 16 molecules in 48 branded products. The actual effects of the repricing rule will depend on the company and the product. However, as national health expenditures are expected to further increase in coming years, the GOJ's pricing policies to contain overall healthcare costs will continue to create a challenging environment for U.S. pharmaceutical firms.

Contrary to certain negative implications of the GOJ's pricing policies, there have been positive developments with regard to the regulatory environment for drugs in Japan. Review times have been reduced as a result of a series of measures taken by the GOJ to reduce the drug lag. In June 2011, Japan's Pharmaceuticals and Medical Devices Agency (PMDA) reported that the organization exceeded its goal of reducing standard and priority drug review times in Japan Fiscal Year (JFY) 2010. Compared with JFY 2009, drug review periods decreased by 4.5 months to 14.7 months for standard products and by 2.7 months to 9.2 months for priority products in JFY 2010. PMDA is expected to further improve the regulatory environment for drugs.

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According to IMS Japan, therapeutic category renin-angiotensin system (RAS) agents posted the largest pharmaceutical sales in 2010. Among the top ten items in the therapeutic category, anti-tumor agents produced the second largest sales and exhibited the highest growth over the previous year. Other top selling therapeutic pharmaceuticals (in sales order) included lipid-regulating agents and arteriosclerosis treatments; acid-reducing/anti-flatulence/anti-ulcer agents; systemic antibacterial agents; anti-thrombogenic agents; diabetic agents; calcium antagonist agents; and psychotropic agents.

The vaccine market is expected to grow as the GOJ has been taking measures to reduce the "vaccine lag", a disparity between the number of vaccines available in the U.S. and other industrialized countries and vaccines available in Japan. The GOJ decided to extend the public subsidy for three vaccination programs for cervical cancer, Hib (Hemophilus influenza type B), and pediatric pneumococcal vaccines for another year. The subsidy was originally due to expire at the end of JFY 2012 (ending March 2012). Also, the GOJ is considering including more publicly funded vaccines in the regular vaccination schedule.

Generics will also have good potential in the Japanese market as the GOJ regards the promotion of generics as a key solution to reducing soaring healthcare costs. The GOJ decided to increase the use of generics to at least 30 percent of all prescription drugs, on a volume basis, by JFY 2012. According to the Japan Generic Medicines Association

(JGA), the market share of generics in JFY 2010 was limited to 23 percent. As such, it is expected that the GOJ will continue to take measures to promote the use of generics.

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Event: CPhI Japan 2012
Date: March 21 – 23, 2012
Venue: Tokyo Big Sight
Web: www.cphijapan.com

Event: INTERPHEX JAPAN
Date: June 27 - 20, 2012
Venue: Tokyo Big Sight
Web: www.interphex.jp/en/Home/

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Ministry of Health, Labor and Welfare (MHLW)
www.mhlw.go.jp

Pharmaceutical and Medical Device Agency (PMDA)
www.pmda.go.jp

Pharmaceutical Research and Manufacturers of America
www.phrma-jp.org

The Japan Pharmaceutical Manufacturers Association
www.jpma.or.jp

The Federation of Japan Pharmaceutical Wholesalers Association (JPWA)
http://www.jpwa.or.jp

Pharmaceutical and Medical Device Regulatory Science Society of Japan (PMRJ)
http://www.pmrj.jp

The Pharmaceutical Society of Japan (PSJ)
http://www.pharm.or.jp

Japan Generic Medicines Association (JGA)
http://www.jga.gr.jp

Renewable Energy

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Solar Photovoltaic Power Generation

Unit: kilowatt

	2009	2010	2011* (estimate)	2012 (estimate)
Total Market Size	623,127	1,062,914	1,212,632	1,462,471
Total Local Production	1,598,138	2,371,112	2,594,734	2,515,146
Total Exports	1,045,404	1,475,900	1,594,678	1,414,479
Total Imports	70,393	167,702	212,576	361,804
Imports from the U.S.	N/A	N/A	N/A	N/A
Exchange Rate: 1 USD	-	-	-	-

Data Sources: Japan Photovoltaic Energy Association (JPEA); Fuji-Keizai Group
*Figures represent first-half actual figures times two

The onset of nuclear accidents at the Fukushima Daiichi Nuclear Power Plant, caused by the Great East Japan Earthquake and tsunami, has led to a thorough re-examination of Japan's energy plan. Japan is now in the process of reconsidering its dependence on nuclear energy and increasing the ratio of renewable energy sources considerably. Renewable sources currently account for only 1 percent of the total power generated in Japan.

Within Japan's renewable energy industry, the solar photovoltaic power generation sector is Japan's largest in terms of dollar value and the number of jobs created, and the trend is expected to continue. Since the accidents at the Fukushima Daiichi Nuclear Power Plant, the solar industry has seen an increase in inquiries for residential PV panels used either as auxiliary power supplies or as a means to reduce power consumption. The residential sector is a driving force of the industry, occupying approximately 80 percent of the market.

The solar PV market benefits heavily from subsidies from the national and municipal governments. At the end of September 2011, subsidies applied for residential solar panels ended. However, after only a month's hiatus, under the Government of Japan's (GOJ) third supplementary budget, the government approved an additional $1,092 million (87 billion yen) to subsidize the installation of residential solar panels. These subsidies went into effect in November 2011. According to the Japan Photovoltaic Energy Association (JPEA), a leading industry association in Japan, order intake of solar cells in the residential sector has sharply risen since the resumption of the subsidies. JPEA estimates that fiscal year 2011, ending in March, 2012, may see an increase of approximately 30 percent compared to 2010 in terms of the number of residential installations. The public/industrial sector, on the other hand, which has not received such subsidies, appears to have stagnated in 2011.

Looking forward, the residential solar PV sector is expected to maintain high growth. This is due in part to the subsidy program which will remain in effect at least until 2013, and to a Feed-in Tariff (FiT) program which allows residential solar PV users to sell

excess power to the power utilities at approximately twice the rate at which consumers typically buy. Under these programs consumers appear to be willing to install additional capacity, and indeed installed kilowatt volume per household has increased from the previous average of 3.3 kW to the new average of 4.0 kW. JPEA is also optimistic towards to prospects for the non-residential sector, chiefly because Japan's Renewable Energy Act, which will take effect from July 2012, will expand eligibility for the FiT from residential solar PV installations alone, to all users including non-residential facilities such as public facilities, office buildings, hotels, factories, etc., and to all renewable energy sources.

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JPEA forecasts that given the expansion of eligibility for the FiT, installation of non-residential solar PV systems for relatively small power generation between 10kW and 50kW is expected to grow. This is because the said power range could immediately be connected to the existing grid (though additional transformers or some infrastructural work would be necessary).

As for the residential sector, non-Japanese PV cell manufacturers have increasingly gained a presence in the Japanese market. The latest statistics by JPEA show the greatest share of non-Japanese products (17.5 percent) in history. Although the influx of imported products appears to be driving prices down considerably, price is not the only factor for Japanese buyers. To be successful in Japan's solar market, solar cell manufacturers need to coordinate well with PV system installers, promote their products at nationwide retail electronic stores, and ensure a long-term warranty, which is typically valid from 10 to 20 years. Taking these factors into consideration, U.S. firms with good marketing strategies have good prospects of success in the Japanese market.

Opportunities

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Japan's solar power industry can be grouped into the following four manufacturing and one servicing segments:

1. PV cells (crystalline silicon, thin film silicon, CIS PV cells, etc)
2. Raw material and parts for PV cells (polysilicon, silicon ingot wafer, etc)
3. Related components for PV systems (inverter, module wiring unit, etc)
4. PV capital equipment (silicon ingot production device, silicon wafer manufacturing equipment, etc)
5. PV system installers

The supply chain and sales channels for these products is complex, as a number of market players have formed relationships to meet specific strategies and needs. PV systems may be built by homebuilders, general contractors, engineering companies, and heavy electric machinery manufacturers. End users include homeowners, private companies, central and municipal governments, and electric power utilities.

All of these elements represent opportunities for U.S. firms offering innovative, high-quality products and services.

Trade Event: PV Expo 2012
Date: February 29 – March 2, 2012
Venue: Tokyo Big Sight, Tokyo
Organizer: Reed Exhibition Japan Ltd.
URL: http://www.pvexpo.jp/en/Home/

Trade Event: PV Japan 2012
Date: December 3-5, 2012
Venue: Makuhari Messe, Chiba Prefecture
Organizer: SEMI Japan, JPEA
URL: http://www.pvjapan.org/en/

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Japan Photovoltaic Energy Association (Japanese website only)
http://www.jpea.gr.jp/

Japan Electrical Safety & Environment Technology Laboratories
http://www.jet.or.jp/en/

Ministry of Economy, Trade and Industry, Government of Japan
http://www.meti.go.jp/english/index.html

Safety and Security (SEC)

Overview

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Unit: USD thousands

	2010	2011	2012 (estimated)	2013 (estimated)
Total Market Size	5,546,800	6,264,700	6,483,000	6,849,900
Total Local Production*	6,000,600	6,777,200	7,112,000	7,466,300
Total Exports*	1,008,500	1,139,000	1,277,300	1,301,400
Total Imports*	554,700	626,500	648,300	685,000
Imports from the U.S.	n/a	n/a	n/a	n/a
Exchange Rate: 1 USD	87.78	79.70	79.70	79.70

(Data Source: Fuji Keizai (Total Market Size), *figures are unofficial CS Japan estimates and import data do not include security services)

According to the Fuji Keizai Research Company, the overall size of Japan's security systems industry, including equipment and services, is projected to grow steadily by an average of three percent per year for the next few years. Due to growing awareness about disaster prevention measures, the market for the disaster management-related business is projected to increase from US$2.8 billion in 2010 to US$3.5 billion in 2013.

In the wake of the March 2011 disasters in Japan, public investment in reconstruction efforts has been accelerated. The third supplementary budget for post-earthquake reconstruction includes US$20 billion to implement reconstruction projects in the devastated area. Strong demand is therefore expected in coming years for security systems and equipment for newly built commercial and residential buildings. Cleanup and radiation decontamination efforts by Japanese government agencies and industry organizations will continue in disaster-affected areas and the market for personal protective equipment is expected to grow steadily.

As a part of the disaster response effort, the Japanese government is promoting disaster-resistant ICT networks, cross-organization information sharing systems and a real-time information collection system. Many Japanese companies are beginning to review their existing systems designed to confirm the safety of their employees in case of emergency. Central and local governments intend to install more monitoring cameras to improve disaster response management through the use of more visual information. There are potential business opportunities in IP-based systems and equipment which employ more sophisticated digital technologies. Next generation surveillance technology will boost demand for solutions in the areas of facial recognition, motion tracking, data analysis, and managing surveillance data.

Sub-Sector Best Prospects

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U.S. homeland security and anti-terrorism segment products, including those for government procurement enjoy a favorable position in the Japanese market, as U.S.

technological leadership in such products is highly recognized. Especially good export opportunities for radiation monitoring systems and detection equipment are expected. Since concerns continue over the release of radioactive substances from the Fukushima nuclear power plant, the Japanese government will continue to monitor levels of radiation in the air and sea and will also check containers with goods being exported from Japan. The Japan Automobile Manufacturers Association has compiled guidelines for radiation checks on vehicles shipped to domestic and overseas markets in a bid to dispel safety concerns.

In light of the March 11 disasters in Japan, many Japanese companies are reconsidering their existing Business Continuity Planning (BCP) and cloud computing services have attracted increasing attention as a way to protect important data. There are therefore great potential business opportunities for cloud computing services in support of business continuity planning.

Opportunities

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Event: Security Show
Organizer: Nikkei Inc.
Date: March 6-9, 2012
URL: http://www.shopbiz.jp/en/ss/

Event: Office Security Expo
Organizer: Reed Japan
Date: July 11-13, 2012
URL: http://www.reedexpo.com/en/Events/2393/OSEC

Event: Risk Control in Tokyo (RISCON) - Safety and Security Trade Expo
Organizer: Tokyo Big Sight Inc.
Date: October 17-19, 2012
URL: http://www.kikikanri.biz/english/index.html

Event: Special Equipment Exhibition & Conference for Anti-Terrorism (SEECAT)
Organizer: Tokyo Big Sight Inc.
Date: October 17-19, 2012
URL: http://www.seecat.biz/en/index.html

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CS Japan Contact: Ms. Kazuko Tsurumachi
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Cabinet Office Disaster Management
http://www.bousai.go.jp/index.html

National Police Agency
http://www.npa.go.jp/english/index.htm

Fire & Disaster Management Agency

http://www.fdma.go.jp/en/

Japan Fire Equipment Inspection Institute
http://www.jfeii.or.jp/en/index.html

Japan Security Systems Association
http://www.ssaj.or.jp/

Japan Automatic Identification Systems Association
http://www.jaisa.jp/english/index.html)

Soil Remediation/Engineering Services

Overview

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Unit: USD million

	2009	2010	2011 (estimated)	2012 (estimated)
Total Market Size	1,575	1,481	2,600	1,955
Total Local Production	1,540	1,448	2,542	1,911
Total Exports	0	0	0	0
Total Imports	35	33	58	44
Imports from the U.S.	21	20	35	26
Exchange Rate: 1 USD	93.68	87.78	79.70	79.70

Note: Official information on total imports and imports from U.S. firms is unavailable.

Data Sources: Geo-Environmental Protection Center; Yano Data Bank

On January 1, 2012 the Government of Japan (GOJ) enacted the Act on Special Measures Concerning Handling Pollution by Radioactive Materials in order to deal with radioactive contamination caused by nuclear accidents at the Fukushima Daiichi Nuclear Plant in March, 2011. According to the Act, municipal governments will be responsible for cleanup of lower level radioactive materials, while the GOJ will be responsible for cleanup of higher levels. According to the Geo-Environmental Protection Center (GEPC), the soil remediation-related industry association under Japan's Ministry of Environment (MOE), some small-scale cleanup projects involving low level radioactive materials have already been initiated by municipal governments. Meanwhile, in November 2011 a GOJ-administered pilot project went underway in 12 specified disaster-affected areas in Fukushima Prefecture with the aim of evaluating methodologies. As of this writing, methodologies for cleanup and disposition of contaminated soil have not yet been finalized, and the time line for and number of projects remains unclear. That said, American firms offering innovative soil decontamination solutions should find ample interest among Japanese firms involved in these projects.

Aside from projects related to the nuclear accidents, GEPC reports that the number of orders received regarding soil remediation increased sharply in 2011. This is due to the launch of the Toyosu New Market Soil Contamination Countermeasure Project, commissioned by the Tokyo Metropolitan Government (TMG) in the latter half of the fiscal year. This is the largest soil remediation project that Japan has ever conducted, and will continue until 2013. Although the prime contractors for the project are joint ventures consisting of Japanese general contractors, U.S. firms offering unique and cost-competitive products or technologies in areas of investigation, analysis, and methodology for soil remediation may be able to introduce their products or technologies to Japanese firms that are involved in the projects. U.S. firms that wish to do so should strongly consider applying to present their products/technologies at the Tokyo Metropolitan Government's annual Forum on Soil Remediation Treatment Technologies (see "Opportunities" below).

Sub-Sector Best Prospects

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The following two sub-sectors provide good prospects for U.S. firms with high-quality products or technologies and a long-term approach to the Japanese market:

1. Cleanup of radioactive materials
   The GOJ is in the process of certifying how best to remediate soil contaminated by radioactive materials. To verify methodologies, the Japan Atomic Energy Agency, an independent governmental body, is now conducting cleanup-model demonstration projects in 12 cities, towns and villages in Fukushima Prefecture. To contribute to these efforts U.S. firms offering unique products/technologies should consider forming partnerships with Japanese firms (such as contractors and engineering firms) with experience in the soil remediation industry.

2. On-site soil remediation technologies

The Soil Contamination Countermeasures Act was amended in April 2010. The industry views that this amendment would encourage on-site soil purification technology in Japan where, until recently, conducting on-site (in-situ) methodology had been restricted. The industry believes that U.S. firms excel in this segment, and those with high-end, cost-effective products/services may have strong prospects in the market.

Opportunities

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In late December 2011 the MOE invited proposals for use of technologies for investigating and taking countermeasures of soil contamination. The first round of submissions was due by the end of February 2012. However, more invitations are likely in the future. The MOE typically stipulates that technologies should be cost-effective and bear low environmental burden. Also, proposals typically must be submitted in Japanese, so American firms interested in offering their technologies would be best positioned to compete through establishing a Japanese partner.

As noted in “Overview” above, the TMG organizes the Forum on Soil Contamination Treatment Technologies each fall. Selected firms are given an opportunity to present their technologies to a wide audience of industry and local government officials. U.S. firms interested in presenting at the Forum should keep their eye on the TMG website for notice of the event and how to apply to present.

Also, the following trade event may be of interest to U.S. firms:

Event:	2012 Exhibition for Geo-Environmental Restoration
Date:	October 17-19, 2012
Venue:	Tokyo Big Sight
Organizer:	Geo-Environmental Protection Center, the Nikkan Kogyo Shimbun (Business & Technology Daily News)
URL:	http://www.nikkan.co.jp/eve/dojyo/ (in Japanese)

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CS Japan Contact: Takahiko Suzuki
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Geo-Environmental Protection Center
http://www.gepc.or.jp/english/eindex.html

Ministry of the Environment, Government of Japan
http://www.env.go.jp/en/

Tokyo Metropolitan Government
http://www.metro.tokyo.jp/ENGLISH/index.htm

Telecommunications Equipment (TEL)

Overview

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Unit: USD millions

	2010	2011	2012 (estimated)	2013 (estimated)
Total Market Size	42,348	50,152	50,611	50,505
Total Local Production	33,619	38,900	39,360	39,070
Total Exports	5,781	6,115	6,464	6,635
Total Imports	15,769	17,368	17,715	18,069
Imports from the U.S.	801	921	939	958
Exchange Rate: 1 USD	87.78	79.70	79.70	79.70

Total Market Size = (Total Local Production + Total Imports) – (Total Exports)
Data Sources:

Total Local Production: CIAJ
Total Exports: CIAJ
Total Imports: CIAJ and unofficial CS estimate
Imports from U.S.: CIAJ and unofficial CS estimate

The growth of the Japanese telecom market is reaching a plateau due to the maturity of the mobile phone market and a longer upgrade cycle for handsets. In 2010, however, the emergence of the smartphone revitalized the market and has promoted investment for the enhancement of mobile communication service provider systems. In January 2012, NTT Docomo, one of Japan's major mobile communications service providers, experienced interruptions in service because its' packet-switching equipment does not possess sufficient capacity to handle smartphone data traffic. In 2012, Japanese firms are expected to make further investments in network equipment to cope with increases in smartphone-related data traffic.

Sub-Sector Best Prospects

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Disaster communications

Opportunities

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According to a September 2011 action plan released by Japan's Ministry of Internal Affairs and Communications (MIC), MIC is providing approximately $235.9 million in funding for IT infrastructure to enhance emergency communications and recovery support for areas affected by disasters.

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Interop Tokyo |
http://www.interop.jp/2012/

June 12 - 15, 2012

CEATEC Japan
http://www.ceatec.com/2011/en/news/infolist_detail.html?info_no=00043
October 2 - 6, 2012

Communications and Information Network Association of Japan (CIAJ)
http://www.ciaj.or.jp/e.htm

CS Japan Contact: Rika Saito
Rika.Saito@trade.gov

Travel and Tourism

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Unit: USD millions

	2010	2011 (estimated)	2012 (estimated)	2013 (estimated)
Total Market Size [1]	119,378	127,964	131,223	136,873
Total Outbound Market	47,733	54,329	54,956	56,055
U.S. Share of Outbound Market	14,558	13,976	14,395	14,683
Exchange Rate: 1 USD	87.78	79.70	79.70	79.70

Unit: millions of people

	2010	2011 (estimated)	2012 (estimated)	2013 (estimated)
Number of Outbound Travelers	16.64	16.99	17.40	17.70
Number of Outbound Travelers to the U.S.	3.39	3.28	3.39	3.46

Data Sources:

Total Market Size: Japan Tourism Agency (JTA), Japan National Tourism Organization (JNTO), JTB Corp., and unofficial CS Japan estimates
Total Outbound Market: JTB Corp., and unofficial CS Japan estimates
U.S. Share of Outbound Market: U.S. Department of Commerce, Office of Travel and Tourism Industries (USDOC/OTTI), and unofficial CS Japan estimates
Number of Outbound Travelers: GOJ Ministry of Justice, JTB Corp., and unofficial CS Japan estimates
Number of Outbound Travelers to the U.S.: USDOC/OTTI

Note:
(1) Total market size includes spending on overnight trips. Spending on day trips is not included.

In 2010, Japan was the fourth largest overall source of inbound travelers (and second largest overseas source) to the U.S., attracting 3.4 million visitors. The total number of Japanese outbound travelers in 2010 was 16.6 million. The U.S. continues to be one of the most popular destinations for Japanese visitors with a 20 percent market share in Japan. In 2010, over 79.1 percent of repeat Japanese travelers visited the U.S. mainland, 70.6 percent went to Hawaii and 60 percent visited Guam (including Saipan). Despite the worldwide downturn in the tourism industry, in 2010 Japanese spending in the U.S. was strong, at $14.6 billion, and represented the second largest source of international tourism spending in the U.S.

The March 11, 2011, earthquake/tsunami/nuclear accident in the northern part of Japan caused a major slowdown in the number of Japanese traveling overseas for a few months. By the latter half of 2011, however, Japanese outbound began to recover. The number of Japanese outbound travelers in 2011 was estimated at 16.99 million, an

increase of 2.1 percent over the previous year. Despite the overall increase in the number of Japanese outbound, as of November 2011, 2.98 million Japanese visitors had traveled to the U.S., a 4.3 percent decrease over the same period in 2010.

There are three peak holiday periods in Japan: Golden Week, Obon, and the year end/New Year. Golden Week, generally a popular time to travel abroad, occurs at the end of April/early May, during which the four Japanese public holidays can be extended into a five to nine day vacation. The summer Obon holiday occurs around August 15. Since the longest school holiday of the year also occurs at this time, August is the peak month for all Japanese travel. Many Japanese companies and organizations close during the last week in December until just after the New Year for the year end/New Year holiday, making it a popular time to travel abroad. All of these holidays present excellent opportunities for travel to the U.S.

With the strong yen and the increase in the number of flights to the U.S., including new direct flights between Boston and Narita and Honolulu and Fukuoka, now is an excellent time for the U.S. travel industry to actively promote their destinations and services in the Japanese market.

Sub-Sector Best Prospects

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Senior Travel Market

(1) Baby Boomers

Japanese baby boomers, born between 1947 and 1949 (approximately 6.6 million people), began to retire in 2007. These baby boomers were strongly influenced by American music, film and TV when they were growing up. As a result, this generation, especially Japanese males, have a favorable impression of American lifestyle and culture. These baby boomers have time, money and energy to spend on leisure travel and are the best match for long-haul destinations such as the United States.

