

Article 6 – Purpose of a Covered Tax Agreement

Reservation

Pursuant to Article 6(4) of the Convention, Japan reserves the right for Article 6(1) of the Convention not to apply to its Covered Tax Agreements that already contain preamble language describing the intent of the Contracting Jurisdictions to eliminate double taxation without creating opportunities for non-taxation or reduced taxation, whether that language is limited to cases of tax evasion or avoidance (including through treaty-shopping arrangements aimed at obtaining reliefs provided in the Covered Tax Agreement for the indirect benefit of residents of third jurisdictions) or applies more broadly. The following agreement contains preamble language that is within the scope of this reservation.

Listed Agreement Number	Other Contracting Jurisdiction	Preamble Text
10	Germany	Desiring to further develop their economic relationship and to enhance their cooperation in tax matters, Intending to conclude a new Agreement for the elimination of double taxation with respect to taxes on income and to certain other taxes without creating opportunities for non-taxation or reduced taxation through tax evasion or avoidance (including through treaty-shopping arrangements aimed at obtaining reliefs provided in this Agreement for the indirect benefit of residents of third States),

Notification of Choice of Optional Provisions

Pursuant to Article 6(6) of the Convention, Japan hereby chooses to apply Article 6(3) of the Convention.

Notification of Existing Preamble Language in Listed Agreements

Pursuant to Article 6(5) of the Convention, Japan considers that the following agreements are not within the scope of a reservation under Article 6(4) of the Convention and contain preamble language described in Article 6(2) of the Convention. The text of the relevant preambular paragraph is identified below.

Listed Agreement Number	Other Contracting Jurisdiction	Preamble Text
1	Australia	Desiring to conclude a new Convention for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income,

Listed Agreement Number	Other Contracting Jurisdiction	Preamble Text
2	Bulgaria	Desiring to conclude a Convention for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income,
3	Canada	Desiring to conclude a new Convention for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income,
4	China	Desiring to conclude an Agreement for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income,
5	Czechoslovakia (Czech Republic)	Desiring to conclude a Convention for the avoidance of double taxation with respect to taxes on income,
6	Egypt	Desiring to conclude a Convention for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income,
7	United Kingdom (Fiji)	Desiring to conclude a Convention for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income;
8	Finland	Desiring to conclude a Convention for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income,
9	France	désireux de conclure une Convention en vue d'éviter les doubles impositions et de prévenir l'évasion et la fraude fiscales en matière d'impôts sur le revenu,
11	Hong Kong	Desiring to conclude an Agreement for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income,
12	Hungary	Desiring to conclude a Convention for the avoidance of double taxation with respect to taxes on income,
13	India	Desiring to conclude a new Convention for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income,
14	Indonesia	Desiring to conclude an Agreement for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income,
15	Ireland	Desiring to conclude a Convention for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income,
16	Israel	Desiring to conclude a Convention for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income,
17	Italy	Desiring to conclude a Convention for the avoidance of double taxation with respect to taxes on income,

Listed Agreement Number	Other Contracting Jurisdiction	Preamble Text
18	Kazakhstan	Desiring to conclude a Convention for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income,
19	Korea	Desiring to conclude a Convention for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income,
20	Kuwait	Desiring to conclude a Convention for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income,
21	Luxembourg	Desiring to conclude a Convention for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income and/or to a certain other tax,
22	Malaysia	Desiring to conclude an Agreement for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income,
23	Mexico	Desiring to conclude a Convention for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income,
24	Netherlands	Desiring to conclude a new Convention for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income,
25	New Zealand	Desiring to conclude a new Convention for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income,
26	Norway	Desiring to conclude a Convention for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income,
27	Pakistan	Desiring to conclude a new Convention for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income,
28	Poland	Having decided to conclude a Convention for the avoidance of double taxation with respect to taxes on income,
29	Portugal	Desiring to conclude a Convention for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income,
30	Romania	Desiring to conclude a Convention for the avoidance of double taxation with respect to taxes on income,
31	Saudi Arabia	Desiring to conclude a Convention for the avoidance of double taxation and the prevention of tax evasion with respect to taxes on income,

