

Agreement Establishing the ASEAN–Australia-New Zealand Free Trade Area

INDONESIA'S SCHEDULE OF MOVEMENT OF NATURAL PERSONS COMMITMENTS

1. Indonesia's commitments under Chapter 9 (Movement of Natural Persons), and under Article 3 (National Treatment) and Article 4 (Market Access) of the Trade in Services Chapter, in relation to the supply by a service supplier of one Party through presence of natural persons of a Party in the territory of another Party apply only in relation to the categories of persons set out below.

2. In accordance with Articles 3, 4 and 8 (National Treatment, Market Access and Specific Commitments) of the Trade in Services Chapter, for the categories of persons set out in this Schedule, Indonesia specifies below any terms, conditions, limitations or qualifications in relation to the supply of a service by a service supplier of a Party through the presence of natural persons of a Party in the territory of Indonesia

Modes of Supply : 4) Presence of natural persons

Sector or sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
I. HORIZONTAL COMMITMENTS			
All sectors included in this schedule	<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>	

Modes of Supply : 4) Presence of natural persons

Sector or sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>Definitions:</p> <p>"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.</p> <p>"Manager": Senior employee of a service supplier who primarily directs the management of the organization, 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.</p> <p>"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 propriety to the service, research equipment, techniques or management.</p> <p>"Joint Operation ": 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</p> <p>"Joint venture Enterprise": A joint venture enterprise is a legal entity organized under Indonesian law and having its domicile in Indonesia, in the form of cooperation between foreign capital and Indonesian (national) capital.</p> <p>"Contract Management": Contract management is a contract organized under Indonesian law in the form of cooperation on management of temporary nature between Indonesian (national) capital and foreign capital.</p> <p>Business visitors(s) is (are) natural person 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.</p>			

Modes of Supply : 4) Presence of natural persons

Sector or sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
II. SECTOR SPECIFIC COMMITMENTS			
1. BUSINESS SERVICES			
<p>A. Professional Services</p> <p>a. Legal Services (Advisory services in home country law, and international law). (CPC 861)</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>4) Unbound except for foreign lawyers (advocate).</p> <p>Foreign lawyers (advocate) are :</p> <ul style="list-style-type: none"> • only allowed as employees or experts in Indonesian law firm • obliged to transfer legal knowledge and professional capabilities to Indonesian Lawyers • obliged to transfer knowledge to education, legal research, or government institutions at least 10 hours each month free of charge. <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>	

Modes of Supply : 4) Presence of natural persons

Sector or sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>Definition : Lawyer (advocate) is person who has the profession of providing legal service in and outside the court. International law means law established by international treaties and conventions as well as customary law</p>			
<p>d. Architectural Services (CPC 8671) e. Engineering Services (CPC 8672 - except CPC 86721, 86725, 86726)</p>	<p>4) As specified in the Horizontal Section</p>	<p>4) As specified in the Horizontal Section</p>	
<p>Advisory and Consultative (CPC 86721) Engineering Design Services for Industrial Processes and Production (CPC 86725)</p>	<p>4) Unbound except for director and technical expert</p>	<p>4) As specified in the Horizontal Section</p>	
<p>f. Integrated Engineering Services (CPC 8673) g. Urban Planning Services (CPC 86741)</p>	<p>4) As specified in the Horizontal Section</p>	<p>4) As specified in the Horizontal Section</p>	

Modes of Supply : 4) Presence of natural persons

Sector or sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
B. Computer and Related Services			
a. Consultancy Services Related to the Installation of computer hardware (CPC 841) b. Software Implementation Services (CPC-842)	4) Unbound except for director and technical expert	4) As specified in the Horizontal Section	
C. Research and Development Services			
c. Interdisciplinary R&D (CPC 853, limited to industrial activities)	4) Unbound except for director and technical expert	4) As specified in the Horizontal Section	
F. Other Business Services			

Modes of Supply : 4) Presence of natural persons

Sector or sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
d. Project Management Services other than Construction (CPC 86601) e. Technical Testing and Analysis Services (CPC 8676). i. Services Incidental to Manufacturing (CPC 884 & 885) n. Maintenance and Repair of Equipment (not Including Maritime Vessels, Aircraft or other Transport Equipment) (CPC 633+8861+8866)	4) Unbound except for director and technical expert	4) As specified in the Horizontal Section	
2. COMMUNICATION SERVICES			
C. Telecommunication Services			

