

# **ASEAN FRAMEWORK AGREEMENT ON SERVICES**

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## **INDONESIA**

### **Final List of MFN Exemptions**

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# INDONESIA - LIST OF MFN EXEMPTIONS

For the 7<sup>th</sup> Package of Commitments under ASEAN Framework Agreement on Services

Sector or sub sector	Description of measure indicating its inconsistency with Article II	Countries to which the measure applies	Intended duration	Conditions creating the need for the exemption
Banking Services *	Measures relating to a joint-venture bank of national and foreign origin under which entry of foreign bank in Indonesia is allowed on a reciprocity basis (Pursuant to Articles 14(3) the Ministry of Finance Decrees No. 220/KMK.017/1993 dated 26 <sup>th</sup> February 1993) With respect to joint-venture banks, licenses can only be granted to foreign banks of countries which adopt reciprocal policies regarding Indonesian banks	All countries which adopt reciprocal policies regarding Indonesia banks	Suspended until the end of the period of 60 days beginning on 1 November 1997 as stipulated in the Second Decision on Financial Services adopted by the Council for Trade in Services on 21 July 1995	To guarantee equal treatment to Indonesian nationals wishing to establish and operate bank abroad
Movement of Personnel (semi-skilled workers)	Low level occupations are reserved for Indonesian citizens. Based on Government Policy, limited exemptions may be granted to citizens of certain countries.	Nationals of Malaysia, Singapore, Brunei Darussalam, Papua New Guinea and Australia have been granted limited access to low level occupations	Indefinite	Development of the region is being undertaken and for the confirmation of this programme, it is decided to grant limited access to low level occupations to citizens at a limited number of countries
Construction Services (government funded projects)	Measures relating to preferential short listing in international competitive bidding	Nationals of Brunei Darussalam, Malaysia, The Philippines, Singapore and Thailand have been granted special treatment	These measures shall be maintained as long as the treaties of ASEAN remain in force	The implementation of a preferential short listing scheme for ASEAN contractors enhances the advancement of civil works, industrial construction and the economic development of the ASEAN region

Note: \*) This exemption is removed as a GATS Plus Offer



# **ASEAN FRAMEWORK AGREEMENT ON SERVICES**

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## **INDONESIA**

### **Schedule of Specific Commitments**

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# INDONESIA – SCHEDULE OF SPECIFIC COMMITMENTS

## For the 7<sup>th</sup> Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence 4) Presence of natural persons

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<b>BUSINESS SERVICES</b>			
<b>A. Professional Services</b>			
Legal Services (Advisory services in home country law, and international law). (CPC 861)	<p>(1) None</p> <p>(2) None</p> <p>(3) Unbound</p> <p>(4) Unbound except for foreign lawyers (advocate).</p> <p>Foreign lawyers (advocate) are allowed to work or take part in Indonesian law firm as employees or as experts in International Law, but shall not appear in courts and/or undertake legal proceedings under any circumstances.</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) Unbound</p> <p>(4) Unbound except for foreign lawyers (advocate).</p> <p>Foreign lawyers (advocate) are :</p> <ul style="list-style-type: none"> <li>- only allowed as employees or experts in Indonesian law firm</li> <li>- obliged to transfer legal knowledge and professional capabilities to Indonesian Lawyers</li> <li>- obliged to transfer knowledge to education, legal research, or government institutions at least 10 hours each month free of charge.</li> </ul> <p>The share of foreign lawyers (advocate) in Indonesian law firm must not exceed 20 per cent, and shall be limited to five foreign lawyers (advocate) per firm.</p>	
<p>Definition :</p> <p>Lawyer (advocate) is person who has the profession of providing legal service in and outside the court.</p> <p>International law means law established by international treaties and conventions as well as customary law</p>			





# INDONESIA – SCHEDULE OF SPECIFIC COMMITMENTS

For the 7<sup>th</sup> Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence 4) Presence of natural persons

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Accounting, Auditing and Bookkeeping Services (CPC 86220, Bookkeeping Services except Tax Return)	(1) None (2) None (3) Subject to Indonesia Foreign Investment Law (4) As specified in the Horizontal Section	(1) None (2) None (3) Subject to Indonesia Foreign Investment Law (4) As specified in the Horizontal Section	
Architectural Services (CPC 8671)	(1) None (2) None (3) a) Joint operation: By establishing a representative office in Indonesia. License for representative office shall be valid for 3 years and can be extended. b) Joint venture company: By fulfilling the requirements as specified in the Horizontal Section and the Foreign Capital Investment Law. (4) As specified in the Horizontal Section	(1) None (2) None (3) License fee requirement: Registered foreign company shall form a joint operation with local partner(s) which is (are) registered by Construction Services Development Board and having qualification A/Big. Local partner(s) in joint venture shall be registered by Construction Services Development Board and having qualification A/Big. (4) As specified in the Horizontal Section	



# INDONESIA – SCHEDULE OF SPECIFIC COMMITMENTS

## For the 7<sup>th</sup> Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence 4) Presence of natural persons

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Engineering Services (CPC-8672 except CPC 86721 and 86725)	<p>(1) None</p> <p>(2) None</p> <p>(3) a) Joint operation by establishing a representative office in Indonesia. License for representative office shall be valid for 3 years and can be extended.</p> <p>b) Joint venture company by fulfilling the requirements as specified in the Horizontal Section and the Foreign Capital Investment Law.</p> <p>(4) As specified in the Horizontal Section</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) a) License fee requirement. Registered foreign company shall form a joint operation with local partner(s) which is (are) registered by Construction Services Development Board and having qualification A/Big.</p> <p>b) Local partner(s) in joint venture shall be registered by Construction Services Development Board and having qualification A/Big.</p> <p>(4) As specified in the Horizontal Section</p>	
Advisory and Consultative Services Related to Engineering (CPC 86721)	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p> <p>(4) Unbound except for director and technical expert</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) The company must be a member of Indonesian Consultant Association</p> <p>(4) As specified in the Horizontal Section</p>	





# INDONESIA – SCHEDULE OF SPECIFIC COMMITMENTS

For the 7<sup>th</sup> Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence 4) Presence of natural persons

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Engineering Design Services for Industrial Processes and Production (CPC 86725)	(1) None (2) None (3) None (4) Unbound except for director and technical expert	(1) None (2) None (3) The company must be a member of Indonesian Consultant Association (4) As specified in the Horizontal Section	
Engineering Services (CPC 86725**) Mould and dies (die-Casting, forging, Stamping, etc) Powder metallurgy	(1) None (2) None (3) Joint operation by establishing a representative office in Indonesia.  License for representative office shall be valid for 3 years and can be extended (4) As specified in the Horizontal Section	(1) None (2) None (3) License fee requirement  Registered foreign company shall form a joint operation with local partner(s) which is (are) registered by Construction Services Development Board and having qualification A/Big. (4) As specified in the Horizontal Section	





# INDONESIA – SCHEDULE OF SPECIFIC COMMITMENTS

For the 7<sup>th</sup> Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence 4) Presence of natural persons

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Integrated Engineering Services (CPC 8673)	<p>(1) None</p> <p>(2) None</p> <p>(3) a) Joint operation: By establishing a representative office. License for representative office shall be valid for 3 years and can be extended.</p> <p>b) Joint venture company: By fulfilling the requirements as specified in the Horizontal Section and the Foreign Capital Investment Law.</p> <p>(4) As specified in the Horizontal Section</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) License fee requirement</p> <p>Registered foreign company shall form a joint operation with local partner(s) which is (are) registered by Construction Services Development Board and having qualification A/Big.</p> <p>Local partner(s) in joint venture shall be registered by Construction Services Development Board and having qualification A/Big.</p> <p>(4) As specified in the Horizontal Section</p>	



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For the 7<sup>th</sup> Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence 4) Presence of natural persons

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Urban Planning Services (CPC 86741)	<p>(1) None</p> <p>(2) None</p> <p>(3) a) Joint operation: By establishing a representative office. License for representative office shall be valid for 3 years and can be extended.</p> <p>b) Joint venture company: By fulfilling the requirements as specified in the Horizontal Section and the Foreign Capital Investment Law.</p> <p>(4) As specified in the Horizontal Section</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) License fee requirement</p> <p>Registered foreign company shall form a joint operation with local partner(s) which is (are) registered by Construction Services Development Board and having qualification A/Big.</p> <p>Local partner(s) in joint venture shall be registered by Construction Services Development Board and having qualification A/Big.</p> <p>(4) As specified in the Horizontal Section</p>	