Listed Agreement Number	Other Contracting Jurisdiction	Preamble Text
32	Singapore	Desiring to conclude an Agreement for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income,
33	Czechoslovakia (Slovak Republic)	Desiring to conclude a Convention for the avoidance of double taxation with respect to taxes on income,
34	South Africa	Desiring to conclude a Convention for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income,
35	Sweden	Desiring to conclude a new Convention for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income,
36	Turkey	Desiring to conclude an Agreement for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income,
37	Union of Soviet Socialist Republics (Ukraine)	Desiring to conclude a Convention for the avoidance of double taxation with respect to taxes on income,
38	United Arab Emirates	Desiring to conclude a Convention for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income,
39	United Kingdom	Desiring to conclude a new Convention for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income and on capital gains,

Notification of Listed Agreements Not Containing Existing Preamble Language

Pursuant to Article 6(6) of the Convention, Japan considers that the following agreements do not contain preamble language referring to a desire to develop an economic relationship or to enhance co-operation in tax matters.

Listed Agreement Number	Other Contracting Jurisdiction
1	Australia
2	Bulgaria
3	Canada
4	China
5	Czechoslovakia (Czech Republic)
6	Egypt
7	United Kingdom (Fiji)
8	Finland

Listed Agreement Number	Other Contracting Jurisdiction
9	France
11	Hong Kong
12	Hungary
13	India
14	Indonesia
15	Ireland
16	Israel
17	Italy
18	Kazakhstan
19	Korea
20	Kuwait
21	Luxembourg
22	Malaysia
23	Mexico
24	Netherlands
25	New Zealand
26	Norway
27	Pakistan
28	Poland
29	Portugal
30	Romania
31	Saudi Arabia
32	Singapore
33	Czechoslovakia (Slovak Republic)
34	South Africa
35	Sweden
36	Turkey
37	Union of Soviet Socialist Republics (Ukraine)
38	United Arab Emirates
39	United Kingdom

Article 7 – Prevention of Treaty Abuse***Notification of Existing Provisions in Listed Agreements***

Pursuant to Article 7(17)(a) of the Convention, Japan considers that the following agreements are not subject to a reservation under Article 7(15)(b) of the Convention and contain a provision described in Article 7(2) of the Convention. The article and paragraph number of each such provision is identified below.

Listed Agreement Number	Other Contracting Jurisdiction	Provision
1	Australia	Article 10(11), Article 11(10) and Article 12(8)
9	France	Article 10(9), Article 11(10), Article 12(6) and Article 22(5)
10	Germany	Article 21(8)
11	Hong Kong	Article 26
23	Mexico	Protocol (11)(a) and (13)
25	New Zealand	Article 23
29	Portugal	Article 21
31	Saudi Arabia	Article 24
34	South Africa	Article 22 and Protocol (2)
35	Sweden	Article 21C
38	United Arab Emirates	Protocol (11)
39	United Kingdom	Article 10(10), Article 11(7), Article 12(6) and Article 21(5)

Article 8 – Dividend Transfer Transactions***Reservation***

Pursuant to Article 8(3)(a) of the Convention, Japan reserves the right for the entirety of Article 8 of the Convention not to apply to its Covered Tax Agreements.

Article 9 – Capital Gains from Alienation of Shares or Interests of Entities Deriving their Value Principally from Immovable Property***Notification of Choice of Optional Provisions***

Pursuant to Article 9(8) of the Convention, Japan hereby chooses to apply Article 9(4) of the Convention.

Notification of Existing Provisions in Listed Agreements

Pursuant to Article 9(7) of the Convention, Japan considers that the following agreements contain a provision described in Article 9(1) of the Convention. The article and paragraph number of each such provision is identified below.

Listed Agreement Number	Other Contracting Jurisdiction	Provision
1	Australia	Article 13(2)
9	France	Article 13(3)
10	Germany	Article 13(2)
11	Hong Kong	Article 13(2)
18	Kazakhstan	Article 13(2)
19	Korea	Article 13(3)
20	Kuwait	Article 13(2)
23	Mexico	Article 13(3)
24	Netherlands	Article 13(2)
25	New Zealand	Article 13(2)
27	Pakistan	Article 14(2)
29	Portugal	Article 13(2)
31	Saudi Arabia	Article 13(2)
32	Singapore	Article 13(4)(a)
38	United Arab Emirates	Article 13(2)
39	United Kingdom	Article 13(2)

Article 11 – Application of Tax Agreements to Restrict a Party’s Right to Tax its Own Residents***Reservation***

Pursuant to Article 11(3)(a) of the Convention, Japan reserves the right for the entirety of Article 11 of the Convention not to apply to its Covered Tax Agreements.