(2) Special Interest Tours (SITs)

While the majority of Japanese travelers still enjoy nature and scenery, shopping, gourmet food, history and culture, some travelers have a more specific purpose in mind such as attending sporting events or engaging in favorite activities such as hobbies. In Japan, these tours are called Special Interest Tours, or SITs. The number of Japanese SIT travelers, including seniors, has gradually increased in the past few years. These tourists are interested in traveling with others who share the same interests and have the potential to become repeat travelers. The following are examples of themes that appeal to senior Japanese travelers:

- Art and cultural tours such as visiting museums and art galleries, and going to concerts and theaters
- UNESCO World Heritage Sites tours
- Spectator sports such as baseball, golf and Olympics
- Sports activities such as golfing, hiking, fishing, skiing and other soft outdoor sports
- Hobby tours for quilting, photo taking, drawing, dancing, etc.
- Gourmet tours
- Train tours

- Cruises

Opportunities

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Event:	JATA Tourism Forum & Travel Showcase 2012 - Discover America Pavilion
Date:	September 20-23, 2012
Venue:	Tokyo Big Sight
Web:	http://www.jata-jts.jp/

Web Resources

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CS Japan Contact: Ms. Tamami Honda
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U.S. Travel Association Japan Office
http://www.discoveramerica.com/jp/

Japan Tourism Agency
http://www.mlit.go.jp/kankocho/en/

Japan Association of Travel Agents (JATA)
http://www.jata-net.or.jp/english

Agricultural Sectors

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The United States remained Japan‘s top supplier of farm products, with a 27 percent market share in 2010. However, China, Australia, Thailand, Chile, and Brazil have grown as strong competitors for the United States. In CY 2011, U.S. farm exports to Japan increased by 18.3 percent over the previous year to $15.6 billion. Increase sales in a variety of exports, including red meats (pork and beef), feeds and fodders, and cotton accounted for this rise. In 2010, the value of Japan’s consumer food and beverage market-- food retail and food service sector combined-- was valued at around $745 billion. For complete agricultural statistics, please visit the web site of the U.S. Department of Agriculture‘s Foreign Agricultural Service at www.fas.usda.gov/ustrade.

Opportunities exist for a range of agricultural products, in particular, processed and consumer ready food products. For U.S. companies to tap into this dynamic market, they should be aware of several key factors affecting food purchase trends. These factors are a rapidly aging population, diversification of eating habits, emphasis on high quality, increasing demand for convenience, and food safety concerns. Exporters interested in the Japanese market should make note that three of the biggest annual food related trade shows in Japan and all of Asia are: Foodex Japan, International Food Ingredients & Additives Exhibition and Conference (IFIA) Japan, and Health Ingredients (HI) Japan.

Japan‘s population is aging faster than any other country in the world. According to Japan‘s National Institute of Population and Social Security Research, by 2020, 29.2 percent of the population will be over 65 years of age. Coupled with the fact that Japanese life expectancy is the highest in the world, there is a strong demand for "healthy foods." Such concepts as "functional foods" are well understood, and many products certified by the Ministry of Health, Labor and Welfare as FOSHU (Food for Specific Health Use) are commonly consumed. Food products that offer health benefits, such as lowering cholesterol or containing a high level of antioxidants, have a marketing advantage in Japan. Local supermarkets already carry an assortment of functional foods such as energy drinks, bars, and snacks containing dried fruit and nuts, offering to provide nutritional health benefits. In addition, consumers are able to purchase boxed meals supporting specific dietetic programs. Catering to the elderly and institutional markets – cafeterias, schools, and hospitals – food preparers are increasingly serving ready to-to-eat meals while trying to preserve the appearance of traditional dishes. For example, when serving deboned fish dishes, the meat is reshaped and presented in the form of a fish.

Since the 1960's, the Japanese diet has become dramatically westernized. Rice and tofu-based products have been replaced by meat and dairy as the main source of protein. For example, per capita protein consumption of rice fell from 32 percent in 1960 to 12 percent in 2009 while per capita protein consumption of meat went from five percent in 1960 to 18 percent in 2009. Per capita protein consumption for dairy products also increased from 2.5 percent in 1960 to 9.4 percent in 2009. In addition to the popularity of western food, food trends have recently become more complex. Various ethnic foods are also becoming popular and are often combined with Japanese cuisine creating "fusion" foods. In addition, to “fusion” foods restaurants, there are also more authentic ethnic food restaurants that cater to the broadening Japanese palate. Hence, to satisfy demand for non-traditional foods, restaurants are seeking a wider variety of international food ingredients. Another aspect of diversification is the trend of "individual eating", or convenience foods. Because of the busy, fast paced lifestyle of modern

Japanese, it has become less common for all family members to eat together. "Individualization" of eating makes convenience an essential factor. Microwave (or semi-prepared) food and Home Meal Replacement (HMR) cuisine has become an indispensable part of life and are sold in supermarkets, restaurants and convenience stores such as 7-Eleven and Lawson‘s that are now found all over Japanese cities.

In response to rising household demand for home delivery and increasing activity of on-line food sales, the food delivery system in Japan is also expanding. Over the last three years, home delivery has become very popular. Today, local supermarkets have staff specifically dedicated to handle deliveries. Similarly, hotels offer weekly and monthly menus that consumers can order via telephone or internet; food service companies are now offering delivering services as well.

While economic stagnation and declining income have made people more price-conscious than in the past, however quality continues to be a crucial factor in food purchasing decisions. Food safety continues to be an important consideration for most Japanese consumers, who are more sensitive to perceived risk than the average American consumer. Following global trends, Japanese consumers have a renewed interest in maintaining health and wellbeing, including healthier diets consisting of fresh fruits and vegetables. Yet another developing trend is the growing number of males cooking at home. As more women have joined the labor market and delayed marriage; and the rate of divorce among male-retirees increases, more males are forced to prepare meals for themselves. As a result, there has been a surge in cooking classes catering to male audiences who then need ingredients to prepare their meals. Men joining the ranks of women visiting supermarkets in search for new food items will likely widen the target audience and opportunities for market development.

The retail sector remains the focus of U.S. investment in Japan‘s food industry. In 2008, Seiyu became a wholly-owned subsidiary of Wal-Mart. Prior to that Seiyu, was the third largest Japanese supermarket in terms of food sales. Currently, Seiyu‘s sales ranking cannot be confirmed as the company is no longer listed. Similarly, Costco appears to be doing very well in Japan. Since opening its first location in this market in 1999, Costco has expanded its operations to nine warehouses located throughout Japan. U.S. investment in Japan‘s agricultural sector is limited to a few large-scale ventures in the livestock and grain sectors. Flex work hours have become popular at some large companies. Interestingly, the overwhelming majority of Japanese take their lunch break promptly at 12:00 noon and return to the office at 1:00 p.m. sharp. These hours are popular as restaurants offer a special lunch menu, significantly cheaper than the ones offered at dinner, giving consumers a chance to try new restaurants without the usual expense.

Despite the decline in vegetable and fruit consumption in Japan, particularly among the younger generations, recent research conducted by the Agricultural Trade Offices (ATO) in Japan concluded that there is market potential for U.S. exports of broccoli, celery, lettuce, asparagus and tomatoes. Hence, the ATO Japan has sponsored a campaign known as the “V5 Campaign” seeking to re-introduce these vegetables to parents and their children as an exciting part of a meal. Incorporating recipes and stories that spotlight the health and nutritional benefits of eating vegetables, the V5 campaign is able to expose Japanese consumer to many U.S. agricultural products (for more information please refer to V5 Campaign, Food Education Osaka, and V5 Tokyo).

Agricultural Trade Office – Food Trade Shows

Food Trade shows in Japan provide a great deal of opportunities to introduce a range of agricultural products to Japanese consumers; particularly, processed and consumer ready food products. U.S. companies interested in entering this dynamic market should aware of several key factors affecting food purchase trends. These factors include a rapidly aging population, diversification of eating habits, emphasis on high quality, increasing demand for convenience, and high concern for food safety. Four of the largest annual food related trade shows in Asia take place in Japan: the Supermarket Trade Show (February 8-10, 2012), FOODEX Japan (March 6-9, 2012), International Food Ingredients & Additives Exhibition and Conference (IFIA) Japan (May 23-25, 2012), and Health Ingredients (HI) Japan (October 3-5, 2012). The Agricultural Trade Offices in Osaka and Tokyo participate in the following shows:

Event: The 12th Gourmet & Dining Style Show
Partner Event: The 72st Tokyo International Gift show
Date: September 5-7, 2012
Venue: Tokyo Big Sight
Web: http://www.gourmetdiningstyleshow.com

Event: The 46th Supermarket Trade Show
Date: February 8-10, 2012
Venue: Tokyo Big Sight
Web: http://www.smts.jp/english/

Event: The 37th International Food and Beverage Exhibition FOODEX JAPAN 2012
Date: March 6-9, 2012
Venue: Makuhari Messe
Web: http://www.imexmanagement.com/content/shows/resources/pdf/32.pdf

Event: Wine & Gourmet Japan 2012
Partner Event: FABEX 2012
Dessert, Sweet and Drink Festival 2012
2011 Japan Meat Industry Fair
Date: April 4-6, 2012
Venue: Tokyo Big Sight
Web: http://www.wineandgourmetjapan.com

Event: The 17th International Food Ingredients & Additives Exhibition and Conference 2011 (ifia JAPAN)
Date: May 23-25, 2012
Venue: Tokyo Big Sight
Web: http://www.ifiajapan.com

Event: Health Ingredients Japan 2012
Partner Event: Safety and Technology Japan 2012 (S-tec)
Date: October 3-5, 2012
Web: http://www.hijapan.info

Event: The 12th BioFach Japan Organic Expo 2012

Date: November 21-23, 2012
Venue: Tokyo Big Sight
Web: http://www.biofach.jp

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Chapter 5: Trade Regulations, Customs and Standards

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- Trade Barriers
- Import Requirements and Documentation
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- Labeling and Marking Requirements
- Prohibited and Restricted Imports
- Customs Regulations and Contact Information
- Standards
- Trade Agreements
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Import Tariffs

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On average, the applied tariff rate in Japan is one of the lowest in the world. In fiscal year (April-March) 2010, the simple average applied MFN (most favored nation) tariff rate was 5.8 percent, down from 6.1 percent in FY2008. In addition, import duties on many agricultural items continue to decrease, and tariffs in many major sectors, such as autos and auto parts, aircraft, marine vessels, software, computers, industrial machinery and works of fine art are zero. However, certain products including leather, rubber, footwear and travel goods, textiles and clothing, certain processed foods and some manufactured goods have relatively high tariff rates. While Japan's import tariffs are generally low overall, the nation‘s average agricultural import tariff of 15.7 percent (2010) is among the world‘s highest for industrialized countries. By comparison, the average agricultural import tariff is 8.75 percent (2009) in the U.S. and 9.3 percent (2008) in the European Community.

The Customs and Tariff Bureau of Japan's Ministry of Finance administers tariffs. As a member of the Harmonized System Convention, Japan shares the same trade classification system as the United States (limited to six-digit code). Japan's tariff schedule has five columns of applicable rates: general, WTO, preferential (GSP), Economic Partnership Agreement (EPA) and temporary. Goods from the United States are charged WTO rates unless a lesser "temporary" rate exists. Japan assesses tariff duties on the CIF value at *ad valorem* or specific rates, and in a few cases, charges a combination of both. Japan's preferential system of tariffs grants lower or duty-free rates to products imported from developing countries. Japan‘s harmonized tariff schedule is available through the website of Japan Customs: http://www.customs.go.jp/english/index.htm.

A simplified tariff system for low-value imported freight valued at less than ¥100,000, such as small packages for personal imports, simplifies determination of tariff rates. This system also eliminates the extra time necessary to classify the product and its precise value, and thereby minimizes customs brokers' handling charges. Importers can choose

either the normal rate or the simple tariff, which could be higher or lower depending on the product.

Japan grants preferential treatment to products from certain developing and least developed countries under its Generalized System of Preference (GSP) scheme. Under the GSP, preferential tariff treatment is offered to 140 developing countries and 14 territories, including 49 least developed countries (LDCs). The simple average GSP tariff rate is 4.9 percent whereas the rate for LDCs is 0.5 percent. The main beneficiaries of Japan's GSP scheme are China, Thailand, Indonesia, the Philippines and Viet Nam. The GSP scheme excludes many agricultural products and some industrial products. Japan also grants preferential access to imports from Singapore, Mexico, Malaysia, Chile, Thailand, Indonesia, Brunei, the Philippines, Switzerland and Viet Nam under bilateral free-trade agreements.

Japan Customs can provide advance rulings on tariff classification and duty rates. A summary of Japan‘s customs procedures, including the customs valuation system, import procedures, temporary admission procedures, refunds and duty drawback payments, as well as relevant customs forms can be found on the Japan Customs website noted above. (See also the section below on *Customs Regulations and Contact Information* in this chapter.)

Trade Barriers

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While tariffs are generally low, Japan does have non-tariff barriers that impede or delay the importation of foreign products into Japan. Although competition, U.S. and other foreign government pressure, as well as other factors have lessened the impact of these impediments, U.S. companies may still encounter non-tariff barriers such as the following:

- standards unique to Japan (formal, informal, *de facto,* or otherwise);
- a requirement in some sectors or projects for companies to demonstrate prior experience in Japan, effectively shutting out new entrants in the market;
- official regulations that favor domestically-produced products and discriminate against foreign products;
- licensing powers in the hands of industry associations with limited membership, strong market influence, and the ability to control information and operate without oversight:
- cross stock holding and interconnection of business interests among Japanese companies that disadvantage suppliers outside the traditional business group;
- cartels (both formal and informal) and,
- the cultural importance of personal relationships in Japan and the reluctance to break or modify business relationships.

The tools available to overcome these non-tariff barriers depend on the industry, the product or service's competitiveness, and the creativity and determination of the firm's management. The U.S. Department of Commerce's Trade Compliance Center (TCC) helps U.S. exporters and investors overcome foreign trade barriers and works to ensure that foreign countries comply with their trade agreement obligations to the United States. U.S. exporters experiencing non-tariff barriers or other unfair trade practices in foreign markets can report such problems online at http://tcc.export.gov.

For additional information on Japan-specific trade barriers see the National Trade Estimates Report available on the United States Trade Representative Website: http://www.ustr.gov/about-us/press-office/reports-and-publications.

Import Requirements and Documentation

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Any person wishing to import goods must declare them to the Director-General of Customs and obtain an import permit after necessary examination of the goods concerned. The formalities start with the lodging of an import declaration and end with issuance of an import permit after the necessary examination and payment of Customs duty and excise tax. For additional information see the section below on *Customs Regulations and Contact Information* in this chapter.

Certain items may require a Japanese import license. These include hazardous materials, animals, plants, perishables, and in some cases articles of high value. Import quota items also require an import license, usually valid for four months from the date of issuance. Other necessary documents for U.S. Exporters may include an Import Declaration Form (Customs Form C-5020) and a certificate of origin if the goods are entitled to favorable duty treatment determined by preferential or WTO rates. In practice, shipments from the United States are routinely assessed using WTO or “temporary” rates without a certificate of origin. Any additional documents necessary as proof of compliance with relevant Japanese laws, standards, and regulations at the time of import may also apply.

Correct packing, marking, and labeling are critical to smooth customs clearance in Japan. Straw packing materials are prohibited. Documents required for customs clearance in Japan include standard shipping documents such as a commercial invoice, packing list, and an original and signed bill of lading, or, if shipped by air, an air waybill. Air shipments of values greater than ¥100,000 must also include a commercial invoice. The commercial invoice should be as descriptive as possible for each item in the shipment. The packing list should include the exact contents and measurement of each container, including the gross and net weights of each package. The Japanese Measurement Law requires that all weights and measures on packing list be reflected in Metric System values.

Japan's Ministry of Finance maintains a website at http://www.customs.go.jp/english/ that describes import and customs clearance procedures, and provides contact information and other detailed information in English.

Japan prohibits the importation of certain items including narcotics, firearms, explosives, counterfeit currency, pornography, and products that violate intellectual property laws.

For additional information see the section below on *Prohibited and Restricted Imports* in this chapter.

When planning to import goods into Japan, you may wish to consult with your international shipper for specific details regarding your shipment since your international shipper should be up-to-date on Japanese import requirements.

U.S. Export Controls

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As an active member of the Wassenaar Arrangement as well as all international export control regimes, Japan has the benefit of the least restrictive treatment under U.S. export control law. In response to the threat from global terrorism, the Japanese government administers its own export control legislation (Foreign Exchange and Foreign Trade Act, Export Trade Control Order, and Foreign Exchange Order) and implements —catch-all|| controls to prevent Japanese firms from exporting goods and technologies that could be related to the development of weapons of mass destruction. Japan has been conducting outreach activities in Asian countries including Japan to maintain a strict export control system. At the same time, however, Japanese firms are engaged in business activities with countries against which the United States currently has embargoes. As such, U.S. exporters are encouraged to conduct thorough research and background checks pertaining to any potential sale of controlled or sensitive items, in particular for transactions that may involve possible transshipment or re-export through Japan.

For the latest in U.S. export and re-export control regulations, contact the Department of Commerce Bureau of Industry and Security (BIS) at http://www.bis.doc.gov.

For the latest in defense trade controls information, contact the Department of State Directorate of Defense Trade Controls at http://www.pmddtc.state.gov.

For current U.S. embargo information, contact the Department of Treasury Office of Foreign Assets Control at http://www.treasury.gov/resource-center/sanctions/Pages/default.aspx.

Temporary Entry

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Japan is a member of the International Convention to Facilitate the Importation of Commercial Samples and Advertising Materials under the ATA Carnet System. Use of a c*arnet* allows goods such as commercial and exhibition samples, professional equipment, musical instruments, and television cameras to be carried or sent temporarily into a foreign country without paying duties or posting bonds. A *carnet* should be arranged in advance by contacting a local office of the United States Council for International Business (http://www.uscib.org) or its New York office by phone (212-354-4480) or by e-mail (info@uscib.org).

Advertising materials, including brochures, films, and photographs, may enter Japan duty free. Articles intended for display - but not for sale - at trade fairs and similar events are also permitted to enter duty free but only when the fair or event is held at a bonded

exhibition site. After the event, these bonded articles must be re-exported or stored at a bonded facility. A commercial invoice for these goods should be marked “no commercial value, customs purposes only” and “these goods are for exhibition and are to be returned after conclusion of the exhibition.” It is also important to identify the trade show or exhibition site, including exhibition booth number (if known), on shipping documents.

Labeling and Marking Requirements

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Japanese law requires labels for products in several categories. Generally, labeling for most imported products is not required at the customs clearance stage, but at the point of sale. Consequently, it is common for a Japanese importer to affix a label to an imported product after it has cleared customs. While importers do not have to affix a label to fresh foods such as grapefruit or oranges, the retailer is required to display country of origin near the product. To ensure that a given product meets all applicable requirements and is properly labeled, it is important for the U.S. exporter to work with a Japanese agent or importer.

For most products there is no requirement for country of origin labeling. However, all imported processed foods and beverages are required to bear country of origin labeling. The definition of country of origin by CODEX is “When a food undergoes processing in a second country which changes its nature, the country in which the processing is performed shall be considered to the country of origin for the purposes of labeling”. For example, the country of origin for coffee beans imported into and roasted in the United States is the United States. However, the country of origin of the coffee beans themselves should also be noted. This is not a legal requirement but a commercial requirement. If labels indicating origin are later determined to be false or misleading, the labels must be removed or corrected. False or misleading labels which display the names of countries, regions or flags other than the country of origin, and/or names of manufacturers or designers outside the country of origin are not permissible.

Food and agricultural products are subject to a number of complex labeling regulations in Japan. Previously, the Ministry of Agriculture, Forestry and Fisheries (MAFF) administered quality labeling standards and the Ministry of Health, Labor and Welfare (MHLW) administered separate voluntary and mandatory standards such as nutritional labeling and food additive/allergen labeling for processed foods and beverages. However, in September 2009, responsibility for all labeling issues, including food labeling, was officially transferred from MAFF, MHLW, and other ministries, and then consolidated under the new Consumer Affairs Agency.

For more information on labeling and marking requirements, please see the following web-based resources:

Consumer Affairs Agency: http://www.caa.go.jp/en/index.html

Japan External Trade Organization (JETRO) Guide to Japanese Household Goods Quality Labeling Law: http://www.jetro.go.jp/en/reports/regulations/

U.S. Foreign Agriculture Service GAIN Report on Consumer Affairs Agency: http://tinyurl.com/ydwqsch

U.S. Foreign Agriculture Service GAIN Report on Food and Agriculture Import Regulations and Standards (FAIRS) Country Report – Japan: http://gain.fas.usda.gov/Recent%20GAIN%20Publications/Food%20and%20Agricultural%20Import%20Regulations%20and%20Standards%20-%20Narrative_Tokyo_Japan_12-17-2010.pdf

Prohibited and Restricted Imports

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Japan strictly prohibits entry of narcotics and related utensils, firearms, firearm parts and ammunition, explosives and gunpowder, precursor materials for chemical weapons, germs which are likely to be used for bio-terrorism, counterfeit goods or imitation coins or currency, obscene materials, or goods that violate intellectual property rights. Other restricted items include but are not limited to certain agricultural and meat products, endangered species and products such as ivory, animal parts and fur where trade is banned by international treaty. For more information on prohibited goods, see Japan Customs: http://www.customs.go.jp/english/summary/prohibit.htm.

In addition, Japan imposes restrictions on the sale or use of certain products including those related to health such as medical products, pharmaceuticals, agricultural products and chemicals. For these products, Japanese Customs reviews and evaluates the product for import suitability before shipment to Japan. The use of certain chemicals and other additives in foods and cosmetics is severely regulated and follows a “positive list” approach.

Regarding importation of products for personal use, Japan restricts entry of:

- more than one months‘ supply of medicines that are toxicants, dangerous or prescription drugs;
- more than two months‘ supply of medicines that are non-prescription drugs or quasi-drugs; or
- more than 24 units (normal size) of similar cosmetic products.

Please note that body (hand) soaps, shampoos, toothpastes, hair dye and other toiletries fall under the category of quasi-drugs or cosmetics.

Veterinary drugs are subject to import restrictions in accordance with Japan‘s Pharmaceutical Affairs Law.

For more information on prohibited and restricted imports visit the FAQ section on the Japan Customs web site: http://www.customs.go.jp/english/index.htm.

Customs Regulations and Contact Information

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Any person wishing to import goods must declare them to the Director-General of Customs and obtain an import permit after necessary examination of the goods concerned. The formalities start with the lodging of an import declaration and end with

issuance of an import permit after the necessary examination and payment of Customs duty and excise tax.

Nearly all customs difficulties result from first time applications. Japanese customs officials are generally helpful when it comes to explaining procedures and regulations, and once these are understood and followed, difficulties are usually minimal. It may be necessary to employ an import agent or customs broker to help facilitate customs entry. See Chapter 3, Using and Agent or Distributor for more information.

The latest available data indicate that, in 2009, the average time between arrival of goods and the granting of import permission was 62.4 hours (2.6 days) for sea cargo and 16 hours (0.7 days) for air cargo (including time required under the "immediate import permission system upon arrival"). Under the "immediate import permission system upon arrival", import permission may be granted as soon as cargo entry is confirmed. To be eligible for this system, importers must file a preliminary declaration online (through the Nippon Automated Cargo Clearance System (NACCS). Customs examines the documents and materials submitted before cargo entry, and provides the results of the examination. For more information on the NACCS see: http://www.naccs.jp/e/index.html

All importers must file a declaration with Japan Customs. For most goods, the declaration must be made after the goods have been taken into a bonded customs (*hozei*) area or other designated place; items requiring approval by the Director-General of Customs can be declared before they are taken to the *hozei* area. The declaration must include details of the quantity and value of the goods to be imported as well as an invoice, a packing list, freight account, insurance certificate, and certificate of origin (for, inter alia, preferential tariff rates), where applicable. Additional documentation may be required, for example, for goods requiring an import license or health certificate. Once the documentation is verified by Customs, an import permit is issued.

