

Annex 8 referred to in Chapter 6  
Schedules of Specific Commitments  
in relation to Article 81

Part 1  
Schedule of Japan

Explanatory Notes

1. Alphabets indicated against individual sectors or sub-sectors and numbers in brackets are references to the Services Sectoral Classification List (GATT Document MTN.GNS/W/120, dated July 10, 1991) and the Provisional Central Product Classification (Statistical Papers Series M No. 77, Department of International Economic and Social Affairs, Statistical Office of the United Nations, New York, 1991). These alphabetical and numerical divisions are indicated to enhance the clarity in the description of specific commitments, but shall not be construed as being a part of the specific commitments.
2. The scheduling of specific commitments follows the Guidelines for the Scheduling of Specific Commitments (WTO Document S/L/92, dated March 28, 2001). The Guidelines shall not, however, be construed as being legally binding.
3. The entry "Unbound\*" means unbound due to lack of technical feasibility. The entry of "SS" in sectors or sub-sectors under paragraph 3 of Article 81 shall not prevent Japan from adopting nor maintaining any measure with respect to the modes where "Unbound\*" is entered.
4. Measures affecting (a) passenger transport services by air; (b) freight transport services by air; and (c) rental/leasing services of aircraft with crew/operator are not listed in this Schedule, as these are measures affecting traffic rights or measures affecting services directly related to the exercise of traffic rights to which Chapter 6 does not apply. The commitment for freight transport agency services does not include freight forwarding services by air transport services.

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons				
Sector or sub-sector	SS/S	Limitations on market access	Limitations on national treatment	Additional commitments
SECTOR-SPECIFIC COMMITMENTS				
1. BUSINESS SERVICES				
A. Professional Services				
a) Legal services supplied by a lawyer qualified as "Bengoshi" under Japanese law (861)	SS	1) None except that: services must be supplied by a natural person or by a Legal Profession Corporation <sup>1</sup> ; and  commercial presence is required.  2) None except that: services must be supplied by a natural person or by a Legal Profession Corporation; and  commercial presence is required.  3) None except that services must be supplied by a natural person or by a Legal Profession Corporation.  4) None except that commercial presence is required.	1) None       2) None       3) None       4) None	

1 A Legal Profession Corporation under Japanese law is composed of one or more partners who are lawyers qualified as "Bengoshi" under Japanese law and have the rights and obligations to execute activities of the Legal Profession Corporation.

<p>a) Legal advisory services on law of jurisdiction where the service supplier is a qualified lawyer (861**)</p> <p>(a) Legal advisory services on law do not include:</p> <p>(i) legal representational services for juridical procedures in courts and other government agencies as well as preparation of legal documents for such procedures;</p> <p>(ii) expression of legal opinions concerning laws other than laws of the jurisdiction where the service supplier is qualified as a lawyer (hereinafter referred to in this sector as "the jurisdiction");</p> <p>(iii) legal representational services for the entrustment of the preparation of notarial deeds; and</p>	<p>SS</p>	<p>1) None except that: services must be supplied by a natural person; and commercial presence is required.</p> <p>2) None</p> <p>3) None except that services must be supplied by a natural person.</p> <p>4) None except that commercial presence is required.</p>	<p>1) None except that a service supplier is required to stay in Japan not less than 180 days in a year.</p> <p>2) None</p> <p>3) None</p> <p>4) None except that a service supplier is required to stay in Japan not less than 180 days in a year.</p>	<p>3) (a) Practice of international law is permitted, provided that the international law is or was in force in the jurisdiction.</p> <p>Practice of third country law is permitted, according to written advice on each issue from competent persons (e.g. lawyers qualified in the third country and engaging in legal business concerning the law of that country).</p> <p>Practice of Japanese law is not permitted.</p> <p>(b) Association with Bengoshi is permitted.</p> <p>Employment of Bengoshi is permitted.</p> <p>(c) Use of firm name is unrestricted, provided that it is followed with reference to "Gaikoku-Ho-Jimu-Bengoshi Jimusho".</p>
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<p>(iv) those activities concerning a legal case whose primary objective is the acquisition or loss or change of rights concerning real property in Japan or of industrial property rights, mining rights or other rights arising upon registration thereof with government agencies in Japan.</p> <p>(b) A service supplier shall be required to cooperate with Bengoshi or to ask for his/her advice in a legal case concerning family relations or inheritance, in which a Japanese national is involved as a party, or in a legal case whose objective is the acquisition or loss or change of rights concerning real property in Japan or of industrial property rights, mining rights or other rights arising upon registration thereof with government agencies in Japan, as long as the above objective is not the primary one.</p>				<p>(d) Representation in inter-national arbitration is permitted.</p>
<p>Note to the Specific Commitment in the Sector of Legal Advisory Services on Law of Jurisdiction Where the Service Supplier is a Qualified Lawyer</p> <p>The service supplier must be recognized as "Gaikoku-Ho-Jimu-Bengoshi" by the Minister of Justice and register with the Japan Federation of Bar Associations.</p> <p>The conditions for granting recognition by the Minister of Justice are as follows:</p> <p>(a) The service supplier is qualified as a lawyer in the jurisdiction.</p>				

<p>(b) The service supplier has been engaged as a lawyer for at least three years in the jurisdiction.</p> <p>(c) The service supplier is not subject to such conditions of disqualification in the jurisdiction which, if applied to Bengoshi, would disqualify the Bengoshi.</p> <p>(d) The service supplier possesses the intention to undertake the profession in good faith.</p> <p>(e) The service supplier possesses plans, residence and financial basis to perform his/her functions properly and steadily.</p> <p>(f) The service supplier possesses capability to compensate for damages caused to the client, if any.</p>				
a)	Legal services supplied by a judicial scrivener qualified as "Shiho-Shoshi" under Japanese law (861**)	SS	<p>1) None except that: services must be supplied by a natural person or by a Judicial Scrivener Corporation<sup>2</sup>; and commercial presence is required.</p> <p>2) None except that: services must be supplied by a natural person or by a Judicial Scrivener Corporation; and commercial presence is required.</p> <p>3) None except that services must be supplied by a natural person or by a Judicial Scrivener Corporation.</p> <p>4) None except that commercial presence is required.</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) None</p>

2 A Judicial Scrivener Corporation under Japanese law is composed of two or more partners who are judicial scriveners qualified as "Shiho-Shoshi" under Japanese law and have the rights and obligations to execute activities of the Judicial Scrivener Corporation.

a) Legal services supplied by an administrative scrivener qualified as "Gyousei-Shoshi" under Japanese law (861**)	SS	1) None except that:  services must be supplied by a natural person or by an Administrative Scrivener Corporation <sup>3</sup> ; and  commercial presence is required.	1) None	
		2) None except that:  services must be supplied by a natural person or by an Administrative Scrivener Corporation; and  commercial presence is required.	2) None	
		3) None except that services must be supplied by a natural person or by an Administrative Scrivener Corporation.	3) None	
		4) None except that commercial presence is required.	4) None	

3 An Administrative Scrivener Corporation under Japanese law is composed of two or more partners who are administrative scriveners qualified as "Gyousei-Shoshi" under Japanese law and have the rights and obligations to execute activities of the Administrative Scrivener Corporation.

a)	Legal services supplied by a certified social insurance and labor consultant qualified as "Shakai-Hoken-Romushi" under Japanese law (861**)	SS	<div>1) None except that:  services must be supplied by a natural person or by a Certified Social Insurance and Labor Consultant Corporation<sup>4</sup>; and  commercial presence is required.</div> <div>2) None except that:  services must be supplied by a natural person or by a Certified Social Insurance and Labor Consultant Corporation; and  commercial presence is required.</div> <div>3) None except that services must be supplied by a natural person or by a Certified Social Insurance and Labor Consultant Corporation.</div> <div>4) None except that commercial presence is required.</div>	<div>1) None</div> <div>2) None</div> <div>3) None</div> <div>4) None</div>	
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4 A Certified Social Insurance and Labor Consultant Corporation under Japanese law is composed of two or more partners who are certified social insurance and labor consultants qualified as "Shakai-Hoken-Romushi" under Japanese law and have the rights and obligations to execute activities of the Certified Social Insurance and Labor Consultant Corporation.