Modes of Supply : 4) Presence of natural persons

Sector or sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Local, Long Distance, and International Services : <ul style="list-style-type: none"> o Public Switched Telephone Service (CPC 7521) o Circuit Switched Public Data Network Services (CPC 7523**) o Teleconferencing Services (CPC 75292) 	4) As specified in the Horizontal Section	4) As specified in the Horizontal Section	
Packet-switched public data network services (CPC 7523**) <ul style="list-style-type: none"> o X. 25 o Frame relay o Local o Local distance o International 	4) As specified in the Horizontal Section	4) As specified in the Horizontal Section	
Telex services Telegraph services	4) As specified in the Horizontal Section	4) As specified in the Horizontal Section	
Domestic Services:	4) As specified in the Horizontal Section	4) As specified in the Horizontal Section	

Modes of Supply : 4) Presence of natural persons

Sector or sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Mobile Cellular Telephone Services (CPC 75213) Internet Access Services Regional and National Paging Services (CPC-75291) Public Payphone Services Voice Mail Service (CPC-7523) Electronic Mail Services (CPC-75232)			
Computer Time Sharing Services (CPC-84330) Videotext Services (CPC-75229) Electronic Mail Box (CPC-75232)	4) As specified in the Horizontal Section	4) As specified in the Horizontal Section	

Modes of Supply : 4) Presence of natural persons

Sector or sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
File Transfer Services (CPC-75299) Home Telemeter Alarm (CPC-75299) Entertainment Services (CPC-75299) Management Information services (CPC75299)			
3. CONSTRUCTION AND RELATED ENGINEERING SERVICES			

Modes of Supply : 4) Presence of natural persons

Sector or sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
A. Construction Work for Buildings (CPC 512) B. Construction Work for Civil Engineering (CPC 513) C. Assembly and Erection of Prefabricated Constructions (CPC 514) C. Installation Work (CPC516) D. Building Completion and Finishing Work (CPC517) E. Pre-erection Work at Construction Site (CPC 511) F. Special Trade Construction(CPC 515) G. Renting Services Related Equipment for Construction or Demolition of Building or Civil Engineering Works with Operator (CPC 518)	4) As specified in the Horizontal Section	4) As specified in the Horizontal Section	

Modes of Supply : 4) Presence of natural persons

Sector or sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
5. EDUCATIONAL SERVICES			
<p>General Conditions</p> <p>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.</p>			
B. Secondary Education Services			
<p>Technical and Vocational Secondary Education Services (electronic, automotive) (CPC 92230)</p>	<p>4) Unbound except as indicated in the Horizontal Section and General Conditions</p>	<p>4) As indicated in the Horizontal Section and General Conditions</p>	
C. Higher Education Services			
<p>Post Secondary Technical and Vocational Education Services (Poly-technique Machine and Electrical) (CPC 92310)</p>	<p>4) Unbound except as indicated in the Horizontal Section and General Conditions.</p>	<p>4) Unbound</p>	

Modes of Supply : 4) Presence of natural persons

Sector or sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
D. Adult Education Services			
Language Course and Training (CPC 924)	4) Unbound except as indicated in the Horizontal Section and General Conditions	4) Unbound	
E. Other Education Services			
Football and Chess only (CPC 92900)	4) Unbound except as indicated in the Horizontal Section and General Conditions	4) Unbound	
FINANCIAL SERVICES			
<p>General Condition on Non Banking Financial Services Sub Sector</p> <ol style="list-style-type: none"> 1) In addition to the Horizontal Measures, temporary entry will be granted to technical expert(s)/advisor(s) for no longer than 3 (three) months per person for any given year. 2) In relation to the presence of natural person, only directors, managers, and experts/advisors can be assumed by expatriates with maximum stay of 3 (three) years and can be extended. 			

Modes of Supply : 4) Presence of natural persons

Sector or sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Non-Life Insurance Services (CPC 8129) except CPC-81293 (Marine, Aviation and other Transportation)	4) Unbound except for director and technical advisor/expert.	4) As specified in the Horizontal Section.	
Reinsurance Services	4) Unbound except for director and technical advisor/expert.	4) As specified in the Horizontal Section.	
Life Insurance Services (CPC 81211)	4) Unbound except for director and technical advisor/expert.	4) As specified in the Horizontal Section.	
Insurance Brokerage Services (CPC 81401)	4) Unbound except for director and technical advisor/expert.	4) As specified in the Horizontal Section.	
Reinsurance Brokerage Services (CPC 8140)	4) Unbound except for director and technical advisor/expert.	4) As specified in the Horizontal Section.	
Financial Lease Services (CPC 81120)	4) Unbound except as indicated in the Horizontal Section.	4) As specified in the Horizontal Section.	
Factoring Services (CPC 8113)	4) Unbound except as indicated in the Horizontal Section.	4) As specified in the Horizontal Section.	
b. - Credit Card Business (Issuer and Agent of	4) Unbound except as indicated in the Horizontal Section.	4) As specified in the Horizontal Section.	

