

INDONESIA

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1.

- Sector** : All Sectors
- Sub-Sector** : -
- Industry Classification** : -
- Level of Government** : Central
- Type of Obligation** : National Treatment
- Description of Measure** : National Treatment may not apply to any measures affecting land, property and natural resources associated with land, including acquisition, ownership and lease of land and property.
- Source of Measure** : - Article 33 of 1945 National Constitution
- Law No.5 of 1960 Concerning Basic Regulations on Agrarian Principles
- Law No. 25 of 2007 Concerning Investment

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2.

Sector	: All Sectors
Sub-Sector	: -
Industry Classification	: -
Level of Government	: Central
Type of Obligation	: National Treatment
Description of Measure	: Business license is given to a foreign investment ¹ as required by the relevant regulatory authorities. National Treatment may not apply to any measure with regard to the duration ² of the Business License.
Source of Measure	: <ul style="list-style-type: none">- Law No. 25 of 2007 Concerning Investment- Law No. 4 of 2009 Concerning Mining Mineral and Coal- Industry Minister Regulation No. 41 of 2008 Concerning Provision and Procedure of Industrial Business Licenses, Expansion Licenses and Industrial Registration- Agriculture Minister Regulation No. 26 of 2007 Concerning Guidelines for License on Farming Sectors- Government Policy

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¹ For the purpose of this reservation, the term "foreign investment" can be found in Law No. 25 of 2007.

² For illustrative examples, the duration of the Business License depends on the respective policy of each sector (e.g. the license period for the manufacturing sector is 30 years and for the fishery and aquaculture (sub sector: Coral) is 5 years).

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3.

Sector	: All Sectors
Sub-Sector	: -
Industry Classification	: -
Level of Government	: Central
Type of Obligation	: National Treatment
Description of Measure	: Foreign investor ³ investing in Indonesia must take the form of an Indonesian limited liability company which is subject to Indonesia's Corporate Law, denoted as PT (Perseroan Terbatas).
Source of Measure	: - Law No.25 of 2007 Concerning Investment - Law No. 40 Of 2007 Concerning Limited Liability Company

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³ For the purpose of this reservation, the term "foreign investor" can be found in Law No. 25 of 2007.

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4.

Sector	: All Sectors
Sub-Sector	: -
Industry Classification	: -
Level of Government	: Central
Type of Obligation	: National Treatment
Description of Measure	: Foreign investment ⁴ shall appoint local distribution agents to sell its products to the end-users in Indonesia.
Source of Measure	: - Government Regulation No. 15 of 1998 Concerning The Termination of Foreign Business Activities in The Trade Sectors - Trade and Industry Minister Decree No. 160/1998 on Amendment of Trade and Industry Minister Decree No. 77 of 1978 on Provision Concerning The Limited Trade Activities for Production Company in the Frame of Capital Investment

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⁴ For the purpose of this reservation, the term "foreign investment" can be found in Law No. 25 of 2007.

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5.

Sector	: All Sectors
Sub-Sector	: -
Industry Classification	: -
Level of Government	: Central
Type of Obligation	: National Treatment
Description of Measure	: As may be required by the relevant regulatory authorities, a company in which foreign investors ⁵ own 100% shares, subject to prior notification before the grant of the license, after certain period since commencement of commercial production, the said foreign investors should sell a part of the company's share to domestic investors ⁶ .

In the case of Mineral and Coal Mining subsector⁷, foreign investors⁵, subject to prior notification before the grant of the license, should sell their shares to domestic investors⁶, on condition that after 5 (five) years from the commencement of commercial production, domestic investors shall own at least 20% of the company's shares.

Source of Measure	: - Law No. 25 of 2007 Concerning Investment - Law No. 4 of 2009 Concerning Mineral and Coal Mining - Government Regulation No.20 of 1994 Concerning Share Ownership in Companies Set Up Under Foreign Capital Investments. - Government Regulation No. 23 of 2010 Concerning the Implementation of Mineral and Coal Mining Activities
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⁵ For the purpose of this reservation, the term "foreign investor" can be found in Law No. 25 of 2007.

⁶ For the purpose of this reservation, the term "domestic investor" can be found in Law No. 25 of 2007.

⁷ For the purpose of this reservation, the scope of Mineral and Coal Mining subsector is defined in Law No. 4 of 2009 Concerning Mineral and Coal Mining and Government Regulation No. 23 of 2010 Concerning the Implementation of Mineral and Coal Mining Activities.

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6.

Sector : All Sectors

Sub-Sector : -

Industry Classification : -

Level of Government : Central

Type of Obligation : National Treatment
Senior Management and Board of Directors

Description of Measure : Foreign investment established under Indonesia's Corporate Law must have certain positions⁸ to be occupied by Indonesian nationality

Source of Measure : - Law No. 13 of 2003 Concerning Manpower
- Presidential Decree No. 75 of 1995 Concerning The Employment of Expatriates

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⁸ For illustrative purposes, this may include but not limited to positions that deals with personnel affairs.

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7.

Sector	: All Sectors
Sub-Sector	: -
Industry Classification	: -
Level of Government	: Central and Regional
Type of Obligation	: National Treatment
Description of Measure	: National Treatment may not apply to any measure with regard to privatization ⁹ , or divestment of assets through transfer or disposal of equity interests or assets of State owned enterprises including Badan Usaha Milik Negara and Badan Usaha Milik Daerah ¹⁰ .
Source of Measure	: Law No. 19 of 2003 Concerning State Owned Enterprises

⁹ For the purpose of this reservation, privatization plan can be found in Law No.19 of 2003.

¹⁰ For the purpose of this reservation, Badan Usaha Milik Negara refers to State Owned Enterprises, while Badan Usaha Milik Daerah refers to Provincial Owned Enterprises.

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8.