<p>a) Legal services supplied by a patent attorney qualified as "Benrishi" under Japanese law (86119, 8612, 8613, 8619)</p>	<p>SS</p>	<p>1) None except that:  services must be supplied by a natural person or by a Patent Business Corporation<sup>5</sup>; and  commercial presence is required for a Patent Business Corporation.</p> <p>2) None except that:  services must be supplied by a natural person or by a Patent Business Corporation; and  commercial presence is required for a Patent Business Corporation.</p> <p>3) None except that services must be supplied by a natural person or by a Patent Business Corporation.</p> <p>4) None</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) None</p>	
<p>a) Legal services supplied by a maritime procedure agent qualified as "Kaijidairishi" under Japanese law (861**)</p>	<p>SS</p>	<p>1) None except that services must be supplied by a natural person.</p> <p>2) None except that services must be supplied by a natural person.</p> <p>3) None except that services must be supplied by a natural person.</p> <p>4) None</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) None</p>	

5 A Patent Business Corporation under Japanese law is composed of two or more partners who are patent attorneys qualified as "Benrishi" under Japanese law and have the rights and obligations to execute activities of the Patent Business Corporation.

a) Legal services supplied by a land and house surveyor qualified as "Tochi-Kaoku-Chosashi" under Japanese law (861**)	SS	1) None except that:  services must be supplied by a natural person or by a Land and House Surveyor Corporation <sup>6</sup> ; and  commercial presence is required.  2) None except that:  services must be supplied by a natural person or by a Land and House Surveyor Corporation; and  commercial presence is required.  3) None except that services must be supplied by a natural person or by a Land and House Surveyor Corporation.  4) None except that commercial presence is required.	1) None  2) None  3) None  4) None	
b) Accounting, auditing and bookkeeping services (862)	SS	1) None except that:	1) None	

6 A Land and House Surveyor Corporation under Japanese law is composed of two or more partners who are land and house surveyors qualified as "Tochi-Kaoku-Chosashi" under Japanese law and have the rights and obligations to execute activities of the Land and House Surveyor Corporation.

		<p>provision of the services which must be supplied by an accountant qualified as "Koninkaikeishi" or an Audit Corporation<sup>7</sup> under Japanese law is restricted to a natural person or an Audit Corporation; and</p> <p>commercial presence is required for an Audit Corporation.</p>		
	2)	<p>None except that:</p> <p>provision of the services which must be supplied by an accountant qualified as "Koninkaikeishi" or an Audit Corporation under Japanese law is restricted to a natural person or an Audit Corporation; and</p> <p>commercial presence is required for an Audit Corporation.</p>	2)	None
	3)	<p>None except that provision of the services which must be supplied by an accountant qualified as "Koninkaikeishi" or an Audit Corporation under Japanese law is restricted to a natural person or an Audit Corporation.</p>	3)	None
	4)	<p>None</p>	4)	None

7    An Audit Corporation under Japanese law is composed of five or more partners who are accountants qualified as "Koninkaikeishi" under Japanese law and have the rights and obligations to execute activities of the Audit Corporation.

c) Taxation services (863)	SS	<p>1) None except that as for certified public tax accountant services stipulated in Certified Public Tax Accountant Law (Law No. 237 of 1951):</p> <p>services must be supplied by a natural person or by a Certified Tax Accountant Corporation<sup>8</sup>; and</p> <p>commercial presence is required.</p> <p>2) None except that as for certified public tax accountant services stipulated in Certified Public Tax Accountant Law:</p> <p>services must be supplied by a natural person or by a Certified Tax Accountant Corporation; and</p> <p>commercial presence is required.</p> <p>3) None except that as for certified public tax accountant services stipulated in Certified Public Tax Accountant Law, services must be supplied by a natural person or by a Certified Tax Accountant Corporation.</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p>	
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<sup>8</sup> A Certified Tax Accountant Corporation under Japanese law is composed of two or more partners who are tax accountants qualified as "Zeirishi" under Japanese law and have the rights and obligations to execute activities of the Certified Tax Accountant Corporation.

		4) None except that as for certified public tax accountant services stipulated in Certified Public Tax Accountant Law, commercial presence is required.	4) None	
d), e) Architectural services which must be supplied by a service supplier qualified as "Kenchikushi" under Japanese law, or by a service supplier using "Kenchikushi" (86712, 86713, 86714 <sup>9</sup> ) (86722, 86723, 86724 <sup>9</sup> , 86725 <sup>9</sup> , 86727 <sup>9</sup> )	SS	1) None except that commercial presence is required. 2) None except that commercial presence is required. 3) None 4) None except that commercial presence is required.	1) None 2) None 3) None 4) None	
d), e), g) Architectural services which may be supplied by a service supplier not qualified as "Kenchikushi" under Japanese law, or by a service supplier not using "Kenchikushi" (8671) (8672 <sup>10</sup> ) (86742 <sup>10</sup> )	SS	1) None <sup>11</sup> 2) None <sup>11</sup> 3) None 4) None <sup>11</sup>	1) None 2) None 3) None 4) None	

9 Limited to services necessary for building construction excluding post-construction services.

10 Limited to services necessary for building construction.

11 In the case where the services are supplied by a service supplier who is qualified as "Kenchikushi" under Japanese law, or by a service supplier using "Kenchikushi", commercial presence is required.

e), f) Engineering services and integrated engineering services (8672 <sup>12</sup> ) (8673 <sup>12</sup> )	SS	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
e), g) F e), F m) Civil engineering consulting services (86721 <sup>13</sup> , 86724 <sup>13</sup> , 86727 <sup>13</sup> , 86729 <sup>13</sup> ) (86741, 86742 <sup>13</sup> ) (86761 <sup>13</sup> ) (86751 <sup>13</sup> , 86752 <sup>13</sup> )	SS	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
g) Urban planning and landscape architectural services (8674 <sup>12</sup> )	SS	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
h) Medical and dental services (9312)		1) Unbound* 2) None 3) Unbound except that there is no limitation on the participation of foreign capital.	1) Unbound* 2) None 3) Unbound except that there is no limitation on the participation of foreign capital.	

12 Excluding architectural services and civil engineering consulting services.

13 Limited to services necessary for civil engineering excluding engineering design services for buildings.

		4) Unbound	4) Unbound	
i) Veterinary services (932)	SS	1) Unbound* 2) None 3) None 4) None	1) Unbound* 2) None 3) None 4) None	
j) Services provided by midwives, nurses and para-medical personnel (93191**)		1) Unbound* 2) None 3) Unbound except that there is no limitation on the participation of foreign capital. 4) Unbound	1) Unbound* 2) None 3) Unbound except that there is no limitation on the participation of foreign capital. 4) Unbound	
j) Services provided by physiotherapists qualified as "Rigaku- ryohoushi", or by dietitians qualified as "Eiyoushi", under Japanese law (93191**)		1) Unbound* 2) None 3) Unbound except that there is no limitation on the participation of foreign capital. 4) Unbound	1) Unbound* 2) None 3) Unbound except that there is no limitation on the participation of foreign capital. 4) None	
B. Computer and Related Services (excluding computer reservation system services for air transport) (841, 842, 843, 844, 845, 849)	SS	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	

C. Research and Development Services					
a)	Research and development services on natural sciences (851)	SS	1)	None	1) None
			2)	None	2) None
b)	Research and development services on social sciences and humanities (852)		3)	None	3) None
			4)	None	4) None
c)	Interdisciplinary research and development services (853)				
D. Real Estate Services					
a)	Real estate services involving own or leased property (for property in Japan) (821**)	SS	1)	None except that commercial presence is required.	1) None
			2)	None except that commercial presence is required.	2) None
			3)	None	3) None
			4)	None except that commercial presence is required.	4) None
a)	Real estate services involving own or leased property (for property outside Japan) (821**)	SS	1)	None	1) None
			2)	None	2) None
			3)	None	3) None
			4)	None	4) None
b)	Real estate services on a fee or contract basis (for property in Japan) (822**)	SS	1)	None except that commercial presence is required.	1) None
			2)	None except that commercial presence is required.	2) None

		3) None	3) None	
		4) None except that commercial presence is required.	4) None	
b) Real estate services on a fee or contract basis (for property outside Japan) (822**)	SS	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
E. Rental and Leasing Services without Operators				
a) Rental and leasing services, without operators, relating to ships <sup>14</sup> (83103)	SS	1) None 2) None 3) None  4) None	1) None 2) None 3) None except that prior notification is required for coastwise ship leasing services in accordance with the Foreign Exchange and Foreign Trade Law (Law No. 228 of 1949). 4) None	