# INDONESIA – SCHEDULE OF SPECIFIC COMMITMENTS

## For the 7<sup>th</sup> Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence 4) Presence of natural persons

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Landscape Architectural Services (CPC 86742)	<p>(1) None</p> <p>(2) None</p> <p>(3) a) Joint operation by establishing a representative office in Indonesia. License for representative office shall be valid for 3 years and can be extended.</p> <p>b) Joint venture company by fulfilling the requirements as specified in the Horizontal Section and the Foreign Capital Investment Law.</p> <p>(4) As specified in the Horizontal Section</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) a) License fee requirement. Registered foreign company shall form a joint operation with local partner(s) which is (are) registered by Construction Services Development Board and having qualification A/Big.</p> <p>b) Local partner(s) in joint venture shall be registered by Construction Services Development Board and having qualification A/Big.</p> <p>(4) As specified in the Horizontal Section</p>	





# INDONESIA – SCHEDULE OF SPECIFIC COMMITMENTS

## For the 7<sup>th</sup> Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence 4) Presence of natural persons

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<b>B. Computer and Related Services</b>			
Consultancy Services related to the installation of computer hardware (CPC 841)	(1) None (2) None (3) Joint operation through a representative office in Indonesia (4) Unbound except for director and technical expert	(1) None (2) None (3) The company must be member of Indonesian Consultant Association (4) As specified in the Horizontal Section	
Software Implementation Services (CPC 842)	(1) None (2) None (3) Joint operation through a representative office in Indonesia (4) Unbound except for director and technical expert	(1) None (2) None (3) The Indonesian participant in joint operation must be member of Indonesian Consultant Association (4) As specified in the Horizontal Section	
Data Base Services (CPC 84400*)	(1) None (2) None (3) Joint operation through a representative office in Indonesia (4) Unbound except for director and technical expert	(1) None (2) None (3) The Indonesian participant in joint operation must be member of Indonesian Consultant Association (4) As specified in the Horizontal Section	



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Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence 4) Presence of natural persons

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<b>C. Research and Development Services</b>			
Interdisciplinary R&D (CPC853, limited to Industrial Activities)	(1) None	(1) None	
	(2) None	(2) None	
	(3) Joint operation through a representative office in Indonesia	(3) The Indonesian participant in joint operation must be member of Indonesian Consultant Association	
	(4) Unbound except for director and technical expert	(4) As specified in the Horizontal Section	
<b>E. Rental and leasing services without operator</b>			
Rental of Vessel without Crew (CPC 83103)	(1) None	(1) None	
	(2) None	(2) None	
	(3) a) Commercial presence is only possible by establishing joint venture company b) Maximum share of foreign equity in the joint venture shipping company could be 60 per cent.	(3) As indicated in the Horizontal Section	
	(4) As indicated in the Horizontal Section	(4) As indicated in the Horizontal Section	



# INDONESIA – SCHEDULE OF SPECIFIC COMMITMENTS

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Modes of Supply:      1) Cross-border supply      2) Consumption aboard      3) Commercial presence      4) Presence of natural persons

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Rental and Leasing Services without operator relating to Aircraft (CPC 83104)	(1) None (2) None (3) Unbound (4) Unbound	(1) None (2) None (3) Unbound (4) Unbound	





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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<b>F. Other Business Services</b>			
Advertising Services (CPC 871)	(1) None (2) None (3) Unbound except as indicated in the Horizontal Section (4) Unbound	(1) None (2) None (3) Unbound except as indicated in the Horizontal Section (4) Unbound	
Market Research Services (CPC 86401)	(1) None (2) None (3) Commercial presence is permitted in the form of a limited liability company with foreign equity participation must not exceed 49 per cent of the registered capital (4) Unbound except as indicated in the Horizontal Section	(1) None (2) None (3) Unbound except as indicated in the Horizontal Section (4) Unbound except as indicated in the Horizontal Section	



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Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence 4) Presence of natural persons

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Management Consulting Services for: - General management consulting services (CPC 86501) - Marketing management consulting services (CPC 86503) - Human resources management consulting services (CPC 86504)	(1) None (2) None (3) Commercial Presence is permitted in the form of a limited liability company with foreign equity participation must not exceed 49 per cent of the registered capital. (4) Unbound except as indicated in Horizontal section	(1) None (2) None (3) Unbound except as indicated in Horizontal section (4) Unbound except as indicated in Horizontal section	
Project Management Services other than for Construction (CPC 86601)	(1) None (2) None (3) None (4) Unbound except for director and technical expert	(1) None (2) None (3) The company must be a member of Indonesia Consultant Association (4) As specified in the Horizontal Section	





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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Technical Testing and Analysis Services (CPC 8676)	(1) None (2) None (3) Joint operation through a representative office in Indonesia (4) Unbound except for director and technical expert	(1) Unbound (2) None (3) The Indonesian participant in joint operation must be member of Indonesian Consultant Association (4) As specified in the Horizontal Section	
Core analysis and other Lab Test, only for Isotop Analysis  According to Indonesia Proposal of Energy Services Classification is under: Isotop Analysis (1.A.2.7.3.)  According to WI20 is under: Business Services on Technical Testing and Analysis Services (CPC8676)	(1) None (2) None (3) Joint operation through a representative office in Indonesia (4) Unbound except for directors and technical experts	(1) None (2) None (3) As specified in the horizontal section (4) As specified in the horizontal section	
Services Incidental to energy distribution (CPC 887)  Exclusively covers only consultancy services related to operation of power plant and network	(1) None (2) None (3) Joint operation through a representative office in Indonesia (4) Unbound except for director and technical expert	(1) Unbound (2) None (3) As specified in the Horizontal Section (4) As specified in the Horizontal Section	





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Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence 4) Presence of natural persons

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<p>Geological and Geophysical Services, only for Seismic Data Acquisition</p> <p>According to Indonesia Proposal of Energy Services Classification is under Seismic Data Acquisition (1A.1.4.1.1.)</p> <p>According to W 120, Seismic Data Acquisition is under: Business Services on Subsurface Surveying Services (CPC 86752)</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) Joint operation through a representative office in Indonesia</p> <p>(4) Unbound except for directors and technical experts</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) As specified in the horizontal section</p> <p>(4) As specified in the horizontal section</p>	
<p>Maintenance and Repair of Equipment (not including maritime vessel, air craft, or other transport equipment) (CPC 633+8861+8866)</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) Joint operation through a representative office in Indonesia</p> <p>(4) Unbound except for director and technical expert</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) The Indonesian participant in joint operation must be member of Indonesian Consultant Association</p> <p>(4) As specified in the Horizontal Section</p>	



# INDONESIA – SCHEDULE OF SPECIFIC COMMITMENTS

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Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence 4) Presence of natural persons

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Packaging Services (CPC 87600)	(1) None (2) None (3) Unbound except as indicated in the Horizontal Section (4) Unbound	(1) None (2) None (3) Unbound except as indicated in the Horizontal Section (4) Unbound	
Convention Services (CPC 87909)	(1) None (2) None (3) Commercial presence is permitted in the form of a limited liability company with foreign equity participation must not exceed 49 per cent of the registered capital (4) Unbound except as indicated in the Horizontal Section	(1) None (2) None (3) Unbound except as indicated in the Horizontal Section (4) Unbound except as indicated in the Horizontal Section	





# INDONESIA – SCHEDULE OF SPECIFIC COMMITMENTS

For the 7<sup>th</sup> Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence 4) Presence of natural persons

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<b>COMMUNICATIONS SERVICES</b>			
<b>Telecommunication Services</b>			
Voice Telephone Services (CPC 7521)	(1) None (2) None (3) Only through joint venture with local private sector. Foreign Equity Participation is limited to 49% (4) Natural Persons for management and technical expert for joint venture company is limited to 20 persons	(1) None (2) None (3) None (4) As specified in the Horizontal Section	
Packet-switched data transmission services (CPC 7523**)	(1) None (2) None (3) Only through joint venture with local private sector. Foreign Equity Participation is limited to 49%. (4) Natural persons for management and technical expert is limited to 20 persons	(1) None (2) None (3) None (4) As specified in the Horizontal Section	





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## For the 7<sup>th</sup> Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence 4) Presence of natural persons

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Circuit-switched data transmission services (CPC 7523**)	(1) None (2) None (3) Only through joint venture with local private sector. Foreign Equity Participation is limited to 49%. (4) Unbound except for director and technical expert	(1) None (2) None (3) None (4) As specified in the Horizontal Section	
Telex Services	(1) None	(1) None	
Telegraph Services	(2) None	(2) None	
Facsimile (CPC 7521** + 7529**)	(3) Only through Joint venture with local private sector. Foreign equity participation is limited to 51 per cent (4) Natural persons for management and technical expert is limited to 20 persons	(3) None (4) As specified in the Horizontal Section	