In October 2007, Japan's Authorized Economic Operator (AEO) program was extended to *hozei* warehouse operators and in April 2008 to customs brokers and logistics operators. Imports are valued according to their c.i.f. (cost, insurance + freight) value, which is taken to be the transaction value of the imports. Customs duty can be paid through a multi-payment network system, which connects teller institutions (government authorities) with financial institutions. No fee is charged by the government for the use of this system, however, the financial institutions involved may collect variable fees. The system is managed by the Japan Multi-payment Network Management Organization (JAMMO), a non-profit organization established by major financial institutions in Japan. Only institutions that participate in the organization may use the system. Written advance rulings are issued at the written request of importers and other parties concerned. These rulings can be published on the Customs website with the applicants' consent. For more information on Japan‘s AEO program see: http://www.customs.go.jp/english/aeo/index.htm

Complaints against Japan Customs' decisions may be made to the Director-General of Customs within two months of the decision. Further appeals may be lodged with the Minister of Finance within one month of the decision by the Director-General of Customs.

Contact Information

Japan Customs
http://www.customs.go.jp/english/index.htm

Japans Customs' procedures
http://www.customs.go.jp/english/procedures/index_pf.htm

Customs Counselors System in Japan, Tokyo Headquarters
http://www.customs.go.jp/zeikan/seido/telephone_e.htm

Japan Tariff Association
http://www.kanzei.or.jp/english

Standards

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Overview

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Many domestic and imported products alike are subject to product testing and cannot be sold in Japan without certification of compliance with prescribed standards. Knowledge of, and adherence to, these standards and their testing procedures can be the key to making or breaking a sale.

Product requirements in Japan fall into two categories: technical regulations (or mandatory standards) and non-mandatory voluntary standards. Compliance with regulations and standards is also governed by a certification system in which inspection results determine whether or not approval (certification/quality mark) is granted.

Approval is generally required before a product can be sold in the market or even displayed at a trade show; unapproved medical equipment may be displayed at a trade show if accompanied by a sign indicating that the product is not yet approved for sale. To affix a mandatory quality mark or a voluntary quality mark requires prior product type approval and possibly factory inspections for quality control assessment. Regulated products must bear the appropriate mandatory mark when shipped to Japan in order to clear Japanese Customs. Regulations may apply not only to the product itself, but also to packaging, marking or labeling requirements, testing, transportation and storage, and installation. Compliance with "voluntary" standards and obtaining "voluntary" marks of

approval can greatly enhance a product's sales potential and help win Japanese consumer acceptance.

There are two ongoing trends in Japan regarding standards. One is a move toward standards reform and the other towards harmonizing Japanese standards with prevailing international standards. While reform is underway, there are numerous laws containing Japan-specific mandatory standards most of which have not been translated into English. Therefore, it is important that a Japanese agent or partner be fully aware of the wide variety of standards in effect that could impact the sale of the imported product.

The Japan External Trade Organization website contains numerous documents on Japan's standards and regulations, including import procedures, quarantine periods, technical requirements, etc. The website also details relevant laws, ordinances and amendments concerning import standards and regulations. For more information see: http://www.jetro.go.jp/en/reports/regulations/

Product Liability Insurance

Japanese business entities are subject to various laws and product safety standards, which vary depending upon the industry or product segment. Japanese importers and distributers of foreign products, in general, cover product liability risk through the product liability clause in their own liability insurance. The covered items and exemptions may vary from underwriter to underwriter and among industry segments. Whether the U.S. exporter will be required to buy product liability insurance to cover worldwide or specific overseas markets for their exports will be subject to negotiation with the firm‘s Japanese business partner and the advice of legal counsel.

Standards Organizations

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The Japan Industrial Standards Committee (JISC) plays a central role in standards activities in Japan (http://www.jisc.go.jp/eng). Its mission consists of four elements: 1) establishment and maintenance of Japan Industrial Standards (JIS); 2) administration of accreditation and certification; 3) participation in international standards activities; and 4) development of measurement standards and technical infrastructure for standardization. JISC publishes plans each month for the preparation of new and revised JIS drafts on its website at http://www.jisc.go.jp/eng/jis-act/drafts-preparation.html.

Existing JIS standards are reviewed and revised every five years. Once a new or revised draft JIS standard has been prepared, JISC posts these draft standards for a sixty-day public comment period. The JISC website also provides information regarding how foreign entities may participate in the JIS drafting process. A list of newly published JIS standards can be found on the website of the Japan Standards Association: http://www.jsa.or.jp/default_english.asp.

NIST Notify U.S. Service

Member countries of the World Trade Organization (WTO) are required under the Agreement on Technical Barriers to Trade (TBT Agreement) to report to the WTO all proposed technical regulations that could affect trade with other Member countries. **Notify U.S.** is a free, web-based e-mail subscription service that offers an opportunity to review and comment on proposed foreign technical regulations that can affect your access to international markets. Register online at Internet URL: http://www.nist.gov/notifyus/

Conformity Assessment

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Please see the *Product Certification* section below.

Product Certification

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With the revision of the Industrial Standardization Law in October 2005, the Japanese Industrial Standards (JIS) was renewed and a new scheme was implemented in September 2008. Under the new JIS mark scheme, product certification bodies accredited by the Ministry of Economy, Trade and Industry (METI) conduct a series of tests to verify compliance of products with JIS and audit the quality management system of facilities at which the products are manufactured. Any products manufactured at a factory that successfully passes such an audit will be authorized to affix the JIS mark. Additional information on this process can be found on the JISC website: http://www.jisc.go.jp/eng/jis-mark/newjis-eng.html.

Accreditation

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The Japan Accreditation System for Product Certification Bodies of JIS Mark (JASC) is an accreditation program defined by the Japanese Industrial Standards (JIS) Law, and operated by the JASC office in the Ministry of Economy, Trade and Industry (METI). JASC accredits product certification bodies in the private sector and allows these bodies to certify companies so that the companies may place the JIS Mark on their products. A list of Japanese and foreign organizations accredited by JASC as "JIS mark" certification bodies is available on the JISC website at http://www.jisc.go.jp/eng/jis-mark/acc-insp-body.html. This list provides contact information as well as the JIS fields of certification for these testing organizations.

The two major non-governmental accreditation bodies in Japan are the Incorporated Administrative Agency (IAJapan – within the quasi-governmental National Institute of Technology and Evaluation) and the Japan Accreditation Board for Conformity Assessment (JAB). IAJapan operates several accreditation programs including the Japan National Laboratory Accreditation System (JNLA) and the Japan Calibration Service System (JCSS). IAJapan's website (http://www.nite.go.jp/asse/iajapan/en/index.html) provides lists of laboratories

accredited under its programs and laboratories accredited by JAB can be found at http://www.jab.or.jp/english/index.html.

A limited number of testing laboratories in the U.S., not listed on the websites noted above, have also been designated by various Japanese government agencies to test and approve U.S. products for compliance with Japanese mandatory certification standards and laws. Products not covered by these arrangements must be tested and approved by Japanese testing labs before these products can be sold in Japan.

For conformity assessment bodies recognized by Japan for electrical appliances see: http://www.meti.go.jp/english/policy/denan/procedure/07.htm

For other information on third-party conformity assessment for electrical products see: http://www.meti.go.jp/english/policy/denan/procedure/index.htm

Publication of Technical Regulations

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Each Japanese ministry posts draft regulations for public comment on their respective websites. These draft regulations can also be found in a consolidated list, available in Japanese, on the e-Gov web portal: http://search.e-gov.go.jp/servlet/Public. The website was designed to help facilitate public participation in Japan‘s regulatory process by improving the public's ability to find, view, and comment on regulatory actions.

It should be noted that although U.S. entities may submit comments on draft regulations, the amount of time given for submissions varies widely and all comments must be submitted in Japanese. To assist U.S. entities that wish to participate in the Japanese regulatory process, Commercial Service staff at the U.S. Embassy in Tokyo prepares a weekly summary translation in English of public comment announcements by Japanese government agencies. For information on how to obtain this summary translation please contact the Commercial Section by email at: Tokyo.Office.Box@trade.gov

Finalized technical regulations and standards are published in Japan's national gazette known as the *Kanpō* (http://kanpou.npb.go.jp, Japanese only).

Labeling and Marking

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The "voluntary" Japan Industrial Standards (JIS) mark, administered by the Ministry of Economy, Trade and Industry (METI), applies to nearly 600 different industrial products and consists of over 10,259 standards (as of March, 2011). Adherence to JIS is also an important determinant for companies competing on bids in the Japanese government procurement process. Products that comply with these standards will be given preferential treatment in procurement decisions under Japan's Industrial Standardization Law. JIS covers industrial and mineral products with the exception of: 1) medicines; 2) agricultural chemicals; 3) chemical fertilizers; 4) silk yarn; and 5) foodstuffs, agricultural and forest products

designated under the Law Concerning Standardization and Proper Labeling of Agricultural and Forestry Products.

The Japan Agricultural Standards (JAS) is another "voluntary" but widely used product standard system administered by the Ministry of Agriculture, Forestry and Fisheries (MAFF). As of March, 2011, there were 214 JAS standards covering 66 products. JAS is comprised of five different category standards including general and specific, which are product-based standards. The other three categories are based on the manufacturing or distribution process, one example being organic production standards. The general category applies to beverages, processed foods, forest products, agricultural commodities, livestock products, oils and fats, products of the fishing industry, and processed goods made from agricultural, forestry, and fishing industry raw materials. Specific JAS apply to aged ham, aged sausage and aged bacon.

JAS certification is a complicated process requiring approval by a Registered (Overseas) Certified Body (ROCB). At this time there are only three approved ROCB for forest products and two for organic products located in the U.S. More information on the JAS labeling system can be found at the following Ministry of Agriculture, Forestry and Fisheries (MAFF) website: http://www.maff.go.jp/e/jas/index.html.

In September 2009, responsibility for all labeling issues in Japan, including food labeling, was officially transferred to the new Consumer Affairs Agency. More information on product labeling can be found on Japan‘s Consumer Affairs Agency website: http://www.caa.go.jp/en/index.html.

There are 56 quality labeling standards under the JAS law. Standards for fresh foods, processed foods and genetically modified foods are available in English at: http://www.maff.go.jp/e/jas/labeling/index.html
Other quality labeling standards are available (in Japanese only) at: http://www.maff.go.jp/j/jas/hyoji/kijun_itiran.html

As noted above, Japanese laws requiring product certification and labeling are numerous. A good reference for additional information on these requirements is JETRO's *Handbooks for Industrial and Consumer Product Import Regulations* available at: http://www.jetro.go.jp/en/reports/regulations/.This website also includes specifications, standards and testing methods for foodstuffs, implements, containers and packaging, toys and detergents.

For additional information see the section above on *Labeling and Marking Requirements* in this chapter.

Contacts

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Japan Industrial Standards Committee:
Contact: Secretariat Office
Tel: (81-3) 3501-9473
E-mail: jisc@meti.go.jp
Website: http://www.jisc.go.jp/eng/index.html

Japan Standards Association:
Contact: Secretariat Office
Tel: (81-3) 3583-0462 [Publishing Services Division 1, for purchasing and viewing the JIS in English, etc.]
E-mail: please use the enquiry form at https://www.jsa.or.jp/eng/form_mail_e.asp
Website: http://www.jsa.or.jp/default_english.asp

Japan External Trade Organization (JETRO) on Standards and Regulations:
http://www.jetro.go.jp/en/reports/regulations

National Metrology Institute of Japan:
http://www.nmij.jp/english/

Building Center of Japan:
http://www.bcj.or.jp/en

Telecommunication Technology Committee:
http://www.ttc.or.jp/e/index.html

Japan Cable Television Engineering Association:
http://www.catv.or.jp/jctea/english/index.html

Association of Radio Industries and Businesses:
http://www.arib.or.jp/english/index.html

Conformity Assessment Bodies:

Japan Accreditation Board for Conformity Assessment (JAB):
Contact: Customer Service, General Affairs Dept.
Fax: (81-3) 5475-2780
E-mail: please use the enquiry form at http://www.jsa.or.jp/aboutus/query.asp
Website: http://www.jab.or.jp/english/index.html

International Accreditation Japan:
Contact: Quality Manager
Tel: (81-3) 3481-1946
Fax: (81-3) 3481-1937
E-mail: iajapan-qm@nite.go.jp
Website: http://www.iajapan.nite.go.jp/iajapan/en/index.html

Foreign Registered Conformity Assessment Bodies in Japan:
http://www.meti.go.jp/english/policy/denan/procedure/07.htm

Japan Accreditation System for Product Certification Bodies:
http://www.jisc.go.jp/eng/index.html

Japan National Institute of Technology and Evaluation:
http://www.nite.go.jp/index-e.html

Specified Measurement Laboratory Accreditation Scheme:
http://www.iajapan.nite.go.jp/mlap/en/top.html

Japan National Laboratory Accreditation System:
http://www.iajapan.nite.go.jp/jnla/en/index.html

Japan Calibration Service System:
http://www.iajapan.nite.go.jp/jcss/en/index.html

Accreditation System of National Institute of Technology and Evaluation:
http://www.iajapan.nite.go.jp/asnite/en/index.html

Third-party Conformity Assessment for Electrical Products in Japan:
http://www.meti.go.jp/english/policy/denan/procedure/index.htm

Japanese Draft Standards, Regulations and Public Comment:
http://search.e-gov.go.jp/servlet/Public

Japan's National Gazette (*Kanpō):*
http://kanpou.npb.go.jp (Japanese only)

For Japanese technical regulations notified to the WTO, sign up for the U.S. National Institute of Standards and Technology (NIST) "Notify U.S." service at:
http://www.nist.gov/notifyus

Questions on standards related issues specific to Japan can be addressed to:

Mark Wildman
Commercial Attaché
Commercial Section, U.S. Embassy Tokyo
Phone: + 81-3-3224-5070
Email: Mark.Wildman@trade.gov

Trade Agreements

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As of August 2011, Japan had entered into economic partnership agreements (EPAs) with 10 countries: Brunei, Chile, Indonesia, Malaysia, Mexico, Singapore, Switzerland, Thailand, the Philippines and Vietnam and India. Also, an agreement between Japan and the Republic of Peru was reached in May 2011. In addition to bilateral agreements, Japan and the Association of Southeast Asian Nations (ASEAN) have also entered into an agreement (April 2008) on a Comprehensive Economic Partnership. EPAs are currently being negotiated with the Republic of Korea and Australia. Additionally, Japan is negotiating an FTA with the Cooperation Council for the Arab States of the Gulf. The Cabinet's "Basic Policy on Comprehensive Economic Partnerships" announced November 6, 2010, calls on the Japanese government to achieve the earliest possible conclusion of its FTA negotiations with Australia, the European Union, and the Republic of Korea. Under the Basic Policy, Japan has also initiated consultations with the nine member economies of the Trans-Pacific Partnership about possibly joining this multilateral free trade agreement. Additional information on Japan's trade agreements

can be found on the Ministry of Foreign Affairs website at:
http://www.mofa.go.jp/policy/economy/fta/index.html

For information on sector-specific agreements between the United States and Japan visit the Department of Commerce Market Access and Compliance Japan website:
http://www.mac.doc.gov/japan/sector-specific/sector-specific.htm

Japan is a full member of the World Trade Organization (WTO). For more information on Japan and the WTO visit: http://www.wto.org/english/thewto_e/countries_e/japan_e.htm

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Japanese import clearance and customs procedures:

Japanese Customs:

Japanese Ministry of Finance/Japan Customs
http://www.customs.go.jp/english/

Customs Counselors System in Japan
http://www.customs.go.jp/zeikan/seido/telephone_e.htm

Japan Tariff Association
http://www.kanzei.or.jp/english

U.S. export control procedures:

U.S. Department of Commerce
Bureau of Industry and Security (BIS)
http://www.bis.doc.gov

(for defense-related articles)
U.S. Department of State
Office of Defense Trade Controls
http://www.pmddtc.state.gov

(for current U.S. embargo information)
U.S. Department of the Treasury
Office of Foreign Assets Control
http://www.treas.gov/offices/enforcement/ofac

Obtaining a temporary-entry *carnet:*

United States Council for International Business
Local Offices — http://www.uscib.org
http://www.atacarnet.com

Standards (key organizations; see also “Standards Contacts” above):

Japan Industrial Standards Committee (JISC)

http://www.jisc.go.jp/eng/index.html

International Accreditation Japan (IAJapan)
http://www.nite.go.jp/asse/iajapan/en/index.html

Japan Accreditation Board for Conformity Assessment (JAB)
http://www.jab.or.jp/english/index.html

Public comment on Japanese government regulations:

(for finalized technical regulations and standards)
Japan National Gazette (*Kanpō*)
http://kanpou.npb.go.jp (Japanese only)

Japanese Import Standards and Regulations:

Japan External Trade Organization (JETRO)
http://www.jetro.go.jp/en/market/regulations/index.html

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Chapter 6: Investment Climate

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Openness to Foreign Investment

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Japan is the world's third largest economy, the United States' fourth largest trading partner, and an important destination for U.S. foreign direct investment (FDI). The Government of Japan explicitly promotes inward FDI and has established formal programs to attract it. The Japanese government's commitment to implement policies to improve the climate for foreign investment, however, has been uneven. Japan's stock of FDI, as a percentage of gross domestic product (GDP), stood at 3.7 percent at the end of 2010 and was expected to remain well under 4.0 percent through calendar 2011. While outbound investment surged during 2011 as Japanese firms embarked on a record-setting year of mergers and acquisitions (M&A) activity abroad, investment activity inside Japan continued at a low level, down significantly from that before the economic downturn that began in 2008. Final 2010 statistics for FDI in Japan show a net outflow of about $1.4 billion for the calendar year, and provisional figures for the nine months through September 2011 indicated an outflow of $1.2 billion and suggested that this trend may continue.

Beginning with the economic downturn of 2008-2009, Japan's broader economy and political world have witnessed significant upheaval. Following the economy's recovery and positive growth in 2010, as global demand expanded, in March 2011 Japanese growth ground to a halt as the nation experienced its worst crisis since 1945. On March 11, 2011, a 9.0 earthquake off of the coast of Northeastern Japan (Tohoku) unleashed a deadly tsunami that overwhelmed defenses and devastated many coastal areas in the

region facing the Pacific Ocean. The resulting damage brought numerous Japanese business operations to a temporary halt and disrupted global supply chains. Moreover, a nuclear accident at the Fukushima Daiichi Nuclear Power Station, also resulting from the tsunami, led to shortages of electric power in the Tokyo area and forced both the government and businesses to implement emergency power-saving measures. In the aftermath of these disasters, the government made economic recovery and reconstruction its first priority. Imposition of new safety checks temporarily closing many other nuclear power plants and a reassessment of the nation's energy policy have also added a new dimension to national discussion of economic policy.

The economy featured prominently in both the lower house parliamentary election of August 2009 and the upper house election of July 2010. While the Democratic Party of Japan (DPJ) won the former, sending the long-ruling Liberal Democratic Party (LDP) into the opposition, the DPJ and its coalition partner failed to win the majority they sought in 2010. One consequence of this divided political outcome has been legislative gridlock. The DPJ's outright majority in the lower house of the National Diet ensures that it can continue to lead the government, but the absence of a majority in the upper house complicates the task of policymaking for the governing coalition. The March 2011 disasters interrupted consideration of new policy initiatives such as Japan's New Growth Strategy, announced in 2010. A basic objective of the policy is to position Japan as base for international firms' Asian operations and their research and development (R&D) functions. Following the resignation of Prime Minister Kan and the formation of a new DPJ-led government under Yoshihiko Noda in September 2011, the government pledged to reassess its growth strategy, among other policies, in light of the new conditions facing Japan.

The Ministry of Economy Trade and Industry (METI) and the quasi-governmental Japan External Trade Organization (JETRO) are the lead agencies responsible for assisting foreign firms wishing to invest in Japan. Many prefectural and city governments also have active programs to attract foreign investors, but they lack many of the financial tools U.S. states use to attract investment.

Risks associated with investment in many other countries, such as expropriation and nationalization, are not of concern in Japan. The Japanese Government does not impose export balancing requirements or other trade-related FDI measures on firms seeking to invest in Japan.

Japan ranked 14 on Transparency International's Corruption Perceptions Index in 2011, with a score of 8.0 based on 12 surveys. The World Bank ranked Japan number 20 on its Ease of Doing Business 2012 report, covering the period June 2010 through May 2011. The 2011 Index of Economic Freedom compiled by the Heritage Foundation ranked Japan number 20, with a score of 72.8 or mostly free.

Measure	**Year**	**Index/Ranking**
TI Corruption Perceptions Index	14	2011
Heritage Economic Freedom	20	2011
World Bank Doing Business	20	2012

In addition to business considerations relevant to investing in a mature economy with an aging population, foreign investors seeking a presence in the Japanese market, or to acquire a Japanese firm through corporate takeover, face a number of unique

challenges, many of which relate more to prevailing practices comprising the business environment rather than government regulations. The most notable are:

- A highly insular and consensual business culture that is resistant to hostile mergers and acquisitions (M&A) and prefers to do business, especially M&A transactions, with familiar corporate partners;
- A lack of independent directors on most company boards;
- Cross-shareholding networks among listed corporations in which shares are held for non-economic reasons resulting in a minimal float of available common stock relative to total capital;
- Exclusive supplier networks and alliances between business groups that can restrict competition from foreign firms and domestic newcomers,
- Cultural and linguistic challenges; and
- Labor practices that inhibit labor mobility, suppress productivity, and negatively affect skill development.

The U.S. and Japanese governments have discussed these issues bilaterally under several different initiatives, the most recent of which were announced on November 13, 2010 against the backdrop of Japan hosting the Asia-Pacific Economic Cooperation (APEC) forum in 2010 and the United States doing so in 2011. In 2011 the three economic policy dialogues serving as the principal fora for discussing issues relating to the investment environment were: the U.S.-Japan Economic Harmonization Initiative, the U.S.-Japan Dialogue to Promote Innovation, Entrepreneurship and Job Creation; and the U.S.-Japan Policy Cooperation Dialogue on the Internet Economy.

Future bilateral engagement will also occur in the context of a new initiative for the economic integration of the Asia-Pacific region in the form of the Trans-Pacific Partnership (TPP) free trade agreement currently being negotiated among the United States and eight other countries (Singapore, New Zealand, Brunei, Chile, Australia, Peru, Vietnam, and Malaysia). On November 12, 2011, leaders of these nine countries announced the outline of the TPP following a summit meeting hosted by the United States in Honolulu, Hawaii. Japan, Canada and Mexico also announced their interest in entering into consultations toward participating in the TPP negotiations. As of the end of 2011, the Office of the U.S. Trade Representative was receiving public comments pursuant to announcement in the *Federal Register* as part of its domestic stakeholder and Congressional consultation process to consider this interest.