Sector	: All Sectors
Sub-Sector	: -
Industry Classification	: -
Level of Government	: Central
Type of Obligation	: National Treatment Senior Management and Board of Directors
Description of Measure	: National Treatment and SMBD shall not apply to any measure with regard to special preferences given for Micro, Small and Medium-sized Enterprises, and Cooperatives denoted as Usaha Mikro, Kecil, Menengah dan Koperasi (UMKMK) ¹¹ .
Source of Measure	: - Law No. 20 of 2008 Concerning Micro, Small and Medium Enterprises - Law No. 25 of 1992 Concerning Cooperatives

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¹¹ For the purpose of this reservation, the definition of Micro, Small, and Medium Sized Enterprises (UMKM) can be found in Law No. 20 of 2008. For the definition of Cooperatives can be found in Law No. 25 of 1992.

For illustrative purpose, the criteria for Micro, Small, and Medium Sized Enterprises, as stipulated in Law No. 20 of 2008, are as follows :

- (1) Criteria for Micro Enterprise are as follows:
 - a. has a net asset, excluding land and building, up to IDR 50 millions; or
 - b. has an annual sales up to IDR 300 millions.
- (2) Criteria for Small Enterprise are as follows:
 - a. has a net asset, excluding land and building, more than IDR 50 millions up to IDR 500 millions; or
 - b. has an annual sales more than IDR 300 millions up to IDR 2.5 billions.
- (3) Criteria for Medium Enterprise are as follows:
 - a. has a net asset, excluding land and building, more than IDR 500 millions up to IDR 10 billions; or
 - b. has an annual sales more than IDR 2.5 billions up to IDR 50 billions.
- (4) The nominal amount as determined in paragraph 1, 2, and 3 above may be changed due to the economic condition by the Presidential Regulation.

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9.

Sector	: Agriculture and Fishery
Sub-Sector	: -
Industry Classification	: -
Level of Government	: Central
Type of Obligation	: National Treatment
Description of Measure	: National Treatment shall not apply to any measures with respect to activities which relate to national food security.
Source of Measure	: <ul style="list-style-type: none">- Article 33 of 1945 National Constitution- Law No. 7 of 1996 Concerning Foods- Government Regulation No. 68 of 2002 Concerning Food Security- Government Policy

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10.

Sector	: All Sectors
Sub-Sector	: -
Industry Classification	: -
Level of Government	: Central
Type of Obligation	: National Treatment
Description of Measure	: National Treatment shall not apply to any measure affecting the type of activities which may be conducted on land or the usage of land, including but not limited to, land zoning, land use and urban planning policies.
Source of Measure	: Law No. 26 of 2007 Concerning Spatial Planning

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11.

Sector	: Fishery
Sub-Sector	: -
Industry Classification	: ISIC 0500
Level of Government	: Central
Type of Obligation	: National Treatment
Description of Measure	: Traditional fishery ¹² is not allowed to be undertaken by foreign investors ¹³ . Foreign investors are allowed to undertake fishery activities in Indonesia and its Exclusive Economic Zone, subject to licensing conditions imposed by the relevant regulatory authorities.
Source of Measure	: <ul style="list-style-type: none">- Law No. 31 of 2004 as amended by Law No. 45 of 2009 Concerning Fishery- Law No. 5 of 1983 Concerning Indonesia's Exclusive Economic Zone- Presidential Regulation No.36 of 2010 Concerning The List of Businesses Closed and List of Businesses Opened With Reservation In The Investment Sector- Regulation of the Minister of Marine Affairs and Fisheries of the Republic of Indonesia No. PER.05/MEN/2008 as amended by No. PER.12/MEN/2009 regarding Capture Fishery Business.- Regulation of the Minister of Marine Affairs and Fisheries of the Republic of Indonesia No. PER.12/MEN/2007 regarding Aquaculture Business Licensing- Regulation of the Minister of Marine Affairs and Fisheries of the Republic of Indonesia No. PER.05/MEN/2009 regarding Aquaculture Business Scale- Government Policy

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¹²For the purpose of this reservation, the term "traditional fishery" refers to "small scale fisherman" as stipulated in Law Number 31 of 2004 as amended by Law No. 45 of 2009 concerning Fishery and Regulation of the Minister of Marine Affairs and Fisheries of the Republic of Indonesia No. PER.05/MEN/2008 as amended by No. PER.12/MEN/2009 regarding Capture Fishery. Small scale fisherman is defined as any person whose livelihood is fishing to fulfill daily life needs.

¹³ For the purpose of this reservation, the term "foreign investor" can be found in Law No. 25 of 2007.

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12.

Sector : All Sectors

Sub-Sector : -

Industry Classification : -

Level of Government : Central

Type of Obligation : National Treatment

Description of Measure : National Treatment shall not apply to any measures relating to portfolio investment

Source of Measure : Government Policy

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13.

Sector	: All Sectors
Sub-Sector	: -
Industry Classification	: -
Level of Government	: Central
Type of Obligation	: National Treatment
Description of Measure	: National Treatment may not apply in the measures relating to the employment of expatriates. Restrictions may be imposed on the number, duration and type of expatriates employed.
Source of Measure	: <ul style="list-style-type: none">- Law No. 13 of 2003 Concerning Manpower- Presidential Decree No. 75 of 1995 Concerning The Employment of Expatriates- Manpower and Transmigration Minister Regulation No. 2 of 2008 Concerning Procedures of Employment of Expatriates

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14.

Sector	: All Sectors
Sub-Sector	: -
Industry Classification	: -
Level of Government	: Regional
Type of Obligation	: National Treatment
Description of Measure	: National Treatment may not apply to any measures relating to the issuance of investment implementation licenses/permits ¹⁴ at the provincial level ¹⁵ , which shall be considered on a case by case basis.
Source of Measure	: - Law No. 32 of 2004 Concerning Regional Government - Provincial Regulations

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¹⁴ For illustrative purposes, this may include location permit, building permit, and nuisance permit.

¹⁵ For the purpose of this reservation, provincial level means the regional level of government as in ACIA.

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15.

Sector	: All Sectors
Sub-Sector	: -
Industry Classification	: -
Level of Government	: Central
Type of Obligation	: National Treatment Senior Management and Board of Directors
Description of Measure	: NT and SMBD may not apply in the event where activities restricted to designated enterprises ¹⁶ are liberalized to those other than the designated entities, or in the event where such designated enterprise no longer operate on a non-commercial basis.
Source of Measure	: - Government Regulation No. 13 of 1998 Concerning Public Enterprise - Administrative Guidelines

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¹⁶ For illustrative purposes, this may include State Forestry Public Enterprise denoted as Perum PERHUTANI and National Money Printing Public Enterprise denoted as Perum PERURI

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16.