# INDONESIA – SCHEDULE OF SPECIFIC COMMITMENTS

## For the 7<sup>th</sup> Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence 4) Presence of natural persons

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Private leased circuit services (CPC 7522** + 7523**)	(1) None (2) None (3) Only through joint venture with local private sector. Foreign Equity Participation is limited to 49%. (4) Natural persons for management and technical expert is limited to 20 persons	(1) None (2) None (3) None (4) As specified in the Horizontal Section	
Electronic mail services (CPC 75232)  Electronic mail box (CPC 75232)	(1) None (2) None (3) Access granted for five foreign services provider companies, in addition to the existing companies through joint venture with local private sector. Foreign Equity Participation is limited to 51%. (4) Unbound, except for director and technical expert	(1) None (2) None (3) Higher paid up capital is required of foreign service suppliers than of domestic services suppliers. This measure will be eliminated in the year 2020. (4) As specified in the Horizontal Section	



# INDONESIA – SCHEDULE OF SPECIFIC COMMITMENTS

For the 7<sup>th</sup> Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence 4) Presence of natural persons

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Voice mail services (CPC 7523)	(1) None (2) None (3) Access granted for five foreign services provider companies, in addition to the existing companies (4) Unbound, except for director and technical expert	(1) None (2) None (3) Higher paid up capital is required of foreign service suppliers than of domestic services suppliers. This measure will be eliminated in the year 2020. (4) As specified in the Horizontal Section	
On-line information and database retrieval (CPC 7523**)	(1) None (2) None (3) Only through joint venture with local private sector. Foreign Equity Participation is limited to 51%. (4) Natural persons for management and technical expert is limited to 20 persons	(1) None (2) None (3) None (4) As specified in the Horizontal Section	





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## For the 7<sup>th</sup> Package of Commitments under ASEAN Framework Agreement on Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Electronic data interchange (EDI) (CPC 7523**)	(1) None (2) None (3) Only through joint venture with local private sector. Foreign Equity Participation is limited to 49%. (4) Natural persons for management and technical expert is limited to 20 persons	(1) None (2) None (3) None (4) As specified in the Horizontal Section	
Enhanced/ value added facsimile services, including store and forward, store and retrieve (CPC 7523**)	(1) None (2) None (3) Only through joint venture with local private sector. Foreign Equity Participation is limited to 51%. (4) Natural persons for management and technical expert is limited to 20 persons	(1) None (2) None (3) None (4) As specified in the Horizontal Section	



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For the 7<sup>th</sup> Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence 4) Presence of natural persons

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Code and protocol conversion	(1) None (2) None (3) Only through joint venture with local private sector. Foreign Equity Participation is limited to 49%. (4) Natural persons for management and technical expert is limited to 20 persons	(1) None (2) None (3) None (4) As specified in the Horizontal Section	
On-line information and or data processing (including transaction processing) (CPC 843**)	(1) None (2) None (3) Only through joint venture with local private sector. Foreign Equity Participation is limited to 49%. (4) Natural persons for management and technical expert is limited to 20 persons	(1) None (2) None (3) None (4) As specified in the Horizontal Section	



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Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence 4) Presence of natural persons

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Local services:  c) Teleconferencing Services (CPC 75292)	<p>(1) None</p> <p>(2) None</p> <p>(3) Local services are provided exclusively by PT Telkom and 5 regional joint operation scheme operators.</p> <p>Type of legal entity required:</p> <ul style="list-style-type: none"> <li>- Joint venture,</li> <li>- Joint operation, or</li> <li>- Contract management</li> </ul> <p>Foreign equity participation is limited to 49 per cent.</p> <p>(4) Natural persons for management and technical expert for JVC is limited to 20 persons</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p> <p>(4) As specified in the Horizontal Section</p>	
Long Distance and International Services:  Teleconferencing Services (CPC 75292)	<p>(1) None</p> <p>(2) None</p> <p>(3) Only through joint venture with local private sector foreign equity participation is limited to 49 per cent</p> <p>(4) Natural person for management and technical expert for JVC is limited to 20 persons</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p> <p>(4) As specified in the Horizontal Section</p>	





# INDONESIA – SCHEDULE OF SPECIFIC COMMITMENTS

## For the 7<sup>th</sup> Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence 4) Presence of natural persons

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Regional and National Paging Service (CPC 75291)	(1) None (2) None (3) Only through Joint venture with local private sector. Foreign equity participation is limited to 51 per cent (4) Natural persons for management and technical expert is limited to 20 persons	(1) None (2) None (3) None (4) As specified in the Horizontal Section	
Internet Access Services	(1) None (2) None (3) Only through Joint venture with local private sector. Foreign equity participation is limited to 49 per cent (4) Natural persons for management and technical expert is limited to 20 persons	(1) None (2) None (3) None (4) As specified in the Horizontal Section	



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## For the 7<sup>th</sup> Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence 4) Presence of natural persons

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Computer time sharing services (CPC 84330)  Video text services (CPC 75299)	(1) None (2) None (3) Access granted for five foreign services provider companies, in addition to the existing companies (4) Unbound, except for director and technical expert	(1) None (2) None (3) Higher paid up capital is required of foreign service suppliers than of domestic services suppliers. This measure will be eliminated in the year 2020. (4) As specified in the Horizontal Section	
File transfer services (CPC 75299)  Home telemetering alarm (CPC 75299)  Entertainment services (CPC 75299)  Management information services (CPC 75299)	(1) None (2) None (3) Access granted for five foreign services provider companies, in addition to the existing companies (4) Unbound, except for director and technical expert	(1) None (2) None (3) Higher paid up capital is required of foreign service suppliers than of domestic services suppliers. This measure will be eliminated in the year 2020. (4) As specified in the Horizontal Section	





# INDONESIA – SCHEDULE OF SPECIFIC COMMITMENTS

## For the 7<sup>th</sup> Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence 4) Presence of natural persons

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<b>CONSTRUCTION AND RELATED ENGINEERING SERVICES</b>			
Pre-erection Work at Construction Site (CPC 511)	(1) Unbound*	(1) Unbound*	
	(2) None	(2) None	
Construction Work for Buildings (CPC 512)	(3) a) Joint operation: By establishing a representative office in Indonesia. License for representative office shall be valid for 3 years and can be extended.	(3) License fee requirement  Registered foreign company shall form a joint operation with local partner(s) which is (are) registered by Construction Services Development Board and having qualification A/Big	
Construction Work for Civil Engineering (CPC513)	b) Joint venture company: By fulfilling the requirements as specified in the Horizontal Section and the Foreign Capital Investment Law Not more than 55 per cent of the capital share of the Limited Liability Enterprise (Perseroan Terbatas/PT) may be owned by foreign partner(s)	Local partner(s) in joint venture shall be registered by Construction Services Development Board and having qualification A/Big	
Assembly and Erection of Prefabricated Constructions (CPC 514)			
Special Trade Construction (CPC 515)			
Installation Work (CPC516)			
Building Completion and Finishing Work (CPC517)	(4) As specified in the Horizontal Section	(4) As specified in the Horizontal Section	
Renting Services Related Equipment for Construction or Demolition of Building or Civil Engineering Works with Operator (CPC 518)			





# INDONESIA – SCHEDULE OF SPECIFIC COMMITMENTS

## For the 7<sup>th</sup> Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence 4) Presence of natural persons

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<b>DISTRIBUTION SERVICES</b>			
Wholesale Trade Services of food, beverages, and tobacco with minimum space above 5,000 meter square (CPC 6222)	(1) None (2) None	(1) None (2) None	
Wholesale Trade Services of textile, clothing and footwear with minimum space above 5,000 meter square (CPC 6223)	(3) Commercial Presence is permitted in the form of a limited liability company with foreign equity participation must not exceed 49% of the registered capital (4) Unbound except as indicated in the Horizontal Section	(3) Unbound except as indicated in the Horizontal Section (4) Unbound except as indicated in the Horizontal Section	
Direct Selling (Multi Level Marketing)	(1) None (2) None (3) Unbound except as indicated in the Horizontal Section (4) Unbound	(1) None (2) None (3) Unbound except as indicated in the Horizontal Section (4) Unbound	