Legal Reform Facilitates M&A Activity

In recent years, reforms in the financial, communications, and distribution sectors have encouraged foreign investment in these industries. The 2005 Companies Act, an amended bankruptcy law, and the 2007 Financial Instruments and Exchange Law helped increase the attractiveness of Japan as a destination for FDI. The most significant legislative change was the substantial revision of Japan's corporate-related law. The changes enacted in 2005 significantly expanded the types of corporate structures available in Japan as well as the variety of M&A transactions available for corporate consolidation and restructuring.

The 2007 Financial Instruments and Exchange Law (amended in 2008) established a flexible regulatory system for financial markets and applies a uniform set of rules for

similar financial instruments. At the same time, the law allows brokers and financial advisors to treat investors differently, depending on whether they are deemed "professional" investors (assumed to be capable of more sophisticated investment strategies and requiring less protection and disclosure) or "general", i.e., retail investors. Brokerage firms must provide the latter with detailed disclosure of risks related to different types of financial products at the time of offering.

The structural reforms, revisions to Japan's legal code, and pro-active Japanese government policies to welcome FDI and promote corporate restructuring of the past decade have increased foreign investment in Japan through merger and acquisition activity. The numbers have generally tracked the performance of the broader economy, coming down as Japan's economy has struggled since 2008. Whereas M&A transactions in Japan numbered approximately 800 in 1998, they stood at about 1,687 transactions in 2011, a 1.2 percent decline from the previous year, according to estimates by RECOF, a Tokyo-based M&A consultancy. The majority of these mergers were domestic transactions, but transactions involving foreign counterparts have also increased. The number of takeover bids (TOB) in Japan exceeded 100 for the first time in 2007. TOBs amounted to 51 between January and November 2011 according to RECOF. The total value of M&A deals involving Japanese companies in 2011 was 10.5 trillion yen, up 57.8 percent from the previous year. Japanese M&A directed at foreign companies amounted to 6.27 trillion yen during the same period, accounting for 59.7 percent of the total and up 71 percent from 2010, according to RECOF.

While inflows from the United States and Asia declined during 2010, inflows from Europe increased during the same period (Table 2). Despite the increase in FDI since the mid-1990s, Japan continues to have the lowest foreign direct investment as a proportion of GDP ratio of any major OECD member. On a yen basis, FDI stock in Japan as of December 2010 was ¥17.5 trillion, (3.7 percent of GDP), according to Bank of Japan (BOJ) statistics.

Meanwhile, as the 2011 figures above indicate, a significant imbalance between inward and outward FDI persists. Japanese companies' large cash holdings combined with low global equity values and the strengthening of the yen supported increased outbound FDI activity. Notwithstanding this imbalance between inward and outward FDI, and the increase in outbound M&A activity, Japan's outward FDI as a percentage of GDP remains among the lowest of major OECD members.

Limited Sector-specific Investment Restrictions Remain

Japan has gradually eliminated most formal restrictions governing FDI. One important restriction remaining in law limits foreign ownership in Japan's former land-line monopoly telephone operator, Nippon Telegraph and Telephone (NTT), to 33 percent. Japan's Radio Law and Broadcasting Law also limit foreign investment in broadcasters to 20 percent, or 33 percent for broadcasters categorized as facility-supplying. Foreign ownership of Japanese companies invested in terrestrial broadcasters will be counted against these limits. These limits do not apply to communication satellite facility owners, program suppliers or cable television operators.

In 2009, the Experts Advisory Council on Airport Infrastructure proposed a bill that would limit non-governmental investment at Narita International Airport to 20 percent, but the bill was eventually removed from the docket. The Ministry of Land, Infrastructure,

Transport and Tourism (MLIT) is expected to begin new discussions by March 2012 on the possibility of further privatization of Narita Airport. The GOJ will establish an "Action Plan of Airport Management Reform" by the summer of 2012, based on the proposals in the MLIT Airport Administration Study Group report completed in July 2011. According to press reports, the GOJ will submit a bill to the Diet in January 2012 that would allow private firms to manage 27 airports that are currently managed by the GOJ, including larger airports like Sendai and Hiroshima.

The Foreign Exchange and Foreign Trade Act governs investment in sectors deemed to have national sovereignty or national security implications. In most cases, foreign investors need only report transactions to the Minister for Finance and the minister having jurisdictions over the business through the Bank of Japan within 15 days of acquiring more than 10 percent of the shares in a publicly listed company or any shares of a closely held company. However, if a foreign investor wants to acquire over 10 percent of the shares of a listed company in certain designated sectors, it must provide prior notification (and thus obtain specific approval) of the intended transaction to the Minister of Finance and the minister that regulates the specific industry. Designated sectors include agriculture, aerospace, forestry, petroleum, electric/gas/water utilities, telecommunications, and leather manufacturing. Amendments to the prior notification and reporting requirements under the law, effective in 2009, reduced the administrative burden on foreign investors so as to facilitate inward investment.

Several sections of the Japanese Anti-Monopoly Act (AMA) are relevant to FDI. Chapter Four of the AMA includes extensive anti-trust provisions pertaining to international contract notification (article 6), shareholdings (articles 10, 11 and 14), interlocking corporate directorates (article 13), mergers (article 15), and acquisitions (article 16). The stated purpose of these provisions is to restrict shareholding, management, joint venture, and M&A activities that may constitute unreasonable restraints on competition or involve unfair trade practices. The Japanese Government has emphasized these provisions are not intended to discriminate against foreign companies or discourage FDI.

Amendments to the AMA, effective January 1, 2010, improved the climate for M&A by clarifying the pre-merger review process and significantly raising the thresholds for pre-merger reporting to antitrust authorities. The amendments make share acquisitions subject to the same pre-merger notification rules as mergers and asset acquisitions. The thresholds for notification rose to apply when the domestic sales amount of any one of the parties exceeds 20 billion yen and the domestic sales amount of another one of the parties exceeds 5 billion yen. The 20 billion yen threshold can be applied for either the acquirer or the target company, and likewise the 5 billion yen threshold. Also these can apply in the case where more than two companies are involved in the merger. The amendments also expanded the scope of exemptions from notification.

Limitations on Facility Development and Availability of Investment Real Estate

Aiming to increase the liquidity of Japanese real estate markets, the government in recent years has progressively lowered capital gains, registration, and license taxes on real estate. It also reduced inheritance and gift taxes to promote intergenerational transfer of land and other real assets. Japan's real estate sector experienced a painful contraction following the credit crunch of 2008 as prices declined. The real estate market, particularly for premium properties, rebounded in 2010, after the Bank of Japan (BOJ) announced its intention to buy real estate investment trust (REIT) shares. The

small number of large real estate deals between unrelated parties, however, continues to impede recovery of the real estate market. Additionally, U.S. investors have reported that activities of criminal elements have interfered with real estate transactions in Japan, particularly those involving distressed assets.

Japan continues restricting development of retail and commercial facilities in some areas to prevent excessive concentration of development in the environs of Tokyo, Osaka, and Nagoya, and to preserve agricultural land. Conversely, many prefectural governments outside the largest urban areas make available property for development in public industrial parks. Japan's zoning laws give local officials and residents considerable discretion to screen almost all aspects of a proposed building. In some areas, these factors have hindered real estate development projects and led to construction delays and higher building costs, in particular in cases where proposed new retail development would affect existing businesses.

Japanese law permits marketing of REITs and mutual funds that invest in property rights. As of December 2011, there are 34 REITs listed on the Tokyo Stock Exchange (TSE). The Tokyo Stock Exchange's index tracking real estate investment trusts (REITs) dropped in 2011, falling below the lowest level for 2010 despite expenditure of about 66.5 billion yen by the Bank of Japan under an asset-purchasing program begun in October 2010, whose targets include REITs.

Corporate Tax Treatment

Local branches of foreign firms are generally taxed only on corporate income derived within Japan, whereas domestic Japanese corporations are taxed on their worldwide income. Calculations of taxable income and allowable deductions, and payments of the consumption tax (sales tax) for foreign investors are otherwise the same as those for domestic companies. Corporate tax rules classify corporations as either foreign or domestic depending on the location of their "registered office," which may be the same as -- or a proxy for -- the place of incorporation.

The current U.S.-Japan bilateral tax treaty allows Japan to tax the business profits of a U.S. resident only to the extent those profits are attributable to a "permanent establishment" in Japan. It also provides measures to mitigate double taxation. This "permanent establishment" provision combined with Japan's currently high 40 percent corporate tax rate serves to encourage foreign and investment funds to keep their trading and investment operations off-shore.

Cross-border dividends on listed stock are not subject to source country withholding tax if the parent company owns 50 percent or more of the foreign subsidiary. Interest on financial transactions payable to a nonresident and royalties paid to a foreign licensor are no longer subject to source country withholding tax. A special tax measure allows designated inward investors to carry over certain losses for tax purposes for ten years rather than for the normal five years. The government implemented an exemption for foreign investors from paying taxes on interest income (previously 15 percent) on corporate bonds, fiscal loan and investment program bonds and those issued by the Japan Finance Organization for Municipalities in June 2010.

The option of consolidated taxation is available to corporations. The purpose of these rules is to facilitate investment and corporate restructuring, because losses usually

expected from a new venture or recently acquired subsidiary can be charged against the profits of the parent firm or holding company.

Investment Incentives

Since 2001, the Japanese Government has sought to revitalize the country's economy, in part by increasing inward FDI. Policies and programs to achieve this goal have changed over time. As of the end of 2011, the GOJ was reassessing to take into account the impact of the March 11, 2011 earthquake and related disasters, focusing especially on updating its New Growth Strategy, initially unveiled on June 18, 2010. On December 21, 2011, the Ministry of Economy, Trade and Industry (METI) announced that it would offer investment incentives to ten foreign companies (including three firms based in the United States) to establish high-value-added business operations in Japan. This program forms part of a larger program to promote Asian site location in Japan by firms with global operations.

JETRO operates six Invest Japan Business Support Centers in major urban areas to provide investment-related information and "one-stop" support services to foreign companies interested in investing in Japan. (Detailed information is available at http://www.jetro.go.jp/en/invest.) Most national level ministries also have information desks to help guide potential investors in navigating Japanese Government administrative procedures.

Many city or regional governments work to attract foreign capital through outreach to prospective foreign investors, business start-up support services, and limited financial incentives. JETRO supports local government investment promotion efforts. Detailed information on local and regional FDI promotion programs is available in English on the JETRO website (www.jetro.org).

Post-Disaster Reconstruction Policy and Special Zone Legislation

The National Diet has allocated 15.1 trillion yen (about $193.5 billion) for reconstruction of the Tohoku region that was devastated by the March 11, 2011 earthquake and tsunami. This figure combines various supplementary budgets for reconstruction, and includes major portions for rebuilding infrastructure, and various grant programs -- some to be administered by local governments. The reconstruction plan calls for local governments to create their own recovery plans. While the central government insists that Tohoku reconstruction will be open to the world, it currently has no plans to consolidate information on local projects or the business opportunities associated with them.

Similarly, while the National Diet passed legislation designating the Tohoku region an area for reconstruction, the decisive role of local governments in formulating reconstruction plans and the accompanying special zones for implementation of selected measures means there will be many different special zones rather than one single zone. The special economic zones legislation includes 222 municipalities in the 11 prefectures of the affected region. Local municipalities may choose from a given menu of regulatory, tax relief, and other measures from which to craft special economic zones specific to their needs. Another key aspect of the special measures is the possibility to rezone agricultural, residential, and industrial areas to fit local plans. Each locality has decided or will determine the aspects of its own special zone, so tax incentives and relaxed

zoning may vary from locality to locality. Companies wishing to assist in Tohoku recovery should be aware that despite emergent circumstances, access to Japanese markets will not be automatically opened by central government fiat, and companies should still seek a Japanese partner to negotiate the various zones and search for opportunities through the diverse proposals presented by local governments.

The Reconstruction Agency to be established in February 2012 maintains a website with some information regarding reconstruction status at http://www.reconstruction.go.jp/english/

Conversion and Transfer Policies

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Generally, all foreign exchange transactions to and from Japan -- including transfers of profits and dividends, interest, royalties and fees, repatriation of capital, and repayment of principal -- are freely permitted. Japan maintains an ex-post facto notification system for foreign exchange transactions that prohibits specified transactions, including certain foreign direct investments (e.g., from countries under international sanctions) or others that are listed in the appendix of the Foreign Exchange and Foreign Trade Control Law.

Japan is an active partner in combating terrorist financing. In coordination with other OECD members, Japan has strengthened due-diligence requirements for financial institutions, and has had a "Know Your Customer" law since 2002. Customers wishing to make cash transfers exceeding ¥100,000 (about $1,300) must do so through bank clerks, not ATMs, and must present photo identification. However, Japan is still working to rectify deficiencies noted in the 2008 FATF evaluation of Japan's anti-money-laundering and terrorist finance regime, particularly on customer due diligence, international cooperation, freezing terrorist assets, and criminalizing terrorist finance.

Expropriation and Compensation

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In the post-war period, the Japanese Government has not expropriated or nationalized any enterprises, with the exception of the 1998 nationalization of two large Japanese capital-deficient banks and the 2002 nationalization of two failed Japanese regional banks as part of the government's efforts to clean up the banking system after its near collapse in 1998.

Similarly, public discussion since March 2011 of the possibility of nationalizing the Tokyo Electric Power Company (TEPCO) has occurred only against the highly unusual backdrop of the company being the operator of the Fukushima Daiichi Nuclear Power Station, which experienced a level 7 accident on the International Nuclear and Radiological Event Scale (INES), the most serious category on the scale. Expropriation or nationalization of foreign investments in Japan is extremely unlikely.

Dispute Settlement

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There have been no major bilateral investment disputes since 1990. There have been no cases of international binding arbitration of investment disputes between foreign investors and Japan's Government since 1952. Japan is a member of the 1958 New

York Convention on the Recognition and Enforcement of Foreign Arbitration Awards. Nevertheless, Japan is considered an inhospitable forum for international commercial arbitration.

There are no legal restrictions on foreign investors' access to Japanese lawyers and reforms in the legal services sector and the judicial system have increased the ability of foreign investors to obtain international legal advice related to their investments in Japan. Japan does, however, retain certain restrictions on the ability of foreign lawyers to provide international legal services in Japan in an efficient manner. Only individuals who have passed the Japanese Bar Examination and qualified as Japanese lawyers (*bengoshi*) may practice Japanese law. However, under Japan's Foreign Legal Practitioner system foreign qualified lawyers may establish Japanese/foreign joint legal enterprises (*gaikokuho kyodo jigyo)* and provide legal advice and integrated legal services on matters within the competence of its members. Foreign lawyers qualified under Japanese law (*gaiben*), may provide advice on international legal matters. *Gaiben* and *bengoshi* in joint enterprises can adopt a single law firm name of their choice and may determine the profit allocation among them freely and without restriction. However, foreign lawyers are unable to form professional corporations in the same manner as Japanese lawyers and are prohibited from opening branch offices in Japan. *Gaiben* may hire Japanese lawyers to work directly with them or in a joint legal enterprise or in a Foreign Japanese Joint Legal Office (*gaikokuho-jimu-bengoshi jimusho)* composed of multiple *gaiben*. The Japanese government has adopted a long term goal of increasing the number of legal professionals who pass the Bar Examination to 3,000 per year by 2010. While the number did not reach the government's goal in 2010 (standing at about 2,000 in 2010 and 2011), it has increased substantially in comparison to prior years. Media sources have reported that some in the legal community have argued the increase has caused problems for the profession and have called for reducing the number who pass the Bar Examination.

Japan’s civil courts enforce property and contractual rights and do not discriminate against foreign investors. Japanese courts, like those in other countries, operate rather slowly and experience has shown them sometimes ill-suited for litigation of investment and business disputes. Japanese courts lack powers to compel witnesses to testify or a party to comply with an injunction. Timely temporary restraining orders and preliminary injunctions are difficult to obtain. Filing fees are based on the amount of the claim, rather than a flat fee. Lawyers usually require large up-front payments from their clients before filing a lawsuit, with a modest contingency fee, if any, at the conclusion of litigation. Contingency fees familiar in the U.S. are relatively uncommon. A losing party can delay execution of a judgment by appealing. In appeals to higher level courts, additional witnesses and other evidence may be allowed.

Japan's Alternative Dispute Resolution (ADR) law provides a legal framework for arbitration, including international commercial arbitration. Foreign lawyers qualified under Japanese law can represent parties in ADR proceedings taking place in Japan in which one of the parties is foreign or foreign law is applicable, at least to the extent such representation is not inconsistent with Japanese law. The United States continues to urge Japan to promote alternative dispute resolution mechanisms by ensuring that *gaiben* and non-lawyer experts can act as neutrals in international arbitration or other international ADR proceedings in Japan, in whole or in part, regardless of the governing law or matter in dispute.

Courts have the power to encourage mediated settlements and there is a supervised mediation system. However, this process is often time-consuming and judges transfer frequently, so continuity is often lost. As a result, it is common for companies to settle cases out of court.

Performance Requirements and Incentives

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Japan does not maintain performance requirements or requirements for local management participation or local control in joint ventures.

Right to Private Ownership and Establishment

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Foreign and domestic private enterprises have the right to establish and own business enterprises and engage in all forms of remunerative activity.

However, the 2005 Companies Act includes a provision -- Article 821 -- which creates uncertainty among foreign corporations that conduct their primary business in the Japanese market through a branch company. As written, Article 821 appears to prohibit branches of foreign corporations from engaging in transactions in Japan "on a continuous basis." The Japanese Diet subsequently issued a clarification of the legislative intent of Article 821 that makes clear the provision should not apply to the activities of legitimate entities. However, some legal uncertainty remains, particularly with respect to possible private litigation against directors and officers of affected firms. The U.S. Government has urged that Japan revoke Article 821 or more formally clarify its meaning. The Japanese government has undertaken to ensure Article 821 will not adversely affect the operations of foreign companies duly registered in Japan and conducting business in a lawful manner.

Protection of Property Rights

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In general, Japan maintains a strong intellectual property rights (IPR) regime, but there are costs and procedures of which prospective investors should be aware. Companies doing business in Japan are encouraged to be clear about all rights and obligations with respect to IPR in any trading or licensing agreements. Explicit arrangements and clear understanding between parties will help to avert problems resulting from differences in culture, markets conditions, legal procedures, or business practices.

Registering Patents, Trademarks, Utility Models and Designs: The IPR rights holder must register patents and trademarks in order to ensure protection in Japan. Filing the necessary applications requires hiring a Japanese lawyer or patent practitioner *(benrishi)* registered in Japan to pursue the patent or trademark application. A U.S. patent or trademark attorney may provide informal advice, but is not able to perform some required functions.

While patent and trademark procedures in Japan have historically been costly and time-consuming, the GOJ has made strides to improve procedures in recent years. Specific complaints included the weaknesses of Japanese enforcement and legal redress, for

example, that judges are not adequately trained or that court procedures do not adequately protect business-confidential information required to file a case. In response, Japan's government has revised the law and continues to take steps to address these concerns and it is becoming easier and cheaper to obtain patent and trademark protection. Procedures have been simplified, fees cut, and an IPR court has been established. Courts have strengthened rules to protect sensitive information and the government has established criminal penalties for inappropriate use of sensitive information used in court or administrative proceedings.

Prompt filing of patent applications is very important. Printed publication of a description of the invention anywhere in the world, or knowledge or use of the invention in Japan, prior to the filing date of the Japanese application, could preclude the granting of a patent. Japan grants patents on a first-to-file basis. It accepts initial filings in English (to be followed by a Japanese translation), but companies should be careful as translation errors can have significant negative consequences. Unlike the United States, where examination of an application is automatic, in Japan an applicant must request examination of a patent application within three years of filing.

The Japanese Patent Office (JPO) publishes patent applications 18 months after filing, and if it finds no impediment to granting a patent, publishes the revised application a second time before the patent is granted. The patent is valid for 20 years from the date of filing. Currently, the law allows parties to contest the terms of a patent after issuance (for up to six months), rather than prior to registration as was the previous practice.

Patent Prosecution Highway: The Patent Prosecution Highway (PPH) is a noteworthy development for U.S. firms seeking patent protection in Japan. Becoming operational January 4, 2008, after an 18-month pilot program, the PPH allows filing of streamlined applications for inventions determined to be patentable in other participating countries and is expected to reduce the average processing time. The program, which is based on information sharing between national patent offices and standardized application and examination procedures, should reduce costs and encourage greater utilization of the patent system.

Trademarks, Utility Models, and Designs: Japan's Trademark Law protects trademarks and service marks and, like patent protection, requires registration by means of an application filed by a resident agent (lawyer or patent agent). As the process takes time, firms planning on doing business in Japan should file for trademark registration as early as practicable. Japan is a signatory of the Madrid Protocol. Trademarks registered at the WIPO Secretariat are protected among all member countries.

Japan's Utility Model Law allows registration of utility models (a form of minor patent) and provides a 10-year term of protection. Under a separate design law, effective April 2007, protection is available for designs for a 20-year term from the date of registration.

Semiconductor chip design layouts are protected for 10 years under a special law, if registered with the Japanese "Industrial Property Cooperation Center" -- a government-established public corporation.

Unfair Competition and Trade Secrets: The Unfair Competition Prevention Law provides for protecting trademarks prior to registration. The owner of the mark must demonstrate that the mark is well known in Japan and that consumers will be confused by the use of

an identical or similar mark by an unauthorized user. The law also provides some protection for trade secrets, such as know-how, customer lists, sales manuals, and experimental data. Recent amendments to the law provide for injunctions against wrongful use, acquisition or disclosure of a trade secret by any person who knew, or should have known, the information in question was misappropriated. Criminal penalties were also strengthened. In May 2011, the GOJ enacted a partial amendment to the Unfair Competition Prevention Law that protects trade secrets from being disclosed during court trials and makes it illegal to sell items designed to circumvent technological protection measures, even if the device has other legal uses. Both of these changes address specific issues of concern with the previous law. The partial amendment came into enforcement on December 1, 2011.

Copyrights: In conformity with international agreement, Japan maintains a non-formality principle for copyright registration -- i.e., registration is not a pre-condition to the establishment of copyright protection. However, the Cultural Affairs Agency maintains a registry for such matters as date of first publication, date of creation of program works, and assignment of copyright. United States copyrights are recognized in Japan by international treaty.

Transparency of Regulatory System

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The Japanese economy continues to suffer from over-regulation, which can restrain potential economic growth, raise the cost of doing business, restrict competition, and impede investment. It also increases the costs for Japanese businesses and consumers. Over-regulation underlies many market access and competitive problems faced by U.S. companies in Japan.

The United States has for several years called on Japan to make improvements in its regulatory system to support domestic reform efforts and ensure universal access to government information and the policymaking process.

The Japanese government has taken steps to improve its public comment procedures, but these improvements are not uniform throughout the government. The United States continues to urge Japan to apply consistently high transparency standards, including by issuing new rules to ensure transparency and access for stakeholders in the rulemaking process; by allowing effective public input into the regulatory process; and by giving due consideration to comments received. The United States also has asked Japan to lengthen its public comment period and to require ministries and agencies to issue all new regulations or statements of policy in writing or provide applicable interpretations to interested stakeholders in plain language.

In the financial sector, the Financial Services Agency (FSA) has made efforts to expand the body of published written interpretations of Japan's financial laws, and has improved outreach to the private sector regarding these changes.

