

TEMPORARY MOVEMENT OF COMPANY PERSONNEL

Intra-company
Transferees

Investors and
Business Visitors
for Investment
Purposes

Short-term
Business
Visitors

8-B Annex III

European Union professionals
covered by 8-B Annex III are
generally tied to an employer
based in the European Union.

8-B Annex IV

European Union professionals
covered by 8-B Annex IV may
(also) be tied to a Japanese
employer, clientele, or firm.

Independent
Professionals

Contractual
Service
Suppliers

INTRA-CORPORATE TRANSFEREES

Mode Four of GATS may cover a wide range of persons, from high-level engineers to unskilled workers. In the FTA, Japan mainly commits with respect to highly qualified professionals. Those commitments go substantially beyond Japan's commitments under the GATS. Japan also has a number of other economic partnership treaties granting access to foreign professionals of various categories.

1. MAIN POINTS

- The EU-Japan EPA grants access to professionals beyond what is secured by GATS.
- There are no quotas for business visitors for establishment purposes, intra-corporate transferees or investors from the European Union entering Japan.
- Professionals of the EU covered by 8-B Annex III are generally tied to EU-based employers.

2. COVERAGE FOR INTRA-CORPORATE TRANSFEREES

- **EPA 8.20 and 8.21** establish coverage for Intra-Corporate Transferees as professionals who are temporarily transferred to an enterprise, which is part of their employer's corporate group.
- Transferees must be either **managers or specialists** (possessing specialized knowledge or technology).
- **"Specialised knowledge"** for Japan means technology or knowledge at an advanced level pertinent to natural sciences, and engineering, or to human sciences, including jurisprudence, economics, business management and accounting, or ideas and sensitivity based on culture of a country other than Japan.
- **"Technology or knowledge at an advanced level pertinent to natural or human sciences"** means sciences acquired by that person, in principle, by completing college education or higher education.
- **EPA Annex 8-B (Annex III)** outlines coverage for spouses and accompanying children (recognised as such under local law).

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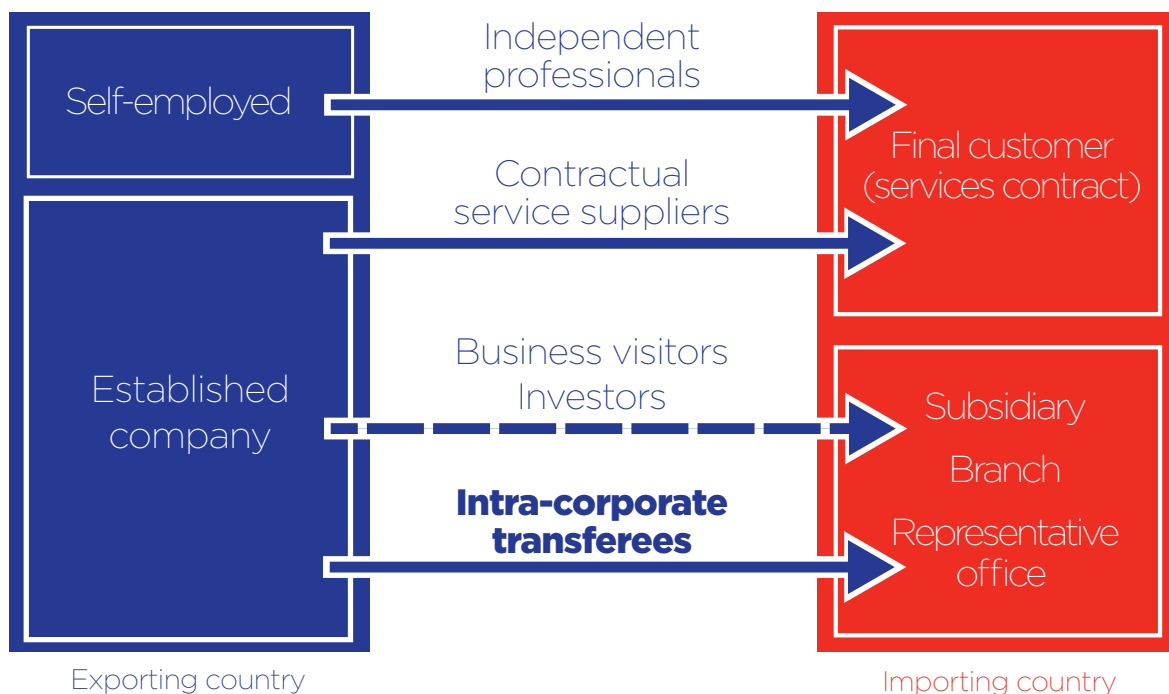
3. DEFINITIONS (EPA 8.21)

Conditions for Intra-Corporate Transferees:

Intra-Corporate Transferees (ICTs) are professionals of the European Union employed by a European Union firm for at least a year prior to arrival in Japan, and who are temporarily transferred to an enterprise in Japan, but which forms part of the same group as the employer. This can include subsidiaries, branches, and head-offices.