Sector	: All Sectors
Sub-Sector	: -
Industry Classification	: -
Level of Government	: Central
Type of Obligation	: National Treatment Senior Management and Board of Directors
Description of Measure	: For companies/projects that are in existence before the entry into force of this Agreement, conditions imposed in their approvals for license/permits shall continue to apply. Any changes to these conditions shall be subject to approval.
Source of Measure	: Head of Investment Coordinating Board Regulation No. 12 of 2009 Concerning Guidelines and Procedures For Investment Application

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17.

Sector	:	Manufacturing Services Incidental to Manufacturing
Sub-Sector	:	-
Industry Classification	:	ISIC (see below) CPC (see below)
Level of Government	:	Central
Type of Obligation	:	National Treatment
Description of Measure	:	Certain restrictions/requirements which may be inconsistent with National Treatment may be imposed to foreign investors on the establishment of the following line of businesses in Indonesia :

Manufacturing

1. Closed to Foreign Investors.

- Salting/drying fish and other waters biota industry and smoked fish industry (ISIC 1512)
- Thread coloring from natural and artificial fiber to be patterned/ dipped/tied thread, performed by hand-work tools (ISIC 1711)
- Hand painted Batik industry (ISIC 1712)
- Rubber curing industry (ISIC 2519)
- Manual or semi mechanical processed hand tool industry for handwork and cutting (ISIC 2893)
- Clay made household necessities industry especially pottery (ISIC 2691)
- Handicrafts industry that carries specific cultural asset, art value using natural or artificial raw material:
 - Embroidery industry (ISIC 1729)
 - Rattan dan bamboo plait industry; plant plait other than rattan and bamboo industry; carving handicraft from wood, except furniture industry; kitchen household industry from wood, rattan and bamboo;; wood, rattan, cork industry that is not classified in other locations (ISIC 2029)
 - Traditional musical instruments (ISIC 3692)
- Hand-tools industry needed for farming to prepare land, process production, post harvest and processing except hoe and shovel (ISIC 2893)
- Palm sugar (ISIC 1542)
- Processed food from seeds and roots, sago, *gnatum gnemon* nut and copra industry, soya sauce industry, soy made food and peanuts other than soya sauce, *tempe*, tofu industry, cracker, chips, peanut cracker, and the like (ISIC 1513; 1514;1549)
- Roots peeling and cleaning industry (ISIC 1531)

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- Traditional medicine Industry (ISIC 2423)
- Saw Mill Industry (Production Capacity up to 2000M3/ Year), Primary Rattan Industry (ISIC 2010)
- Mangrove Semi-Finished Goods Art carving industry, except furniture, Kitchen Appliances industry, Goods industry that is not classified elsewhere (ISIC 2029)
- Knitted cloth industry especially Lace (ISIC 1730)
- Moslem woman's praying cloth, scarf, head scarf, and other traditional industries (ISIC 1810)
- Cloth printing industry especially Batik and traditional patterns (ISIC 1712)
- Plantation processing product business industry below certain capacity according to Regulation of Minister of Agriculture Number 26 of 2007:
 - Fiber and Seed Cotton Industry (ISIC 1514, 1711)
 - Crude oil industry (edible oil) from vegetable and animal, coconut oil industry, palm oil industry, rubber to be sheet, thick latex, crumb rubber industry, raw castor oil industry, sugar, sugar cane and sugar cane residue industry, black tea/green tea industry, dry tobacco leaves industry, Copra, Fiber, Coconut Charcoal, Dust, Nata de coco industry, Coffee sorting, cleaning and peeling industry, Cocoa cleaning, peeling and drying industry, cleaning and peeling seed other than coffee and cacao industry, cashew to be dry seed cashew and Cashew Nut Shell Liquid (CNSL) Industry, Peppercorn to be dry white pepper and dry black pepper industry (ISIC 1514, 2429, 1542, 1549, 1600, 2519, 1531)

2. Closed to Foreign Investors and Special Permit from Relevant Ministerial/ Government for Domestic Investors.

- Production of Weapons, Ammunition, explosive devices and War Equipment with special permit from the Minister of Defense (ISIC 2927, 2429)

3. Special Permit from Relevant Ministerial/ Government Agencies and Foreign Capital Ownership Limitation

- Raw Material for Explosives (Ammonium Nitrate) with maximum foreign equity ownership of 49% and a special permit from the Minister of Defense (ISIC 2411)
- Industry of explosive materials and its components for industry need with maximum foreign equity ownership of 49% and a special permit from the Minister of Defense (ISIC 2429)
- Sugar Industry (White Crystal Sugar, Refined Crystal Sugar and Raw Crystal Sugar) with maximum foreign equity ownership of 95% and a special permit from the Minister of Industry and the Minister of Agriculture, and it has to be integrated with the sugar plantation. The manufacturing of

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raw crystal sugar is required for any sugar manufacturer with sugarcane input capacity exceeding 8000 tons per day (ISIC 1542)

- Processing of plantation product industry (similar capacity or exceeding a certain capacity, according to Regulation of Minister of Agriculture Number 26 of 2007 with maximum foreign capital ownership of 95% with a special permit from Minister of Agriculture.
 - Fiber and Seed Cotton Industry (ISIC1514, 1711)
 - Crude oil industry (edible oil) from vegetable and animal, coconut oil industry, palm oil industry, rubber to be sheet, thick latex, crumb rubber industry, raw castor oil industry, sugar, sugar cane and sugar cane residue industry, black tea/green tea industry, dry tobacco leaves industry, Copra, Fiber, Coconut Charcoal, Dust, Nata de coco industry, Coffee sorting, cleaning and peeling industry, Cocoa cleaning, peeling and drying industry, cleaning and peeling seed other than coffee and cacao industry, cashew to be dry seed cashew and Cashew Nut Shell Liquid (CNSL) Industry, Peppercorn to be dry white pepper and dry black pepper industry (ISIC 1514, 2429, 1542, 1549, 1600, 2519, 1531)