Article 12 – Artificial Avoidance of Permanent Establishment Status through Commissionnaire Arrangements and Similar Strategies***Notification of Existing Provisions in Listed Agreements***

Pursuant to Article 12(5) of the Convention, Japan considers that the following agreements contain a provision described in Article 12(3)(a) of the Convention. The article and paragraph number of each such provision is identified below.

Listed Agreement Number	Other Contracting Jurisdiction	Provision
1	Australia	Part of Article 5(7)(a)
2	Bulgaria	Article 5(5)
3	Canada	Article 5(5)
4	China	Article 5(6)(a)
5	Czechoslovakia (Czech Republic)	Article 5(4)
6	Egypt	Article 3(4)
7	United Kingdom (Fiji)	Article 2(1)(i)(v)(aa)
8	Finland	Article 5(4)
9	France	Article 5(5)
10	Germany	Article 5(5)
11	Hong Kong	Article 5(5)
12	Hungary	Article 5(5)
13	India	Article 5(7)(a)
14	Indonesia	Article 5(6)(a)
15	Ireland	Article 6(5)(a)
16	Israel	Article 5(5)
17	Italy	Article 5(4)
18	Kazakhstan	Article 5(5)
19	Korea	Article 5(5)
20	Kuwait	Article 5(5)
21	Luxembourg	Article 5(5)
22	Malaysia	Article 5(5)(a)
23	Mexico	Article 5(5)
24	Netherlands	Article 5(5)
25	New Zealand	Article 5(8)(a)
26	Norway	Article 5(5)
27	Pakistan	Article 5(5)(a)
28	Poland	Article 5(5)
29	Portugal	Article 5(5)
30	Romania	Article 5(4)
31	Saudi Arabia	Article 5(5)
32	Singapore	Article 5(5)
33	Czechoslovakia (Slovak Republic)	Article 5(4)
34	South Africa	Article 5(5)
35	Sweden	Article 5(5)
36	Turkey	Article 5(7)
37	Union of Soviet Socialist Republics (Ukraine)	Article 4(4)
38	United Arab Emirates	Article 5(5)
39	United Kingdom	Article 5(5)

Pursuant to Article 12(6) of the Convention, Japan considers that the following agreements contain a provision described in Article 12(3)(b) of the Convention. The article and paragraph number of each such provision is identified below.

Listed Agreement Number	Other Contracting Jurisdiction	Provision
1	Australia	Article 5(8)
2	Bulgaria	Article 5(6)
3	Canada	Article 5(6)
4	China	Article 5(7)
5	Czechoslovakia (Czech Republic)	Article 5(5)
6	Egypt	Article 3(5)
7	United Kingdom (Fiji)	Article 2(1)(i)(vi)
8	Finland	Article 5(5)
9	France	Article 5(6)
10	Germany	Article 5(6)
11	Hong Kong	Article 5(6)
12	Hungary	Article 5(6)
13	India	Article 5(8)
14	Indonesia	Article 5(8) and Protocol (1)
15	Ireland	Article 6(6)
16	Israel	Article 5(6)
17	Italy	Article 5(5)
18	Kazakhstan	Article 5(6)
19	Korea	Article 5(6)
20	Kuwait	Article 5(6) and Protocol (2)
21	Luxembourg	Article 5(6)
22	Malaysia	Article 5(6)
23	Mexico	Article 5(7) and Protocol (2)
24	Netherlands	Article 5(6)
25	New Zealand	Article 5(9)
26	Norway	Article 5(6)
27	Pakistan	Article 5(6)
28	Poland	Article 5(6)
29	Portugal	Article 5(6)
30	Romania	Article 5(5)
31	Saudi Arabia	Article 5(6)
32	Singapore	Article 5(6)
33	Czechoslovakia (Slovak Republic)	Article 5(5)
34	South Africa	Article 5(6)
35	Sweden	Article 5(6)

Listed Agreement Number	Other Contracting Jurisdiction	Provision
36	Turkey	Article 5(8)
37	Union of Soviet Socialist Republics (Ukraine)	Article 4(5)
38	United Arab Emirates	Article 5(6)
39	United Kingdom	Article 5(6)

Article 13 – Artificial Avoidance of Permanent Establishment Status through the Specific Activity Exemptions

Notification of Choice of Optional Provisions

Pursuant to Article 13(7) of the Convention, Japan hereby chooses to apply Option A under Article 13(1) of the Convention.