The United States has engaged in bilateral working-level discussions since 2002 in an effort to encourage the Japanese Government to promote deregulation, improve competition policy, and administrative reforms that could contribute to sustainable economic growth, increase imports and foreign direct investment into Japan. The National Trade Estimate Report on Foreign Trade Barriers, issued by the Office of the

U.S. Trade Representative (USTR), contains a description of Japan's regulatory regime as it affects foreign exporters and investors.

Efficient Capital Markets and Portfolio Investment

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Japan maintains no formal restrictions on inward portfolio investment and foreign capital plays an important role in Japan's financial markets. However, many company managers and directors resist the actions of activist shareholders, especially foreign private equity funds, potentially limiting the attractiveness of Japan's equity market to large-scale foreign portfolio investment. Nevertheless, some firms have taken steps to facilitate the exercise of shareholder rights by foreign investors, including the use of electronic proxy voting. The Tokyo Stock Exchange (TSE) maintains an Electronic Voting Platform for Foreign and Institutional Investors in which more than 390 listed companies participate as of December 2011. All holdings of TSE-listed stocks are required to transfer paper stock certificates into electronic form.

The TSE has stepped up efforts to attract investors. Following receipt of a license from the FSA on May 29, 2009, the TSE launched Tokyo AIM, a new equity market for venture firms, in cooperation with the London Stock Exchange, however as of the end of 2011 it had only attracted one listing. Japan's stock exchanges face competitive pressures, however. 49 firms delisted from the TSE in 2010, according to the TSE. Other major stock exchanges in Asia -- including Taiwan, Hong Kong, Seoul, and Singapore – continue to seek stock listings by Japanese companies, and media reports indicate that some Japanese firms chose to conduct initial public offerings of shares offshore.

Environment for Mergers and Acquisitions: Japan's aversion to M&A is receding gradually, accelerated by the unwinding of previously extensive corporate cross-shareholding networks between banks and corporations in the same business family, improved accounting standards, and government mandates that began in the late 1990s that require banks divest cross-holdings above a set threshold. The majority of M&A over the past decade has been driven by the need to consolidate and restructure mature industries or in response to severe financial difficulties.

Friendly transfer of wholly-owned or majority-owned subsidiaries remains by far the more common form of M&A in Japan. Similarly, unlisted owner-operated firms -- which traditionally would only sell out as a last resort before bankruptcy -- are becoming more amenable to acquisition, including by foreign investors. Nevertheless, there remains a strong preference among Japanese managers and directors for M&A that preserves the independence of the target company. If companies are forced to seek an acquirer, they are often most comfortable merging with a firm with which they have a pre-existing business relationship.

Since the Companies Act, which took effect in 2006, expanded the types of M&A structure available in the Japanese market, many companies adopted defensive measures against hostile takeovers. The most common of these are "advance warning systems" or "poison pill"-type rights distribution plans. In keeping with a trend evident since the economic downturn, the number of "poison pill" and related measures decreased slightly in 2011, down to about 523 from 542 in 2010, with 103 companies abandoning their measures in 2011, according to RECOF. While the financial crisis

reduced the threat of hostile takeovers by reducing available capital, this decline also flowed from intensified criticism of such measures from investors and growing recognition by management that takeover defense plans are not in the interests of either the firm or its shareholders. Nevertheless, a number of technical factors continue to limit greater entry into the Japanese market through M&A. These factors include tax policy, a lack of independent directors, uncertainty regarding tax treatment of certain M&A structures, weak disclosure practices, and a relative shortage of M&A infrastructure in the form of specialists skilled in making matches and structuring M&A deals.

Company Law Revisions: The extensive revision of Japan's Company Law (Commercial Code) in 2005-06 significantly expanded the flexibility of corporate capital structures and increased the types of governance structures available to Japanese firms. The new law, which came fully into force in May 2007, revised and combined Part II of the previous Commercial Code with existing laws governing limited liability companies (*yugen gaisha*) and audits. The law also introduced changes to facilitate start-ups and make corporate structures more flexible, including elimination of minimum capital requirements for joint-stock companies (*kabushiki kaisha*). It merged a number of different corporate structures and created a new structure (*godo kaisha*) modeled on the U.S.-style limited liability company. The Companies Act also permits formation of corporate holding companies in Japan for the first time since World War II. This step has facilitated use of domestic stock swaps in corporate restructuring, through which one party becomes a wholly-owned subsidiary of the other. Japan's tax law now provides special tax treatment and deferral of taxes on such stock-swap transactions at the time of exchange and transfer.

Changes in Corporate Governance: Under the new Companies Act and the Industrial Revitalization Law, publicly traded companies have the option of adopting a U.S.-style corporate governance system instead of the traditional Japanese statutory auditor (*kansayaku*) system of corporate governance. This new system requires the appointment of executive officers and the establishment of a board committee system in which at least the audit, nomination, and compensation committees are composed of a majority of outside directors. Initially available only under the Industrial Revitalization Law and effectively limited to distressed companies, the new Companies Act makes these options available to all listed companies. Companies also can use the Internet or other electronic means to provide notices of annual general meetings or similar communication with shareholders. Where available, shareholders may exercise voting rights electronically and companies are permitted to make required disclosures of balance sheet and other financial information in an electronic format.

Reflecting growing concern within Japan at the time that weaknesses in existing systems of corporate governance were a disincentive for foreign investors, METI and the FSA, studied the issue of introducing more independent voices on corporate boards and issued recommendations in 2009, as reported in detail in 2010 and 2011. Other non-governmental organizations also studied and reported on the matter at about the same time. While the government has not taken further measures to increase the level of independent monitoring and strategic oversight provided by the boards of listed companies, it has continued to study the matter. In 2010 the Ministry of Justice (MOJ) convened a Legislative Advisory Council having the authority to consider amendments to the Companies Act. The Company Act Sub-Committee did not specify a clear scope for its deliberations or signal a commitment to increasing the number of independent members on company boards at the outset, however. TEPCO's failure to take steps that

would have prevented the March 2011 nuclear disaster as well as high-profile scandals at two Japanese firms with globally recognized names that resulted from lax corporate governance sparked renewed interest in corporate governance reform in 2011. In December the MOJ proposed requiring that listed firms have at least one outside director and was soliciting public comment on the proposal as of the end of 2011. Even this proposal, however drew immediate opposition from Keidanren, Japan's leading business lobby.

The TSE implemented new restrictions on private placements to protect the interests of shareholders on August 24, 2009, and published its Listing System Improvement Action Plan on September 29, 2009. The plan sets out steps to enhance corporate governance, improve disclosure, and improve the governance of group companies. On December 24, 2009 the TSE released its revised Principles of Corporate Governance for Listed Companies, the first revision since their formulation in 2004. Points newly added address issues of enhancing corporate governance through enterprise groups, strengthening of statutory auditors' functions, and suitable models of corporate governance. In March 2011, the TSE published the "TSE Listed Companies White Paper on Corporate Governance 2011." A TSE advisory group is still considering improvements of rules. The latest meeting was held on October 18, 2011, after a ten-month interval.

Cross-shareholdings and M&A: Potential foreign investors in Japan frequently point out that cross-shareholding between Japanese listed companies greatly complicates market-based M&A activity and reduces the potential impact of shareholder-based corporate governance. Such cross-shareholding practices allow senior management to put a priority on internal loyalties over shareholder returns and can lead to premature rejection of M&A bids. Traditionally, a company maintained a close relationship with a large-scale commercial bank, known as a "main bank," usually part of the same loose corporate grouping. In return for holding a bloc of the company's shares, the bank provided both regular financing and emergency support if the company ran into financial difficulties. This "main bank" system largely dissolved in the late 1990s as Japan's banking system came close to collapse.

At mid-decade, however, some company boards began rebuilding cross-shareholding networks, this time with suppliers or nominal competitors rather than a commercial bank. While many boards saw such linkages as an effective means of defense against hostile takeovers, the sharp decline in Japanese stock prices in the autumn of 2008 highlighted the risks of this strategy. According to a recent study by Nomura Securities, the cross-shareholding ratio (market value basis) in FY 2010 was a record-low 11.1 percent, a 0.4 percent decline from 2010.

Accounting and Disclosure: Implementation of so-called "Big Bang" reforms since 1998 has significantly improved Japan's accounting standards. Consolidated accounting has been mandatory since 1999 and "effective control and influence" standards have been introduced in place of conventional holding standards, expanding the range of subsidiary and affiliated companies included for the settlement of accounts. Consolidated disclosure of contingent liabilities, such as guarantees, is also mandatory. All marketable financial assets held for trading purposes, including cross-shareholdings and other long-term securities holdings, are recorded at market value.

Companies are required to disclose unfunded pension liabilities by valuing pension assets and liabilities at fair value. Fixed asset impairment accounting, in effect since 2005, requires firms to record losses if the recoverable value of property, plant, or equipment is significantly less than book value.

The greater focus on consolidated results and mark-to-market accounting had a significant effect in encouraging the unwinding of cross-shareholdings and the "main bank" system. Corporate restructuring has taken place, in many cases with companies reducing pension under-funding and banks disposal of many low-yield assets.

In December 2009, the FSA issued an order allowing companies to submit their financial statements based on international accounting standards. This order prepares the legal groundwork for a complete switch to IFRS in the future, but a final decision has been made on the mandatory introduction of IFRS. In June 2011, the FSA announced it would delaying its road map towards adoption of IFRS for publicly traded companies as a result of concerns over additional costs for Japanese companies struggling after the March 11 earthquake. The FSA's road map originally indicated it would be mandatory for Japanese companies to report under IFRS in 2015 or 2016. The FSA said instead there will be a transition period of five to seven years prior to mandatory adoption in order to allow companies sufficient time to prepare for the new reporting standard.

There has been greater disclosure of proxy voting during the past two years. The above-mentioned Financial System Council report issued in June 2009 urged the government to consider introducing legislation similar to the American ERISA law that would spell out the fiduciary duties of pension fund managers to exercise their proxy voting rights on behalf of pension beneficiaries. The report called upon the investment industry to establish rules or other means to require institutional fund managers and other large-scale investors who invest on behalf of retail investors to disclose how they exercise their proxy votes.

Taxation and M&A: Japan's standard tax rate for capital gains is 20 percent. However, under special policy measures intended to stimulate capital markets, Japan applies a special 10 percent capital gains tax rate on the proceeds of sales of listed stocks through 2011 for capital gains of less than ¥5 million and for dividends on listed shares of less than ¥1 million. The temporary cut in the tax rate from 20 percent to 10 percent on capital gains from listed share sales and dividend income is due to expire at the end of December 2011, but the government has proposed an extension through December 2013. In addition, a new tax-free program has been proposed to encourage individual investors to invest in stocks. Under the new program, to be effective from January 2012, combined annual capital gains and annual dividend income of up to ¥1 million will be exempted from income tax during a three-year period (2012-2014). Under a series of special measures Japan adopted to promote venture businesses, if the founding shareholder of a qualified company sells shares in the company a ten percent capital gains tax rate will apply if the sale is made prior to public listing in an M&A transaction and, from 2008, a ten percent rate applies to shares sold by the founding shareholder within three years of listing.

Bankruptcy Laws: An insolvent company in Japan can face liquidation under the Bankruptcy Act or take one of four roads to reorganization: the Civil Rehabilitation Law; the Corporate Reorganization Law; corporate reorganization under the Commercial Code; or an out-of-court creditor agreement.

Japan overhauled its bankruptcy law governing small and medium size firm bankruptcies by enacting the Civil Rehabilitation Law in 2000. The law focuses on corporate restructuring in contrast to liquidation, provides stronger protection of debtor assets prior to the start of restructuring procedures, eases requirements for initiating restructuring procedures, simplifies and rationalizes procedures for the examination and determination of liabilities, and improves procedures for approval of rehabilitation plans. Japan's Corporate Reorganization Law, generally used by large companies, was similarly revised in 2003. Amendments made corporate reorganization for large companies more cost-efficient, speedy, flexible and available at an earlier stage. By removing many institutional barriers to the restructuring process, the new bankruptcy regime accelerated the corporate restructuring process in Japan.

Previously, most corporate bankruptcies in Japan were handled through out-of-court creditor agreements because court procedures were lengthy and costly. Since bankruptcy trustees had limited powers to oversee restructuring meant most judicial bankruptcies ended in liquidation, often at distress prices. Beginning in 2001, a group of Japanese bankruptcy experts published a set of private rehabilitation guidelines, modeled after the UK-based INSOL guidelines, for out-of-court corporate rehabilitation in Japan. Out-of-court settlements in Japan tend to save time and expense, but can sometimes lack transparency and fairness. In practice, because 100 percent creditor consensus is required for out-of-court settlements and the court can sanction a reorganization plan with only a majority of creditors' approval, the last stage of an out-of-court workout is often a request for a judicial seal of approval.

Credit Markets: Domestic and foreign investors have free access to a variety of credit instruments at market rates. Most foreign firms obtain short-term credit from Japanese commercial banks or one of the many foreign banks operating in Japan. Medium-term loans are available from commercial banks or from trust banks and life insurance companies. Large foreign firms tend to use foreign sources for long-term financial needs.

Competition from State Owned Enterprises

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Japan has privatized most former state-owned enterprises. The privatization of the financial companies of the Japan Post group, including Japan Post Bank and Japan Post Insurance, however, remains incomplete. After assuming power in September 2009, the DPJ-led government decided to delay indefinitely the stock sale of these companies. Since April 2010, a package of four bills intended to roll back the 2007 reforms that began the privatization of Japan Post has been pending in the Diet. The government has been unsuccessful in passing these bills and has begun to work with opposition parties to address their concerns and perhaps amend the current law rather than pass new legislation. The U.S. Government has continued to raise concerns about the preferential treatment that Japan Post entities receive compared to private sector competitors and the impact of these advantages on the ability of private companies to compete on a level playing field.

Japan does not have any sovereign wealth fund (SWF).

Corporate Social Responsibility

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Awareness of corporate social responsibility among both producers and consumers in Japan is high and growing, and foreign and local enterprises generally follow accepted CSR principles. Business organizations also actively promote CSR.

Political Violence

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Political violence is rare in Japan. Acts of political violence involving U.S. business interests are virtually unknown.

Corruption

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Japan's penal code covers crimes of official corruption. An individual convicted under these statutes is, depending on the nature of the crime, subject to prison sentences up to three years and possible fines up to ¥2.5 million (for the offering party), or prison sentences up to seven years and mandatory confiscation of the monetary equivalent of the bribe (for the recipient). With respect to corporate officers who accept bribes, Japanese law also provides for company directors to be subject to fines and/or imprisonment, and some judgments have been rendered against company directors.

Although the direct exchange of cash for favors from government officials in Japan is extremely rare, some have described the situation in Japan as "institutionalized corruption." The web of close relationships between Japanese companies, politicians, government organizations, and universities has been said to foster an inwardly-cooperative business climate that is conducive to the awarding of contracts, positions, etc. within a tight circle of local players. This phenomenon manifests itself most frequently and most seriously in Japan through the rigging of bids on government public works projects.

Japanese authorities have acknowledged the problem of bid-rigging and have taken steps to address it. Building on the longstanding laws on bribery of public officials and misuse of public funds, the 2006 amendments to the 2003 Bid-Rigging Prevention Act, now called the Act on Elimination and Prevention of Involvement in Bid-Rigging, aimed specifically to eliminate official collusion in bid rigging. The law authorizes the Japan Fair Trade Commission (JFTC) to demand central and local government commissioning agencies take corrective measures to prevent continued complicity of officials in bid-rigging activities, and to report such measures to the JFTC. The Act also contains provisions concerning disciplinary action against officials participating in bid rigging and compensation for overcharges when the officials caused damage to the government due to willful or grave negligence. The act prescribes possible penalties of imprisonment for up to five years and fines of up to ¥2.5 million. Nevertheless, questions remain as to whether the Act's disciplinary provisions are strong enough to ensure officials involved in illegal bid-rigging are held accountable.

Complicating efforts to combat bid rigging is the phenomenon known as *amakudari* whereby government officials retire into top positions in Japanese companies, frequently in industries that they once regulated. *Amakudari* employees are particularly common in

the financial, construction, transportation, and pharmaceutical industries, among Japan's most heavily regulated industries. The 2007 revised National Public Service Act aimed at limiting involvement of individual ministries in finding post-retirement employment for its officials and more transparent administrative procedures may somewhat ameliorate the situation. In view of strong DPJ opposition to *amakudari* when they were an opposition party, there were popular expectations that the DPJ-led government would move to eliminate *amakudari.* Since September 2009 when the DPJ first formed a government, however, the issue has not been a high government priority, and *amakudari* practices persist.

Japan has ratified the OECD Anti-Bribery Convention, which bans bribing foreign government officials. The OECD has identified deficiencies in Japan's implementing legislation, some of which the Japanese Government has taken steps to rectify. In 2004, Japan amended its Unfair Competition Prevention Law to extend national jurisdiction to cover the crime of bribery and in 2006 made changes to the Corporation Tax Law and the Income Tax Law expressly to deny the tax deductibility of bribes to foreign public officials.

Corruption, including bribery, raises the costs and risks of doing business. Corruption has a corrosive impact on both market opportunities overseas for U.S. companies and the broader business climate. It also deters international investment, stifles economic growth and development, distorts prices, and undermines the rule of law.

It is important for U.S. companies, irrespective of their size, to assess the business climate in the relevant market in which they will be operating or investing, and to have an effective compliance program or measures to prevent and detect corruption, including foreign bribery. U.S. individuals and firms operating or investing in foreign markets should take the time to become familiar with the relevant anticorruption laws of both the foreign country and the United States in order to properly comply with them, and where appropriate, they should seek the advice of legal counsel.

The U.S. Government seeks to level the global playing field for U.S. businesses by encouraging other countries to take steps to criminalize their own companies' acts of corruption, including bribery of foreign public officials, by requiring them to uphold their obligations under relevant international conventions. A U. S. firm that believes a competitor is seeking to use bribery of a foreign public official to secure a contract should bring this to the attention of appropriate U.S. agencies, as noted below.

U.S. Foreign Corrupt Practices Act: In 1977, the United States enacted the Foreign Corrupt Practices Act (FCPA), which makes it unlawful for a U.S. person, and certain foreign issuers of securities, to make a corrupt payment to foreign public officials for the purpose of obtaining or retaining business for or with, or directing business to, any person. The FCPA also applies to foreign firms and persons who take any act in furtherance of such a corrupt payment while in the United States. For more detailed information on the FCPA, see the FCPA Lay-Person's Guide at: http://www.justice.gov/criminal/fraud/

Other Instruments: It is U.S. Government policy to promote good governance, including host country implementation and enforcement of anti-corruption laws and policies pursuant to their obligations under international agreements. Since enactment of the FCPA, the United States has been instrumental to the expansion of the international

framework to fight corruption. Several significant components of this framework are the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (OECD Antibribery Convention), the United Nations Convention against Corruption (UN Convention), the Inter-American Convention against Corruption (OAS Convention), the Council of Europe Criminal and Civil Law Conventions, and a growing list of U.S. free trade agreements.

OECD Antibribery Convention: The OECD Antibribery Convention entered into force in February 1999. As of March 2009, there are 38 parties to the Convention including the United States (see http://www.oecd.org/dataoecd/59/13/40272933.pdf). Major exporters China, India, and Russia are not parties, although the U.S. Government strongly endorses their eventual accession to the Convention. The Convention obligates the Parties to criminalize bribery of foreign public officials in the conduct of international business. The United States meets its international obligations under the OECD Antibribery Convention through the U.S. FCPA.

UN Convention: The UN Anticorruption Convention entered into force on December 14, 2005, and there are 158 parties to it as of November 2011 (see http://www.unodc.org/unodc/en/treaties/CAC/signatories.html). The UN Convention is the first global comprehensive international anticorruption agreement. The UN Convention requires countries to establish criminal and other offences to cover a wide range of acts of corruption. The UN Convention goes beyond previous anticorruption instruments, covering a broad range of issues ranging from basic forms of corruption such as bribery and solicitation, embezzlement, trading in influence to the concealment and laundering of the proceeds of corruption. The Convention contains transnational business bribery provisions that are functionally similar to those in the OECD Antibribery Convention and contains provisions on private sector auditing and books and records requirements. Other provisions address matters such as prevention, international cooperation, and asset recovery.

OAS Convention: In 1996, the Member States of the Organization of American States (OAS) adopted the first international anticorruption legal instrument, the Inter-American Convention against Corruption (OAS Convention), which entered into force in March 1997. The OAS Convention, among other things, establishes a set of preventive measures against corruption, provides for the criminalization of certain acts of corruption, including transnational bribery and illicit enrichment, and contains a series of provisions to strengthen the cooperation between its States Parties in areas such as mutual legal assistance and technical cooperation. As of December 2009, the OAS Convention has 34 parties (see http://www.oas.org/juridico/english/Sigs/b-58.html).

Council of Europe Criminal Law and Civil Law Conventions: Many European countries are parties to either the Council of Europe (CoE) Criminal Law Convention on Corruption, the Civil Law Convention, or both. The Criminal Law Convention requires criminalization of a wide range of national and transnational conduct, including bribery, money-laundering, and account offenses. It also incorporates provisions on liability of legal persons and witness protection. The Civil Law Convention includes provisions on compensation for damage relating to corrupt acts, whistleblower protection, and validity of contracts, inter alia. The Group of States against Corruption (GRECO) was established in 1999 by the CoE to monitor compliance with these and related anti-corruption standards. Currently, GRECO comprises 49 member States (48 European

countries and the United States). As of December 2011, the Criminal Law Convention has 43 parties and the Civil Law Convention has 34 (see www.coe.int/greco.)

Free Trade Agreements: While it is U.S. Government policy to include anticorruption provisions in free trade agreements (FTAs) that it negotiates with its trading partners, the anticorruption provisions have evolved over time. The most recent FTAs negotiated now require trading partners to criminalize "active bribery" of public officials (offering bribes to any public official must be made a criminal offense, both domestically and trans-nationally) as well as domestic "passive bribery" (solicitation of a bribe by a domestic official). All U.S. FTAs may be found at the U.S. Trade Representative Website: http://www.ustr.gov/trade-agreements/free-trade-agreements.

Local Laws: U.S. firms should familiarize themselves with local anticorruption laws, and, where appropriate, seek legal counsel. While the U.S. Department of Commerce cannot provide legal advice on local laws, the Department's U.S. and Foreign Commercial Service can provide assistance with navigating the host country's legal system and obtaining a list of local legal counsel.

Assistance for U.S. Businesses: The U.S. Department of Commerce offers several services to aid U.S. businesses seeking to address business-related corruption issues. For example, the U.S. and Foreign Commercial Service can provide services that may assist U.S. companies in conducting their due diligence as part of the company's overarching compliance program when choosing business partners or agents overseas. The U.S. Foreign and Commercial Service can be reached directly through its offices in every major U.S. and foreign city, or through its Website at www.trade.gov/cs.

The Departments of Commerce and State provide worldwide support for qualified U.S. companies bidding on foreign government contracts through the Commerce Department's Advocacy Center and State's Office of Commercial and Business Affairs. Problems, including alleged corruption by foreign governments or competitors, encountered by U.S. companies in seeking such foreign business opportunities can be brought to the attention of appropriate U.S. government officials, including local embassy personnel and through the Department of Commerce Trade Compliance Center "Report A Trade Barrier" Website at tcc.export.gov/Report_a_Barrier/index.asp.