4. Foreign Capital Ownership Limitation

- Pharmaceutical Industrial Business: Raw Material Medicine Industry, Patent Medicine Industry, with maximum foreign equity ownership of 75% (ISIC 2423)

5. Partnership¹⁷ with Micro, Small and Medium Sized Enterprises and Cooperatives¹⁸

- Sweetening and saline fruits and vegetable industry (ISIC 1513)
- Printed Batik industry (ISIC 1712)
- Rattan processing and preserving industry, bamboo and the like (ISIC 2010)
- Mangrove wood industry:
 - Moulding and construction material component industry (ISIC 2022)
 - Carving handicrafts industry made of wood industry except furniture, Kitchen ware industry (ISIC 2029)
- Essential Oil Industry (ISIC 2429)

¹⁷ For this reservation, Partnership with Micro, Small and Medium Sized Enterprises and Cooperatives means cooperation between micro, small and medium size enterprises and cooperatives and foreign investors, which may take any of the following forms joint-operation (plasma-core), sub-contracting, franchise, distributorship, general trading, joint venture and outsourcing.

¹⁸ For the purpose of this reservation, the definition of Micro, Small, and Medium Sized Enterprises (UMKM) can be found in Law No. 20 of 2008. For the definition of Cooperatives can be found in Law No. 25 of 1992.

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- Construction materials:
 - Brick and clay/ceramic industry, other goods made of clay/ceramic industry (ISIC 2691; ISIC 2693)
- Goods made from cement industry (ISIC 2695)
- Industries of lime and products made of lime (ISIC 2694)
- Manufacture of Jewelry and related articles (ISIC 3691)
- Wooden ship industry including tools and equipments for maritime tourism and fishing (ISIC 3511)
- Agricultural machinery industry using medium technology such as rice peeler, corn peeler and handy-tractor (ISIC 2921)
- Industries of multi-various handicrafts:
 1. Handicrafts using plants as raw materials.
 2. Handicrafts using animals as raw materials.
 3. Imitation flowers and decorations.
 4. Imitation jewelry (ISIC 3699).
 5. Handicrafts from mollusk and the like.
 6. Handicrafts made of precious stone and marble.
- Non-metal waste recycle (ISIC 3720)
- Nails, nuts and bolts industry, component and spare parts to start up motor industry, pumps and compressor industry, component and two and three wheels vehicles accesories industry, bike and *becak* accesories industry (ISIC 2899, 2911, 2912, 3591, 3592)
- Milk powder process and condensed milk industry (ISIC 1520)
- Fishery Processing Business (Usaha Pengolahan Hasil Perikanan - UPI): Fermentation, Reduction/Chemical Process, Surimi and Jelly Fish Process (ISIC 1512)

6. Special Permit from Relevant Ministerial/ Government Agencies (applies to both local and foreign investors)

- Special Printing Industry/Security documents such as stamp, stamp duty, valuable paper such as Bank Note Paper, Cheque Paper, Watermark paper, passport, demography document and hologram, Money Printing Industry. Special permit is required from the Minister of Industry and from the National Intelligence Agency (ISIC 2221)
- Special Ink Industry. Special permit is required from the Minister of Industry and the National Intelligence Agency (ISIC 2429)
- Pulp Industry (from wood). The raw material should be sourced from industrial plantation forests and special permit is required from the Minister of Industry (ISIC 2101)
- Cigarette Industries

These industries are closed for new investors (both local and foreign). Any expansion of the existing investment requires a special permit from the Minister of Industry.

 - Clove Cigarette Industry (ISIC 1600)
 - Regular Cigarette Industry (ISIC 1600)
 - Other Cigarette Industries (ISIC 1600)

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- Lead Smelting Industry. A special permit is required from the Minister of Environment and the Minister of Industry (ISIC 2720)
- Narcotics for Pharmaceutical Industry (Pharmaceutical Industry) A special permit is required from the Minister of Health (ISIC 2423)
- Saw Mill Industry with production/output capacity above 2000M³/ Year. A special permit is required from the Minister of Forestry (ISIC 2010)
- Veneer Industry, Plywood industry, Laminated Veneer Lumber (LVL) Industry. A special permit is required from the Minister of Forestry (ISIC 2021)
- Wood chip industry and Wood Pellet Industry. A special permit is required from the Minister of Forestry (ISIC 2029)
- Cyclamate and Saccharin Industry. A special permit is required from the Food and Drug Administration (FDA) and the Minister of Trade [(ISIC 2411)
- Lubricating oil industry with special permits from Minister of Energy & Mineral Resources and Minister of Industry (ISIC 2320)

Services Incidental to Manufacturing

1. Industries Closed to Both National and Foreign Investors

- Manufacture of food and beverages on a fee or contract basis (CPC 88411)
 - Fruits and vegetables canning industry
 - Fruits and vegetables pulverizing, juicing and pasting industry
 - Ice cream industry
 - Cassava starch industry

2. Industries Closed to Foreign Investors

- Manufacture of food and beverages on a fee or contract basis (CPC 88411)
 - Meat processing and preserving industry
 - Fish and the like canning industry
 - Cold storage for fish industry and the like
 - Margarine industry
 - Cooking oil industry
 - Milk industry
 - Industry of food from milk
 - Palm starch industry
 - Feed/fishmeal industry
 - Feed/fishmeal concentrate industry
 - Macaroni, noodle, spaghetti, rice noodle industry and the like
 - Tea and coffee processing industry
 - Spice, food flavor and food enhancer industry
 - Syrup industry
 - Other sugar industry other than syrup industry