14 In the case that services are supplied through the use of ship flying the flag of Japan, the ship must be owned by:

(a) a Japanese national; or

(b) a juridical person established under Japanese law, with all representatives ("daihyosha") and not less than two-thirds of executives administering the affairs of the juridical person ("gyomu-wo-shikkousuru yakuin") having Japanese nationality.

b)	Rental and leasing services, without operators, relating to aircraft <sup>15</sup> (83104)		1) None 2) None 3) None 4) Unbound	1) None 2) None 3) None 4) Unbound	
c)	Rental and leasing services, without operators, relating to transport equipment other than vessels and aircraft (83101, 83102, 83105)	SS	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
d), e)	Rental and leasing services, without operators, relating to machineries and equipment other than transport equipment, and personal and household goods (83106-83109) (832)	SS	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
F. Other Business Services					
a)	Advertising services (871)	SS	1) None 2) None	1) None 2) None	

15 In the case that services are supplied through the use of aircraft registered as a Japanese aircraft, the aircraft must be owned by:

(a) a Japanese national; or

(b) a juridical person established under Japanese law, with all representatives ("daihyosha") and not less than two-thirds of executives ("yakuin") having Japanese nationality and with not less than two-thirds of voting share held by Japanese persons.

		3) None 4) None	3) None 4) None	
b) Market research and public opinion polling services (864)	SS	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
c) Management consulting services (865)	SS	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
d) Services related to management consulting (86601, 86609)	SS	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
e) Technical testing and analysis services for manufactured goods, excluding services covered by the Measurement Law (Law No. 51 of 1992) (8676**)	SS	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
e) Technical testing and analysis services covered by the Measurement Law as follows: (a) periodic inspection of specified measuring instruments;	SS	1) None except that commercial presence is required. 2) None except that commercial presence is required. 3) None 4) None except that commercial presence is required.	1) None 2) None 3) None 4) None	

(b) verification of specified measuring instruments;  (c) measurement certification business, including specified measurement certification business;  (d) inspection of specified measuring instruments used for the measurement certification;  (e) accreditation for a person engaged in specified measurement certification business; and  (f) calibration of the measuring instruments and other services.				
f) Services incidental to agriculture, hunting and forestry (881)	SS	1) Unbound* 2) None 3) None  4) None	1) Unbound* 2) None 3) None except that prior notification is required in accordance with the Foreign Exchange and Foreign Trade Law. 4) None	
h) Services incidental to mining (883, 5115)		1) Unbound* 2) None	1) Unbound* 2) None	

		<div>3) None except that services requiring mining rights or mining lease rights must be supplied by a Japanese national or a juridical person established under Japanese law, in accordance with the Mining Law (Law No. 289 of 1950).</div> <div>4) None except that services requiring mining rights or mining lease rights must be supplied by a Japanese national or a juridical person established under Japanese law, in accordance with the Mining Law.</div>	<div>3) None except that:  services requiring mining rights or mining lease rights must be supplied by a Japanese national or a juridical person established under Japanese law, in accordance with the Mining Law; and  prior notification is required in accordance with the Foreign Exchange and Foreign Trade Law.</div> <div>4) None except that services requiring mining rights or mining lease rights must be supplied by a Japanese national or a juridical person established under Japanese law, in accordance with the Mining Law.</div>	
<div>i) Services incidental to manufacturing (884**, 885)  (a) related to aircraft industry, explosives manufacturing industry, leather and leather products manufacturing industry, arms industry, space industry and biological preparation manufacturing industry</div>		<div>1) Unbound*</div> <div>2) None</div> <div>3) None except that the number of licenses conferred to service suppliers may be limited.</div> <div>4) Unbound</div>	<div>1) Unbound*</div> <div>2) None</div> <div>3) None except that prior notification is required in accordance with the Foreign Exchange and Foreign Trade Law.</div> <div>4) Unbound</div>	
<div>(b) other</div>	SS	<div>1) Unbound*</div> <div>2) None</div> <div>3) None</div>	<div>1) Unbound*</div> <div>2) None</div> <div>3) None</div>	

		4) None	4) None	
j) Services incidental to energy distribution (887)  (a) transmission services on a fee or contract basis of electricity		1) Unbound 2) None 3) None except that the number of licenses conferred to service suppliers may be limited. 4) Unbound	1) Unbound 2) None 3) None except that prior notification is required in accordance with the Foreign Exchange and Foreign Trade Law. 4) Unbound	
(b) transmission services on a fee or contract basis of steam and hot water	SS	1) None 2) None 3) None 4) None	1) None 2) None 3) None except that prior notification is required in accordance with the Foreign Exchange and Foreign Trade Law. 4) None	
k) Placement services of personnel within Japan except in the following occupations (limited to services to establish employment relationship between a job applicant and an employer seeking personnel on the basis of job applications and offers):  (a) Port transport services;  (b) Construction work; and		1) None except that commercial presence is required. 2) Unbound* 3) None 4) None except that commercial presence is required.	1) None 2) Unbound* 3) None 4) None	

(c) Work which is stipulated in a Ministry of Health, Labor and Welfare Ordinance as having a possibility of hindering worker's protection (such work is not stipulated now). (87201, 87202)				
k) Supply services of personnel within Japan <sup>16</sup> except in the following categories of business (limited to services to dispatch workers employed by the service supplier to work under the direction of another person while employment relationship with the service supplier is maintained):  (a) Port transport services;  (b) Construction work;  (c) Guarding; and  (d) Other work stipulated in a Cabinet Order after consulting the Labor Policy Council (such as medical-related work) (87203, 87209)		1) None except that commercial presence is required.  2) Unbound*  3) None  4) None except that commercial presence is required.	1) None  2) Unbound*  3) None  4) None	

16 The dispatched worker may not be supplied from outside Japan through intra-corporate transfer.

1) Investigation services (87301)	SS	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
1) Security guard services (873, except 87301)		1) None except that commercial presence is required. 2) None 3) None 4) Unbound	1) None 2) None 3) None except that prior notification is required in accordance with the Foreign Exchange and Foreign Trade Law. 4) Unbound	
m) Related scientific and technical consulting services (excluding services related to petroleum, petroleum products, gas, mineral and surveying) (86751**, 86752**)	SS	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
m) Related scientific and technical consulting services, related to petroleum, petroleum products, gas and mineral <sup>17</sup> (86751**, 86752**)		1) Unbound 2) None 3) None 4) None	1) Unbound 2) None 3) None 4) None	

17 Excluding services requiring mining rights or mining lease rights in accordance with the Mining Law.

m) Surveying services for the land in Japan (86753**, 86754**)	SS	1) None except that commercial presence is required except for the surveying conducted without the use of Basic Survey <sup>18</sup> data or Public Survey <sup>19</sup> data, and the surveying which is for small areas or does not require high accuracy.  2) None except that commercial presence is required except for the surveying conducted without the use of Basic Survey data or Public Survey data, and the surveying which is for small areas or does not require high accuracy.  3) None  4) None except that commercial presence is required except for the surveying conducted without the use of Basic Survey data or Public Survey data, and the surveying which is for small areas or does not require high accuracy.	1) None  2) None  3) None  4) None	
m) Surveying services for the land outside Japan (86753**, 86754**)	SS	1) None 2) None 3) None	1) None 2) None 3) None	

18 The term “Basic Survey” means a primary or fundamental survey, conducted by the Geographical Survey Institute of the Ministry of Land, Infrastructure and Transport, for all surveys.

19 The term “Public Survey” means a survey, other than Basic Survey, which:

(a) does not include (i) surveying for small areas and (ii) surveying where high accuracy is not required; and

(b) is conducted with the expenses borne or subsidized, in part or in full, by the Government or other public entities of Japan.