Guidance on the U.S. FCPA: The Department of Justice's (DOJ) FCPA Opinion Procedure enables U.S. firms and individuals to request a statement of the Justice Department's present enforcement intentions under the anti-bribery provisions of the FCPA regarding any proposed business conduct. The details of the opinion procedure are available on DOJ's Fraud Section Website at www.justice.gov/criminal/fraud/fcpa. Although the Department of Commerce has no enforcement role with respect to the FCPA, it supplies general guidance to U.S. exporters who have questions about the FCPA and about international developments concerning the FCPA. For further information, see the Office of the Chief Counsel for International Counsel, U.S. Department of Commerce, Website, at http://www.ogc.doc.gov/trans_anti_bribery.html. More general information on the FCPA is available at the Websites listed below.

Exporters and investors should be aware that generally all countries prohibit the bribery of their public officials, and prohibit their officials from soliciting bribes under domestic laws. Most countries are required to criminalize such bribery and other acts of corruption by virtue of being parties to various international conventions discussed

above.

Anti-Corruption Resources

Some useful resources for individuals and companies regarding combating corruption in global markets include the following:

- Information about the U.S. Foreign Corrupt Practices Act (FCPA), including a "Lay-Person's Guide to the FCPA" is available at the U.S. Department of Justice's Website at: http://www.justice.gov/criminal/fraud/fcpa.

- Information about the OECD Antibribery Convention including links to national implementing legislation and country monitoring reports is available at: http://www.oecd.org/department/0,3355,en_2649_34859_1_1_1_1_1,00.html. See also new Antibribery Recommendation and Good Practice Guidance Annex for companies: http://www.oecd.org/dataoecd/11/40/44176910.pdf.

- General information about anticorruption initiatives, such as the OECD Convention and the FCPA, including translations of the statute into several languages, is available at the Department of Commerce Office of the Chief Counsel for International Commerce Website: http://www.ogc.doc.gov/trans_anti_bribery.html.

- Transparency International (TI) publishes an annual Corruption Perceptions Index (CPI). The CPI measures the perceived level of public-sector corruption in 180 countries and territories around the world. The CPI is available at: http://www.transparency.org/policy_research/surveys_indices/cpi/2009. TI also publishes an annual *Global Corruption Report* which provides a systematic evaluation of the state of corruption around the world. It includes an in-depth analysis of a focal theme, a series of country reports that document major corruption related events and developments from all continents and an overview of the latest research findings on anti-corruption diagnostics and tools. See http://www.transparency.org/publications/gcr.

- The World Bank Institute publishes Worldwide Governance Indicators (WGI). These indicators assess six dimensions of governance in 213 countries, including Voice and Accountability, Political Stability and Absence of Violence, Government Effectiveness, Regulatory Quality, Rule of Law and Control of Corruption. See http://info.worldbank.org/governance/wgi/index.asp. The World Bank Business Environment and Enterprise Performance Surveys may also be of interest and are available at: http://data.worldbank.org/data-catalog/BEEPS.

- The World Economic Forum publishes the *Global Enabling Trade Report*, which presents the rankings of the Enabling Trade Index, and includes an assessment of the transparency of border administration (focused on bribe payments and corruption) and a separate segment on corruption and the regulatory environment. See http://www.weforum.org/s?s=global+enabling+trade+report.

- Additional country information related to corruption can be found in the U.S. State Department's annual *Human Rights Report* available at http://www.state.gov/g/drl/rls/hrrpt/.

- Global Integrity, a nonprofit organization, publishes its annual *Global Integrity Report*, which provides indicators for 106 countries with respect to governance and anti-corruption. The report highlights the strengths and weaknesses of national level anti-corruption systems. The report is available at: http://report.globalintegrity.org/.

Bilateral Investment Agreements

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The 1952 U.S.-Japan Treaty of Friendship, Commerce, and Navigation gives national treatment and most favored nation treatment to U.S. investments in Japan. As of December 2010, Japan has concluded or signed bilateral investment treaties (BITs) with sixteen trading partners, including Egypt, Sri Lanka, China, Hong Kong SAR, Turkey, Pakistan, Bangladesh, Russia, Mongolia, Vietnam, the Republic of Korea, Cambodia, Laos, Uzbekistan, Peru, Columbia, and Papua New Guinea. The Japanese Government is currently negotiating bilateral BITs with the Kingdom of Saudi Arabia, Kuwait, Kazakhstan, Angola and Iraq, as well as a trilateral agreement with China and the Republic of Korea. The government is also preparing to negotiate BITs with other countries possessing abundant natural resources, including Qatar, Algeria and the Ukraine.

Japan has economic partnership agreements (an EPA is analogous to a free trade agreement) containing investment chapters in force with Singapore, Mexico, Malaysia, Chile, Thailand, Indonesia, Brunei, the Philippines, Vietnam, Switzerland, and India, as well as a multilateral EPA with all ten members of the Association of Southeast Asian Nations (ASEAN). It has also signed an EPA with Peru; ratification by the Diet was still pending as of the end of 2011.

OPIC and Other Investment Insurance Programs

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U.S. OPIC insurance and finance programs are not available in Japan. Japan is a member of the Multilateral Investment Guarantee Agency (MIGA). Japan's capital subscription to the organization is the second largest, after the United States.

Labor

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Changing demographic patterns, macroeconomic trends, and regulatory reforms are gradually affecting traditional Japanese employment practices. Foreign investors seeking to hire highly qualified workers in Japan should benefit from many of these changes.

Throughout most of the post-war period, Japanese employment practices -- most notably in the nation's large, internationally competitive firms -- rested on three pillars: lifetime employment, seniority-based wages, and enterprise unions. Today, all three are undergoing rapid transformation, but mobility among firms of skilled and white-collar labor, at both the mid-level and executive level, remain low. Demographic pressures -- fewer young workers as a result of a long-term trend of a declining birth rate and a rapidly aging labor force and the subsequent structural changes in the Japanese

economy -- are forcing many firms to sharply reduce lifetime employment guarantees and seniority-based wages in favor of merit-based pay scales and limited-term contracts. Although labor unions play a role in the annual determination of wage scales throughout the economy, that role has been shrinking. While estimated union membership increased slightly in 2009 to 18.5 percent, according to the FY 2011 Ministry of Health, Labor and Welfare (MHLW) "White Paper on Labor Economy", the estimated union membership as of June 30, 2010 did not change from the previous year. The number of "non-regular" workers who are union members has increased in recent years as a result of strengthened organizing efforts by some labor unions, although it is still substantially smaller than that of regular workers. With the formation of the DPJ-led government in September 2009, labor unions found the Japanese government more sympathetic than before to their concerns.

Investors should be aware of Japan's high wage structure. Growth in average wages has been slow however, a situation that largely reflects the shift to increased use of "non-regular" employees and the hiring of younger workers to replace older, higher-wage workers who have begun to retire. According to the MHLW White Paper, total cash salary, which began to increase in 2005 reflecting the economic recovery that began in 2002, fell again in 2007 and has been falling 3 years in a row. In 2009, the figure showed a record fall of 3.8 percent from the previous year, but increased slightly by 0.6 percent in 2010. While Japan has accepted highly skilled foreign labor, Japanese firms have depended overwhelmingly on the local labor market to supply workers. As of the end of 2010, the number of registered foreign nationals fell 2.4 percent from the prior year to 2.13 million persons (1.67 percent of Japan’s population of 128 million). The number of foreign nationals newly entering Japan for the purpose of employment also dropped in 2010 to 52,503, a decrease of 8 percent from the prior year, according to the Ministry of Justice "White Paper on Immigration Control 2011".

Traditionally, Japanese workers were classified as either "regular" or "other/non-regular" employees. This system, to a considerable degree, remains in place. Companies recruit "regular" employees directly from schools or universities and provide an employment contract with no fixed duration. In contrast, firms hire "non-regular" employees, mainly on fixed duration contracts. Since the mid-1990s, companies have increasingly used part-time workers, temporary contract workers and dispatch workers to fill short-term labor requirements and to save labor costs.

According to the FY2011 "White Paper on Children and Youths" by the Cabinet Office, 30.4 percent of employees aged 15-24, 25.9 percent of employees aged 25-34, and 27.4 percent of employees aged 35-44 were "non-regular" workers in FY2010. There remains deep concern among Japanese government policy makers that the number of younger workers in "non-regular" status remains stubbornly high and the ability of such workers to find permanent employment will decline as they get older. These "non-regular" employees have borne the brunt of corporate adjustment to the worldwide recession that began in September 2008. According to the MHLW “White Paper on Labor Economy”, the ratio of non-regular employees in 2009 fell slightly for the first time in 15 years to 33.4 percent, mainly due to the decrease in dispatch workers. The figure went up slightly to 33.7 percent, however, during the January-March 2010 quarter.

In response to social criticism after many manufacturers terminated contracts with staffing (dispatching) companies following the global financial crisis of 2008, the Bill to Partially Revise the Labor Dispatch Law was submitted to the Diet in early 2010. This

bill would drastically limit dispatch work and prohibit dispatch to factories. Nevertheless, the bill did not pass in 2010 or 2011, due to the political opposition claiming that the law's revision would have adverse effects to corporate earnings and domestic employment. The DPJ compromised with the opposition and accepted a major modification to the bill which would allow dispatch to factories, but the bill still did not pass in the final Diet session of 2011 and remains pending for 2012.

Companies have also narrowed down the recruitment of new graduates into the "regular work" force after 2008, which is adding to the youth employment problem.

Japan's legislature passed the Pension Security Enhancement Act in August 2011, which became effective January 1, 2012. Provisions of the act will allow employees to contribute to an employer-sponsored defined contribution (DC) plan for the first time. Previously, only employers could contribute to a DC plan on behalf of employees. Under the new rules, employee contributions cannot exceed employer contributions. The limit on combined employer and employee contributions (both receiving preferential tax treatment) to a DC plan will remain the same: JPY 51,000 (USD 659) per month if the employer sponsors only one occupational DC plan for employees, or JPY 25,000 (USD 323) if the employer also sponsors a defined benefit (DB) plan. The new act will also extend coverage to workers aged 65 or younger. Previously workers aged 60 or younger only could participate in a DC plan.

There are two types of DC plans in Japan: employer-sponsored plans for employees and individual plans available to the self-employed and to workers of employers who do not sponsor a pension plan. Contributions receive favorable tax treatment. In the case of employer-sponsored plans, contributions are recorded as an expense by the company and are not counted as income for the participant; for individual plans, the entire contribution is tax deductible for the participant up to the contribution limit, currently JPY 612,000 (USD 7,910) annually. Voluntary private pension plans in Japan (including DC and employer-sponsored defined-benefit (DB) plans) supplement the country's two-tiered public pension system, which comprises a flat-rate plan for all residents under the national pension program and an earnings-related plan under the employees' pension insurance program.

Foreign-Trade Zones/Free Ports

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Japan no longer has free-trade zones or free ports. Customs authorities allow the bonding of warehousing and processing facilities adjacent to ports on a case-by-case basis.

Foreign Direct Investment Statistics

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Between 1998 and December 2010, Japan's stock of FDI increased from 3.0 trillion yen to 17.5 trillion yen. In the same period investment inflows were generally strong. All data in the tables below are current as of November 2011. Negative figures indicate net outflow.

Table 1a: Net FDI Inflows (Unit: billion dollars; balance-of-payment basis)

JFY 2001	JFY 2002	JFY 2003	JFY 2004	JFY 2005
6.19	**9.09**	**6.24**	**7.81**	**3.22**
CY 2006	CY 2007	CY 2008	CY2009	CY2010
-6.78	**22.18**	**24.55**	**11.84**	**-1.36**

Table 1b: Ratio of Inward to Outward FDI (balance-of-payment basis)

JFY 2001	**JFY 2002**	**JFY 2003**	**JFY 2004**	**JFY 2005**
1 : 6.2	1 : 3.5	1 : 4.6	1 : 4.0	1 : 14.1
JFY 2006	**JFY 2007**	**JFY 2008**	**JFY2009**	**JFY2010**
n/a	1 : 3.3	1 : 5.3	1 : 6.3	n/a

1. Figures were first calculated in nominal Japanese yen and converted into U.S. dollars using Bank of Japan average annual exchange rates.

Source: http://www.jetro.go.jp/world/japan/stats/fdi/data/country2_cy10.xls
http://www.jetro.go.jp/world/japan/stats/fdi/data/country1_cy10.xls

Table 2: Foreign Direct Investment in Japan, by country (Unit: million dollars; net and flow; balance-of-payment basis)

	CY2006	CY2007	CY2008	CY2009	CY2010
North America	-2,666	12,709	12,005	1,712	3,014
U.S.A.	105	13,270	11,792	1,831	2,961
Canada	-2,771	-561	213	-119	53
Asia	-852	1,605	3,381	1,093	3,123
China	12	15	37	-137	314
Hong Kong	-2,136	47	257	-81	698
Taiwan	110	36	66	57	21
Korea	108	221	279	255	274
Singapore	1,062	1,282	2,716	756	1,575
Thailand	1	1	6	24	9
India	-1	3	1	14	4
W. Europe	-3,938	4,785	4,861	8,210	198
Germany	-542	-813	1,185	389	2,205
U.K.	1,807	540	-1,289	5,629	4,817
France	274	504	177	371	1,128
Netherlands	-7,583	-390	2,692	2,584	-7,733
Belgium	884	148	-2,040	14	-479
Luxembourg	-12	484	477	543	381
Switzerland	317	1,162	1,873	-990	51
E. Europe, Russia	-4	1	5	1	6
L. America	566	2,831	4,020	690	-7,724
Mexico	0	0	0	0	-7,321
Brazil	0	0	0	-8	2
Cayman Is.	-82	1,480	3,592	965	616
Oceania	36	215	258	50	-17
Middle East	-1	3	-2	23	0
Africa	63	33	21	61	36
TOTAL	-6,789	22,181	24,550	11,839	-1,359

Source: http://www.jetro.go.jp/world/japan/stats/fdi/data/country2_cy10.xls

Table 3: Japan's FDI inward stock by country/region (Unit: million dollars)

	End of 2006	end of 2007	end of 2008	end of 2009	CY2010
North America	44,273	45,947	75,680	76,184	73,900
U.S.	41,989	44,795	74,344	75,003	72,497
Canada	2,284	1,152	1,336	1,181	1,403
Asia	8,247	9,390	16,769	17,336	23,279
China	100	125	225	197	399
Hong Kong	1,928	2,301	3,203	1,444	4,044
Taiwan	1,475	1,534	1,892	2,656	2,255
Korea	423	694	1,235	1,999	1,933
Singapore	4,205	4,620	10,047	10,632	13,901
Thailand	42	44	61	79	100
India	9	13	18	32	40
Europe	42,367	62,341	86,915	83,883	92,126
Germany	4,582	3,811	6,592	7,166	10,009
U.K.	4,983	5,962	6,750	7,318	9,386
France	11,549	12,776	16,233	15,208	19,193
Netherlands	12,175	26,025	36,510	36,034	36,890
Belgium	1,901	1,947	1,362	934	94
Luxembourg	1,635	2,267	4,000	4,262	4,842
Switzerland	3,536	3,942	7,150	4,913	5,271
E. Europe, Russia	47	46	63	63	77
L. America	12,123	15,227	23,576	20,990	23,593
Mexico	4	5	6	6	261
Brazil	30	32	40	32	38
Cayman Is.	8,400	10,469	17,363	16,965	18,784
Oceania	492	779	1,075	1,095	1,245
Middle East	14	20	29	51	59
Africa	63	99	275	342	387
TOTAL	107,663	133,888	204,433	199,991	214,722

Source: http://www.jetro.go.jp/world/japan/stats/fdi/data/10fdistockjp02.xls

Table 4: FDI in Japan, by industry (Unit: million dollars) (balance of payment basis)

	CY2006	CY2007	CY2008	CY2009	CY2010
Manufacturing (total)	254	1,381	2,261	3,420	1,766
General machinery	-24	-22	721	115	1,089
Electric machinery	32	-391	642	1,705	-281
Trans. equipment	-1,408	331	-55	469	3,359
Precision machines	598	20	113	94	291
Chemicals and pharmaceuticals	1,538	-1,010	245	307	-2,859
Iron, non-ferrous metals	60	230	124	287	233
Rubber & leather	35	35	4	6	5
Petroleum	37	935	300	-19	-144
Textiles	58	109	-3	-8	-95
Food	-717	365	-86	421	220
Glass & ceramics	193	663	212	-90	-138
Non-manuf. (total)	-7,043	20,800	22,289	8,349	-3,125
Farming & forestry	11	41	1	-5	9
Fish/ marine products.	-39	-33	-	1	0
Mining	1	0	0	-1	64
Finance/ Insurance	2,265	17,661	19,823	5,205	-1,503
Wholesale & retail	-387	1,660	1,160	1,057	-229
Services	122	295	473	1,343	875
Real estate	72	1,413	581	-71	216
Communication	-9,715	-633	-1,028	619	-3,244
Transportation	28	-288	43	-90	197
Construction	37	19	-60	16	-1
TOTAL	-6,789	22,181	24,550	11,839	-1,359

Source: http://www.jetro.go.jp/world/japan/stats/fdi/data/industry2_1011.xls

Table 5: Japanese Direct Investment Overseas, by country (Unit: million dollars; net and flow; balance-of-payment basis)

		CY2006	CY2007	CY2008	CY2009	CY2010
North America		10,188	17,385	46,046	10,889	9,016
	U.S.A.	9,297	15,672	44,674	10,660	9,193
	Canada	892	1,713	1,372	229	-177
Asia		17,167	19,388	23,348	20,636	22,131
	China	6,169	6,218	6,496	6,899	7,252
	Hong Kong	1,509	1,131	1,301	1,610	2,085
	Taiwan	491	1,373	1,082	339	-113
	R. Korea	1,517	1,302	2,369	1,077	1,085
	Singapore	375	2,233	1,089	2,881	3,845
	Thailand	1,984	2,608	2,016	1,632	2,248
	Indonesia	744	1,030	731	483	490
	Malaysia	2,941	325	591	616	7,058
	Philippines	369	1,045	705	809	514
	India	512	1,506	5,551	3,664	2,864
Western Europe		18,029	20,456	22,418	17,073	14,450
	Germany	1,128	880	3,905	2,089	-321
	U.K.	7,271	3,026	6,744	2,126	4,624
	France	842	479	1,703	1,161	551
	Netherlands.	8,497	12,440	6,514	6,698	3,288
	Sweden	416	254	570	160	-623
	Spain	136	10	210	162	38
Latin America		2,547	9,482	29,623	17,393	5,346
	Mexico	-2,603	501	315	211	688
	Brazil	1,423	1,244	5,371	3,753	4,316
	Cayman Isles	2,814	5,838	22,550	12,903	-1,848
Oceania		723	4,204	6,060	7,629	6,407
	Australia	466	4,140	5,232	7,136	6,371
Middle East		242	958	1,138	575	-348
	UAE	-56	60	194	139	-498
	Saudi Arabia	254	746	892	378	117
Africa		899	1,101	1,518	-301	-372
	South Africa	466	82	648	143	104
TOTAL		50,165	73,483	130,801	74,650	57,223

Source: http://www.jetro.go.jp/world/japan/stats/fdi/data/country1_cy10.xls

Table 6: Japanese Direct Investment Overseas, by industry (Unit: million dollars, net and flow; balance of payment basis)

	CY2006	CY2007	CY2008	CY2009	CY2010
Manufacturing (total)	34,513	39,515	45,268	32,934	17,803
Chemicals and Pharmaceuticals	4,413	3,744	11,647	7,407	7,902
Food	1,025	12,776	3,601	8,954	2,017
Iron, non-ferrous & metals	1,795	2,202	3,152	3,738	3,873
General Mach.	1,663	2,642	3,726	4,411	4,385
Electric machinery	7,041	4,691	5,675	2,505	1,361
Transportation equipment	8,597	8,671	10,924	566	-3,582
Precision machinery	1,420	1,293	953	609	51
Rubber and leather	1,107	835	771	445	634
Lumber & pulp	420	745	734	1,207	1,068
Textiles	180	371	716	477	377
Petroleum	2,921	-280	652	-51	-837
Glass & ceramics	2,759	837	1,417	2,042	377
Non-manuf. (total)	15,652	33,968	85,533	41,717	39,420
Finance/Insurance	5,562	19,458	52,243	15,463	11,397
Wholesale & retail	5,483	4,792	13,319	8,418	1,946
Real estate	-811	162	162	463	765
Services	188	1,406	2,721	1,263	1,596
Transportation	1,507	2,133	2,283	2,894	2,294
Mining	1,577	4,053	10,518	6,482	9,061
Construction	-64	490	389	499	302
Farming/ forestry	42	93	59	10	145
Fisheries	28	64	119	36	47
Communications	-3,368	-331	1,675	3,870	9,899
TOTAL	50,165	73,483	130,801	74,650	57,223

Source: http://www.jetro.go.jp/world/japan/stats/fdi/data/industry1_1011.xls

Table 7: FDI Inflow Relative to GDP (balance-of-payment basis)

	CY2006	CY2007	CY2008	CY2009	CY2010
(a) GDP/Nom (trillion yen)	506.7	513.0	501.2	471.1	481.1
(b) FDI Inflow (trillion yen)	-0.76	2.65	2.52	1.12	-0.11
b/a (pct)	n/a	0.52	0.50	0.24	n/a

Sources:
http://www.esri.cao.go.jp/jp/sna/kakuhou/kekka/h22_kaku/22fcm1n_jp.xls
http://www.mof.go.jp/international_policy/reference/balance_of_payments/bpfdi.htm

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For the promotion of foreign direct investment (FDI) in Japan:

Japan External Trade Organization (JETRO)
http://www.jetro.go.jp/investjapan

For additional FDI statistics:

http://www.jetro.go.jp/en/stats/statistics
http://www.jetro.go.jp/en/invest/success_stories

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Chapter 7: Trade and Project Financing

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How Do I Get Paid (Methods of Payment)

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There are a number of methods used to settle payment in Japan: cash in advance, letter of credit used in conjunction with a documentary draft (time or sight), promissory note, documentary collection or draft, open account and consignment sales. As with U.S. domestic transactions, a major factor in determining the method of payment is the degree of trust in the buyer's ability and willingness to pay.

Because of the protection it offers to the U.S. exporter and the Japanese importer, an irrevocable letter of credit (L/C) payable at sight is commonly used for settlement of international transactions. As large Japanese general trading companies often serve as intermediaries to small and medium-sized companies, L/Cs are often issued in their name rather than in the name of the end user of the product. With the trading company taking on the risk of the transaction, the U.S. firm is protected from the possible bankruptcy of the smaller company.

Another payment option is the use of documentary collection or open account with international credit insurance that, unlike the letter of credit, allows the importer's line of credit to remain open. At the same time, this option protects the exporter if the buyer goes bankrupt or cannot pay. International credit insurance can be obtained from the Export-Import Bank of the United States or private insurers.

A payment method widely used in Japan but sometimes unfamiliar to U.S. companies is the promissory note (*yakusoku tegata*). Promissory notes are IOUs with a promise to pay at a later date, typically 90 to 120 days. Banks will often provide short-term financing through discounting and rollover of notes. Factoring and other forms of receivables financing (whether with or without recourse) are not common in Japan, and more conservative businesspeople find such arrangements a violation of the “relationship” between buyer and seller. It should be noted that, domestically, it is not uncommon for the buyer to request, and be granted an extension of the term of the *tegata* if there are cash-flow problems.