Modes of Supply : 4) Presence of natural persons

Sector or sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Credit Card) (CPC-8113) - Consumers Finance Services (CPC 8113)			
f. Securities Business Trading for Own Account or for Account of Customers, on an Exchange or Over-the Counter Market o Listed shares o Bonds	4) Unbound except as indicated in the Horizontal Section.	4) As specified in the Horizontal Section.	
g. Participation in Issues of Securities, including Underwriting and Placement as Agent (whether publicly or privately), and Provision of Services Related to such issues	4) Unbound except as indicated in the Horizontal Section.	4) As specified in the Horizontal Section.	

Modes of Supply : 4) Presence of natural persons

Sector or sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
i. - Portfolio Management, all forms of collective investment management - Asset Management Limited only to Investment Fund Management	4) Unbound except for directors.	4) As specified in the Horizontal Section	
k. Investment Advisory Services limited only to Investment Advisory in Capital Market	4) Unbound except for directors.	4) As specified in the Horizontal Section	
BANKING SUB SECTOR			
General Conditions on Banking Sub Sector			
1. With respect to the presence of natural persons, no economic needs test will apply. A non Indonesian employed as manager or as technical expert shall have at least two Indonesian understudies during his/her term. 2. In addition to the Horizontal Measures, temporary entry will be granted to technical expert(s)/adviser(s) of branch office of the foreign bank and joint venture bank for no longer than 3 (three) months per person for any given year.			
Commercial Banking Business			

Modes of Supply : 4) Presence of natural persons

Sector or sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(i) Acceptance of Deposits and other Repayable Funds from the Public (ii) Lending of all types, including Consumer Credit, Mortgage, Credit, Factoring, and Financing of Commercial Transaction (iii) All Payment and Money Transmission Services including Credit, Charge and Debit Cards, Travelers Check and Bankers Drafts (iv) Guarantees and Commitments (v) Trading for Own Account or for Account of Customers, whether on an Exchange, in an over-the-Counter	4) Unbound except as indicated in the Horizontal Section and General Conditions on Banking Sub-sector.	4) Unbound except as indicated in the Horizontal Section and General Conditions on Banking Sub-sector.	

Modes of Supply : 4) Presence of natural persons

Sector or sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Market or otherwise, the following:			
<ul style="list-style-type: none"> ○ Money market instruments (including check, bills, certificates of deposits) ○ Foreign Exchange ○ Exchange rate and interest rate instruments, including products such as swaps, forward rate agreements ○ Transferable securities issued in the money market (vi) Cash Management, Custodial and Depository Services 	4) Unbound except as indicated in the Horizontal Section and General Conditions on Banking Sub-sector.	4) Unbound except as indicated in the Horizontal Section and General Conditions on Banking Sub-sector.	
8. HEALTH RELATED AND SOCIAL SERVICES			
Hospital Services (only for	4) Unbound	4) Unbound	

Modes of Supply : 4) Presence of natural persons

Sector or sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
specialist and super specialist medical care/more specific than specialist medical care, provided by hospital of more than 300 beds) (CPC 9311)			
9. TOURISM AND TRAVEL RELATED SERVICES			
Hotels_(3, 4 and 5 star hotels)	4) a) Unbound except for: <ol style="list-style-type: none"> 1. Top Management Level in Hotel business comprised of: <ol style="list-style-type: none"> i) General Manager ii) Food and Beverage Manager iii) Resident Manager iv) Comptroller v) Marketing Director 2. Highly Skilled Professionals Comprised of: <ol style="list-style-type: none"> i) Executive Chef ii) Souse Chef iii) Specialty Cook 	4) As specified in the Horizontal Section	

Modes of Supply : 4) Presence of natural persons

Sector or sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
B. Travel Agent and Tour Operator (TA & TO) (CPC-74710)	4) Unbound except for technical advisor	4) As specified in the Horizontal Section	
Tourist Resorts Included <ul style="list-style-type: none"> o Hotel (3, 4 and 5 stars) o Marinas o Golf Courses and other Sport Facilities 	4) Unbound except for Resort Manager	4) As specified in the Horizontal Section	
International Hotel Operator (CPC-91135)	4) Unbound, except for : <ul style="list-style-type: none"> a. Top Management Level in hotel business comprised of <ul style="list-style-type: none"> o General Manager o Food and Beverage Manager o Resident Manager o Comptroller o Marketing Director b. Highly Skilled Professionals comprised of: <ul style="list-style-type: none"> o Executive Chef o Souse Chef o Specialty Cook 	4) As specified in the Horizontal Section	