# INDONESIA – SCHEDULE OF SPECIFIC COMMITMENTS

## For the 7<sup>th</sup> Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence 4) Presence of natural persons

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<b>EDUCATION SERVICES</b>			
General conditions on education services			
1. Commercial presence of the foreign service provider is permitted only through an education institution which is registered in Indonesia and must meet the following conditions :			
2. Mutual recognition arrangement between relevant institutions on credits, programs, and certifications is required.			
3. Foreign education institution providing services must establish partnership with local partner. Foreign language instructors must be native and Indonesian speakers.			
4. Foreign education institution must be listed in the Ministry of Education's List of Accredited Foreign Education and its local partner must be accredited.			
5. Foreign education institution in cooperation with local partner may open education institution in the cities of Jakarta, Surabaya, Bandung, Yogyakarta, and Medan.			
6. Temporary entry for natural persons engaged in education activities in Indonesia is subject to approval by the Ministry of National Education. Approval is granted on case-by-case basis.			
<b>B. Secondary education services:</b>	(1) None	(1) None	
Technical and vocational secondary education services (electronic automotive) (CPC 92230)	(2) None	(2) None	
	(3) As indicated in the Horizontal Section and General Conditions	(3) Unbound	
	(4) Unbound except as indicated in the Horizontal Section and General Conditions	(4) As indicated in the Horizontal Section and General Conditions	
Post secondary technical and vocational education services (Polytechnique Machine and Electrical) (CPC 92310)	(1) None	(1) None	
	(2) None	(2) None	
	(3) As indicated in the Horizontal Section and General Conditions	(3) Unbound	
	(4) Unbound except as indicated in the Horizontal Section and General Conditions	(4) As indicated in the Horizontal Section and General Conditions	





# INDONESIA – SCHEDULE OF SPECIFIC COMMITMENTS

For the 7<sup>th</sup> Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence 4) Presence of natural persons

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<b>D. Adult Education (CPC 924)</b>  Language courses and training	(1) None (2) None (3) As indicated in the Horizontal Section and General Conditions (4) Unbound except as indicated in the Horizontal Section and General Conditions	(1) None (2) None (3) Unbound (4) Unbound	
<b>E. Other Education services (CPC 92900)</b>  Football and chess only	(1) None (2) None (3) As indicated in the Horizontal Section and General Conditions (4) Unbound except as indicated in the Horizontal Section and General Conditions	(1) None (2) None (3) Unbound (4) Unbound	





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For the 7<sup>th</sup> Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence 4) Presence of natural persons

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<b>ENVIRONMENTAL SERVICES</b>			
General Conditions : Commercial presence of the foreign service provider(s) is(are) permitted only through environmental institution which is registered in Indonesia and must establish partnership with local partner.			
A. Sewage Services (CPC 9401) wastewater management	(1) None for all sub sectors and activities (2) None for training, technical consultation, sample testing (3) Unbound (4) Unbound	(1) None (2) None (3) Unbound (4) Unbound	



# INDONESIA – SCHEDULE OF SPECIFIC COMMITMENTS

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Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence 4) Presence of natural persons

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<p>Refuse Disposal Services (CPC 9402)</p> <p>Solid Waste Disposal Services, only for :</p> <ul style="list-style-type: none"> <li>- Integrated hazardous waste treatment facility services for oil sludge and waste mercury treatment in a particular area. The services provider must be equipped with modern and sophisticated technology and environmental safety. The product will be used as a new material or energy power</li> <li>- In site hazardous waste treatment facility services for the treatment of waste of mining product and waste of fly ash and bottom ash of coal product</li> </ul>	<p>(1) None</p> <p>(2) None</p> <p>(3) As indicated in the Horizontal Section and General Conditions :</p> <ul style="list-style-type: none"> <li>a) The service provider(s) providing waste treatment facility in Indonesia is(are) forbidden to import waste and refuse due to the high risk pollution in the transportation of the waste and refuse from abroad to Indonesia</li> <li>b) The environmental institution shall : <ul style="list-style-type: none"> <li>- be provided by person with environmental professional license issued by the Government of Indonesia</li> <li>- be chaired by Indonesian environmental professional</li> </ul> </li> </ul> <p>(4) As indicated in the Horizontal Sections</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) As indicated in the Horizontal Section and General Conditions :</p> <ul style="list-style-type: none"> <li>a) The environmental institution must hold B rate accreditation</li> <li>b) The environmental profession shall be Indonesian</li> </ul> <p>(4) Unbound</p>	



# INDONESIA – SCHEDULE OF SPECIFIC COMMITMENTS

For the 7<sup>th</sup> Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence 4) Presence of natural persons

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Cleaning Services of Exhaust Gases (CPC 9404) Air pollution Control	(1) None (2) None (3) Unbound (4) Unbound	(1) None (2) None (3) Unbound (4) Unbound	
Other Environmental Protection Services (CPC 9409)  Limited to Laboratory Services for Environment  (laboratory which has the ability and authority to test and examine the environmental quality parameter according to the current laws and regulations on environment)	(1) None (2) None (3) As indicated in the Horizontal Section and General Condition a) The environmental institution must : - be provided by person with environmental professional licenses issued by the Government of Indonesia - be chaired by Indonesian environmental professional (4) As indicated in the Horizontal Section	(1) None (2) None (3) Unbound         (4) Unbound	





# INDONESIA – SCHEDULE OF SPECIFIC COMMITMENTS

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Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence 4) Presence of natural persons

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<b>HEALTHCARE SERVICES</b> General Conditions on health-related and social services: 1. Commercial presence of the foreign service providers is permitted only through health institution which is registered in Indonesia and must establish partnership with local partner and Foreign Equity Participation is permitted up to 51%. 2. A non Indonesian health professional employed as managers or as technical experts shall have at least two Indonesian under studies during his/her term			
Clinic of specialised medical services (only for registered health institution, with 3 sub specialistic/super specialistic medical care/more specific than specialistic medical care) (CPC 93122)	(1) None (2) None (3) As indicated in the Horizontal Section and General Conditions a) The medical services shall be provided by persons with medical licenses issued by Ministry of Health of Indonesia and health professional organisation/council b) Approval subject to the social function of hospital services offered c) The medical clinic should : - has at least 3 sub specialistic medical care - has medical care licenses issued by provincial government - be managed by Indonesian medical doctor - applied quality audit by Ministry of Health of Indonesia - be legal clinic	(1) None (2) None (3) As indicated in the Horizontal Section and General Conditions The health professionals shall be Indonesian	



# INDONESIA – SCHEDULE OF SPECIFIC COMMITMENTS

For the 7<sup>th</sup> Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence 4) Presence of natural persons

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	d) Establishment limited to the capital of provinces in East Indonesia region  (4) Unbound	(4) Unbound	
Clinic of specialised dental services (only for registered health institution, with specialistic dental care, provided by hospital of more than 50 dental units and chairs) (CPC 93123)	(1) None (2) None (3) As indicated in the Horizontal Section and General Conditions a) The dental services shall be provided by persons with dental licenses issued by Ministry of Health of Indonesia and health professional organisation/council b) Approval subject to the social function of hospital services offered c) The dental clinic should : - has at least 3 sub specialistic medical care - has dental care licenses issued by provincial government - be managed by Indonesian dentist - applied quality audit by Ministry of Health of Indonesia - be legal clinic	(1) None (2) None (3) As indicated in the Horizontal Section and General Conditions  The health professionals shall be Indonesian	





# INDONESIA – SCHEDULE OF SPECIFIC COMMITMENTS

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Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence 4) Presence of natural persons

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	d) Establishment limited to the capital of provinces in East Indonesia region  (4) Unbound	(4) Unbound	
Other Veterinary Services (CPC 93209)  Exclusively covers only Poultry Farms Consultant Services	(1) None (2) None (3) (a) The local partner should be registered Ministry of Agriculture (b) Subject to relevant Indonesian Law and Regulation regarding veterinary and livestock services (c) Only through a locally incorporated joint venture with Indonesian individuals or both and aggregate share of foreign interest shall not exceed 51 per cent, ownership shall be restricted to veterinarian professionals with professionals qualification relevant to the services provided and recognised, registered, and certified by relevant professionals bodies and agencies in Indonesia	(1) None (2) None (3) The company must be recognised, registered, and certified by relevant professionals bodies and agencies in Indonesia	





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For the 7<sup>th</sup> Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence 4) Presence of natural persons