Notification of Existing Provisions in Listed Agreements

Pursuant to Article 13(7) of the Convention, Japan considers that the following agreements contain a provision described in Article 13(5)(a) of the Convention. The article and paragraph number of each such provision is identified below.

Listed Agreement Number	Other Contracting Jurisdiction	Provision
1	Australia	Article 5(6)
2	Bulgaria	Article 5(4)
3	Canada	Article 5(4)
4	China	Article 5(4)
5	Czechoslovakia (Czech Republic)	Article 5(3)
6	Egypt	Article 3(3)
7	United Kingdom (Fiji)	Article 2(1)(i)(iii)
8	Finland	Article 5(3)
9	France	Article 5(4)
10	Germany	Article 5(4)
11	Hong Kong	Article 5(4)
12	Hungary	Article 5(4)
13	India	Article 5(6)
14	Indonesia	Article 5(4)
15	Ireland	Article 6(3)
16	Israel	Article 5(4)
17	Italy	Article 5(3)
18	Kazakhstan	Article 5(4)

Listed Agreement Number	Other Contracting Jurisdiction	Provision
19	Korea	Article 5(4)
20	Kuwait	Article 5(4)
21	Luxembourg	Article 5(4)
22	Malaysia	Article 5(4)
23	Mexico	Article 5(4) and Protocol (1)
24	Netherlands	Article 5(4)
25	New Zealand	Article 5(7)
26	Norway	Article 5(4)
27	Pakistan	Article 5(4)
28	Poland	Article 5(4)
29	Portugal	Article 5(4)
30	Romania	Article 5(3)
31	Saudi Arabia	Article 5(4)
32	Singapore	Article 5(4)
33	Czechoslovakia (Slovak Republic)	Article 5(3)
34	South Africa	Article 5(4)
35	Sweden	Article 5(4)
36	Turkey	Article 5(6)
37	Union of Soviet Socialist Republics (Ukraine)	Article 4(3)
38	United Arab Emirates	Article 5(4)
39	United Kingdom	Article 5(4)

Article 14 – Splitting-up of Contracts

Reservation

Pursuant to Article 14(3)(a) of the Convention, Japan reserves the right for the entirety of Article 14 of the Convention not to apply to its Covered Tax Agreements.

Article 16 – Mutual Agreement Procedure

Notification of Existing Provisions in Listed Agreements

Pursuant to Article 16(6)(a) of the Convention, Japan considers that the following agreements contain a provision described in Article 16(4)(a)(i) of the Convention. The article and paragraph number of each such provision is identified below.

Listed Agreement Number	Other Contracting Jurisdiction	Provision
1	Australia	Article 27(1), first sentence
2	Bulgaria	Article 25(1), first sentence
3	Canada	Article 23(1), first sentence
4	China	Article 25(1), first sentence
5	Czechoslovakia (Czech Republic)	Article 25(1)
6	Egypt	Article 22(1)
8	Finland	Article 25(1)
9	France	Article 25(1), first sentence
10	Germany	Article 24(1), first sentence
11	Hong Kong	Article 24(1), first sentence
12	Hungary	Article 25(1), first sentence
13	India	Article 25(1), first sentence
14	Indonesia	Article 25(1), first sentence
15	Ireland	Article 27(1)
16	Israel	Article 25(1), first sentence
17	Italy	Article 25(1)
18	Kazakhstan	Article 24(1), first sentence
19	Korea	Article 25(1), first sentence
20	Kuwait	Article 24(1), first sentence
21	Luxembourg	Article 27(1), first sentence
22	Malaysia	Article 24(1), first sentence
23	Mexico	Article 24(1), first sentence
24	Netherlands	Article 24(1), first sentence
25	New Zealand	Article 26(1), first sentence
26	Norway	Article 25(1), first sentence
27	Pakistan	Article 25(1), first sentence
28	Poland	Article 25(1), first sentence
29	Portugal	Article 24(1), first sentence
30	Romania	Article 24(1)
31	Saudi Arabia	Article 25(1), first sentence
32	Singapore	Article 25(1), first sentence
33	Czechoslovakia (Slovak Republic)	Article 25(1)
34	South Africa	Article 24(1), first sentence
35	Sweden	Article 24(1), first sentence
36	Turkey	Article 24(1)
37	Union of Soviet Socialist Republics (Ukraine)	Article 22(1), first sentence
38	United Arab Emirates	Article 24(1), first sentence
39	United Kingdom	Article 25(1), first sentence

Pursuant to Article 16(6)(b)(i) of the Convention, Japan considers that the following agreement contains a provision that provides that a case referred to in the first sentence of Article 16(1) of the Convention must be presented within a specific time period that is shorter than three years from the first notification of the action resulting in taxation not in accordance with the provisions of the Covered Tax Agreement. The article and paragraph number of such provision is identified below.