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- Soft drink industry
- Manufacture of tobacco on a fee or contract basis: (CPC 88412)
 - Kretek (clove) cigarette industry
 - White cigarette industry
 - Other cigarette industry
 - Other products of tobacco
- Manufacture of leather products on a fee or contract basis (CPC 88423)
 - Leather preserving industry
 - Leather tanning industry
- Manufacture of wood and of products of wood and cork, except furniture; manufacture of articles of straw and plaiting materials, on a fee or contract basis (CPC 88430)
 - Saw mill industry, including kiln drying
 - Plywood industry
 - Laminated plywood industry, including decorative plywood
 - Molding and building components industry, including kiln drying
- Manufacture of chemicals and chemicals products, on a fee or contract basis (CPC 88460)
 - Formulated pesticide industry
- Manufacture of furniture on a fee or contract basis (88491)
 - Wood furniture industry, including finishing and designing
 - Rattan and bamboo furniture industry, including finishing and designing

Source of Measure

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- Law No. 25 of 2007 Concerning Investment
- Presidential Regulation of The Republic of Indonesia No. 36 of 2010 on List of Business Fields Closed to Investment and Business Fields Open, with Conditions, to Investment
- Presidential Decree No. 21 of 2001 concerning Lubricant Supply and Services
- Government Policy

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Sector	:	Agriculture Services Incidental to Agriculture
Sub-Sector	:	-
Industry Classification	:	ISIC (see below) CPC (see below)
Level of Government	:	Central
Type of Obligation	:	National Treatment
Description of Measure	:	Certain restrictions/requirements which may be inconsistent with National Treatment may be imposed to foreign investors on the establishment of the following line of businesses in Indonesia :

Agriculture

1. Closed to Foreign Investors

- For each individual crop cultivation in an area less than or equal to 25 hectares:
 - Main food crops are corn, soy, peanuts, green beans, rice, cassava, sweet potato; other food crops are wheat, oats, barley, rye, millet, taro, and other food crops not classified elsewhere (ISIC 0111, 0112).
- For each individual crop cultivation in an area less than 25 hectares:
 - Estate crops as follows:
 - Sugar cane and other sweetening plant cultivation, tobacco plantation, rubber and other producing latex plantations, cotton plantation, textile raw material crop plantation, Medicinal/pharmaceutical crop plantation, essential oil crop plantation, and other crop plantation that is not classified in other location (ISIC 0111, 0112)
 - Coconut plantation, palm plantation, beverage material crop plantation (tea, coffee, and cocoa), cashew plantation, peppercorn plantation, clove plantation, and other spices crop plantation (ISIC 0113)
 - Breeding and propagation of the following:
 - *Jatropha curcas* plantation, sugar cane and other sweetening plants, tobacco plant, rubber and other latex producing plants, textile raw material

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plant, medical/pharmaceutical plant, cotton plant, essential oil plant, and other plants that are not classified in other location (ISIC 0111, 0112)

- Coconut plant, palm plant, plants for beverage material (tea, coffee, and cocoa), cashew plant, peppercorn plant, clove plantation, and other spices plant (ISIC 0113)

- Breeding and Propagation of Forest plants (ISIC 0111, 0200)
- Pig breeding and farming in a quantity less than or equal to 125 heads, native chicken (“*ayam buras*”) and its cross-breeding and farming (ISIC 0122)
- Plantation processing product business industry below certain capacity according to Regulation of Minister of Agriculture Number 26 of 2007:
 - Dry Clove Flower Industry (ISIC 0140)
- Capturing and Propagating Wildlife from natural Habitat except reptiles (snake, lizard, turtle, soft shell turtle and crocodile) (ISIC 0150)

2. Special Permit from Relevant Ministerial/Government Agencies and Foreign Capital Ownership Limitation

- Cultivation of Agricultural Germ Plasm, including food crops, horticulture, plantation, livestock (maximum foreign capital ownership 49%) with special permit from the Minister of Agriculture (ISIC 0111, 0112, 0113, 0121, 0122)
- Cultivation and Processing of Genetically Modified Organism (GMO) Products (maximum foreign capital ownership 49%) with special permit from the Minister of Agriculture (ISIC 0111, 0112, 0113, 0121, 0122)
- For each individual crop cultivation in an area of more than 25 hectares with special permit from the Minister of Agriculture:
 - Main food crops are corn, soy, peanuts, green beans, rice, cassava, sweet potato (maximum foreign capital ownership 49%) (ISIC 0111, 0112)
 - Other food crops are wheat, oats, barley, rye, millet, taro, and other food crops not classified elsewhere (maximum foreign capital ownership 95%) (ISIC 0111, 0112).
- For each individual crop culturing medium/nursery business with special permit from the Minister of Agriculture:
 - Main food crops are corn, soy, peanuts, green beans, rice, cassava, sweet potato (maximum foreign capital

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- ownership 49%) (ISIC 0111, 0112)
- Other food crops are wheat, oats, barley, rye, millet, taro, and other food crops not classified elsewhere (maximum foreign capital ownership 95%) (ISIC 0111, 0112).
- Estate Crops Plantation with an area equal to or more than 25 Hectares until a certain area stipulated in Regulation of Minister of Agriculture Number 26 of 2007, is subject to a maximum foreign capital ownership 95% and a special permit from the Minister of Agriculture :
 - a. Without an integrated processing unit
 - Jatropha Curcas Plantation, Sugar cane and other sweetening plants, Tobacco plantation, Rubber and other latex producing plantation, raw material Textile Crop plantation, Cotton Plantation, Medicinal/pharmaceutical Crop plantation, Essential oil Crop Plantation, Other Crop plantations that are not classified in other locations (ISIC 0111, 0112)
 - Coconut plantation, Palm plantation, Crop Plantation for Beverage material (Tea, Coffee, and Cacao), Cashew plantation, Peppercorn plantation, Clove plantation, Other spices Crop plantations (ISIC 0113)
 - b. With an integrated processing unit with an input capacity equal to or more than a certain capacity as stipulated in Regulation of Minister of Agriculture Number 26 of 2007
 - Clove plantation and dry flower clove industry (ISIC 0113 & 0140),
 - Cotton plantation and cotton fiber and seed industry (ISIC 0111 & 1514, 1711),
 - Cashew plantation and cashew seed industry and Cashew Nut Shell Liquid (CNSL) (ISIC 0113 & 1531),
 - Peppercorn plantation and dry white peppercorn and dry black peppercorn industry (ISIC 0112 & 1531, 1549),
 - Jatropha Plantation and Jatropha Curcas Oil Industry (ISIC 0111 & 2429),
 - Sugar cane plantation, sugar industry, sugar cane, and sugar cane residue (ISIC 0111 & 1542),
 - Tobacco plantation and dry tobacco leaves industry (ISIC 0111 & 1600),
 - Coconut Plantation and coconut oil industry (ISIC 0113 & 1514),
 - Coconut Plantation and Copra, Fiber, Coconut Charcoal, Dust, Nata de coco industry (ISIC 0113, 1514 & 1549),
 - Palm Plantation and palm oil industry (CPO) (ISIC 0113 & 1514),
 - Cacao Plantation and cleaning, peeling and drying