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>(4) Any juridical and natural persons should meet the following professional qualification requirements :</p> <ul style="list-style-type: none"> <li>a) Subject to Indonesian Labour and Immigration Law and Regulations</li> <li>b) Must hold a valid working permit issues by Ministry of Manpower and Transmigration</li> <li>c) Having relevant formal education</li> <li>d) Having special certification related to the expertise</li> <li>e) Having working experiences with a relevant sound international organisation for at least 2 years</li> <li>f) Having experiences dealing with tropical animal diseases</li> <li>g) Good in Indonesian language both written and spoken</li> <li>h) No record against law in their home country</li> </ul>	<p>(4) Any juridical and natural persons should meet the following professional qualification requirements :</p> <ul style="list-style-type: none"> <li>a) Subject to Indonesian Labour and Immigration Law and Regulations</li> <li>b) Must hold a valid working permit issues by Ministry of Manpower and Transmigration</li> <li>c) Having relevant formal education</li> <li>d) Having special certification related to the expertise</li> <li>e) Having working experiences with a relevant sound international organisation for at least 2 years</li> <li>f) Having experiences dealing with tropical animal diseases</li> <li>g) Good in Indonesian language both written and spoken</li> <li>h) No record against law in their home country</li> </ul>	



# INDONESIA – SCHEDULE OF SPECIFIC COMMITMENTS

For the 7<sup>th</sup> Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence 4) Presence of natural persons

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Nursing services (only for specialistic care) (CPC 93191)	<p>(1) None</p> <p>(2) None</p> <p>(3) As indicated in the Horizontal Section and General Conditions :  a) Approval subject to the social function of hospital services offered  b) Establishment limited to the cities of Medan and Surabaya</p> <p>(4) The nursing services :  - shall be provided by persons with nursing licenses issued by Ministry of Health of Indonesia and professional organisation/council  - has to be a part/sub-ordinate of a hospital services  - for continuing home care after hospital treatment  - has applied quality audit by Ministry of Health of Indonesia  - the nurse must has a recommendation as a trainer from MOH and has certification from professionals organisation and MOH</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) As indicated in the Horizontal Section and General Condition   The health professionals shall be Indonesian</p> <p>(4) Foreign nurse professionals :  - are allowed as trainer/consultant only, and can not deliver direct nursing services to patient  - must have a valid nursing licenses issued by Ministry of Health of Indonesia and health organisation  - are obliged to transfer nursing knowledge and professional capabilities to Indonesian nurse  - shall have at least 2 Indonesian under studies during hiss/her term  - are allowed to work for only 2 years and can be extended  - fluent to speak Indonesian language both spoken and written in his work</p>	





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## For the 7<sup>th</sup> Package of Commitments under ASEAN Framework Agreement on Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Hospital services (only for specialist and super specialist medical care/more specific than specialist medical care, provided by hospital of more than 200 beds) (CPC 9311)	<p>(1) None</p> <p>(2) None</p> <p>(3) As indicated in the Horizontal Section and General Conditions</p> <p>a) The hospital shall be managed by Board of Directors chaired by Indonesian medical doctor</p> <p>b) Approval subject to the social function of hospital services offered</p> <p>c) The medical services shall be provided by persons with the medical licenses issued by Ministry of Health and Health professionals organisations/council</p> <p>d) Foreign health professional are obliged to transfer medical knowledge and professional capabilities to Indonesian health professionals as a consultant only</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) The health professionals shall be Indonesian</p>	





# INDONESIA – SCHEDULE OF SPECIFIC COMMITMENTS

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>e) A non Indonesian health professional employed as managers or as technical experts shall at least two Indonesia under studies during his/her term</p> <p>f) Establishment limited to the cities of Medan and Surabaya</p> <p>(4) Unbound</p>	<p>(4) Unbound</p>	
<p><u>Social Services</u></p> <p>(Social welfare services for the elderly)</p> <p>(Social welfare services for persons with disabilities)</p> <p>Social welfare training and education</p> <p>Social workers and care workers</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) Commercial Presence is permitted in the form of a limited liability company with foreign equity participation must not exceed 49% of the registered capital</p> <p>(4) Unbound</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) As indicated in the Horizontal Section</p> <p>(4) Unbound</p>	



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For the 7<sup>th</sup> Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence 4) Presence of natural persons

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<b>TOURISM AND TRAVEL RELATED SERVICES</b>			
<b>A. Hotel and Restaurant Services</b>			
Hotels (CPC 64110) (3, 4, 5 starred hotels)	<p>(1) None</p> <p>(2) None</p> <p>(3) In Eastern Part of Indonesia, Kalimantan, Bengkulu, Jambi, Sulawesi and East Nusa Tenggara (NTT), 100 % of capital share can be owned by foreign investor.</p> <p>For other areas, the maximum foreign equity participation is 51 %</p> <p>(4) Unbound except for: a. Top Management Level in Hotel Business comprised of: i. General Manager ii. Food and Beverage Manager iii. Resident Manager iv. Comptroller v. Marketing Director</p> <p>b. Highly Skilled Professionals comprised of: i. Executive Chef ii. Sous Chef iii. Specialty Cook</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) a) Higher paid-up capital is required of foreign services suppliers than of domestic services suppliers.</p> <p>This measures will be eliminated in the year 2020</p> <p>(4) As specified in the Horizontal Section</p>	



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For the 7<sup>th</sup> Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence 4) Presence of natural persons

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Hotels (CPC 64110) (1 or 2 starred hotels)	<p>(1) None</p> <p>(2) None</p> <p>(3) In certain parts of East Indonesia (Sulawesi, Papua, Moluccas, Nusa Tenggara) Foreign Equity Participation is permitted up to 51%. For other areas, it is closed for foreign investment</p> <p>(4) Unbound</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) As indicated in the Horizontal Section</p> <p>(4) Unbound</p>	





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For the 7<sup>th</sup> Package of Commitments under ASEAN Framework Agreement on Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Motel Lodging Services (CPC 6412/64120)	<p>(1) None</p> <p>(2) None</p> <p>(3) In certain parts of East Indonesia (Sulawesi, Papua, Moluccas, Nusa Tenggara) foreign equity participation is permitted up to 51%. For other areas, it is closed for foreign investment</p> <p>(4) Unbound except for measures affecting the entry and temporary stay if natural persons in the following categories: a) Top management level; b) Highly-skilled professionals</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) As indicated in the Horizontal Measures</p> <p>(4) As indicated in the Horizontal Section</p>	



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For the 7<sup>th</sup> Package of Commitments under ASEAN Framework Agreement on Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Letting services of furnished accommodations (CPC 64193)	<p>(1) None</p> <p>(2) None</p> <p>(3) In certain parts of East Indonesia (Sulawesi, Papua, Moluccas, Nusa Tenggara) foreign equity participation is permitted up to 49 %. For other areas, it is closed for foreign investment</p> <p>(4) Unbound except for measures affecting the entry and temporary stay if natural persons in the following categories: a) Top management level; b) Highly-skilled professionals</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) As indicated in the Horizontal Measures</p> <p>(4) As indicated in the Horizontal Section</p>	
Meal Serving Services with Full Restaurant Services (CPC 64210)	<p>(1) None</p> <p>(2) None</p> <p>(3) In certain parts of East Indonesia (Sulawesi, Papua, Moluccas, Nusa Tenggara) foreign equity participation is permitted up to 51%. For other areas, it is closed for foreign investment</p> <p>(4) Unbound</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) Subject to prevailing local government's laws regarding to the moral or public order in accordance with the article XIV a) of the GATS</p> <p>(4) As specified in the Horizontal Section</p>	



# INDONESIA – SCHEDULE OF SPECIFIC COMMITMENTS

## For the 7<sup>th</sup> Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence 4) Presence of natural persons

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Beverage Serving Services without Entertainment (CPC 64310)	<p>(1) None</p> <p>(2) None</p> <p>(3) In certain parts of East Indonesia (Sulawesi, Papua, Mollucas, Nusa Tenggara) foreign equity participation is permitted up to 49 %. For other areas, it is closed for foreign investment</p> <p>(4) Unbound except for: a) Top management level; b) Highly skilled professional</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) Subject to prevailing local government's laws regarding to the moral or public order in accordance with the article XIV a. of the GATS</p> <p>(4) As specified in the Horizontal Section</p>	
Beverage serving services with entertainment (CPC 6432/64320)	<p>(1) None</p> <p>(2) None</p> <p>(3) In certain parts of East Indonesia (Sulawesi, Papua, Mollucas, Nusa Tenggara) foreign equity participation is permitted up to 49 %. For other areas, it is closed for foreign investment</p> <p>(4) Unbound except for measures affecting the entry and temporary stay if natural persons in the following categories: a) Top management level; b) Highly-skilled professionals</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) Subject to prevailing local government's laws regarding to the moral and public order in accordance with the Article XIV a) of the GATS</p> <p>(4) As indicated in the Horizontal Section</p>	





