

No. 48385. Japan and Singapore

AGREEMENT BETWEEN JAPAN AND THE REPUBLIC OF SINGAPORE FOR A NEW-AGE ECONOMIC PARTNERSHIP. SINGAPORE, 13 JANUARY 2002 [*United Nations, Treaty Series*, vol. 2739, I-48385.]

PROTOCOL AMENDING THE AGREEMENT BETWEEN JAPAN AND THE REPUBLIC OF SINGAPORE FOR A NEW-AGE ECONOMIC PARTNERSHIP (WITH ANNEXES AND PROTOCOL). TOKYO, 19 MARCH 2007

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The texts of the annexes are not published herein, in accordance with article 12 (2) of the General Assembly regulations, to give effect to Article 102 of the Charter of the United Nations, as amended, and the publication practice of the Secretariat.

N° 48385. Japon et Singapour

ACCORD ENTRE LE JAPON ET LA RÉPUBLIQUE DE SINGAPOUR POUR UN PARTENARIAT ÉCONOMIQUE MODERNE. SINGAPOUR, 13 JANVIER 2002 [*Nations Unies, Recueil des Traités*, vol. 2739, I-48385.]

PROTOCOLE MODIFIANT L'ACCORD ENTRE LE JAPON ET LA RÉPUBLIQUE DE SINGAPOUR POUR UN PARTENARIAT ÉCONOMIQUE MODERNE (AVEC ANNEXES ET PROTOCOLE). TOKYO, 19 MARS 2007

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Les textes des annexes ne sont pas publiés ici, conformément aux dispositions de l'article 12, paragraphe 2, du règlement de l'Assemblée générale destiné à mettre en application l'Article 102 de la Charte des Nations Unies, tel qu'amendé, et de la pratique dans le domaine des publications du Secrétariat.

[ENGLISH TEXT – TEXTE ANGLAIS]

PROTOCOL
AMENDING THE AGREEMENT BETWEEN JAPAN AND THE REPUBLIC OF
SINGAPORE FOR A NEW-AGE ECONOMIC PARTNERSHIP

Japan and the Republic of Singapore (hereinafter referred to in this Protocol as "the Parties");

Having undertaken a general review of the Agreement between Japan and the Republic of Singapore for a New-Age Economic Partnership, signed in Singapore on January 13, 2002 (hereinafter referred to as "the Agreement"), pursuant to Article 10 of the Agreement;

Desiring to conclude a protocol to amend the Agreement pursuant to Article 151 of the Agreement;

HAVE AGREED as follows:

Article 1

Article 5 of the Agreement shall be amended by renumbering paragraph 2 as paragraph 3, and inserting the following new paragraph immediately after paragraph 1:

"2. Nothing in this Agreement shall affect the rights and obligations of either Party under any tax convention to which it is a party. In the event of any inconsistency between this Agreement and any such convention, that convention shall prevail to the extent of the inconsistency."

Article 2

Article 11 of the Agreement shall be amended by deleting sub-paragraph (d) and renumbering sub-paragraphs (e) through (g) as sub-paragraphs (d) through (f) respectively.

Article 3

Article 14 of the Agreement shall be amended as follows:

1. By inserting the expression "or reduce" immediately after the expression "eliminate" in paragraph 1; and

2. By deleting the expression "Annex I" in paragraph 1, sub-paragraphs (a) and (b) of paragraph 2 and paragraph 3 and replacing it respectively by the expression "Annexes I A and I B".

Article 4

Article 18 of the Agreement shall be amended as follows:

1. By deleting paragraph 1 and replacing it by the following:

"1. Subject to the provisions of this Article, if an originating good of the other Party listed in the Schedule of a Party in Annex I B, as a result of the elimination or reduction of a customs duty in accordance with Article 14, is being imported into the territory of the latter Party in such increased quantities, in absolute terms, and under such conditions that the imports of that originating good alone constitute a substantial cause of serious injury, or threat thereof, to a domestic industry of the latter Party, the latter Party may, to the minimum extent necessary to prevent or remedy the injury and to facilitate adjustment:

- (a) suspend the further reduction of any rate of customs duty on the good; or
- (b) increase the rate of customs duty on the good to a level not to exceed the lesser of:
 - (i) the most-favoured-nation applied rate of customs duty in effect at the time when the measure set out in this paragraph is taken; and
 - (ii) the most-favoured-nation applied rate of customs duty in effect on 31 March 2007."

2. By deleting the expressions "a period of one year" and "a total maximum period of three years" in sub-paragraph (d) of paragraph 3 and replacing them respectively by the expressions "a period of two years" and "a total maximum period of four years";

3. By deleting the expression "during the transition period" in sub-paragraph (e) of paragraph 3 and replacing it by the expression "for a period of time equal to the duration of the previous measure or one year, whichever is longer"; and

4. By inserting the following new paragraphs immediately after paragraph 8:

- "9. (a) In critical circumstances, where delay would cause damage which it would be difficult to repair, a Party may take a provisional emergency measure, which shall take the form of the measure set out in sub-paragraph (a) or (b) of paragraph 1 of this Article pursuant to a preliminary determination that there is clear evidence that increased imports of an originating good have caused or are threatening to cause serious injury to a domestic industry.
- (b) The Party shall deliver a written notice to the other Party prior to applying a provisional emergency measure set out in sub-paragraph (a) above. Consultations between the Parties on the application of the provisional emergency measure shall be initiated immediately after the provisional emergency measure is taken.
- (c) The duration of the provisional emergency measure set out in sub-paragraph (a) of this paragraph shall not exceed 200 days. During this period, the pertinent requirements of paragraph 2 of this Article shall be met. The duration of the provisional emergency measure shall be counted as a part of the period referred to in sub-paragraph (d) of paragraph 3 of this Article.

- (d) Sub-paragraph (f) of paragraph 3 and paragraphs 6, 7 and 8 of this Article shall be applied mutatis mutandis to the provisional emergency measure set out in sub-paragraph (a) of this paragraph. The customs duty imposed as a result of the provisional emergency measure shall be refunded if the subsequent investigation referred to in paragraph 2 of this Article does not determine that increased imports of the originating good have caused or threatened to cause serious injury to a domestic industry.

10. The Parties shall review the provisions of this Article, if necessary, after 31 December 2017."

Article 5

Article 22 of the Agreement shall be amended by deleting sub-paragraphs (b) and (c) and replacing them with the following:

- "(b) the term "non-originating material" means a material whose country of origin, as determined under this Chapter, is not the same country as the country in which that material is used in production;
- (c) the term "production" means methods of obtaining goods including manufacturing, producing, assembling, processing, raising, growing, breeding, mining, extracting, harvesting, fishing, trapping, gathering, collecting, hunting and capturing;
- (d) the terms "fungible originating goods of a Party" or "fungible originating materials of a Party" respectively mean originating goods or materials of a Party that are interchangeable for commercial purposes, whose properties are essentially identical; and