Intra-Corporate Transferees can be:

- **Managers or Supervisors:** Directing the enterprise or department, supervising the work of other supervisory, professional or managerial employees, or the personal authority to recruit and dismiss or to recommend recruitment and dismissal.
- **Specialists:** Persons with specialised knowledge, techniques, research equipment, processes, procedures or management.



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4. WHAT DOES EPA COVERAGE PROVIDE IN JAPAN?

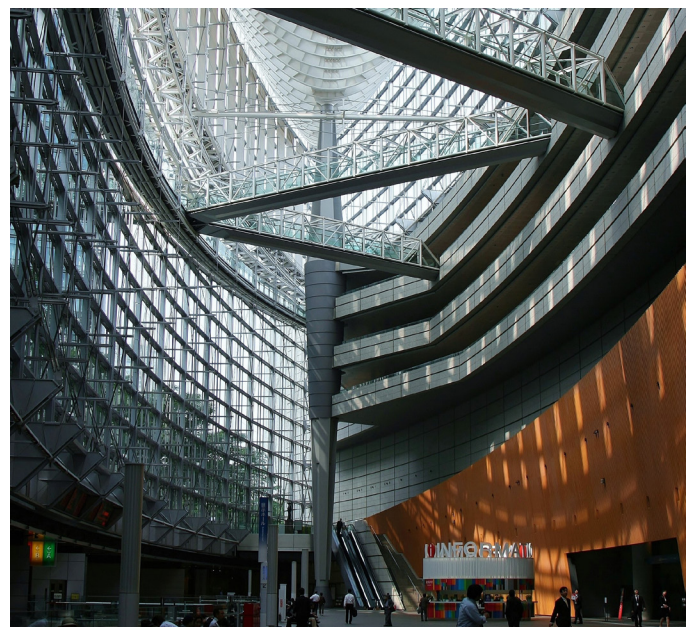
- **EPA Annex 8-B (Annex III)** outlines that professionals can work and reside in Japan for a maximum of five years.
- **EPA Annex 8-B (Annex III)** also provides matching residency rights for accompanying spouses and children of those professionals.
- **EPA 8.7 and 8.24** establish that neither quotas nor economics needs tests shall apply to Intra-Corporate Transferees.

CATEGORY	ADMINISTRATIVE PROCEDURES	CONCERNED PERSONS	LENGTH OF STAY
Intra-corporate transferee (ICT)	No Economic Needs Test	Managers, Specialists	5 Years
Business Visitor for Investment Purposes (BVIP)	No Sector, Subsector, or Geographic Limitations	Senior position responsible for setting up an enterprise	90 Days
Short-Term Business Visitor (STBV)	No Work Permit or Economics Needs Test needed	Negotiations, Contracts, Inter-firm coordination	90 Days
Investor	No Sector, Subsector, or Geographic Limitations	Supervisor or Executive	5 Years
Contractual Service Providers (CSPs)	No Numerical Limits or Economic Needs Test	38 White-listed Professions	5 Years
Independent Professionals (IPs)	No Numerical Limits or Economic Needs Test	38 White-listed Professions	5 Years
Spouses and Children	Spouses may apply for work permit	Spouses and children of ICTs, Investors, CSPs, IPs	5 Years

5. CHALLENGES

While the EU-Japan EPA offers EU businesses and professionals more opportunities to participate in Japan’s market landscape, EU businesses and professionals should take into consideration that other factors, such as cultural, linguistic, and regulatory barriers will need to be addressed in order to take full advantage of the EU-Japan EPA. Those businesses and professionals should therefore still expect regulatory oversight.

Likewise, Japanese business and professionals operating in the EU market should also expect regulatory oversight, including licensing and qualification requirements.



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MORE INFORMATION

EU-Japan EPA's **main text and annexes** can be found on European Commission's DG Trade website:
<http://trade.ec.europa.eu/doclib/press/index.cfm?id=1684>

EU-Japan EPA Chapter on **entry and stay of persons** is also available on the European Commission's DG Trade website:
http://trade.ec.europa.eu/doclib/docs/2018/august/tradoc_157228.pdf#page=223

Annex 8-B (Annex III) on **entry and stay of business visitors, intra-company transferees and investors** is also available on the European Commission's DG Trade website:
http://trade.ec.europa.eu/doclib/docs/2018/august/tradoc_157233.pdf#page=203



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