# INDONESIA – SCHEDULE OF SPECIFIC COMMITMENTS

## For the 7<sup>th</sup> Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence 4) Presence of natural persons

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<b>B. Travel Agencies and Tour Operators</b>			
Travel Agent and Tour Operator Services (TA&TO) (CPC 7471)	(1) None (2) None (3) Maximum services providers 55 TA &TO There should be license from Regional Investment Coordinating Body to establish TA&TO in Badung and Denpasar districts (Bali), except for special TA & TO i.e. ones which manage tourist demo a certain country (4) Unbound except for Technical Advisors	(1) None (2) None (3) Tour operator must be inbound tour operator in Jakarta and Bali (4) As specified in the Horizontal Section	
<b>C. Tourist Guide Services</b>			
Tour Leader Services (CPC 74710)	(1) None (2) None (3) Unbound (4) Unbound	(1) None (2) None (3) Unbound (4) Unbound	



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Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence 4) Presence of natural persons

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<b>D. Other</b>			
Tourism Consultancy Services (CPC 91136)	<p>(1) None</p> <p>(2) None</p> <p>(3) Must be registered to Indonesian Ministry of Justice as Indonesian company. In the case of cooperation with a national company, it is required, to do; Joint venture, joint operation and Contract management. Foreign equity participation is permitted up to 51%.</p> <p>(4) Unbound</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) Unbound</p> <p>(4) As indicated in the Horizontal Section</p>	





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For the 7<sup>th</sup> Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence 4) Presence of natural persons

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
International Hotel Operator (CPC 91135)	<p>(1) None</p> <p>(2) None</p> <p>(3) Must be registered to Indonesian Ministry of Justice as Indonesian company</p> <p>In the case of cooperation with a national company, it is required to do Management Contract.</p> <p>Foreign equity participation is permitted up to 51 %</p> <p>(4) Unbound except for: a. Top Management Level in Hotel Business comprised of: i. General Manager ii. Food and Beverage Manager iii. Resident Manager iv. Comptroller v. Marketing Director b. Highly Skilled Professionals comprised of: i. Executive Chef ii. Sous Chef iii. Specialty Cook</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) Unbound</p> <p>(4) As indicated in the Horizontal Section</p>	



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## For the 7<sup>th</sup> Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence 4) Presence of natural persons

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Professional congress organiser	(1) None (2) None (3) In certain parts of East Indonesia (Sulawesi, Papua, Moluccas, Nusa Tenggara) foreign equity participation is permitted up to 51%. For other areas, it is closed for foreign investment. (4) Unbound	(1) None (2) None (3) Unbound (4) Unbound	
<b>RECREATIONAL, CULTURAL AND SPORTING SERVICES (OTHER THAN AUDIO VISUAL SERVICES)</b>			
<b>D. Sporting and Other Recreational Services</b>			
Golf Courses and other facilities (CPC 96413)	(1) None (2) None (3) In eastern part of Indonesia, Kalimantan, Bengkulu, Jambi and Sulawesi and East Nusa Tenggara (NTT), 100 per cent of capital share can be owned by foreign investor. For other areas, the maximum foreign equity participation is 51%. (4) Unbound except for Resort Manager.	(1) None (2) None (3) a) Higher paid-up capital is required of Foreign Service suppliers than of domestic service suppliers. These measures will be eliminated in the year 2020. b) Only 3, 4, or 5 starred hotels are permitted (4) As indicated in the Horizontal Section	



# INDONESIA – SCHEDULE OF SPECIFIC COMMITMENTS

For the 7<sup>th</sup> Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence 4) Presence of natural persons

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<b>E. Other</b>			
<b>Tourist Resorts include:</b> <ul style="list-style-type: none"> <li>Hotel (3, 4 and 5 stars)Marinas</li> <li>Golf Courses and other sport facilities</li> </ul> (Not include marina facilities and hotel management)	(1) None (2) None (3) In eastern part of Indonesia, Kalimantan, Bengkulu, Jambi and Sulawesi, 100% of capital share can be owned by foreign investor. For other areas, the maximum foreign equity participation is 51%. (4) Unbound except for Resort Manager.	(1) None (2) None (3) Higher paid-up capital is required of Foreign Service suppliers than of domestic service suppliers. These measures will be eliminated in the year 2020. (4) As indicated in the Horizontal Section	
<b>Marina facilities</b>	(1) None (2) None (3) Unbound (4) Unbound	(1) None (2) None (3) Unbound (4) Unbound	
<b>Hotel Management</b>	(1) None (2) None (3) Unbound (4) Unbound	(1) None (2) None (3) Unbound (4) Unbound	





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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<b>TRANSPORT SERVICES</b>			
<b>A. Maritime Transport Services</b>	(1) None	(1) None*) effective after issuance of implementing regulation of Shipping Law No.17 Year 2008 by May 2009	The following services at ports are made available to international maritime transport supplier on reasonable and non-discriminatory terms and conditions:  1. Pilotage; 2. Towing and tug assistance; 3. Provisioning and water supply; 4. Garbage collection and ballast waste disposal; 5. Port captain's services; 6. Navigation aids; 7. Shore-based operational services essential to ship operation, including communication, water and electrical supply; 8. Emergency repair facilities; and 9. Anchorage and berthing services.
International Passenger Transport Excluding Cabotage (pillar 1) (CPC 7211)	(2) None	(2) None	
	(3) a) Commercial presence may be in the form of owner's representative** b) Maximum share of foreign equity in the joint venture shipping company could be 60 per cent.	(3) As indicated in the Horizontal Section	
	(4) As indicated in the Horizontal Section	(4) As indicated in the Horizontal Section	



# INDONESIA – SCHEDULE OF SPECIFIC COMMITMENTS

For the 7<sup>th</sup> Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence 4) Presence of natural persons

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
International Freight Transport excluded Cabotage (CPC 7212)	<p>(1) None</p> <p>(2) None</p> <p>(3) a) commercial presence may be in the form of owner's representative** b) Maximum share of foreign equity in the joint venture shipping company could be 60 per cent.</p> <p>(4) As indicated in the Horizontal Section</p>	<p>(1) None*) effective after issuance of implementing regulation of Shipping Law No.17 Year 2008 by May 2009</p> <p>(2) None</p> <p>(3) As indicated in the Horizontal Section</p> <p>(4) As indicated in the Horizontal Section</p>	<p>The following services at ports are made available to international maritime transport supplier on reasonable and non-discriminatory terms and conditions:</p> <ol style="list-style-type: none"> <li>1. Pilotage;</li> <li>2. Towing and tug assistance;</li> <li>3. Provisioning and water supply;</li> <li>4. Garbage collection and ballast waste disposal;</li> <li>5. Port captain's services;</li> <li>6. Navigation aids;</li> <li>7. Shore-based operational services essential to ship operation, including communication, water and electrical supply;</li> <li>8. Emergency repair facilities; and</li> <li>9. Anchorage and berthing services.</li> </ol>





# INDONESIA – SCHEDULE OF SPECIFIC COMMITMENTS

## For the 7<sup>th</sup> Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence 4) Presence of natural persons

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Maintenance and repair of Vessels (CPC 8868)	(1) None (2) None (3) As indicated in the horizontal section (4) As indicated in the horizontal Section	(1) None (2) None (3) As indicated in the horizontal section (4) As specified in the horizontal section	
Pushing and Towing Services for Maritime Transport (CPC 7214) (Excluding Cabotage)	(1) None (2) None (3) Only through joint venture corporation, with foreign equity share allowable up to maximum 49% (4) As indicated in the Horizontal Section	(1) None (2) None (3) As indicated in the Horizontal Section (4) As indicated in the Horizontal Section	
Vessel Salvage and Refloating Services (CPC 7454)	(1) None (2) None (3) Only through joint venture corporation, with foreign equity share allowable up to maximum 49 per cent (4) As indicated in the horizontal Section	(1) None (2) None (3) As indicated in the horizontal section (4) As specified in the horizontal section	





# INDONESIA – SCHEDULE OF SPECIFIC COMMITMENTS

## For the 7<sup>th</sup> Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence 4) Presence of natural persons

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
B. Internal Waterways Transport			
Passenger Transportation (CPC 7221)	(1) None (2) None (3) a) Commercial presence is only possible by establishing joint venture company b) Maximum share of foreign equity in the joint venture shipping company could be 49% (4) As indicated in the Horizontal Section	(1) None (2) None (3) As indicated in the Horizontal Section (4) As indicated in the Horizontal Section	
Freight Transportation (CPC 7222)	(1) None (2) None (3) a) Commercial presence is only possible by establishing joint venture company b) Maximum share of foreign equity in the joint venture shipping company could be 49% (4) As indicated in the Horizontal Section	(1) None (2) None (3) As indicated in the Horizontal Section (4) As indicated in the Horizontal Section	