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- industry (ISIC 0113 & 0140, 1543),
 - Tea plantation and black/green tea industry (ISIC 0113&1549),
 - Essential oil Crop Plantation and Essential Oil industry (ISIC 0111, 0112, 0113 & 2429),
 - Coffee Plantation and Coffee sorting, cleaning and peeling industry (ISIC 0113 & 0140, 1549),
 - Rubber plantation and sheet, thick latex industry and crumb rubber industry (ISIC 0111 & 2519),
 - Seed plantation other than Coffee and Cacao and Seeds other than Coffee and Cacao cleaning and peeling industry (ISIC 0111, 0112, 0113 & 0140, 1531)
- Estate crops plantation with an area more than a certain area related as stipulated in the Regulation of Minister of Agriculture Number 26 of 2007, is required to have an integrated processing unit with an input capacity equal to or more than a certain capacity as stipulated in Regulation of Minister of Agriculture Number 26 of 2007, and is subject to maximum foreign capital ownership 95% and a special permit from the Minister of Agriculture:
 - Clove plantation and dry flower clove industry (ISIC 0113 & 0140),
 - Cotton plantation and cotton fiber and seed industry (ISIC 0111 & 1514, 1711),
 - Cashew plantation and cashew seed industry and Cashew Nut Shell Liquid (CNSL) (ISIC 0113 & 1531),
 - Peppercorn plantation and dry white peppercorn and dry black peppercorn industry (ISIC 0112 & 1531, 1549),
 - Jatropha Plantation and Jatropha Curcas Oil Industry (ISIC 0111 & 2429),
 - Sugar cane plantation, sugar industry, sugar cane, and sugar cane residue (ISIC 0111 & 1542),
 - Tobacco plantation and dry tobacco leaves industry (ISIC 0111 & 1600),
 - Coconut Plantation and coconut oil industry (ISIC 0113 & 1514),
 - Coconut Plantation and Copra, Fiber, Coconut Charcoal, Dust, Nata de coco industry (ISIC 0113, 1514 & 1549),
 - Palm Plantation and palm oil industry (CPO) (ISIC 0113 & 1514),
 - Cacao Plantation and cleaning, peeling and drying industry (ISIC 0113 & 0140, 1543),
 - Tea plantation and black/green tea industry (ISIC 0113&1549),
 - Essential oil Crop Plantation and Essential Oil industry (ISIC 0111, 0112, 0113 & 2429),
 - Coffee Plantation and Coffee sorting, cleaning and peeling industry (ISIC 0113 & 0140, 1549),
 - Rubber plantation and sheet, thick latex industry and crumb rubber industry (ISIC 0111 & 2519),

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- Seed plantation other than Coffee and Cacao and Seeds other than Coffee and Cacao cleaning and peeling industry (ISIC 0111, 0112, 0113 & 0140,1531)
- Breeding and propagation of the following for an area of 25 hectares or over, until a certain area according to Regulation of Minister of Agriculture Number 26 of 2007 with maximum foreign capital ownership 95%, with a special permit from the Minister of Agriculture:
 - Jatropha curcas plantation, Sugar cane and other sweetening plant plantation, Tobacco plantation, raw material Textile Crop plantation, cotton plantation, Rubber and other latex producing plantation, Other crop plantations that are not classified in other locations, Medicinal/pharmaceutical crop plantation, Essential oil Crop Plantation (ISIC 0111, 0112)
 - Cashew plantation, Coconut plantation, Palm plantation, Crop Plantation for Beverage material, Peppercorn plantation, Clove plantation, Other spices crop plantation (ISIC 0113)
- Product processing plantation industry (harvesting and activities relating to harvesting) with an input capacity equal to or exceeding a certain limit as stated in the Regulation of the Minister of Agriculture Number 26 of 2007, with maximum foreign capital ownership 95%, with a special permit from the Minister of Agriculture:
 - Dry Clove Flower Industry (ISIC 0140)
- 3. Foreign Capital Ownership Limitation**
 - Hunting business in Hunting Parks and Hunting Blocks (maximum foreign capital ownership 49%) (ISIC 0150)
 - Raising wild animals (ISIC 0150)
- 4. Partnership¹⁹ with Micro, Small and Medium Sized Enterprises and Cooperatives²⁰**
 - Tobacco drying and preliminary processing industry (ISIC 0111)
 - Silk worm cocoon/chrysalis (natural silk) farming, Bee farming (ISIC 0122)

¹⁹ For this reservation, Partnership with Micro, Small and Medium Sized Enterprises and Cooperatives means cooperation between micro, small and medium size enterprise and Cooperatives and foreign investors, which may take any of the following forms: joint-operation (plasma-core), sub-contracting, franchise, distributorship, general trading, joint venture and outsourcing.

²⁰ For the purpose of this reservation, the definition of Micro, Small, and Medium Sized Enterprises (UMKM) can be found in Law No. 20 of 2008. For the definition of Cooperatives can be found in Law No. 25 of 1992.