Modes of Supply : 4) Presence of natural persons

Sector or sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Tourism Consultancy Services (CPC-91136)	4) Unbound	4) As specified in the Horizontal Section	
Meal Serving Services with full Restaurant Services (CPC-64210)	4) Unbound, except for : <ul style="list-style-type: none"> c. Top Management Level in hotel business comprised of <ul style="list-style-type: none"> o General Manager o Food and Beverage Manager o Resident Manager o Comptroller o Marketing Director d. Highly Skilled Professionals comprised of: <ul style="list-style-type: none"> o Executive Chef o Sous Chef o Specialty Cook 	4) As specified in the Horizontal Section	
11. TRANSPORTATION SERVICES			
A. Maritime Transport Services			
(a). International Passenger Transport (CPC 7211)	4) As specified in the Horizontal Section	4) As specified in the Horizontal Section	
(b). International Freight	4) As specified in the Horizontal Section	4) As specified in the Horizontal Section	

Modes of Supply : 4) Presence of natural persons

Sector or sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Transport (CPC 7212)			
Maritime Auxiliary Services			
a. Maritime Cargo Handling Services	4) As specified in the Horizontal Section	4) As specified in the Horizontal Section	
Air Transport Services			
a. Aircraft repair and maintenance services b. Computer reservation system (CRS) c. Selling and marketing	4) Unbound except as specified in the Horizontal Section	4) Unbound except as specified in the Horizontal Section	
12. ENERGY SERVICES			

Modes of Supply : 4) Presence of natural persons

Sector or sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>Core Analysis and Other Lab Test, only for Isotope Analysis</p> <p>a. According to Indonesia Proposal of Energy Services Classification is under : Isotope Analysis (1A.2.7.3)</p> <p>b. According to W 120 is under : Business Services on Technical Testing and Analysis Services (CPC 8676)</p>	<p>4) Unbound, except for directors and technical experts.</p>	<p>4) As specified in the Horizontal Section</p>	

Modes of Supply : 4) Presence of natural persons

Sector or sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>Geological and Geophysical Services, only for Seismic Data Acquisition</p> <p>a. According to Indonesia Proposal of Energy Services Classification is under : Seismic Data Acquisition (1A.1.4.1.1.)</p> <p>b. According to W 120 Seismic Data Acquisition is under : Business Services on Subsurface Surveying Services (CPC 8672)</p>	<p>4) Unbound, except for directors and technical experts.</p>	<p>4) As specified in the Horizontal Section</p>	
<p>Liquefaction and Gasification only for Coal</p> <p>a. According to Indonesia Proposal of Energy Services Classification is under</p> <ul style="list-style-type: none"> o Coal liquefaction (2.4.4.4) o Coal Gasification 	<p>4) Unbound, except for directors and technical experts.</p>	<p>4) As specified in the Horizontal Section</p>	

Modes of Supply : 4) Presence of natural persons

Sector or sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>(2.4.4.5)</p> <p>b. According to W 120 is under : Services Incidental to Manufacturing (CPC 884)</p>			
<p>Engineering, Procurement and Construction (EPC) Services</p> <p>a. According to Indonesia Proposal of Energy Services Classification is under : Engineering, Procurement and Construction (EPC) Services (1A.3.2.2.)</p> <p>b. According to W 120 is under : engineering design services for industrial processes and production (CPC-86725)</p>	<p>4) Unbound, except for directors and technical experts.</p>	<p>4) As specified in the Horizontal Section</p>	

Modes of Supply : 4) Presence of natural persons

Sector or sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>Electrical Logging and Perforation</p> <p>a. According to Indonesia Proposal of Energy Services Classification is under: Electrical Logging and Perforation (EPC) Services (1A.2.8.)</p> <p>b. According to W 120 is under : Technical Testing and Analysis Services (CPC-8676)</p>	<p>4) Unbound, except for directors and technical experts.</p>	<p>4) As specified in the Horizontal Section</p>	

Modes of Supply : 4) Presence of natural persons

Sector or sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>Competency Certification in Quality Control and Handling of Aviation Fuels and Lubricants</p> <p>a. According to Indonesia Proposal of Energy Services Classification is under : Competency Certification in Quality Control and Handling of Aviation Fuels and Lubricants (4.2.2.9)</p> <p>b. According to W 120 is under : Other Education Services (CPC 92900)</p>	<p>4) Unbound, except for directors and technical experts.</p>	<p>4) As specified in the Horizontal Section</p>	

Modes of Supply : 4) Presence of natural persons

Sector or sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Competency Certification in Power Plant a. According to Indonesia Proposal of Energy Services Classification is under : Competency Certification in Power Plant (4.2.2.11) b. According to W 120 is under : Other education services (CPC 92900)	4) Unbound, except for directors and technical experts.	4) As specified in the Horizontal Section	
Land Clearing Services	4) Unbound, except for directors and technical experts	4) As specified in the Horizontal Section	