# INDONESIA – SCHEDULE OF SPECIFIC COMMITMENTS

For the 7<sup>th</sup> Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence 4) Presence of natural persons

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Maintenance and repair of vessels (internal waterways) (CPC 8868)	(1) None (2) None (3) a. Commercial presence is only possible by establishing joint venture company b. Maximum share of reign equity participation (FEP) in the joint venture company is 49% (4) As indicated in the horizontal Section	(1) None (2) None (3) As indicated in the horizontal section (4) As specified in the horizontal section	
Pushing and towing Services (CPC 7224)	(1) None (2) None (3) a) Commercial presence is only possible by establishing joint venture company b) Maximum share of foreign equity in the joint venture shipping company could be 49% (4) As indicated in the Horizontal Section	(1) None (2) None (3) As indicated in the Horizontal Section (4) As indicated in the Horizontal Section	



# INDONESIA – SCHEDULE OF SPECIFIC COMMITMENTS

## For the 7<sup>th</sup> Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence 4) Presence of natural persons

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Supporting services for internal Waterways Transport (CPC 745*) (Excluding Cabotage)	<p>(1) None</p> <p>(2) None</p> <p>(3) a) Commercial presence is only possible by establishing joint venture company</p> <p>b) Maximum share of foreign equity in the joint venture shipping company could be 49%</p> <p>(4) As indicated in the Horizontal Section</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) As indicated in the Horizontal Section</p> <p>(4) As indicated in the Horizontal Section</p>	
E. Rail Transport Services Passenger Transportation (CPC7111)	<p>(1) None</p> <p>(2) None</p> <p>(3) a) Commercial presence is only possible by establishing joint venture company</p> <p>b) Maximum share of foreign equity participation (FEP) in the joint venture railway company could be 49%</p> <p>(4) As indicated in the Horizontal Section</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) As indicated in the horizontal Section</p> <p>(4) As specified in the horizontal Section</p>	





# INDONESIA – SCHEDULE OF SPECIFIC COMMITMENTS

For the 7<sup>th</sup> Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence 4) Presence of natural persons

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
FreightTransportation (CPC 7112)	(1) None (2) None (3) a) Commercial presence is only possible by establishing joint venture company b) Maximum share of foreign equity participation (FEP) in the joint venture railway company could be 49% (4) As indicated in the Horizontal Section	(1) None (2) None (3) As indicated in the horizontal Section (4) As specified in the horizontal Section	
Pushing and Towing Services (CPC 7113)	(1) None (2) None (3) a) Commercial presence is only possible by establishing joint venture company b) Maximum share of foreign equity participation (FEP) in the joint venture railway company could be 49% (4) As indicated in the Horizontal Section	(1) None (2) None (3) As indicated in the horizontal Section (4) As specified in the horizontal Section	



# INDONESIA – SCHEDULE OF SPECIFIC COMMITMENTS

For the 7<sup>th</sup> Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence 4) Presence of natural persons

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Maintenance and repair of rail transport equipment (CPC 8868)	(1) None (2) None (3) a. Commercial presence is only possible by establishing joint venture company b. Maximum share of reign equity participation (FEP) in the joint venture company is 49% (4) As indicated in the horizontal Section	(1) None (2) None (3) As indicated in the horizontal section (4) As specified in the horizontal section	
Supporting Services for Rail Transport Services (CPC 743)	(1) None (2) None (3) a) Commercial presence is only possible by establishing joint venture company b) Maximum share of foreign equity participation (FEP) in the joint venture railway company could be 49% (4) As indicated in the Horizontal Section	(1) None (2) None (3) As indicated in the horizontal Section (4) As specified in the horizontal Section	





# INDONESIA – SCHEDULE OF SPECIFIC COMMITMENTS

## For the 7<sup>th</sup> Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence 4) Presence of natural persons

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
F. Road Transport Services	(1) None	(1) None	The company should be established by Indonesian enterprise (BHI)
Freight Transportation (CPC 7123)	(2) None	(2) None	
	(3) a) Commercial presence is only possible by establishing joint venture company b) Maximum share of foreign equity participation (FEP) in the joint venture freight transportation company could be 49%	(3) As indicated in the Horizontal Section	
	(4) As indicated in the Horizontal Section	(4) As specified in the Horizontal Section	
Maintenance and repair of rail transport equipment (CPC 8868)	(1) None	(1) None	
	(2) None	(2) None	
Maintenance and repair of road transport equipment (CPC 8867)	(3) a. Commercial presence is only possible by establishing joint venture company b. Maximum share of reign equity participation (FEP) in the joint venture company is 49%	(3) As indicated in the horizontal section	
	(4) As indicated in the horizontal Section	(4) As specified in the horizontal section	





# INDONESIA – SCHEDULE OF SPECIFIC COMMITMENTS

## For the 7<sup>th</sup> Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply:      1) Cross-border supply      2) Consumption aboard      3) Commercial presence      4) Presence of natural persons

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Supporting Services for Road Transport Terminal (CPC 744)	<p>(1) None</p> <p>(2) None</p> <p>(3) a) Commercial presence is only possible by establishing joint venture company</p> <p style="padding-left: 40px;">b) Maximum share of foreign equity participation (FEP) in the joint venture freight transportation company could be 49%</p> <p>(4) As indicated in the Horizontal Section</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) As indicated in the Horizontal Section</p> <p>(4) As specified in the Horizontal Section</p>	The company should be established by Indonesian enterprise (BHI)



# INDONESIA – SCHEDULE OF SPECIFIC COMMITMENTS

## For the 7<sup>th</sup> Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence 4) Presence of natural persons

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<b>H. Services Auxiliary to All Mode of Transport</b>  Maritime cargo handling Services (CPC 741)	(1) Unbound*  (2) None  (3) a) Commercial presence is only possible by establishing joint venture company b) Maximum share of foreign equity in the joint venture shipping company could be 60 per cent.  (4) As indicated in the Horizontal Section	(1) Unbound*  (2) None  (3) As indicated in the Horizontal Section  (4) As indicated in the Horizontal Section	
Storage and warehousing services Outside Port Area and 1 <sup>st</sup> Area for: - Storage services of frozen or refrigerated goods (CPC 7421) - Other storage or warehousing services (CPC 7429)	(1) None  (2) None  (3) Commercial Presence is permitted in the form of a limited liability company with foreign equity participation must not exceed 49 per cent of the registered capital.  (4) Unbound except as indicated in Horizontal section	(1) None  (2) None  (3) Unbound except as indicated in Horizontal section  (4) Unbound except as indicated in Horizontal section	





# INDONESIA – SCHEDULE OF SPECIFIC COMMITMENTS

## For the 7<sup>th</sup> Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence 4) Presence of natural persons

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Maritime Freight Forwarding Services	(1) None (2) None (3) Only through joint venture corporation, with foreign equity share allowable up to maximum 49 per cent (4) As indicated in the horizontal Section	(1) None (2) None (3) As indicated in the horizontal section (4) As specified in the horizontal section	

### Notes (Maritime) :

- \* : The tasks of General Agent in Indonesia inter alia are as follows :
  - a. to make arrangement in order to get all necessary port services as required by the foreign vessel concerned during their stay in Indonesia ports;
  - b. to appoint stevedoring company for cargo loading and uploading on behalf of its principal;
  - c. to arrange cargo booking and canvassing;
  - d. to collect freight on behalf of the principal;
  - e. to issue Bill of Lading on behalf of the principal;
  - f. to settle the disbursement and claim (if any);
  - g. to give information as required by its principal.
- \*\* : Owner's Representative appointed by foreign shipping company has the following tasks :
  - a. to monitor his vessels during operational activities in Indonesian ports;
  - b. to supervise activities done by its General Agent in servicing of its vessels, calling in Indonesia.





# INDONESIA – SCHEDULE OF SPECIFIC COMMITMENTS

## For the 7<sup>th</sup> Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence 4) Presence of natural persons

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<b>OTHER SERVICES N.E.C</b>			
<b>ENERGY SERVICES</b>			
General Condition on energy services: Indonesia's Schedule of specific commitments on energy services sector is based on Indonesian Proposal of Energy Services Classification			
Liquefaction and Gasification only for Coal  According to Indonesia Proposal of Energy Services Classification is under: Coal Liquefaction (2.4.4.4) Coal Gasification (2.4.4.5) According to W/120 is under Services Incidental to Manufacturing (CPC 884)	(1) None  (2) None  (3) Joint operation through a representative office in Indonesia  (4) Unbound except for directors and technical experts	(1) None  (2) None  (3) As specified in the horizontal section  (4) As specified in the horizontal section	
Spa Services	(1) None  (2) None  (3) Only through joint venture corporation, as indicated in the horizontal measures  (4) Unbound	(1) None  (2) None  (3) As indicated in the horizontal measures  (4) Unbound	



## REFERENCE PAPER

### Scope

The following are definitions and principles on the regulatory framework for the basic telecommunications services.