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5. Locational Requirements

- Pig Breeding and Farming (for quantity of more than 125 heads) with a special permit from the local authority (ISIC 0122)

6. Special Permit from Relevant Ministerial/ Government Agencies (applies to both local and foreign investors)

- Capturing and Propagating reptiles (snake, lizard, turtle, soft shell turtle and crocodile) from natural habitat with a special permit from Minister of Forestry (ISIC 0150)

Services Incidental to Agriculture

Open with certain restriction

- Estate Plantation (CPC 88110)
 - Pest (diseases & insects) forecasting, control and equipment rental (Partnership²¹ with Micro, small and Medium Sized enterprises and cooperatives²²)
- Agriculture (CPC 88110) (Partnership²¹ with Micro, Small and Medium Sized Enterprises and Cooperatives²²)
 - Food crops land/soil preparation, harvesting, threshing, rice milling unit (to be located outside of Java Island)
 - Horticultural pest control (diseases & insects)
 - Food Crop Pest Control
- Livestock (CPC 88110)
 - a. Partnership²¹ with Micro, Small and Medium Sized Enterprises and Cooperatives²²
 - Slaughterhouses for cattle / poultry
 - b. Partnership²¹ with Micro, Small and Medium Sized Enterprises and Cooperatives²² and Special Permit from Relevant Ministerial/Government Agencies
 - Meat Processing/Butchering Plan
- Estate Plantation (CPC 88110) : Partnership²¹ with Micro, Small and Medium Sized Enterprises and Cooperatives²²
 - Land/Soil preparation
 - Landscape Planning and Survey
 - Plant breeding / transplantation and nursery

²¹ For this reservation, Partnership with Micro, Small and Medium Sized Enterprises and Cooperatives means cooperation between micro, small and medium size enterprise and Cooperatives and foreign investors, which may take any of the following forms: joint-operation (plasma-core), sub-contracting, franchise, distributorship, general trading, joint venture and outsourcing.

²² For the purpose of this reservation, the definition of Micro, Small, and Medium Sized Enterprises (UMKM) can be found in Law No. 20 of 2008. For the definition of Cooperatives can be found in Law No. 25 of 1992.

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Source of Measure

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- Law No. 18 of 2004 Concerning Plantation
- Law No 18 of 2009 concerning Livestock and Animal Health
- Law No. 41 of 1999 Concerning Forestry
- Law No. 5 of 1990 Concerning Conservation of Natural Resources and Its Ecosystems
- Government Regulation No. 6 of 2007 as amended by Government Regulation No. 3 of 2008 Concerning Forest Administration and Compilation of Forest Management Planning and Utilization of Forest
- Government Regulation No. 8 of 1999 Concerning Utilization of Plant and Wild Animal Species Government Regulation number 18 of 2010 concerning Plant Cultivating Business
- Presidential Regulation No.36 of 2010 Concerning List of Business Fields Closed to Investment and Business Fields Open, With Conditions, to Investment
- Agriculture Minister Regulation No. 26 of 2007 Concerning Guidelines for License on Estate Crops Sector
- Agriculture Minister Decree No. 404 of 2002 Concerning Guidelines for License and Registration on Livestock Sector
- Agriculture Minister Decree No. 348 of 2003 Concerning Guidelines for License on Horticulture Sector
- Agriculture Minister Regulation No 2 of 2009 concerning Guidelines of Veterinary Medical Services
- Government policy

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Sector	: Forestry and Services Incidental to Forestry
Sub-Sector	: -
Industry Classification	: ISIC (see below) CPC (see below)
Level of Government	: Central
Type of Obligation	: National Treatment
Description of Measure	: Certain restrictions/requirements which may be inconsistent with National Treatment may be imposed to foreign investors on the establishment of the following line of businesses in Indonesia :

Forestry

1. Closed to Foreign Investors

- Exploitation of other forest plants (Sugar Palm, Pecan, Tamarind Seed, Charcoal Raw Material, Cinnamon, etc) (ISIC 0200)
- Exploitation of Swallow Nests in Nature (ISIC 0200)
- Primary industry of forest product other than wood (Pine Sap, Bamboo) (ISIC 0200)
- Gathering wild growing forest plants (ISIC 0200)
- Exploitation of wood forest products from the natural forest (ISIC 0200)
- Forest ecosystem restoration (ISIC 0200)
- Exploitation of wood forest products from the community-based forests (ISIC 0200)
- Exploitation of water resources in forest area (ISIC 0200)

2. Foreign Capital Ownership Limitation

- Growing and gathering wild plants (maximum foreign capital ownership 49%) (ISIC 0200)

3. Partnership²³ with Micro, Small and Medium Sized Enterprises and Cooperatives²⁴

- Rattan Exploitation, Bamboo Exploitation, Aquilaria malaccensis (gaharu) Exploitation, Shellac Exploitation,

²³ For this reservation, Partnership with Micro, Small and Medium Sized Enterprises and Cooperatives means cooperation between micro, small and medium size enterprise and Cooperatives and foreign investors, which may take any of the following forms: joint-operation (plasma-core), sub-contracting, franchise, distributorship, general trading, joint venture and outsourcing.

²⁴ For the purpose of this reservation, the definition of Micro, Small, and Medium Sized Enterprises (UMKM) can be found in Law No. 20 of 2008. For the definition of Cooperatives can be found in Law No. 25 of 1992.

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Alternative crop Plant (Sago) Exploitation, Pine Sap Exploitation, Resin Exploitation, Eaglewood Exploitation, Exploitation of Latex Producing Plants-(ISIC 0200)

4. Special Permit from the Minister of Forestry

- Development of Technology used on plant and wildlife genetics (ISIC 0200).

Services Incidental to Forestry

Industries Closed to Foreign Investors

- Contractors in the field of lumbering (CPC 88140)

Source of Measure

- Law No. 41 of 1999 Concerning Forestry
- Law No. 5 of 1990 Concerning Conservation of Natural Resources and Its Ecosystems
- Government Regulation No. 6 of 2007 as amended by Government Regulation No. 3 of 2008 Concerning Forest Administration and Compilation of Forest Management Planning and Utilization of Forest
- Government Regulation No. 36 of 2010 Concerning Natural Tourism Concession in the National Park Utilization Zone, Grand Forest Park, Nature Tourism Park
- Government Regulation No. 8 of 1999 Concerning Utilization of Plant and Wild Animal Species
- Presidential Regulation of The Republic of Indonesia No. 36 of 2010 on List of Business Fields Closed to Investment and Business Fields Open, with Conditions, to Investment
- Government Policy