		4) None	4) None	
n) Maintenance and repair of equipment (excluding vessels, aircraft and other transport equipment) (633, 8861-8866)	SS	1) Unbound* 2) None 3) None 4) None	1) Unbound* 2) None 3) None 4) None	
o) Building-cleaning services (87401, 87402, 87403, 87409)	SS	1) Unbound* 2) None 3) None 4) None	1) Unbound* 2) None 3) None 4) None	
p) Photographic services (875)	SS	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
q) Packaging services (876)	SS	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
r) Printing and publishing services (88442)	SS	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
s) Convention services (87909**)	SS	1) None 2) None	1) None 2) None	

		3) None 4) None	3) None 4) None	
t) Credit reporting services (87901)	SS	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
t) Collection agency services: (87902**) <p>(a) which do not constitute the practice of law in respect of legal cases</p>	SS	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
<p>(b) which constitute the practice of law in respect of legal cases<sup>20</sup></p>	SS	1) None except that:  services must be supplied by a lawyer qualified as "Bengoshi" under Japanese law, by a Legal Profession Corporation or by a juridical person established under the Special Measures Law Concerning Credit Management and Collection Business; and  commercial presence is required.	1) None	

20 Excluding taking over and recovery of credits except for those stipulated in the Special Measures Law Concerning Credit Management and Collection Business (Law No.126 of 1998).

		2) None 3) None except that services must be supplied by a lawyer qualified as "Bengoshi" under Japanese law, by a Legal Profession Corporation or by a juridical person established under the Special Measures Law Concerning Credit Management and Collection Business. 4) None except that commercial presence is required.	2) None 3) None 4) None	
t) Telephone answering services (87903)	SS	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
t) Duplicating services (87904)	SS	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
t) Translation and interpretation services (87905)	SS	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
t) Mailing list compilation and mailing services (87906)	SS	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	

t) Specialty design services (87907)	SS	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
t) Trade fair and exhibition organization services (87909**)	SS	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
t) Services incidental to energy manufacturing related to heat supply industry and oil industry	SS	1) None 2) None 3) None  4) None	1) None 2) None 3) None except that prior notification is required in accordance with the Foreign Exchange and Foreign Trade Law. 4) None	

2. COMMUNICATION SERVICES				
A/B. Postal/Courier Services <sup>21</sup>				
Correspondence-delivery services supplied by Special Correspondence Delivery Business	SS	1)	None	1) None
		2)	None	2) None
		3)	None	3) None
		4)	None	4) None
Special Correspondence Delivery Business is the business which provides correspondence-delivery services of one or a combination of the following mail items as stipulated in the Law Concerning Correspondence Delivery Provided by Private-Sector Operators (Law No. 99 of 2002):				
(a) mail items that have dimensions totaling more than 90 cm or weight over 4 kg;				
(b) mail items that are to be delivered within three hours of being mailed; and				
(c) mail items that bear a delivery charge that exceeds the amount specified by an ordinance of the Ministry of Internal Affairs and Communications and is not less than 1,000 yen.				

21 Suppliers of postal/courier services are subject to permission/registration requirements for related modes of transport services. Japan's commitments in postal/courier services other than correspondence-delivery services including printed matter, parcels, goods or other items, are indicated in the sector of Transport Services. (Refer to 11. TRANSPORT SERVICES.)

C. Telecommunications Services				
Basic telecommunications services:	SS	1) None	1) None	Japan undertakes the ADDITIONAL COMMITMENTS described below.
a) Voice telephone services; (7521)		2) None	2) None	
b) Packet-switched data transmission services; (7523**)		3) None except that foreign capital participation, direct and/or indirect, in Nippon Telegraph and Telephone Corporation (NTT) <sup>22</sup> must be less than one-third.	3) None except that board members and auditors in NTT and the Regional Companies are required to have Japanese nationality.	
c) Circuit-switched data transmission services; (7523**)		4) None	4) None	
d) Telex services; (7523**)				
f) Facsimile services; (7521**, 7529**)				
g) Private leased circuit services; and (7522**, 7523**)				
o) Other				

22 NTT must own all the shares issued by the Regional Companies.

ADDITIONAL COMMITMENTS	
Scope	<p>The following are definitions and principles on the regulatory framework for the basic telecommunications services.</p>
Definitions	<p>In this ADDITIONAL COMMITMENTS:</p> <ul style="list-style-type: none"><li>(a) the term "telecommunications" means the transmission and reception of signals by any electromagnetic means;</li><li>(b) the term "public telecommunications transport service" means any telecommunications transport service required, explicitly or in effect, by Japan to be offered to the public generally. Such services may include, <i>inter alia</i>, telegraph, telephone, telex, and data transmission typically involving the real-time transmission of customer-supplied information between two or more points without any end-to-end change in the form or content of the customer's information;</li><li>(c) the term "public telecommunications transport network" means the public telecommunications infrastructure which permits telecommunications between and among defined network termination points;</li><li>(d) the term "essential facilities" means facilities of a public telecommunications transport network or service that:<ul style="list-style-type: none"><li>(i) are exclusively or predominantly provided by a single or limited number of suppliers; and</li><li>(ii) cannot feasibly be economically or technically substituted in order to provide a service;</li></ul></li><li>(e) the term "major supplier" means a supplier that 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:<ul style="list-style-type: none"><li>(i) control over essential facilities; or</li><li>(ii) use of its position in the market;</li></ul></li><li>(f) the term "facilities-based suppliers" means telecommunications carriers who establish telecommunications circuit facilities; and</li><li>(g) the term "services-based suppliers" means telecommunications carriers other than the facilities-based suppliers.</li></ul>
1. Competitive Safeguards	
1.1 Prevention of Anti-competitive Practices in Telecommunications	<p>Appropriate measures shall be maintained for the purposes of preventing suppliers, who alone or together are a major supplier, from engaging in or continuing anti-competitive practices.</p>
1.2 Safeguards	<p>The anti-competitive practices referred to in subparagraph 1.1 shall include in particular:</p> <ul style="list-style-type: none"><li>(a) engaging in anti-competitive cross-subsidization or pricing services in a manner that gives rise to unfair competition;</li></ul>

	<div>(b) discriminating specific persons unfairly in providing telecommunications services;</div> <div>(c) using information obtained from competitors with anti-competitive results; and</div> <div>(d) not making available to other service suppliers on a timely basis technical information about essential facilities and commercially relevant information which are necessary for them to provide services.</div>
2.	Interconnection
2.1	Interconnection to be Ensured
	Interconnection shall be ensured between a facilities-based supplier and any other facilities-based supplier or a services-based supplier to the extent provided for in the laws and regulations of Japan.
2.2	Interconnection with Major Suppliers
	Interconnection with a major supplier shall be ensured at any technically feasible point in the network. Such interconnection is provided:
	<div>(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, for like services of non-affiliated service suppliers or of its subsidiaries or other affiliates;</div> <div>(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 <sup>(Note)</sup> so that the service supplier need not pay for network components or facilities that it does not require for the services to be provided; and</div> <div>(Note) "Sufficiently unbundled" network components or facilities include unbundled local loop (including line sharing).</div> <div>(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.</div>
2.3	Co-Location, etc.
	It shall be ensured that a major supplier is required to allow other service suppliers who interconnect with the major supplier:
	<div>(a) to locate their equipment which is essential for interconnection within the major supplier's buildings; or</div> <div>(b) to install their cables and lines which are essential for interconnection within the major supplier's buildings, conduits, cable tunnels or telephone poles,</div>
	where physically feasible and where no practical or viable alternatives exist, in order to interconnect smoothly with the essential facilities of the major supplier.
2.4	Interconnection Pursuant to an Approved Reference Interconnection Offer
	It shall be ensured that major suppliers are required to provide a reference interconnection offer for approval by the relevant regulatory authorities. The reference interconnection offer shall be consistent with the principles of competitive safeguards specified in paragraph 1 and shall contain written statements of the charges and conditions on which a major supplier will interconnect with other service suppliers. At a minimum, the reference interconnection offer shall be required to contain the following:

	<div>(a) a list and description of the interconnection-related services offered, the terms and conditions for such services, the operational and technical requirements, and the procedures or processes that will be used to order and provide such services;</div> <div>(b) a list of cost-oriented rates that a major supplier offers for all its interconnection-related services. Where feasible, the major supplier shall be required to use an established methodology based on incremental forward-looking economic cost;</div> <div>(c) standard periods between the dates of request and commencement which are stipulated in a clear manner and are reasonable; and</div> <div>(d) a statement regarding the duration of the proposed interconnection agreement, if it is fixed.</div>
2.5	Subparagraphs 2.2, 2.3 and 2.4 are applied only to a major supplier which has control over essential facilities.
2.6	Public Availability of the Procedures for Interconnection Negotiations
	It shall be ensured that the procedures applicable for interconnection to a major supplier are made publicly available.
2.7	Transparency of Interconnection Arrangements
	It shall be ensured that a major supplier makes publicly available either its interconnection agreements or reference interconnection offer.
2.8	Interconnection Dispute Settlement
	A service supplier requesting interconnection with a major supplier shall have recourse, either:
	<div>(a) at any time; or</div> <div>(b) after a reasonable period of time which has been made publicly known,</div>
	to an independent domestic body in Japan, which may be a regulator as referred to in paragraph 5, 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
	Japan has the right to define the kind of universal service obligations it wishes to maintain. Such obligations shall not be regarded as anti-competitive per se, provided that 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 Japan.
4.	Public Availability of Licensing Criteria
	<div>(a) Where a license is required, the following shall be made publicly available:</div> <div><div>(i) all the licensing criteria and the period of time normally required to reach a decision concerning an application for a license; and</div><div>(ii) the terms and conditions of individual licenses.</div></div> <div>(b) The reasons for the denial of a license shall be made known to the applicant upon request.</div>

<p>5. Independent Regulators</p> <p>Regulators shall be separate from, and not accountable to, any supplier of telecommunications services. The decisions of and the procedures used by regulators shall be impartial with respect to all market participants.</p> <p>6. Allocation and Use of Scarce Resources</p> <p>Any procedures for the allocation and use of scarce resources, including frequencies, numbers and rights of way, shall be carried out in an objective, timely, transparent and non-discriminatory manner. The current state of allocated frequency bands shall be made publicly available except for detailed identification of frequencies allocated for specific government uses.</p>				
e) Telegraph services (7522)		1) Unbound 2) None 3) Unbound 4) Unbound	1) Unbound 2) None 3) Unbound 4) Unbound	
Value-added services: h) Electronic mail services; (7523**) i) Voice mail services; (7523**) j) On-line information and data base retrieval services; (7523**) k) Electronic data interchange (EDI) services; (7523**) l) Enhanced/value added facsimile services including store and forward, store and retrieve; (7523**)	SS	1) None 2) None 3) None except that foreign capital participation, direct and/or indirect, in Nippon Telegraph and Telephone Corporation (NTT) <sup>22</sup> must be less than one-third. 4) None	1) None 2) None 3) None except that board members and auditors in NTT and the Regional Companies are required to have Japanese nationality. 4) None	

m)	Code and protocol conversion services;				
n)	On-line information and/or data processing services (including transaction processing); and (843**)				
o)	Other				
D. Audiovisual Services					
a)	Motion picture and video tape production and distribution services (9611)	SS	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
b)	Motion picture projection services (9612)	SS	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
c)	Radio and television services (9613)		1) Unbound 2) None 3) Unbound 4) Unbound	1) Unbound 2) None 3) Unbound 4) Unbound	
d)	Radio and television transmission services (7524)		1) Unbound 2) None 3) Unbound 4) Unbound	1) Unbound 2) None 3) Unbound 4) Unbound	

e) Sound recording services	SS	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
3. CONSTRUCTION AND RELATED ENGINEERING SERVICES				
A. General Construction Work for Buildings (512) B. General Construction Work for Civil Engineering (513) C. Installation and Assembly Work (514, 516) D. Building Completion and Finishing Work (517) E. Other (511, 515, 518) (a) These services excluding those related to mining	SS	1) Unbound* 2) None 3) None 4) None except that commercial presence is required.	1) Unbound* 2) None 3) None 4) None	

(b) These services related to mining	SS	<div>1) Unbound*</div> <div>2) None</div> <div>3) None except that services requiring mining rights or mining lease rights must be supplied by a Japanese national or a juridical person established under Japanese law, in accordance with the Mining Law.</div> <div>4) None except that: services requiring mining rights or mining lease rights must be supplied by a Japanese national or a juridical person established under Japanese law, in accordance with the Mining Law; and  commercial presence is required.</div>	<div>1) Unbound*</div> <div>2) None</div> <div>3) None except that:  services requiring mining rights or mining lease rights must be supplied by a Japanese national or a juridical person established under Japanese law, in accordance with the Mining Law; and  prior notification is required in accordance with the Foreign Exchange and Foreign Trade Law.</div> <div>4) None except that services requiring mining rights or mining lease rights must be supplied by a Japanese national or a juridical person established under Japanese law, in accordance with the Mining Law.</div>	
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4. DISTRIBUTION SERVICES				
A. Commission Agents' Services (621, 61111, 61130, 61210)				
B. Wholesale Trade Services (622, 61111, 61130, 61210)				
C. Retailing Services (631, 632, 61112, 61130, 61210)				
D. Franchising Services (8929)				
(a) These services excluding those related to petroleum, petroleum products, alcoholic beverages, and those supplied at Public Wholesale Market <sup>23</sup>	SS	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
(b) These services related to petroleum and petroleum products	SS	1) None 2) None 3) None	1) None 2) None 3) None except that prior notification is required in accordance with the Foreign Exchange and Foreign Trade Law.	

23 Public Wholesale Market is a market established under national or local government approval for commission agents' services and wholesale trade services of fresh foods including vegetables, fruits, marine products, meats and other daily foods, and flowers, with auction or bidding hall, parking lot and other facilities necessary for trade and disposal of aforementioned goods, which is operated on a permanent basis.

		4) None	4) None	
(c) These services related to alcoholic beverages	SS	1) None 2) None 3) None except that the number of licenses conferred to service suppliers may be limited. 4) None except that the number of licenses conferred to service suppliers may be limited.	1) None 2) None 3) None 4) None	
(d) These services supplied at Public Wholesale Market	SS	1) Unbound* 2) Unbound* 3) None except that: the number of licenses conferred to service suppliers may be limited; and services must be supplied by a juridical person established under Japanese law, at the Central Public Wholesale Market, in accordance with the Public Wholesale Market Law (Law No. 35 of 1971). 4) None except that: the number of licenses conferred to service suppliers may be limited; and services must be supplied by a juridical person established under Japanese law, at the Central Public Wholesale Market, in accordance with the Public Wholesale Market Law.	1) Unbound* 2) Unbound* 3) None 4) None	

E. Other				
(a) Retail sales of motor fuel (613)	SS	1) None 2) None 3) None  4) None	1) None 2) None 3) None except that prior notification is required in accordance with the Foreign Exchange and Foreign Trade Law. 4) None	
(b) Wholesale trade and retailing services of steam and hot water	SS	1) None 2) None 3) None  4) None	1) None 2) None 3) None except that prior notification is required in accordance with the Foreign Exchange and Foreign Trade Law. 4) None	
5. EDUCATIONAL SERVICES				
A. Primary Education Services  Pre-school education services supplied by nursery schools (92110**)  Child day-care services (93321)		1) Unbound* 2) None 3) None 4) Unbound	1) Unbound* 2) None 3) None 4) None	

Primary education services <sup>24, 25</sup> , supplied as formal education (92110**, 9219)		1) Unbound 2) Unbound 3) None except that Formal Education Institutions must be established by school juridical persons <sup>26</sup> . 4) Unbound	1) Unbound 2) Unbound 3) None 4) Unbound	
B. Secondary Education Services <sup>24, 25</sup> , supplied as formal education (9221, 9222, 9223)		1) Unbound 2) Unbound 3) None except that Formal Education Institutions must be established by school juridical persons. 4) Unbound	1) Unbound 2) Unbound 3) None 4) Unbound	
C. Higher education services <sup>24, 25</sup> (9231, 9239)	SS	1) None 2) None 3) None except that Formal Education Institutions must be established by school juridical persons.	1) None 2) None 3) None	

24 These educational services supplied as formal education in Japan are supplied by Formal Education Institutions. "Formal Education Institutions" mean elementary schools, lower secondary schools, secondary schools, upper secondary schools, universities, junior colleges, colleges of technology, schools for the blind, schools for the deaf, schools for the handicapped and kindergartens.

25 Specific commitments on market access and national treatment through any mode of supply shall not be construed to apply to the recognition of credits, degrees and other certificates in Formal Education Institutions, specialized training colleges (Senshu-Gakko) and miscellaneous schools (Kakushu-Gakko) under Japanese law.

26 The term "school juridical person" means a non-profit juridical person established for the purposes of supplying educational services under Japanese law.