### Definitions

Users mean service consumers and service suppliers.

Essential facilities mean facilities of a public telecommunications transport network or service that

- (a) are exclusively or predominantly provided by a single or limited number of suppliers; and
- (b) cannot feasibly be economically or technically substituted in order to provide a service.

A major supplier is a supplier which has the ability to materially affect the terms of participation (having regard to price and supply) in the relevant market for basic telecommunications services as a result of:

- (a) control over essential facilities; or
- (b) use of its position in the market.

### 1. Competitive safeguards

#### 1.1 Prevention of anti-competitive practices in telecommunications

Appropriate measures shall be maintained for the purpose of preventing suppliers who, alone or together, are a major supplier from engaging in or continuing anti-competitive practices.

#### 1.2 Safeguards

The anti-competitive practices referred to above shall include in particular:

- (a) engaging in anti-competitive cross-subsidization;
- (b) using information obtained from competitors with anti-competitive results; and





- (c) not making available to other services suppliers on a timely basis technical information about essential facilities and commercially relevant information which are necessary for them to provide services.

2. Interconnection

2.1 This section applies to linking with suppliers providing public telecommunications transport networks or services in order to allow the users of one supplier to communicate with users of another supplier and to access services provided by another supplier, where specific commitments are undertaken.

2.2 Interconnection to be ensured

Interconnection with a major supplier will be ensured at any technically feasible point in the network. Such interconnection is provided.

- (a) under non-discriminatory terms, conditions (including technical standards and specifications) and rates and of a quality no less favourable than that provided for its own like services or for like services of non-affiliated service suppliers or for its subsidiaries or other affiliates;
- (b) in a timely fashion, on terms, conditions (including technical standards and specifications) and cost-oriented rates that are transparent, reasonable, having regard to economic feasibility, and sufficiently unbundled so that the supplier need not pay for network components or facilities that it does not require for the service to be provided; and
- (c) upon request, at points in addition to the network termination points offered to the majority of users, subject to charges that reflect the cost of construction of necessary additional facilities.

2.3 Public availability of the procedures for interconnection negotiations

The procedures applicable for interconnection to a major supplier will be made publicly available.

2.4 Transparency of interconnection arrangements

It is ensured that a major supplier will make publicly available either its interconnection agreements or a reference interconnection offer.

2.5 Interconnection: dispute settlement

A service supplier requesting interconnection with a major supplier will have recourse, either:

- (a) at any time or
- (b) after a reasonable period of time which has been made publicly known





to an independent domestic body, which may be a regulatory authority as referred to in paragraph 5 below, to resolve disputes regarding appropriate terms, conditions and rates for interconnection within a reasonable period of time, to the extent that these have not been established previously.

3. Universal service

Any Member has the right to define the kind of universal service obligation it wishes to maintain. Such obligations will not be regarded as anti-competitive *per se*, provided they are administered in a transparent, non-discriminatory and competitively neutral manner and are not more burdensome than necessary for the kind of universal service defined by the Member.

4. Public availability of licensing criteria

Where a licence is required, the following will be made publicly available:

- (a) all the licensing criteria and the period of time normally required to reach a decision concerning an application for a licence and
- (b) the terms and conditions of individual licences.

The reasons for the denial of a licence will be made known to the applicant upon request.

5. Regulatory Authority

The regulatory Authority is not accountable to, any supplier of basic telecommunications services. The decisions of and the procedures used by regulators shall be impartial with respect to all market participants.

6. Allocation and use of scarce resources

Any procedures for the allocation and use of scarce resources, including frequencies, numbers and rights of way, will be carried out in an objective, timely and transparent manner. The current state of allocated frequency bands will be made publicly available, but detailed identification of frequencies allocated for specific government uses is not required.



# **ASEAN FRAMEWORK AGREEMENT ON SERVICES**

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## **INDONESIA**

### **Horizontal Commitments**

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# INDONESIA – SCHEDULE OF SPECIFIC COMMITMENTS

For the 7<sup>th</sup> Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence 4) Presence of natural persons

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<b>I. HORIZONTAL COMMITMENTS</b>			
ALL SECTORS INCLUDED IN THIS SCHEDULE	<p>3) Commercial Presence of the foreign service provider(s) may be in the form of joint venture and/or representative office, unless mentioned otherwise.</p> <p>Joint venture should meet the following requirements:</p> <p>(i) should be in the form of Limited Liability Enterprise (Perseroan Terbatas/PT),</p> <p>(ii) not more than 49% of the capital share of the Limited Liability Enterprise (Perseroan Terbatas/PT), may be owned by foreign partner(s).</p>	<p>3) The Income Tax Law provides that non-resident taxpayers will be subject to withholding tax of 20% if they derive the following income from Indonesian source:</p> <p>(a) interest</p> <p>(b) royalties</p> <p>(c) dividend</p> <p>(d) fee from service performed in Indonesia</p> <p>The tax rate can be changed due to tax treaty.</p> <p>Land Acquisition</p> <p>Undang-Undang Pokok Agraria (Land Law) No. 5 of 1960 stipulates that no foreigners (juridical and natural persons) are allowed to own land. However, a joint venture enterprise could hold the right for land use (Hak Guna Usaha) and building rights (Hak Guna Bangunan), and they may rent/lease land and property.</p> <p>Any juridical and natural persons should meet professional qualification requirements.</p>	





# INDONESIA – SCHEDULE OF SPECIFIC COMMITMENTS

## For the 7<sup>th</sup> Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence 4) Presence of natural persons

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>4) Subject to Indonesian Labour and Immigration Laws and Regulations, only directors, managers and technical experts/advisors, unless mentioned otherwise, are allowed to stay for two years and could be extended for a maximum two times subject to two years extension each time. Manager and technical experts (intra corporate transfer) are allowed based on an economic needs test.</p> <p>The entry and temporary stay of business visitor(s) is (are) permitted for a period of 60 days and could be extended maximum for 120 days.</p>	<p>4) Expatriate Charges Any foreign natural persons supplying services are subject to charges levied by Governments</p> <p>Labour Laws and Regulations. Any expatriate employed by a joint-venture enterprise, representatives office, and/or other types of juridical person and/or an individual services provider must hold a valid working permit issued by the Ministry of Manpower and Transmigration.</p>	



## INDONESIA - SCHEDULE OF SPECIFIC COMMITMENTS

### For the 7<sup>th</sup> Package of Commitments under ASEAN Framework Agreement on Services

#### Definitions:

**"Director"**: One or a group of persons entrusted by the shareholders of a services providing entity with the final overall control and direction of the enterprise, and legally responsible to act on behalf of the enterprises inside and/or outside of the court.

**"Manager"**: Senior employee of a service supplier who primarily directs the management of the organisation, receiving general supervision or direction principally from the board of directors of the business, including directing the service supplier or a department or sub-division thereof, supervising or controlling the work of other supervisory, professional or managerial employee or having the authority to hire or fire or recommend such or other personnel actions.

**"Technical Expert/Advisor"**: Person employed by a service supplier who possesses a standard of high or common (i) qualifications referring to a type of work or trade requiring specific technical knowledge or (ii) knowledge essential or proprietary to the service, research equipment, techniques or management.

**"Joint Operator"**: A joint operation is an undertaking between one or several foreign and Indonesian enterprises of temporary nature, to handle one or several project/businesses without establishing a new statutory body according to Indonesian laws

**"Joint venture Enterprise"**: A joint venture enterprise is a legal entity organised under Indonesian law and having its domicile in Indonesia, in the form of cooperation between foreign capital and Indonesian (national) capital.

**"Contract Management"**: Contract management is a contract organised under Indonesian law in the form of cooperation on management of temporary nature between Indonesian (national) capital and foreign capital.

**"Business visitors(s)"**: natural person(s) staying in Indonesia for the purpose of participating in business meeting, business contacts including negotiations for the sales of services and/or other similar activities including those who prepare for the establishment of a commercial presence in Indonesia, without acquiring remuneration and/or any other direct income from within Indonesia, and are not engaged in making direct sales or supplying services to general public.