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Sector	: Mining & Quarrying Services Incidental to Mining & Quarrying
Sub-Sector	: -
Industry Classification	: ISIC (see below) CPC (see below)
Level of Government	: Central
Type of Obligation	: National Treatment
Description of Measure	: Certain restrictions/requirements which may be inconsistent with National Treatment may be imposed to foreign investors on the establishment of the following line of businesses in Indonesia :

Mining & Quarrying

- 1. Closed to Foreign Investors**
 - Sea Sand Extraction (ISIC 1410)
- 2. Foreign Capital Ownership Limitation**
 - Geothermal Drilling (maximum foreign capital ownership 95%) (ISIC 1110, 1120)
 - Oil and Gas Drilling Offshore outside of Eastern Indonesia Territory (maximum foreign capital ownership 95%) (ISIC 1110, 1120)
 - Oil and gas drilling onshore (maximum foreign capital ownership 95%) (ISIC 1110, 1120)
- 3. Special Permit from Relevant Ministerial/Government Agencies**
 - Radioactive Mineral Mining (ISIC 1200). Special Permit is required from the National Agency for Atomic Energy (BATAN)
 - Drilling of crude oil and gas on fee or contract basis (ISIC 1120). Special permit is required from Minister of Energy and Mineral Resources on condition of cooperation with national enterprises and only offshore drilling.

Services Incidental to Mining & Quarrying

- 1. Closed Only for Foreign Investors:**
 - Services of bottling and filling of Liquefied Petroleum Gas (LPG) (CPC 8830)
- 2. Open with certain restriction:**
 - Operation and Maintenance Services of Geothermal Facility (maximum foreign capital ownership 90%) (ISIC 8830)
 - Operation and Maintenance Services of Oil and Gas Facility

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(maximum foreign capital ownership 95%) (ISIC 8830)

- Services incidental to the following general mining activities (CPC 8830) (Special Permit from the Minister of Energy and Mineral Resources)
 - Research for general investigation and exploration of mines in offshore or onshore with various research methods
 - Laboratory analysis and mini processing
 - Research and feasibility study on environment
 - Mine construction, cutting, top layer excavation, mining and mine transportation and mine reclamation
 - Consultancy on mining
 - Operation and consultancy on planning of building construction and other facilities in surrounding general mining project
 - Other business directly related and supporting mining business

Source of Measure :

- Law No. 22 of 2001 Concerning Oil and Gas Mining
- Law No.4 of 2009 Concerning Mineral and Coal Mining
- Law No.27 of 2003 Concerning Geothermal
- Presidential Regulation of The Republic of Indonesia No. 36 of 2010 on List of Business Fields Closed to Investment and Business Fields Open, with Conditions, to Investment
- Presidential Decree No. 21 of 2001 concerning Lubricant Supply and Services
- Government Regulation No. 23 of 2010 Concerning the Implementation of Mineral and Coal Mining Activities
- Government Regulation No. 59 of 2007 as amended by Government Regulation No 70 of 2010 Concerning Geothermal
- Energy & Mineral Resources Minister Regulation No. 20 of 2008 concerning Enactment of Indonesia's National Work Competence Standards in Oil and Gas Sector
- Government Policy

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21.

Sector	: Fishery
Sub-Sector	: Coral
Industry Classification	: ISIC 0500
Level of Government	: Central
Type of Obligation	: National Treatment
Description of Measure	: Certain restrictions/requirements which may be inconsistent with National Treatment may be imposed to foreign investors on the establishment of the following line of businesses in Indonesia : <ol style="list-style-type: none">1. Closed to Foreign Investors and Special Permit from Relevant Ministerial/Government for Domestic Investors<ul style="list-style-type: none">• Utilization (exploitation) and distribution of coral/decorative coral from nature for aquarium usage• Utilization (exploitation) and distribution of coral/death coral resulted from transplantation/propagation technique2. Foreign Capital Ownership Limitation<ul style="list-style-type: none">• Coral breeding/cultivating with maximum foreign capital ownership of 49%
Source of Measure	: <ul style="list-style-type: none">- Law No. 27 of 2007 concerning Management of Coastal Areas and Small Islands- Law No. 31 of 2004 as amended by Law No. 45 of 2009 Concerning Fishery- Law No. 5 of 1983 Concerning Indonesia's Exclusive Economic Zone- Presidential Regulation No.36 of 2010 Concerning The List of Businesses Closed and List of Businesses Opened With Reservation In The Investment Sector- Regulation of the Minister of Marine Affairs and Fisheries of the Republic of Indonesia No. PER.05/MEN/2008 as amended by No. PER.12/MEN/2009 regarding Capture Fishery Business.- Regulation of the Minister of Marine Affairs and Fisheries of the Republic of Indonesia No. PER.12/MEN/2007 regarding Aquaculture Business Licensing- Regulation of the Minister of Marine Affairs and Fisheries of the Republic of Indonesia No. PER.05/MEN/2009 regarding Aquaculture Business Scale- Decree of the Minister of Forestry of the Republic of Indonesia No. 447/Kpts-II/2003 regarding Procedures on Exploitation or Capturing and Distribution of Wild Plants and Animals- Government Policy

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22.

Sector	: Agriculture, Manufacturing Services Incidental to Agriculture, Manufacturing
Sub-Sector	: Horticulture
Industry Classification	: ISIC 0111, 0112, 0113, 0140, 1513, 1514, 1531, 1549, 2423 CPC 88110, 88411
Level of Government	: Central
Type of Obligation	: National Treatment Senior Management and Board of Directors
Description of Measure	: National Treatment and Senior Management and Board of Directors shall not apply to any measures related to the Horticulture subsector activities including but not limited to breeding and propagation, cultivation, harvest and post-harvest, processing, and their services incidental. Transition period of four years is provided for existing investors ²⁵ in the Horticulture subsectors to make adjustment to comply with measures stated in the Law No. 13 of 2010 and its implementing regulation. The definition of Horticulture subsectors can be found in the Law No. 13 of 2010.
Source of Measure	: - Law No. 13 of 2010 concerning Horticulture - Government Policy

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²⁵ Existing investors refer to the existing investors before the enactment of Law No. 13 of 2010.