		4) None	4) None	
D. Adult education services <sup>25, 27</sup> (924)	SS	1) None 2) None	1) None 2) None	
E. Other education services <sup>25, 27</sup> (929)		3) None 4) None	3) None 4) None	
6. ENVIRONMENTAL SERVICES				
A. Sewage Services (9401)	SS	1) Unbound* 2) None 3) None 4) None	1) Unbound* 2) None 3) None 4) None	
B. Refuse Disposal Services (9402)	SS	1) Unbound* 2) None 3) None 4) None	1) Unbound* 2) None 3) None 4) None	
C. Sanitation and Similar Services (9403)	SS	1) Unbound* 2) None 3) None 4) None	1) Unbound* 2) None 3) None 4) None	
D. Other				

27 Formal Education Institutions supply formal education, but at the same time they may supply educational services other than formal education, while specialized training colleges and miscellaneous schools supply educational services other than formal education. Formal Education Institutions must be established by school juridical persons. Specialized training colleges and miscellaneous schools may be required to be established by school juridical persons.

Cleaning services of exhaust gases (9404)	SS	1) Unbound*	1) Unbound*	
Noise abatement services (9405)		2) None	2) None	
Nature and landscape protection services (9406)		3) None	3) None	
Other environmental protection services (9409)		4) None	4) None	
7. FINANCIAL SERVICES				
<p>For the purposes of this Schedule, the Understanding on Commitments in Financial Services (hereinafter referred to in this Schedule as the "Understanding") which is included in Japan's Schedule of Specific Commitments of the GATS (WTO Document GATS/SC/46/Suppl.3) is incorporated into and forms a part of this Schedule.</p> <p>Japan undertakes its specific commitments with respect to Financial Services in accordance with Chapter 6, Annex 7 and the Understanding.</p> <p>For prudential reasons within the context of paragraph 1 of Section 2 of Annex 7, Japan shall not be prevented from taking measures such as non-discriminatory limitations on juridical forms of a commercial presence. For the same reasons, Japan shall not be prevented from applying non-discriminatory limitations concerning admission to the market of new financial services which shall be consistent with regulatory framework aimed at achieving such prudential objectives. In this context, securities firms are allowed to deal in securities defined in the relevant Japanese law, and banks are not allowed to deal in those securities unless allowed in accordance with the said law.</p> <p>With respect to specific commitments in the sectors of Financial Services, services supplied in Indonesia to the service consumer in Japan without any active marketing from the service supplier are considered as services supplied under subparagraph (u)(ii) of Article 77.</p>				
A. Insurance and Insurance-Related Services		Specific commitments in the market-access column with respect to the supply of a service under subparagraphs (u)(i) and (ii) of Article 77 are unbound except for obligations under paragraphs B3 and 4 of the Understanding respectively which are incurred in this sector additionally to those covered by the provisions of Articles 78 through 80 and Annex 7, subject to conditions and qualifications set out below.		

		<div>1) None except that:  commercial presence is in principle required for insurance contracts on the following items and any liability arising therefrom:  (a) goods being transported within Japan; and  (b) ships of Japanese registration which are not used for international maritime transport; and  commercial presence is required for insurance intermediation services in Japan.</div>	<div>1) None</div>	
		<div>2) None except that:  commercial presence is in principle required for insurance contracts on the following items and any liability arising therefrom:  (a) goods being transported within Japan; and  (b) ships of Japanese registration which are not used for international maritime transport; and  commercial presence is required for insurance intermediation services in Japan.</div>	<div>2) None</div>	
		<div>3) None<sup>28</sup></div>	<div>3) None</div>	
		<div>4) Unbound</div>	<div>4) Unbound</div>	

28 Insurance intermediation services may be supplied only for insurance contracts allowed to be supplied in Japan.

B. Banking and Other Financial Services (excluding Insurance and Insurance-Related Services)		<p>Specific commitments in the market-access column with respect to the supply of a service under subparagraphs (u)(i) and (ii) of Article 77 are unbound except for obligations under paragraphs B3 and 4 of the Understanding respectively which are incurred in this sector additionally to those covered by the provisions of Articles 78 through 80 and Annex 7, subject to conditions and qualifications set out below.</p> <p>1) None except that commercial presence is required for discretionary investment management services.</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound</p>	<p>1) None</p> <p>2) None</p> <p>3) None except that the deposit insurance system does not cover deposits taken by branches of foreign banks.</p> <p>4) Unbound</p>	
8. HEALTH RELATED AND SOCIAL SERVICES				
A. Hospital Services (9311)		<p>1) Unbound*</p> <p>2) None</p> <p>3) Unbound except that there is no limitation on the participation of foreign capital.</p> <p>4) Unbound</p>	<p>1) Unbound*</p> <p>2) None</p> <p>3) Unbound except that there is no limitation on the participation of foreign capital.</p> <p>4) None</p>	

B. Other Human Health Services				
Medical services delivered in the ambulance (93192)		1) Unbound* 2) None 3) Unbound except that there is no limitation on the participation of foreign capital. 4) Unbound	1) Unbound* 2) None 3) Unbound except that there is no limitation on the participation of foreign capital. 4) None	
Residential health facilities services other than hospital services (93193)		1) Unbound* 2) Unbound 3) Unbound 4) Unbound	1) Unbound* 2) Unbound 3) Unbound 4) None	
Blood collection services stipulated in the Law to Secure the Stable Supply and Related Matters Regarding Safe Blood Products (Law No. 160 of 1956) (93199)		1) Unbound 2) None 3) Unbound 4) Unbound	1) Unbound 2) None 3) Unbound 4) None	
C. Social Services (excluding child day-care services) (933, except 93321)		1) Unbound* 2) None 3) Unbound except that there is no limitation on the participation of foreign capital. 4) Unbound	1) Unbound* 2) None 3) Unbound except that there is no limitation on the participation of foreign capital. 4) None	

9. TOURISM AND TRAVEL RELATED SERVICES				
A. Hotels and Restaurants				
Hotels and restaurants services (excluding catering services) (641-643, except 6423)	SS	1) Unbound* 2) None 3) None 4) None	1) Unbound* 2) None 3) None 4) None	
Catering services (6423)	SS	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
B. Travel Agencies and Tour Operators Services (7471)	SS	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
C. Tourist Guides Services (7472)	SS	1) Unbound* 2) None 3) None 4) None	1) Unbound* 2) None 3) None 4) None	
10. RECREATIONAL, CULTURAL AND SPORTING SERVICES				
A. Entertainment Services (including theater, live bands and circus services) (9619)	SS	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	

B. News Agency Services (962)	SS	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
C. Libraries, Archives, Museum and Other Cultural Services				
Libraries and archives services (96311, 96312)	SS	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
Museum services including preservation services of historical sites and buildings (9632)	SS	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
Other cultural services (9633)	SS	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
D. Sporting and Other Recreational Services				
Sporting services (9641)  Recreation parks and beach services (96491)	SS	1) Unbound* 2) None 3) None 4) None	1) Unbound* 2) None 3) None 4) None	

Other recreational services n.e.c. (96499)	SS	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
11. TRANSPORT SERVICES				
A. Maritime Transport Services				
a), b) International maritime transport services (including services of passenger transportation and freight transportation) (7211, 7212)	SS	1) (a) Liner Shipping: None <sup>29</sup> (b) Bulk, tramp, and other international shipping, including passenger transportation: None <sup>29</sup>  2) None  3) (a) Establishment of a registered company for the purposes of operating a fleet flying the flag of Japan: None except that there is a nationality requirement <sup>30</sup> for a ship flying the flag of Japan.	1) (a) Liner Shipping: None <sup>29</sup> (b) Bulk, tramp, and other international shipping, including passenger transportation: None <sup>29</sup>  2) None  3) (a) Establishment of a registered company for the purposes of operating a fleet flying the flag of Japan: None except that there is a nationality requirement <sup>30</sup> for a ship flying the flag of Japan.	The following services will be made available to international maritime transport suppliers on reasonable and non-discriminatory terms and conditions:  (a) Pilotage services;  (b) Pushing and towing services;  (c) Provisioning, fueling and watering services;

29 Restriction or prohibition of a) entry into ports located in Japan and b) loading or unloading of cargoes in ports located in Japan for a designated period may be imposed as a countermeasure on operators of vessels who belong to a country in which interests of Japanese operators continue to be substantially damaged, in spite of prior notification of taking such measure, under unfavourable treatment imposed on them by that country or by local authorities or similar entities of that country.