How Does the Banking System Operate

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While financial system deregulation and international competitive pressure has drastically changed the face of Japanese banking (the consolidation of 19 banks into

three mega banks), the connection between corporate finance and banking institutions and non-financial corporations remains much tighter in Japan than in the United States; and extends far beyond simple lender/borrower relationships. Much corporate banking business is rooted in either business groups with interlocking shareholding (*keiretsu*) or in regional relationships. Japanese banks are frequently shareholders in companies that conduct banking business with them.

This unique relationship between a company and its bank has been long-standing; until recently, a Japanese company rarely changed its primary lender, although it would occasionally "shop around" for better credit arrangements. Even when credit is loose, companies sometimes borrow in excess of their need in order to maintain good relations with their bank and to ensure that funds will be available in leaner years. Banks are often large shareholders in publicly traded corporations, have close relationships with both local governments and national regulatory agencies, and often play a coordinating role among their clients. The collapse of the asset price "bubble" and the consequent worsening of bank balance sheets from the early 1990s, as well as corporate borrowing outside of traditional channels, has increasingly caused borrowers to tap international capital markets, and placed traditional banking systems under considerable strain. However, it remains safe to say that the Japanese commercial bank system is much more relationship-oriented than the transaction-based U.S. system.

Japanese banks were able to avoid the direct impact from the global financial crisis due to their limited exposure to structured securities. Japanese authorities took macroeconomic and financial policy steps to sustain the economy and support the functioning of financial markets. Similarly, the direct impact of the March 2011 earthquake and tsunami on major banks was relatively minor. There were no major disruptions to the payments and settlement system, and the Bank of Japan injected substantial liquidity so that banks could meet funding needs, as well as manage demand for cash withdrawals from depositors.

While large corporations with suitable credit ratings (especially export-oriented firms) can rely on corporate bond issues rather than banks for financing, bank lending continues to be the primary financing method for small and medium sized companies. However, after the "bubble" economy of the late 1980s and early 1990s, Japanese banks had a harder time maintaining strong capital positions, and consequently became more restrictive, leading to a credit crunch. In November 1996, the Japanese government embarked on a "Big Bang" financial reform initiative and in December of 2007 announced a plan to improve Japan‘s global competitiveness in financial services. Japan‘s Financial Services Agency (FSA) remains committed to implementing its Better Markets Initiative to improve the attractiveness of Tokyo as a financial center.

Japanese banks offer regular and time deposits and checking accounts for businesses. Checks are negotiable instruments that are in effect payable to the bearer (rather than to the order of the payee, as in the United States). This limits the usefulness of checks, and in fact, most payments are made by electronic bank transfer (which cost a few hundred yen on average), or by sending cash through the postal system. The banks (and now investment/securities firms) historically waged an uphill battle against the recently privatized postal savings system for consumer deposits, but now that the postal savings bank must pay taxes and deposit insurance, in addition to losing its implicit government guarantee, competition in the banking sector has increased.

Personal checking accounts are almost unknown in Japan. Most individuals use electronic bank transfers to settle accounts. Cash settlement is also very common and the Post Office has a mechanism for payment by "cash envelope" which is widely used in direct marketing and other applications. Many Japanese banks operate 24-hour cash machines (as do some credit card companies). Bank and other credit cards are easy to obtain and are widely accepted. Some bank credit cards offer revolving credit, but in most cases balances are paid in full monthly via automatic debiting from bank accounts.

The relationship among trading company, end user and exporter is an important feature of the financing environment in Japan. The Japanese general trading company (*sogo shosha*) is an integrated, comprehensive organization that embraces a range of functions including marketing and distribution, financing and shipping and the gathering of commercial information. It performs functions that in the United States would be carried out by import/export companies, freight forwarders, banks, law firms, accounting firms and business consultants. Thus, U.S. firms dealing with trading companies should familiarize themselves with the financing capabilities of such firms.

Opening a Bank Account

All financial institutions in Japan are subject to Japanese law concerning the prevention of money laundering and are required to confirm that entities and individuals are legally registered or have resident status in Japan. Generally, non-resident U.S. business entities or citizens cannot open a bank account with a financial institution in Japan.

Japanese law requires an applicant who wishes to open a bank account to present a set of documents that will enable a financial institution to confirm identify. For a U.S. business entity with a business establishment in Japan, such as a sales office, branch, or subsidiary, such documents will include (1) a certificate, certified copy, or certified abstract of their Japanese business registration, (2) a certificate showing corporate seal registration, and /or (3) other official documents as the financial institution may require.

A U.S. citizen who is a lawful resident in Japan is required to present (1) a certificate of alien registration, (2) valid visa, and (3) other official documents, as required by the bank, such as a certificate of registration of one‘s personal seal (“*inkan”*). For a non-resident U.S. citizen, such as a short-time visitor, there may be bank transactions that one may be able to initiate without having a deposit account. These may include currency exchange or limited funds transfer.

Foreign-Exchange Controls

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Foreign exchange regulations have little impact on normal business transactions.

U.S. Banks and Local Correspondent Banks

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In addition to U.S. banks with branches in Japan, many other U.S. banks have correspondent relationships with Japanese banks, which themselves have many branches and subsidiaries in the United States.

Leading Commercial Banks in Japan:

Resona Bank
2-1 Bingomachi 2-chome, Chuo-ku, Osaka 540-8610
Tel: +81/6/6271-1221; fax: 6268-1337
http://www.resona-gr.co.jp/holdings/english/index.html

Bank of Tokyo-Mitsubishi UFJ
2-7-1 Marunouchi, Chiyoda-ku, Tokyo 100-8388
Tel: +81/3/3240-1111; fax: 3240-4764
http://www.bk.mufg.jp/english

Development Bank of Japan
1-9-1 Ohtemachi, Chiyoda-ku, Tokyo 100-0004
Tel: +81/3/3244-1770; fax: 3245-1938
http://www.dbj.jp/en/index.html

Japan Bank for International Cooperation
1-4-1 Ohtemachi, Chiyoda-ku, Tokyo 100-8144
Tel: +81/3/5218-3579; fax: 5218-3968
http://www.jbic.go.jp/english/index.php

Mizuho Corporate Bank
1-3-3 Marunouchi, Chiyoda-ku, Tokyo 100-8210
Tel: +81/3/3214-1111
http://www.mizuhocbk.co.jp/english

Sumitomo Mitsui Banking Corporation
1-1-2 Yurakucho, Chiyoda-ku, Tokyo 100-0006
Tel: +81/3/5512-3411; fax: 5512-4429
http://www.smbc.co.jp/global/index.html

Multilateral Development Bank Offices in Japan:
Asian Development Bank
Second floor, Yamoto Seimei Building
1-1-7 Uchisaiwai-cho, Chiyoda-ku, Tokyo 100-0011
Tel: +81/3/3504-3160; fax: 3504-3165
E-mail: adbjro@adb.org or http://www.adb.org

Project Financing

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While some large U.S. companies in Japan enjoy strong relationships with the larger Japanese "city banks," most medium and small-sized U.S. firms report that it is difficult to secure the specific type of trade financing services needed for importing and distribution. Under current global financial conditions, it seems likely that most foreign firms will continue to have difficulty accessing Japanese commercial bank financing. In Japan, credit evaluation is heavily asset-based, and real estate is still favored as collateral despite the collapse of "bubble" era valuations. Moreover, a firm's ability to borrow may also be based on its personal relationships and rapport with bank officials

rather than on typical U.S. standards of credit-worthiness. Some smaller firms report that they have been forced to secure needed financing from offshore sources. For U.S. companies with operations in Japan, teaming up with Japanese partners in a joint venture has been effective as a way to receive more favorable treatment from Japanese banks.

While most U.S. banks operating in Japan do engage in lending to subsidiaries of U.S. companies (especially their home market clients), many of them focus on higher value-added lines of business than conventional credit products. When a Japanese bank extends credit to a foreign-owned company in Japan, it generally evaluates the financial status of both the borrower and its parent company. Even in cases where the Japanese subsidiary is financially strong, the parent company is often requested to guarantee the obligation (although a “Letter of Awareness” may be accepted in lieu of a guarantee).

Types of Export Financing and Insurance

The Government of Japan's programs to promote imports and foreign investment in Japan include tax incentives, loan guarantees, low-cost loans to Japanese and foreign investors for import infrastructure through the Development Bank of Japan and other loan programs. Underscoring the Government's emphasis on import promotion, both the Ministry of Economy, Trade and Industry (METI) and the Japan External Trade Organization (JETRO) have established import divisions.

Four major public financing corporations, the Japan Bank for International Cooperation, the Development Bank of Japan, the Japan Finance Corporation for Small Business and the National Life Finance Corporation, now make low-interest loans to encourage imports to and investment in Japan. In addition, the services of the Japan Regional Development Corporation, a government-affiliated institution that develops business parks and provides long-term loans at low interest rates, are available to foreign companies.

The Japan Bank for International Cooperation's import credit program for manufactured goods aims to provide support for the import of manufactured goods from developed countries to Japan. Five-year secured or guaranteed loans with up to 70 percent loan-to-value, and credit lines at preferential interest rates are available to importers, distributors and retailers incorporated in Japan who plan to increase their imports of manufactured goods (excluding food products) 10 percent or more over the previous year. Direct 70 percent loan-to-value long-term loans are also available to foreign exporters for the purchase of manufactured goods to be exported to Japan under deferred-payment terms, as well as to foreign manufacturers and intermediary financial institutions for investment in production facilities and equipment to be used to produce goods for the Japanese market.

The Development Bank of Japan (DBJ) offers loans designed to increase imports into Japan. These loans are available to Japanese companies with at least 33 percent foreign capital or registered branches in Japan of non-Japanese companies for 40 to 50 percent of project costs for the expansion of business operations in Japan.

The Japan Finance Corporation for Small Business, and National Life Finance Corporation have expanded their programs to facilitate import sales. The programs aim to provide support to small-scale retailers, wholesalers and importers in Japan for

investments to increase imports to Japan. A program between U.S. Eximbank and the Export-Import Insurance Division of METI (EID/METI) provides for co-financing insurance for U.S. exports to developing countries. EID/METI also provides advance payment insurance for U.S. exports to Japan. For additional details on these and other cooperative financing programs, U.S. companies should contact U.S. Eximbank.

No insurance for U.S. exporters is available from the Japanese Government.

Other Financing

Japan has been a member of the Multilateral Investment Guarantee Agency (MIGA) since it was established in 1988. In addition to the investment loan programs from Japanese Government-affiliated lenders described above, prefectures and municipalities offer various incentives, including construction, land acquisition and labor hiring subsidies, special depreciation of business assets, tax deferments for replacement of specific assets, exemption from special land-owning taxes assessed by municipalities and prefectural and municipal real estate acquisition, enterprise and municipal property tax reductions. In addition, most prefectures offer loan programs to encourage companies to establish local operations.

Japan's venture capital specialist funds are only half the size of those in the United States, and the total outstanding amount of venture capital funds in Japan is about ¥1 trillion ($11 billion or about 5 percent of the U.S. figure), with almost no change over the past decade. Traditionally the top Japanese venture capital firms have acted more like quasi-banks. Also, Financial Services Agency guidance to brokers to set tough standards for companies seeking to go public results in even the best companies taking up to a decade to get a listing on the over-the-counter stock market – less than 1000 over-the-counter stocks are listed on the JASDAQ, Japan's electronic OTC market.

Types of Projects Receiving Financing Support: In line with the Cabinet Decision in March 1995, the Export-Import Bank of Japan (JEXIM) and the Overseas Economic Cooperation Fund (OECF) merged on October 1, 1999, creating a new institution, the Japan Bank for International Cooperation (JBIC).

JBIC is a governmental institution that encourages exports, secures access to energy resources, promotes direct overseas investments and improves Japan's external imbalances through financial assistance to the trade and investment activities of Japanese companies.

The financial facilities offered by JBIC include export loans, import loans, overseas investment loans and untied loans. JBIC also provides loan guarantees to private financial institutions, short-term loans designed to finance the external transactions of the governments of developing nations (bridge loans), and equity participation in the overseas projects of Japanese companies.

JBIC's international financial operations focus on projects in developing countries where local financial institutions cannot provide financing on their own. As JBIC's mandate is the support of internationalization for Japanese companies, its loans can be distinguished from Overseas Economic Cooperation operations, which target the economic development of developing countries.

Overseas Investment Loans and Overseas Project Loans: These loans are typically granted via JBIC and extended to Japanese corporations for overseas investment activities and overseas projects. Overseas investment loans can also be made to overseas joint ventures involving Japanese capital and to foreign governments for capital investments or loans to joint ventures involving Japanese capital.

Un-Tied Loans: Extended to foreign governments, foreign governmental institutions, foreign financial institutions (including multilateral development banks), and foreign corporations for high-priority projects and economic restructuring programs in developing countries. These loans are not tied to the procurement of goods and services from Japan but are restricted to the specific purposes designated for each loan. These loans are managed by JBIC.

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Export-Import Bank of the United States:
http://www.exim.gov

Country Limitation Schedule:
http://www.exim.gov/tools/country/country_limits.html

OPIC:
http://www.opic.gov

Trade and Development Agency:
http://www.tda.gov/

SBA's Office of International Trade:
http://www.sba.gov/oit/

USDA Commodity Credit Corporation:
http://www.fsa.usda.gov/ccc/default.htm

U.S. Agency for International Development:
http://www.usaid.gov

The Multilateral Investment Guarantee Agency (MIGA):
http://www.miga.org/

Japan Finance Corporation:
http://www.jfc.go.jp/english/index.html

Japan Financial Services Agency:
http://www.fsa.go.jp/en/index.html

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Chapter 8: Business Travel

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Business Customs

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An understanding of Japanese business and social practices is useful, if not required, in establishing and maintaining successful business relationships in Japan. Perceived indifference to local business practices may be interpreted as a lack of commitment on the part of the exporter, and may lead to misunderstandings and loss of business opportunities. One should not assume that because meetings and correspondence are carried out in English that Western social and business norms apply.

Japanese society is complex, structured, hierarchical and group-oriented. It places strong emphasis on maintaining harmony and avoiding direct confrontation. Japanese social and cultural norms tend to be group oriented rather than focused on the individual. In building relationships (which often precede a first-time sale or an agreement) one should emphasize trust, confidence, loyalty and commitment for the long term.

Group decision-making is important in Japan and has been generally described as a “bottom up” exercise rather than “top down.” Family businesses founded since WWII and smaller second-tier firms are often exceptions to this rule. However, even in the large family firms, where decisions are made at the top, the process is usually managed so that company members have a sense of participation. This type of group decision-making requires time. Recognizing that it takes a longer time to cultivate business relationships in Japan than in the United States, U.S. business executives should not expect to make a deal in just a few days. Consistent follow-up is vital. Likewise, U.S. business people should recognize the importance of working with the staff level of their Japanese counterparts and not exclusively with the executive level.

Gift giving is expected on many business occasions in Japan. Regional U.S. gifts or company-logo gifts are appropriate. Quality is important, but the gift does not have to be expensive – it is the sentiment and relationship implied by the gift rather than its intrinsic value that is significant. Therefore, packaging of the gift is as important as the gift itself and should be done professionally. In Japan, sets of four are considered unlucky (the

number four is pronounced the same as the word for death). Gifts that can be shared among a group are appropriate.

Business travelers to Japan should make sure to bring a large supply of business cards (with their title) when they come to Japan; printing bilingual cards is a nice touch. Business cards are exchanged to formalize the introduction process and establish the status of the parties relative to each other. Japanese bow when greeting each other but will expect to shake hands with foreign executives. A slight bow in acknowledgment of a Japanese bow is appreciated. Japanese executives deal on a last (family) name basis in business relationships, and initial business and social contacts are characterized by politeness and formality.

Business travelers visiting a Japanese firm for the first time should be accompanied by an interpreter or bilingual assistant. Many Japanese executives and decision-makers do not speak English, although they may be able to greet visitors in English and read English product literature relevant to their business or industry expertise. Although English is a required subject in Japan‘s secondary school curriculum, generally speaking, Japanese business people‘s English listening and speaking skills tend to be weaker than their reading and writing skills. Thus, the Japanese side in a business meeting generally expects visitors to bring an interpreter if they are serious about doing business. Although the cost for hiring an interpreter can be very high ($400 to $900 per day depending on the level), bringing an interpreter shows that a visiting firm is serious in its commitment to the Japanese market.

The first visit to a Japanese firm generally serves as a courtesy call to introduce U.S. executives and their company, and also allows the U.S. side to begin to evaluate a target company and its executives as potential business partners. A request to meet only with English speaking staff can mean missing the opportunity to become acquainted with higher-ranking executives.

A written contract, even if less detailed than a contract between two U.S. companies, is essential to meet legal, tax, customs and accounting requirements in Japan. Contractual commitments are perceived as representing long-term relationships so the terms and conditions, for example whether to grant exclusive rights, should be considered carefully.

Japan's travel infrastructure is on a par with that of the United States. All business and tourist traveler services are available. For additional information on traveling to Japan, contact the Japan National Tourist Organization (JNTO) in New York at: tel: (212) 757-5640; fax: (212) 307-6754, or visit JNTO‘s website at http://www.jnto.go.jp

U.S. business travelers to Japan seeking appointments with U.S. Embassy Tokyo officials should contact the Commercial Section in advance. The Commercial Section can be reached by fax at +81/3/3589-4235 or by e-mail to tokyo.office.box@trade.gov

Travel Advisory

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Japan has long been noted for its low crime and safe streets. Crimes against U.S. citizens in Japan are rare and usually only involve personal disputes, theft, or vandalism. Crime is at levels well below the U.S. national average. Violent crime is rare, but does exist. Incidents of pick pocketing of foreigners in crowded shopping areas, on trains and

at airports have been a sporadic concern. Some U.S. citizens believe that Japanese police procedures appear to be less sensitive and responsive to a victim's concerns than would be the case in the United States, particularly in cases involving domestic violence and sexual assault. Few victim‘s assistance resources or battered person‘s shelters exist in major urban areas, and are generally unavailable in rural areas.

Since the March 11, 2011 earthquake in Northeastern Japan, the State Department has issued a series of travel alerts, the latest dated October 7, 2011 and set to expire on April 13, 2012. To access the most up-to-date travel and safety information, please refer to the State Department‘s “Consular Information Sheet” for Japan at:

http://travel.state.gov/travel/cis_pa_tw/cis/cis_1148.html

U.S. citizens can also obtain up-to-date safety and security information by calling 1-888-407-4747 toll-free within the U.S. and Canada, or by calling a regular toll line, 1-202-501-4444, from other countries. These numbers are available from 8:00 a.m. to 8:00 p.m. Eastern Standard Time, Monday through Friday (except U.S. federal holidays).

Visa Requirements

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A valid U.S. passport is necessary to enter and travel in Japan. By Japanese law, non-residents are required to carry their passports (or their Alien Registration Card if staying longer than 90 days) at all times.

A visa is not required for short-term business visits (up to 90 days). It is not required to have a round-trip ticket, although it is recommended. A work or investor visa may take up to two months to obtain. Immunization and health certificates are not required. Foreigners remaining in Japan longer than 90 days must obtain an Alien Registration Card, available free of charge from the municipal office of the city or ward of residence in Japan.

Upon arrival, going through both immigration and customs checks are essentially a formality for U.S. business travelers as long as passport and air ticket are in order. Starting November 20, 2007, all foreign nationals entering Japan, with the exemption of certain categories listed below, are required to provide fingerprint scans and be photographed at the port of entry. This requirement does not replace any existing visa or passport requirements. Foreign nationals exempt from this new requirement include special permanent residents, persons under 16 years of age, holders of diplomatic or official visas, and persons invited by the head of a national administrative organization.

U.S. travelers on official business must have a diplomatic or official visa specifying the nature of travel as "As Diplomat," "As Official," or "In Transit" to be exempt from biometric collection. All other visa holders, including those with diplomatic and official visas stating "As Temporary Visitor," are subject to this requirement. SOFA personnel are exempt from the new biometrics entry requirements under SOFA Article 9 (2).

Passengers are advised to exchange some U.S. dollars for yen before leaving the airport.

U.S. Companies that require travel of foreign businesspersons to the United States should be advised that security evaluations are handled via an interagency process. Visa applicants should go to the following links.

State Department Visa Website: http://travel.state.gov/visa/

The web address for the Consular Section of the U.S. Embassy in Tokyo is: http://japan.usembassy.gov/e/tvisa-main.html

Telecommunications

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Japan has excellent telecommunications systems. Fiber optic and ADSL broadband services are available throughout the country. The 3G segment of the market now comprises 95 percent of the total mobile market in Japan. According to a survey by the Ministry of Internal Affairs and Communications, the broadband service availability rate surpassed 99 percent of total households in Japan in 2008. In 2010 Japan had over 30 million broadband lines in place, making it the third largest broadband country in the world after the US and China. Public WiFi hotspots can be found in increasing numbers at airports, cafes and fast food restaurants. The following web site identifies wireless hotspots around the world: http://www.hotspot-locations.com/

Public phones, some of which accept only pre-paid cards, are still common but starting to disappear as nearly all communication goes mobile. To call the United States and Canada from Japan, one must dial 0101 before the ten-digit U.S. telephone number.

Almost all Japanese own at least one mobile telephone and use them constantly for e-mailing and downloading information from the Internet in addition to making telephone calls. There are a number of mobile phone networks and providers in Japan, but the Japanese mobile phone system is still not generally compatible with those of other countries, so your existing phone may not work in Japan. To determine if a particular phone is usable in Japan, please contact your service provider prior to visiting Japan. Mobile phones that work in Japan are available for rent at most major airports.

Cell phone rental services at Tokyo‘s Narita Airport can be found at: http://www.narita-airport.jp/en/guide/service/list/svc_19.html

Cell phone rental services at Tokyo’s Haneda International Airport can be found at: http://www.haneda-airport.jp/inter/en/premises/service/internet.html#mobilePhone

Cell phone rental services at Osaka‘s Kansai International Airport can be found at: http://www.kansai-airport.or.jp/en/service/rental/rental_list.html

Transportation

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Japan has excellent, modern highways and roads linking all parts of country. Traffic conditions on expressways and in cities are often very congested, however. Most major intercity highways operate on a toll basis, and tolls are extremely expensive, making passenger train travel very competitive, especially for the foreign visitor.

Japan boasts the world‘s densest and most modern passenger railroad system, with fast, frequent services to all parts of the country. Japan‘s famous *shinkansen* high-speed rail lines link Tokyo with Japan‘s major business centers at speeds of up to 185 mph. All of Japan‘s large cities have highly developed subway and commuter train service. Taxi service is available everywhere.

Language

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The national language of Japan is Japanese (*nihongo*) and is spoken and understood all over the country. English is a required subject in Japanese high schools, and it is by far the most widely known foreign language in Japan. International business correspondence and negotiations in Japan are almost always conducted in English. This being said, however, most Japanese, including business executives, have a limited understanding and command of English, although there are of course exceptions. Japanese business executives often read English much better than they can speak it or understand it when spoken. It is advisable, therefore, to be accompanied by a competent professional interpreter to all business meetings, especially an initial contact where you might be unsure of your counterparts‘ mastery of English.