Listed Agreement Number	Other Contracting Jurisdiction	Provision
3	Canada	Article 23(1), second sentence

Pursuant to Article 16(6)(b)(ii) of the Convention, Japan considers that the following agreements contain a provision that provides that a case referred to in the first sentence of Article 16(1) of the Convention must be presented within a specific time period that is at least three years from the first notification of the action resulting in taxation not in accordance with the provisions of the Covered Tax Agreement. The article and paragraph number of each such provision is identified below.

Listed Agreement Number	Other Contracting Jurisdiction	Provision
1	Australia	Article 27(1), second sentence
2	Bulgaria	Article 25(1), second sentence
4	China	Article 25(1), second sentence
9	France	Article 25(1), second sentence
10	Germany	Article 24(1), second sentence
11	Hong Kong	Article 24(1), second sentence
12	Hungary	Article 25(1), second sentence
13	India	Article 25(1), second sentence
14	Indonesia	Article 25(1), second sentence
16	Israel	Article 25(1), second sentence
18	Kazakhstan	Article 24(1), second sentence
19	Korea	Article 25(1), second sentence
20	Kuwait	Article 24(1), second sentence
21	Luxembourg	Article 27(1), second sentence
22	Malaysia	Article 24(1), second sentence
23	Mexico	Article 24(1), second sentence
24	Netherlands	Article 24(1), second sentence
25	New Zealand	Article 26(1), second sentence
26	Norway	Article 25(1), second sentence
27	Pakistan	Article 25(1), second sentence
28	Poland	Article 25(1), second sentence
29	Portugal	Article 24(1), second sentence
31	Saudi Arabia	Article 25(1), second sentence
32	Singapore	Article 25(1), second sentence
34	South Africa	Article 24(1), second sentence
35	Sweden	Article 24(1), second sentence
37	Union of Soviet Socialist Republics (Ukraine)	Article 22(1), second sentence
38	United Arab Emirates	Article 24(1), second sentence

Listed Agreement Number	Other Contracting Jurisdiction	Provision
39	United Kingdom	Article 25(1), second sentence

Notification of Listed Agreements Not Containing Existing Provisions

Pursuant to Article 16(6)(c)(i) of the Convention, Japan considers that the following agreement does not contain a provision described in Article 16(4)(b)(i) of the Convention.

Listed Agreement Number	Other Contracting Jurisdiction
7	United Kingdom (Fiji)

Pursuant to Article 16(6)(c)(ii) of the Convention, Japan considers that the following agreements do not contain a provision described in Article 16(4)(b)(ii) of the Convention.

Listed Agreement Number	Other Contracting Jurisdiction
3	Canada
5	Czechoslovakia (Czech Republic)
6	Egypt
7	United Kingdom (Fiji)
8	Finland
15	Ireland
17	Italy
23	Mexico
30	Romania
33	Czechoslovakia (Slovak Republic)
39	United Kingdom

Pursuant to Article 16(6)(d)(i) of the Convention, Japan considers that the following agreement does not contain a provision described in Article 16(4)(c)(i) of the Convention.

Listed Agreement Number	Other Contracting Jurisdiction
7	United Kingdom (Fiji)

Pursuant to Article 16(6)(d)(ii) of the Convention, Japan considers that the following agreements do not contain a provision described in Article 16(4)(c)(ii) of the Convention.

Listed Agreement Number	Other Contracting Jurisdiction
7	United Kingdom (Fiji)

Listed Agreement Number	Other Contracting Jurisdiction
23	Mexico

Article 17 – Corresponding Adjustments

Notification of Existing Provisions in Listed Agreements

Pursuant to Article 17(4) of the Convention, Japan considers that the following agreements contain a provision described in Article 17(2) of the Convention. The article and paragraph number of each such provision is identified below.

