

**OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE**  
**EXECUTIVE OFFICE OF THE PRESIDENT**  
**WASHINGTON, D.C.**

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**NON-TARIFF MEASURES: U.S. CONSULTATIONS WITH JAPAN**

On April 12, 2013, the United States announced the successful conclusion of bilateral consultations with Japan on its interest in joining the Trans-Pacific Partnership, after the achievement of a robust package with Japan. In addition to non-tariff measure negotiations in the automotive sector, the United States and Japan have agreed to address non-tariff measures in a number of other key areas and sectors. These issues will be negotiated bilaterally, in parallel to the TPP negotiations, and addressed by the conclusion of the TPP negotiations between the two countries.

The inclusion of additional non-tariff measure issues for negotiation is an important element in the consultation outcomes in light of myriad non-tariff barriers that have historically impeded market access in Japan for U.S. exporters, investors, workers, farmers, and ranchers.

Along with the TPP negotiations, these parallel bilateral negotiations on non-tariff measures will be an additional avenue for the United States to address barriers with Japan and achieve meaningful and tangible outcomes. Specifically, the results of these parallel negotiations will be implemented through legally binding agreements, exchanges of letters, new or amended regulation or law, and/or other mutually-agreed upon means.

<b>Addressing Non-Tariff Measures</b>
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The United States will raise the following issues with respect to the Japanese market to be addressed by the Japanese and U.S. Governments in the parallel negotiations.

- **Insurance:** Address level playing field issues related to Japan Post.
- **Transparency:** Improve opportunities for stakeholder input, including through the Public Comment Procedure and by increasing access to ministry-appointed advisory councils.
- **Investment:** Facilitate meaningful opportunities for mergers and acquisitions into Japan, including by strengthening the role of truly independent directors.
- **Intellectual Property Rights (IPR):** Strengthen the protection of and enforcement measures for intellectual property rights, including with respect to copyright and related rights, technological protection measures, and civil and criminal enforcement procedures; and uphold certain core principles with respect to its system of protection for geographical indications, including protecting prior trademark rights, safeguarding the use of generic terms, and ensuring due process.
- **Standards:** Provide greater flexibility and transparency in standards setting and use, including with respect to their use in regulation, and adopt greater acceptance of international standards.

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**(continued)**

- **Government Procurement:** Improve the bidding process and take steps to hinder bid allocation.
- **Competition Policy:** Address a range of procedural fairness issues in the investigatory, pre-decision, and appeals processes.
- **Express Delivery:** Address level playing field issues related to international express services offered by Japan Post.
- **Sanitary and Phytosanitary Measures (SPS):** Pursuant to the rights and obligations of the WTO/SPS Agreement, accelerate and streamline risk assessments related to common food additives, and address other issues related to fungicides and gelatin/collagen for human consumption.

Additional issues may be added if agreed upon by both Governments.