Overseas visitors interested in the Japanese language can visit the following web sites:

"Japanese for the Western Brain"
http://kimallen.sheepdogdesign.net/Japanese/index.html

Jim Breen's Japanese Page
http://www.csse.monash.edu.au/~jwb/japanese.html

Health

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Aside from the area in the immediate vicinity of the Fukushima Daiichi Nuclear Power plant addressed above in the Travel Advisory section, Japan poses no medical health risks to the business traveler. While medical care in Japan is good, English-speaking physicians and medical facilities that cater to U.S. citizens' expectations are expensive and not very widespread. Japan has a national health insurance system, which is only available to foreigners with long-term visas for Japan. National health insurance does not pay for medical evacuation or medical care outside of Japan. Medical caregivers in Japan require payment in full at the time of treatment or concrete proof of ability to pay before treating a foreigner who is not a member of the national health insurance plan. Most major credit cards are accepted.

For additional information, please refer to the State Department‘s “Japan – Country Specific Information” website at http://travel.state.gov/travel/cis_pa_tw/cis/cis_1148.html

Local Time, Business Hours, and Holidays

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Local Time: Japan is 14 hours ahead of U.S. Eastern Standard Time (EST) and 13 hours ahead of Eastern Daylight Time (EDT) from April to October. Consequently, 8:00 a.m. EST in New York City corresponds to 10:00 p.m. the same day in Tokyo. 8:00 p.m. EST in New York City corresponds to 10:00 a.m. *the next day* in Tokyo. Japan is one of the few major industrialized countries that do not observe some form of daylight saving time.

Business Hours: The typical Japanese workweek is Monday through Friday, 9:00 a.m. to 5:00 p.m., although many Japanese office workers put in long hours of overtime. Flex work hours have become popular at some large companies. Interestingly, the overwhelming majority of Japanese take their lunch break promptly at 12:00 noon and return to the office at 1:00 p.m. sharp.

Holidays: When a national holiday falls on a Sunday, the following Monday is a compensatory day. In addition, many Japanese companies and government offices traditionally close during the New Year's holiday season (December 29-January 3), "Golden Week" (April 29-May 5) and the traditional “O-Bon” Festival (August 13-15).

In 2012, Japan will observe the following official national holidays:

New Year's Day, January 1 (Sunday, observed on Monday, January 2))
Adult's Day, January 9 (Monday)
National Foundation Day, February 11 (Saturday)
Vernal Equinox Day, March 20 (Tuesday)
Showa Day, April 29 (Sunday, observed on Monday, April 30)
Constitution Memorial Day, May 3 (Thursday)
Greenery Day, May 4 (Friday)
Children's Day, May 5 (Saturday)
Marine Day, July 16 (Monday)
Respect for the Aged Day, September 17 (Monday)
Autumnal Equinox Day, September 22 (Saturday)
Health & Sports Day, October 8 (Monday)
National Culture Day, November 3 (Saturday)
Labor Thanksgiving Day, November 23 (Friday)
Emperor's Birthday December 23 (Sunday, observed on Monday, December 24)

Temporary Entry of Materials and Personal Belongings

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There is no restriction for temporary entry of laptop computers and software for personal use. Regarding materials for exhibits, Japan is a member of the International Convention to Facilitate the Importation of Commercial Samples and Advertising Materials under the ATA *carnet* System (http://www.atacarnet.com). Use of a *carnet* allows goods such as commercial and exhibition samples, professional equipment, musical instruments and television cameras to be carried or sent temporarily into a foreign country without paying duties or posting bonds. These goods cannot be sold. A *carnet* should be arranged for in advance by contacting a local office of the United States Council for International Business or its helpline at (800) ATA-2900.

Web Resources

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Doing business in Japan:
U.S. Commercial Service Japan:
http://export.gov/japan/doingbusinessinjapan/index.asp

Consular information & official travel advisories for Japan:
U.S. Department of State:
http://travel.state.gov/travel/cis_pa_tw/cis/cis_1148.html

U.S. visas:
U.S. Department of State:
http://travel.state.gov/visa/visa_1750.html
U.S. Embassy Tokyo Consular Section:
http://japan.usembassy.gov/e/tvisa-main.html

Japanese customs, etiquette, and culture:
http://www.japan-guide.com
http://www.thejapanfaq.com

Japanese language:
"Japanese for the Western Brain"
http://kimallen.sheepdogdesign.net/Japanese/index.html
Jim Breen's Japanese Page
http://www.csse.monash.edu.au/~jwb/japanese.html

Business infrastructure:
Japan National Tourist Organization (JNTO):
http://www.jnto.go.jp

Health:
U.S. Department of State; Japan – Country Specific Information:
http://travel.state.gov/travel/cis_pa_tw/cis/cis_1148.html

Temporary entry of materials under the *carnet* system:
http://www.atacarnet.com

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Chapter 9: Contacts, Market Research and Trade Events

- Contacts
- Market Research
- Trade Events

Contacts

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U.S. EMBASSY TRADE PERSONNEL

Commercial Service Tokyo
John Peters, Minister-Counselor for Commercial Affairs
U.S. Embassy Tokyo, 1-10-5 Akasaka, Minato-ku, Tokyo 107-8420
Tel: +81/3/3224-5060; fax: 3589-4235
Web: http://export.gov/japan/
E-mail: Office.Tokyo@trade.gov

Greg Loose, Counselor for Commercial Affairs
Greg Briscoe, Commercial Attaché (Operations Unit)
Kevin Chambers, Commercial Attaché (Consumer Goods Unit)
Aaron Held, Commercial Attaché (Major Projects Unit)
Helen Peterson, Commercial Attaché (Healthcare, Fisheries and Tourism Unit)
Mark Wildman, Commercial Attaché (Advanced Technologies Unit)

Commercial Service Osaka-Kobe
John Fleming, Principal Commercial Consul
U.S. Consulate General Osaka, 2-11-5 Nishitenma, Kita-ku, Osaka 530-8543
Tel: +81/6/6315-5953; fax: 6315-5963
E-mail: osaka-kobe.office.box@trade.gov

Consulate Nagoya
Harry Sullivan, Principal Officer
Tamiki Mizuno, Economic/Commercial Specialist
U.S. Consulate Nagoya, Nagoya International Center Building, 6F
47-1 Nagono 1-chome, Nakamura-ku, Nagoya 450-0001
Tel: +81/52/581-4501; fax: 581-3190
E-mail: MizunoTX@state.gov

Consulate General Sapporo
John Ries, Consul General
Yumi Baba, Economic/Commercial Assistant
U.S. Consulate General Sapporo, Nishi 28, Kita 1, Chuo-ku; Sapporo 064-0821
Tel: +81/11/641-1115; fax: 643-1283
E-mail: BabaYX@state.gov

Consulate Fukuoka
Jason Cubas, Principle Officer
Mark S. Dieker, Political/Economic Officer
American Consulate Fukuoka, 2-5-26 Ohori, Chuo-ku, Fukuoka 810-0052
Tel: +81/92/751-9331; fax: +81/92/713-9222
E-mail: DiekerMS@state.gov

Consulate General Naha (Okinawa)
Raymond Greene, Consul General
Matthew O'Connor, Political and Economic Officer
Akinori Hayashi, Commercial Specialist
American Consulate General Naha, 2-1-1 Toyama, Urasoe City
Okinawa 901-2101
Tel: +81/98/876-4211; fax: 876-4243
E-mail: HayashiAX@state.gov

Foreign Agricultural Service
Geoffrey Wiggin, Minister-Counselor for Agricultural Affairs
Jeffrey Nawn, Senior Agricultural Attaché
Benjamin Petlock, Agricultural Attaché
Jennifer Clever, Agricultural Attaché
U.S. Embassy Tokyo, 1-10-5, Akasaka, Minato-ku, Tokyo 107-8420
(U.S. Address: Unit 45004, Box 226, APO AP 96337-5004)
Tel: +81/3/3224-5105; fax: 3589-0793
Web: www.usdajapan.org/
E-mail: agtokyo@fas.usda.gov

Agricultural Trade Office (Tokyo)
Steve Shnitzler, Director
U.S. Embassy Tokyo, 1-10-5, Akasaka, Minato-ku, Tokyo 107-8420
(U.S. Address: Unit 45004, Box 241, APO AP 96337-5004)
Tel: +81/3/ 3224-5115; fax: 3582-6429
Web: www.usdajapan.org/
E-mail: atotokyo@fas.usda.gov

Agricultural Trade Office (Osaka)
Chika Motomura, Ag. Marketing Specialist
American Consulate General Osaka, 2-11-5 Nishitenma, Kita-ku, Osaka 530-8543
(U.S. Address: Unit 45004, Box 239, APO AP 96337-5004)
Tel: +81/6/6315-5904; fax: 6315-5906
Web: www.usdajapan.org/
E-mail: atoosaka@fas.usda.gov

Economic Section (State Department)
Marc Wall, Minister-Counselor for Economic and Science Affairs
U.S. Embassy Tokyo, 1-10-5 Akasaka, Minato-ku, Tokyo 107-8420
Tel: +81/3/3224-5020; fax: 3224-5019

Energy Department
Jeffrey Miller, Energy Attaché
U.S. Embassy Tokyo, 1-10-5 Akasaka, Minato-ku, Tokyo 107-8420

Tel: +81/3/3224-5444; fax: 3224-5769

Treasury Department
Robert Kaproth, Financial Attaché
U.S. Embassy Tokyo, 1-10-5 Akasaka, Minato-ku, Tokyo 107-8420
Tel: +81/3/3224-5486; fax: 3224-5490

CHAMBERS OF COMMERCE/TRADE ASSOCIATIONS

American Chamber of Commerce in Japan (ACCJ)
Sam Kidder, Executive Director
Masonic 39 MT Bldg. 10F; 2-4-5 Azabudai, Minato-ku; Tokyo 106-0041
Tel: +81/3/3433-5381; fax: 3433-8454
Web: http://www.accj.or.jp

American Chamber of Commerce in Japan (ACCJ) Kansai Chapter
Keizo Yamada, Director Chapter Office - Kansai
Dojima Park Bldg. 5F, 1-1-8 Dojimahama, Kita-ku, Osaka 530-0004
Tel: +81/6/6345-9880; fax: 6345-9890
Web: http://www.accj.or.jp/user/293/Kansai/

American Chamber of Commerce in Japan (ACCJ) Chūbu Chapter
Noriko Kato, Chūbu Operations Manager
Marunouchi Fukao Bldg. 5F; 2-11-24 Marunouchi, Naka-ku, Nagoya 460-0002
Tel: +81/52/229-1525; fax: 222-8272
Web: http://www.accj.or.jp/user/298/Chubu/

Japan Business Federation (Nippon Keidanren)
International Economic Affairs Bureau
1-3-2 Otemachi, Chiyoda-ku, Tokyo 100-8188
Tel: +81/3/6741-0171; fax: 6741-0301
Web: http://www.keidanren.or.jp

Japan Association of Corporate Executives (Keizai Doyukai)
Nihon Kogyo Club Bldg. Annex 5F, 1-4-6 Marunouchi, Chiyoda-ku, Tokyo 100-0005
Tel: +81/3/3284-0220; fax: 3212-3774
Web: http://www.doyukai.or.jp/en

Japan Foreign Trade Council, Inc.
International Affairs and Research Group
World Trade Center Bldg. 6F, 2-4-1 Hamamatsu-cho, Minato-ku, Tokyo 105-6106
Tel: +81-3-3435-5972/5964; fax: +81/3/3435-5979
Web: http://www.jftc.or.jp/english/home_e.htm

Japan-U.S. Business Council
Keidanren Kaikan, 1-3-2 Otemachi, Chiyoda-ku, Tokyo 100-0004
Tel: +81/3/6741-0401; fax: 6741-0402
Web: http://www.jubc.gr.jp/eng/index.html

Japan Chamber of Commerce and Industry
International Division

Tosho Bldg., 3-2-2 Marunouchi, Chiyoda-ku, Tokyo 100-0005
Tel: +81/3/3283-7601; fax: 3216-6497
Web: http://www.jcci.or.jp/home-e.html

Tokyo Chamber of Commerce and Industry
International Division
Tosho Bldg., 3-2-2 Marunouchi, Chiyoda-ku, Tokyo 100-0005
Tel: +81/3/3283-7523; fax: 3216-6497
Web: http://www.tokyo-cci.or.jp/english/index.html

Osaka Chamber of Commerce and Industry
International Division
2-8 Honmachi-bashi, Chuo-ku, Osaka 540-0029
Tel: +81/6/6944-6400; fax: 6944-6293
Web: http://www.osaka.cci.or.jp/e

Kansai Economic Federation (Kankeiren)
International Affairs Department
Nakanoshima Center Bldg. 30F, 6-2-27, Nakanoshima, Kita-ku, Osaka 530-6691
Tel: +81/6/6441-0104; fax: 6441-0443
Web: http://www.kankeiren.or.jp/English

Kansai Association of Corporate Executives (Kansai Keizai Doyukai)
Executive & Administrative Dept./Planning & Research Dept.
Nakanoshima Center Bldg. 28F, 6-2-27, Nakanoshima, Kita-ku, Osaka 530-6691
Tel: +81/6/6441-1031; fax: 6441-1030
Web: http://www.kansaidoyukai.or.jp

Nagoya Chamber of Commerce & Industry (NCCI)
International Group
2-10-19 Sakae, Naka-ku, Nagoya 460-8422
Tel: +81/52/223-6742; fax: 232-5751
Web: http://www.nagoya-cci.or.jp/eng

Kyushu Economic Federation (Kyukeiren)
Tenjin Central Place 6F, 1-10-24 Tenjin, Chuo-ku, Fukuoka 810-0001
Tel: +81/92/761-4261; fax: 724-2102
Web: http://www.kyukeiren.or.jp/english/index.html

Fukuoka Chamber of Commerce and Industry
International Center
9-28 Hakata Ekimae 2-chome, Hakata-ku, Fukuoka 812-8505
Tel: +81/92/441-1117; fax: 441-1600
Web: http://www.fukunet.or.jp/english/index.html

Fukuoka Foreign Trade Association
Fukuoka Chamber of Commerce and Industry Bldg., 7F
Hakata Ekimae 2-9-28, Hakata-ku, Fukuoka 812-8505
Tel: +81/92/452-0707; fax: 452-0700
Web: http://www.fukuoka-fta.or.jp/english/index.html

AGRICULTURAL TRADE ASSOCIATIONS

Japan Chain Stores Association
Toranomon NN Bldg., 11F., 1-21-17 Toranomon, Minato-ku, Tokyo 105-0001
Tel: +81/3/5251-4600; fax: 5251-4601
Web: www.jcsa.gr.jp/

All Nippon Kashi Association
6-9-5 Shimbashi, Minato-ku, Tokyo 105-0004
Tel: +81/3/3431-3115; fax: 3432-1660
Email: anka-0@nifty.com

Japan Convenience Foods Industry Association
Kimura Bldg. 3F, 5-5-5 Asakusabashi, Taito-ku, Tokyo 111-0053
Tel: +81/3/3865-0811; fax: 3865-0815
Email: daihyo@sokuseki-kyokai.com
Web: http://www.instantramen.or.jp/about/index.html

Japan Dairy Industry Association
Nyugyo Kaikan 4F, 1-14-19 Kudan Kita, Chiyoda-ku, Tokyo 102-0073
Tel: +81/3/3261-9161; fax: 3261-9175
Web: http://www.nyukyou.jp/

Japan Dehydrated Vegetable Association
1-9-12 Irifune, Chuo-ku, Tokyo 104-0042
Tel: +81/3/5117-2661; fax: 3552-2820
Email: kaz@primero.jp

Japan Food Service Association
Hamamatsucho Central Bldg. 9F.10F
1-29-6, Hamamatsucho, Minato-ku, Tokyo 105-0013
Tel: +81/3/5403-1060; fax: 5403-1070
Email: info-jf@jfnet.or.jp
Web: http://www.jfnet.or.jp

Japan Frozen Food Association
Kowa Nitto Bldg. 4F, 3-17-9 Tsukiji, Chuo-ku, Tokyo 104-0045
Tel: +81/3/3541-3003; fax: 3541-3012
Email: info@reishokukyo.or.jp
Web: www.reishokukyo.or.jp/

Japan Fruit Juice Association
Zenkoku Tobacco Bldg., 3F., 1-10-1 Shibadaimon, Minato-ku, Tokyo 105-0012
Tel: +81/3/3435-0731; fax: 3435-0737
Email: kaju-kyo@cello.ocn.ne.jp
Web: www.kaju-kyo.ecnet.jp/

Japan Health Food & Nutrition Food Association
2-7-27 Ichigaya Sadohara-cho, Shinjuku-ku, Tokyo 162-0842
Tel: +81/3/3268-3134; fax: 3268-3136
Email: jhnfa@jhnfa.org

Web: www.jhnfa.org/

Japan Nut Association
Kohinata Bldg #203, 2-18-10,
Shinkawa, Chuo-ku, Tokyo 104-0033
Tel: n/a fax: 81/3/6662-6528
Email: jna@jt5.so-net.ne.jp
Web: http://www.jna-nut.com/

Japan Self-Service Association
Sakurai Bldg. 4F, 3-19-8 Uchi-kanda, Chiyoda-ku, Tokyo 101-0047
Tel: +81/3/3255/4825; fax: 3255-4826
Email: selkyo@jssa.or.jp
Web: www.jssa.or.jp/

Japan Restaurant Association
BM Kabutocho Bldg., 11-7 Nihonbashi Kabutocho, Chuo-ku, Tokyo 103-0026
Tel: +81/3/5651-5601; fax: 5651-5602

Japan Wine And Spirits Importers' Association
Daiichi Tentoku Bldg., 1-13-5 Toranomon, Minato-ku, Tokyo 105-0001
Tel: +81/3/3503-6505/6506; fax: 3503-6504
Web: www.youshu-yunyu.org/english/index.html

JAPANESE GOVERNMENT AGENCIES

Ministry of Economy, Trade and Industry (METI)
Trade & Investment Facilitation Division
1-3-1 Kasumigaseki, Chiyoda-ku, Tokyo 100-8901
Tel: +81/3/3501-1662; fax: 3501-2082
Web: http://www.meti.go.jp/english/index.html

Japan External Trade Organization (JETRO)
Invest Japan Dept.
Ark Mori Bldg., 6F, 1-12-32, Akasaka, Minato-ku, Tokyo107-6006
Tel: +81/3/3582-5511
Web: http://www.jetro.go.jp

JETRO “Invest Japan” Business Support Center
Ark Mori Bldg., 7F, 1-12-32, Akasaka, Minato-ku, Tokyo107-6006
Tel: +81/3/3582-4686; fax: 3584-6024
Web: http://www.jetro.go.jp/en/invest/ibsc/

Manufactured Imports and Investment Promotion Organization (MIPRO)
World Import Mart Bldg 6F, 3-1-3 Higashi-Ikebukuro, Toshima-ku, Tokyo 170-8630
Tel: +81/3/3988-2791; fax: 3988-1629
Web: http://www.mipro.or.jp/english/

For further contact information of Japanese government agencies and quasi-governmental organizations, please contact Commercial Service Japan offices.

U.S. FEDERAL GOVERNMENT

U.S.A. Trade Information Center
Ronald Reagan Building and International Trade Center 1300 Pennsylvania Avenue, NW Washington, D.C. 20004
Tel: 1-800-USA-TRAD(E); fax: 202-482-3433
Email: tic@ita.doc.gov
Web: http://www.export.gov/exportbasics/eg_main_017483.asp

U.S. Department of Commerce
Assistant Secretary for Trade Promotion and
Director General of the U.S. and Foreign Commercial Service
International Trade Administration
1401 Constitution Avenue, N.W., Washington, DC 20230
Web: http://www.export.gov

U.S. Department of Commerce, Market Access and Compliance Country Desk
Office of Japan
Keith Roth, Director
International Trade Administration
Room 2320, 14th Street and Constitution Avenue, N.W.
Washington, DC 20230
Tel: 202-482-2515; fax: 202-482-0469
Email: Keith.Roth@trade.gov
Web: http://www.mac.doc.gov/japan

U.S. Department of Agriculture
Foreign Agricultural Service
1400 Independence Ave., S.W., Washington, DC 20250
Email: info@fas.usda.gov
Web: http://www.fas.usda.gov

U.S. Department of State
Commercial and Business Affairs Office
2201 C Street, N.W., Room 2318, Washington, DC 20520
Tel: 202-647-1625; fax: 202-647-3953
Email: BusinessOutreachweb@state.gov
Web: http://www.state.gov/business

Export-Import Bank of the United States (Ex-Im Bank)
811 Vermont Avenue, N.W.
Washington, DC 20571
Tel: (202) 565-3946 (EXIM) or (800) 565-3946 (EXIM)
Email: info@exim.gov
Web: http://www.exim.gov

Overseas Private Investment Corporation (OPIC)
1100 New York Avenue, N.W.
Washington, D.C. 20527
Tel: 202-336-8400; fax: 202-336-7949
Email: info@opic.gov

Web: http://www.opic.gov

Market Research

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To view market research reports produced by the U.S. Commercial Service please go to the following website: http://www.export.gov/mrktresearch/index.asp and click on Country and Industry Market Reports.

Please note that these reports are only available to U.S. citizens and U.S. companies. Registration to the site is required, and is free.

In addition, each year the Foreign Agricultural Service offices in Tokyo and Osaka prepare more than 100 reports on food market developments in Japan. These include sector studies, product-specific market briefs and reports on market-opening and other trade policy developments. All reports are available on-line by accessing the Foreign Agricultural Service web site at http://www.fas.usda.gov/scriptsw/attacherep/default.asp

Trade Events

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Please click on the link below for information on upcoming trade events.

http://www.export.gov/tradeevents/index.asp

Please click on the link below for information regarding upcoming trade events in Japan specifically.

http://export.gov/japan/tradeevents/index.asp

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Chapter 10: Guide to Our Services

The President's National Export Initiative aims to double exports over five years by marshaling Federal agencies to **prepare U.S. companies to export successfully**, **connect them with trade opportunities** and **support them once they do have exporting opportunities**.

The U.S. Commercial Service offers customized solutions to help U.S. exporters, particularly small and medium sized businesses, successfully expand exports to new markets. Our global network of trade specialists will work one-on-one with you through every step of the exporting process, helping you to:

- Target the best markets with our world-class research
- Promote your products and services to qualified buyers
- Meet the best distributors and agents for your products and services
- Overcome potential challenges or trade barriers
- Gain access to the full range of U.S. government trade promotion agencies and their services, including export training and potential trade financing sources

To learn more about the Federal Government's trade promotion resources for new and experienced exporters, please click on the following link: www.export.gov

For more information on the services the U.S. Commercial Service offers to U.S. exporters, please click on the following link: http://export.gov/japan/services/index.asp

U.S. exporters seeking general export information/assistance or country-specific commercial information can also contact the **U.S. Department of Commerce's Trade Information Center** at **(800) USA-TRAD(E).**

To the best of our knowledge, the information contained in this report is accurate as of the date published. However, **The Department of Commerce** does not take responsibility for actions readers may take based on the information contained herein. Readers should always conduct their own due diligence before entering into business ventures or other commercial arrangements. **The Department of Commerce** can assist companies in these endeavors.

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