Listed Agreement Number	Other Contracting Jurisdiction	Provision
1	Australia	Article 9(3)
2	Bulgaria	Article 9(2)
3	Canada	Article 9(2)
9	France	Article 9(2)
10	Germany	Article 9(2)
11	Hong Kong	Article 9(2)
13	India	Article 9(2)
16	Israel	Article 9(2)
18	Kazakhstan	Article 9(2)
19	Korea	Article 9(2)
20	Kuwait	Article 9(2)
21	Luxembourg	Article 9(2)
22	Malaysia	Article 9(2)
23	Mexico	Article 9(2)
24	Netherlands	Article 9(2)
25	New Zealand	Article 9(2)
26	Norway	Article 9(2)
27	Pakistan	Article 9(2)
29	Portugal	Article 9(2)
31	Saudi Arabia	Article 9(2)
32	Singapore	Article 9(2)
34	South Africa	Article 9(2)
35	Sweden	Article 9(2)
36	Turkey	Article 9(2)
38	United Arab Emirates	Article 9(2)
39	United Kingdom	Article 9(2)

Article 18 – Choice to Apply Part VI

Notification of Choice of Optional Provisions

Pursuant to Article 18 of the Convention, Japan hereby chooses to apply Part VI of the Convention.

Article 19 – Mandatory Binding Arbitration

Reservation

Pursuant to Article 19(12) of the Convention, Japan reserves the right for the following rules to apply with respect to its Covered Tax Agreements notwithstanding the other provisions of Article 19 of the Convention:

- a) any unresolved issue arising from a mutual agreement procedure case otherwise within the scope of the arbitration process provided for by the Convention shall not be submitted to arbitration, if a decision on this issue has already been rendered by a court or administrative tribunal of either Contracting Jurisdiction;
- b) if, at any time after a request for arbitration has been made and before the arbitration panel has delivered its decision to the competent authorities of the Contracting Jurisdictions, a decision concerning the issue is rendered by a court or administrative tribunal of one of the Contracting Jurisdictions, the arbitration process shall terminate.

Article 23 – Type of Arbitration Process

Reservation

Pursuant to Article 23(2) of the Convention, for the purpose of applying Article 23 of the Convention to its Covered Tax Agreements, Japan reserves the right for Article 23(1) of the Convention not to apply to its Covered Tax Agreements.

Article 26 – Compatibility***Reservation***

Pursuant to Article 26(4) of the Convention, Japan reserves the right for Part VI of the Convention not to apply with respect to all of its Covered Tax Agreements that already provide for mandatory binding arbitration of unresolved issues arising from a mutual agreement procedure case. The article and paragraph number of each such provision is identified below.

Listed Agreement Number	Other Contracting Jurisdiction	Provision
10	Germany	Article 24(5) and Protocol (10)
11	Hong Kong	Article 24(5) and Protocol (6)
24	Netherlands	Article 24(5) and Protocol (12)
25	New Zealand	Article 26(5) and Protocol (16)
29	Portugal	Article 24(5) and Protocol (12) and (13)
35	Sweden	Article 24(5), (6) and (7)
39	United Kingdom	Article 25(5) and (6) and Protocol (5)

Article 28 – Reservations***Reservation Formulated for Scope of Arbitration***

Pursuant to Article 28(2)(a) of the Convention, Japan formulates the following reservations with respect to the scope of cases that shall be eligible for arbitration under the provisions of Part VI of the Convention.

1. Japan reserves the right to exclude from the scope of Part VI of the Convention with respect to a Covered Tax Agreement of Japan cases falling within the provisions of that Covered Tax Agreement which provide rules for determining whether a person other than an individual shall be treated as a resident of one of the Contracting Jurisdictions in cases in which that person would otherwise be treated as a resident of both Contracting Jurisdictions (as they may be modified by the Convention).
2. Where a reservation made by the other Contracting Jurisdiction to a Covered Tax Agreement of Japan pursuant to Article 28(2)(a) of the Convention exclusively excludes, whether or not by referring to its domestic law, from the scope of Part VI of the Convention cases of taxation in that other Contracting Jurisdiction, Japan reserves the right to exclude from the scope of Part VI of the Convention with respect to that Covered Tax Agreement cases of taxation in Japan which are analogous to the cases referred to in that other Contracting Jurisdiction's reservation.