

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
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INVESTORS & BUSINESS VISITORS FOR INVESTMENT PURPOSES

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

- Access for business visitors for investment purposes (BVIP) is outlined in the treaty for those employed by firms doing business in Japan and the European Union.
- No quotas for business visitors from the European Union entering Japan for investment purposes.
- Professionals of the EU covered by 8-B Annex III are generally tied to EU-based employers.

2. COVERAGE FOR INVESTORS AND BUSINESS VISITORS FOR INVESTMENT PURPOSES

- **EPA 8.20 and 8.21** outline that **Business Visitors for Investment Purposes** are professionals working in a senior position, who are responsible for setting up an enterprise during their temporary stay.
- **EPA 8.20 and 8.21** outline that **Investors** are persons who invest in, develop, and administer an enterprise in a supervisory or administrative capacity.
- **EPA Annex 8-B (Annex III)** outlines coverage for **spouses and accompanying children** (recognised as such under local law).

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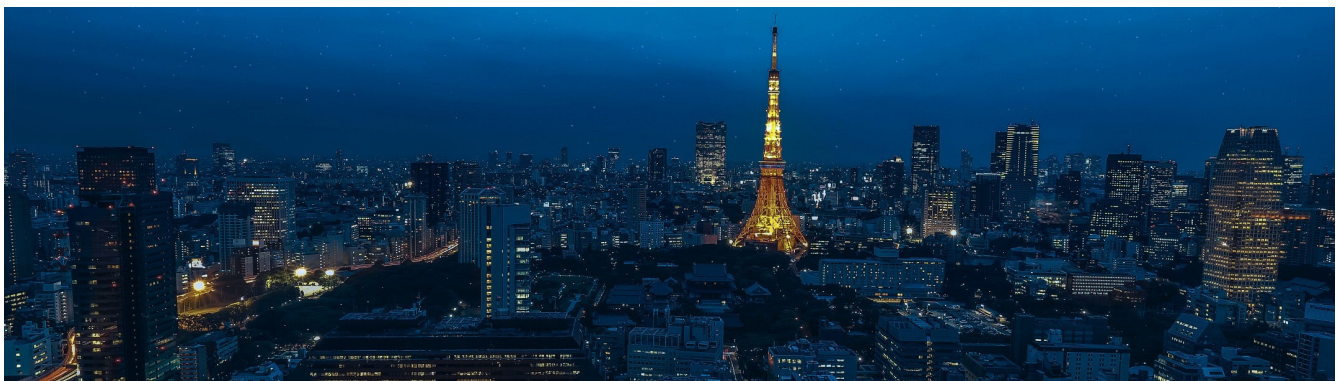
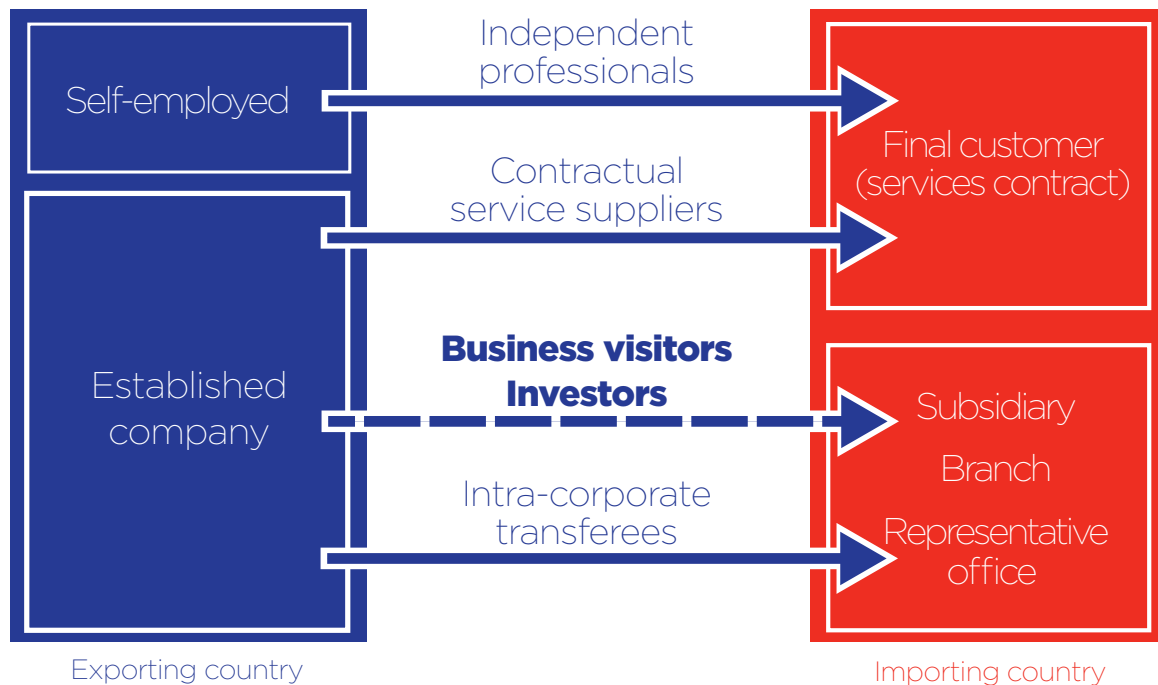


3. DEFINITIONS (EPA 8.21)

Definitions for Investors and Business Visitors for Investment Purposes:

Investors are persons of the European Union who establish an enterprise, and develop or administer the operation of that enterprise in Japan in a supervisory or executive capacity, and to which that person or the juridical person employing that person commits a substantial amount of capital.

“Business visitors for investment purposes” are professionals employed in a senior position, who are responsible for setting up an enterprise, but do not offer nor provide services, nor engage in any economic activity other than what is required for establishment purposes and do not receive remuneration in targeted host market.



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4. WHAT DOES EPA COVERAGE PROVIDE IN JAPAN?

- Business Visitors Union for investment purposes of the European Union are permitted a **maximum length of stay of 90 days**.
- Investors are permitted a **maximum length of stay of five years**.
- There are **no quotas** for the number of investors or business visitors from the European Union entering for establishment purposes.

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



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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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