30 In this sector, the term "nationality requirement" means that the ship must be owned by:  
  
(a) a Japanese national; or  
  
(b) a juridical person established under Japanese law, with all representatives ("daihyosha") and not less than two-thirds of executives administering the affairs of the juridical person ("gyomu-wo-shikkousuru yakuin") having Japanese nationality.

		<div>(b) Other forms of commercial presence for the supply of international maritime transport services (as defined in paragraph 1 of Note below): None</div> <div>4) (a) Ships' crew: None except that foreign nationals employed by Japanese juridical persons, except for the seafarers referred to in the relevant official notification, may not work on the vessels flying the flag of Japan.</div> <div>(b) Key personnel employed in relation to a commercial presence as defined under 3) (b): None</div>	<div>(b) Other forms of commercial presence for the supply of international maritime transport services (as defined in paragraph 1 of Note below): None</div> <div>4) (a) Ships' crew: None except that foreign nationals employed by Japanese juridical persons, except for the seafarers referred to in the relevant official notification, may not work on the vessels flying the flag of Japan.</div> <div>(b) Key personnel employed in relation to a commercial presence as defined under 3) (b): None</div>	<div>(d) Garbage collecting and refuse disposal services;</div> <div>(e) Port captain's services;</div> <div>(f) Navigation aids services;</div> <div>(g) Shore based operational services essential to ship operations, including communications, water and electrical supplies;</div> <div>(h) Emergency repair services; and</div> <div>(i) Anchorage, berths and berthing services.</div>
c) Rental of vessels with crew (excluding vessels flying the flag of Japan) (7213)	SS	<div>1) None</div> <div>2) None</div> <div>3) None</div> <div>4) None</div>	<div>1) None</div> <div>2) None</div> <div>3) None</div> <div>4) None</div>	
A. Maritime Auxiliary Transport Services				
d) Maintenance and repair of vessels (8868**)	SS	<div>1) Unbound*</div> <div>2) None</div>	<div>1) Unbound*</div> <div>2) None</div>	

		3) None except that establishing or extending docks or berths which can be used to manufacture or repair the vessels beyond a fixed scale are subject to an economic needs test. 4) None	3) None 4) None	
e) Pushing and towing services (7214)	SS	1) Unbound* 2) None 3) None 4) None	1) Unbound* 2) None 3) None 4) None	
f) Salvaging and refloating services, watering services, fueling services, garbage collecting services (7454**, 7459**)	SS	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
Maritime cargo handling services (as defined in paragraph 2 of Note below)		1) Unbound* 2) None 3) None except that the number of licenses conferred to service suppliers may be limited in ports designated by the Government of Japan <sup>31</sup> . 4) None except that the number of licenses conferred to service suppliers may be limited in ports designated by the Government of Japan <sup>31</sup> .	1) Unbound* 2) None 3) None 4) None	

31 Public utility concession or licensing procedures may apply in case of occupation of the public domain.

Container station and depot services (as defined in paragraph 3 of Note below)		<div>1) Unbound*</div> <div>2) None</div> <div>3) None except that the number of licenses conferred to service suppliers may be limited in ports designated by the Government of Japan<sup>31</sup>.</div> <div>4) None except that the number of licenses conferred to service suppliers may be limited in ports designated by the Government of Japan<sup>31</sup>.</div>	<div>1) Unbound*</div> <div>2) None</div> <div>3) None</div> <div>4) None</div>	
Maritime agency services (as defined in paragraph 4 of Note below)	SS	<div>1) None</div> <div>2) None</div> <div>3) None</div> <div>4) None</div>	<div>1) None</div> <div>2) None</div> <div>3) None</div> <div>4) None</div>	
Maritime freight forwarding services (as defined in paragraph 5 of Note below)	SS	<div>1) None except that: commercial presence is required; and an operation permit or governmental registration will be granted on reciprocal basis.</div> <div>2) None</div> <div>3) None except that an operation permit or governmental registration will be granted on reciprocal basis.</div> <div>4) None except that: commercial presence is required; and</div>	<div>1) None except that an operation permit or governmental registration will be granted on reciprocal basis.</div> <div>2) None</div> <div>3) None except that an operation permit or governmental registration will be granted on reciprocal basis.</div> <div>4) None except that an operation permit or governmental registration will be granted on reciprocal basis.</div>	

		an operation permit or governmental registration will be granted on reciprocal basis.		
<p>Note to the Specific Commitments in the Sectors of Maritime Transport Services and Maritime Auxiliary Transport Services</p> <p>Notwithstanding the fact that road, rail, inland waterways and related auxiliary services are not fully covered in this Schedule of Specific Commitments, a multimodal transport operator<sup>(Note 1)</sup> shall have the ability to rent or lease trucks, railway carriages or barges, and related equipment, for the purposes of inland forwarding of cargoes, or have access to, and use of, these forms of multimodal activities on reasonable and non-discriminatory terms and conditions<sup>(Note 2)</sup> for the purposes of carrying out multimodal transport operations.</p> <p>(Note 1) The term "multimodal transport operator" means a person on whose behalf the bill of lading, multimodal transport document or any other document evidencing a contract of multimodal carriage of goods is issued and who is responsible for the carriage of goods pursuant to the contract of carriage.</p> <p>(Note 2) The term "reasonable and non-discriminatory terms and conditions" means, for the purposes of multimodal transport operations, terms and conditions where the multimodal transport operator is able to arrange for the conveyance of its merchandise on a timely basis, including priority over other merchandise which has entered the port at a later date.</p> <p>Definitions</p> <p>1. The term "other forms of commercial presence for the supply of international maritime transport services" means commercial presence where international maritime transport service suppliers of Indonesia are able to undertake in Japan all activities which are necessary for the supply to their customers of a partially or fully integrated transport service, within which the maritime transport constitutes a substantial element. (This commitment shall however not be construed as limiting in any manner the specific commitments undertaken under subparagraph (u)(i) of Article 77.)</p> <p>These activities include, but are not limited to:</p> <p>(a) marketing and sales of maritime transport and related services through direct contact with customers, from quotation to invoicing, these services being those operated or offered by the service supplier itself or by service suppliers with which the service seller has established standing business arrangements;</p> <p>(b) the acquisition, on their own account or on behalf of their customers (and the resale to their customers) of any domestic transport and related services, including inward transport services by any mode, particularly inland waterways, road and rail, but excluding air, necessary for the supply of the integrated service;</p> <p>(c) the preparation of documentation concerning transport documents, customs documents, or other documents related to the origin and character of the goods transported;</p> <p>(d) the provision of business information by any means, including computerized information systems and electronic data interchange (subject to the provisions of the Annex on Telecommunications to the GATS);</p> <p>(e) the setting up of any business arrangements (including participation in the stock of a company) and the appointment of personnel recruited locally (or, in the case of foreign personnel, subject to the commitments provided for in Chapter 7) with any locally established shipping agency; and</p> <p>(f) acting on behalf of the companies organizing the call of the ship or taking over cargoes when required.</p>				

<p>2. The term "maritime cargo handling services" means activities exercised by stevedore companies, including terminal operators, but not including the direct activities of dockers, when this workforce is organized independently of the stevedoring or terminal operator companies. Maritime cargo handling services include the organization and supervision of:</p> <p>(a) the loading/discharging of cargo to/from a ship;</p> <p>(b) the lashing/unlashing of cargo; and</p> <p>(c) the reception/delivery and safekeeping of cargoes before shipment or after discharge.</p> <p>3. The term "container station and depot services" means activities consisting of storing containers, whether in port areas or inland, with a view to their stuffing/stripping, repairing and making them available for shipments.</p> <p>4. The term "maritime agency services" means activities consisting of representing, within a given geographic area, as an agent the business interests of one or more shipping lines or shipping companies, for the following purposes:</p> <p>(a) marketing and sales of maritime transport and related services, from quotation to invoicing, and issuance of bills of lading on behalf of the companies, acquisition and resale of the necessary related services, preparation of documentation, and provision of business information; and</p> <p>(b) acting on behalf of the companies organizing the call of the ship or taking over cargoes when required.</p> <p>5. The term "maritime freight forwarding services" means an activity consisting of organizing and monitoring shipment operations on behalf of shippers, through the acquisition of transport and related services, preparation of documentation and provision of business information. Maritime freight forwarding services include those provided by a person on whose behalf the bill of lading or any other document evidencing a contract of carriage of goods is issued and who is responsible for the carriage of goods pursuant to the contract of carriage.</p>					
B. Internal Waterways Transport					
d)	Maintenance and repair of vessels (8868**)	SS	1) Unbound*	1) Unbound*	
			2) None	2) None	
			3) None except that establishing or extending docks or berths which can be used to manufacture or repair the vessels beyond a fixed scale are subject to an economic needs test.	3) None	
			4) None	4) None	
e)	Pushing and towing services (7224)	SS	1) Unbound*	1) Unbound*	
			2) None	2) None	
			3) None	3) None	

		4) None	4) None	
f) Salvaging and refloating services, watering services, fueling services and garbage collecting services (7454**, 7459**)	SS	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
C. Air Transport Services				
d) Aircraft repair and maintenance services defined in subparagraph (a) of Article 77	SS	1) Unbound* 2) None 3) None except that the number of licenses conferred to service suppliers may be limited. 4) None	1) Unbound* 2) None 3) None 4) None	
e) Selling and marketing of air transport services defined in subparagraph (t) of Article 77	SS	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
e) Computer reservation system services defined in subparagraph (c) of Article 77	SS	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
D. Space Transport (733)		1) Unbound 2) None 3) Unbound	1) Unbound 2) None 3) Unbound	

		4) Unbound	4) Unbound	
E. Rail Transport Services				
a) Passenger transportation (7111)	SS	1) Unbound* 2) None 3) None 4) None	1) Unbound* 2) None 3) None except that prior notification is required in accordance with the Foreign Exchange and Foreign Trade Law. 4) None	
b) Freight transportation (7112)	SS	1) Unbound* 2) None 3) None 4) None	1) Unbound* 2) None 3) None except that prior notification is required in accordance with the Foreign Exchange and Foreign Trade Law. 4) None	
c) Pushing and towing services (7113)	SS	1) Unbound* 2) None 3) None 4) None	1) Unbound* 2) None 3) None 4) None	
d) Maintenance and repair services of rail transport equipment (8868**)	SS	1) Unbound* 2) None 3) None 4) None	1) Unbound* 2) None 3) None 4) None	

d)	Rental of rail transport equipment with operator	SS	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
e)	Supporting services for rail transport services (743)	SS	1) None 2) None 3) None 4) None	1) None 2) None 3) None except that prior notification is required in accordance with the Foreign Exchange and Foreign Trade Law. 4) None	
F. Road Transport Services					
a)	Passenger transportation (71211, 71212, 71213, 71214, 71221)	SS	1) Unbound* 2) None 3) None except that limitation on the number of service suppliers, on the number of service operations or on the quantity of service output may be applied, on a temporary and non-discriminatory basis. 4) None except that:  limitations on the number of service suppliers, on the number of service operations or on the quantity of service output may be applied, on a temporary and non-discriminatory basis; and  commercial presence is required.	1) Unbound* 2) None 3) None except that prior notification is required in accordance with the Foreign Exchange and Foreign Trade Law. 4) None	

b) Freight transportation services (7123)	SS	1) Unbound* 2) None 3) None except that limitations on the number of service suppliers, on the number of service operations or on the quantity of service output may be applied, on a temporary and non-discriminatory basis. 4) None except that: limitations on the number of service suppliers, on the number of service operations or on the quantity of service output may be applied, on a temporary and non-discriminatory basis; and commercial presence is required.	1) Unbound* 2) None 3) None 4) None	
c) Rental of commercial vehicles with operator (7124)	SS	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
d) Maintenance and repair services of road transport equipment (6112, 8867)	SS	1) Unbound* 2) None 3) None 4) None except that commercial presence is required.	1) Unbound* 2) None 3) None 4) None	
e) Supporting services for road transport services (744)	SS	1) None 2) None	1) None 2) None	

		3) None except that the number of licenses conferred to service suppliers may be limited for motorway businesses.  4) None except that the number of licenses conferred to service suppliers may be limited for motorway businesses.	3) None  4) None	
G. Pipeline Transport				
a) Transportation of fuels (7131)  (a) transportation services of natural gas on a fee or contract basis		1) Unbound 2) None 3) None except that the number of licenses conferred to service suppliers may be limited. 4) Unbound	1) Unbound 2) None 3) None except that prior notification is required in accordance with the Foreign Exchange and Foreign Trade Law. 4) Unbound	
(b) transportation services of petroleum on a fee or contract basis	SS	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
b) Transport services of goods other than fuels (7139)	SS	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	

H. Services Auxiliary to All Modes of Transport					
a)	Cargo-handling services (excluding services relating to maritime transport services) (741)	SS	1) Unbound* 2) None 3) None 4) None	1) Unbound* 2) None 3) None 4) None	
b)	Storage and warehouse services (excluding services relating to petroleum and petroleum products) (742)	SS	1) Unbound* 2) None 3) None 4) None	1) Unbound* 2) None 3) None 4) None	
b)	Storage and warehouse services relating to petroleum and petroleum products (742)	SS	1) Unbound* 2) None 3) None 4) None	1) Unbound* 2) None 3) None except that prior notification is required in accordance with the Foreign Exchange and Foreign Trade Law. 4) None	
c)	Freight transport agency services (excluding services relating to maritime freight forwarding services) (748)	SS	1) None except that commercial presence is required. 2) None 3) None 4) None except that commercial presence is required.	1) None 2) None 3) None 4) None	
d)	Customs clearance agent services related to Japanese Customs	SS	1) None except that commercial presence is required. 2) None except that commercial presence is required.	1) None 2) None	

		3) None 4) None except that commercial presence is required.	3) None 4) None	
12. OTHER SERVICES NOT INCLUDED ELSEWHERE				
Washing, cleaning and dyeing services (excluding laundry collection services) (9701, except 97011)		1) Unbound* 2) None 3) None 4) Unbound*	1) Unbound* 2) None 3) None 4) Unbound*	
Laundry collection services (97011)		1) Unbound* 2) None 3) None 4) None	1) Unbound* 2) None 3) None 4) None	
Hairdressing and other beauty services (97021, 97022)		1) Unbound* 2) None 3) None 4) None	1) Unbound* 2) None 3) None 4) None	
Indonesian spa services (excluding the medical related services)		1) Unbound* 2) None 3) None 4) None	1) Unbound* 2) None 3) None 4) None	

Part 2  
Schedule of Indonesia

Explanatory Notes

1. Alphabets indicated against individual sectors or sub-sectors and numbers in brackets are references to the Services Sectoral Classification List (GATT Document MTN.GNS/W/120, dated July 10, 1991) and the Provisional Central Product Classification (Statistical Papers Series M No. 77, Department of International Economic and Social Affairs, Statistical Office of the United Nations, New York, 1991). These alphabetical and numerical divisions are indicated to enhance the clarity in the description of specific commitments, but shall not be construed as being a part of the specific commitments.

2. The scheduling of specific commitments follows the Guidelines for the Scheduling of Specific Commitments (WTO Document S/L/92, dated March 28, 2001). The Guidelines shall not, however, be construed as being legally binding.

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons				
Sector or sub-sector	SS/S	Limitations on market access	Limitations on national treatment	Additional commitments
I. HORIZONTAL COMMITMENTS				
ALL SECTORS INCLUDED IN THIS SCHEDULE		<p>3) Commercial presence of the foreign service provider(s) may be in the form of joint venture enterprise and/or representative office, unless mentioned otherwise.</p> <p>Joint venture enterprise should meet the following requirements:</p> <p>(i) should be in the form of Limited Liability Enterprise (Perseroan Terbatas/PT); and</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>Land Acquisition</p> <p>Land Law (Undang-Undang Pokok Agraria) 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>	

		<div>4) Subject to Indonesian Labor and Immigration Laws and Regulations, only directors, managers and technical experts/advisors, unless mentioned otherwise in this Schedule, are allowed to stay for two years and such stay could be extended for at maximum two times subject to two years extension each time. Managers and technical experts/advisors (intra corporate transfer) are allowed based on an economic needs test.</div> <div>The entry and temporary stay of business visitor(s) are permitted for a period of 60 days and such stay could be extended for at maximum 120 days.</div>	<div>4) Expatriate Charges</div> <div>Any foreign natural persons supplying services are subject to charges levied by the central and local governments.</div> <div>Labor 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.</div>	
<div>Definitions:</div> <div>"Director": One or a group of persons entrusted by the shareholders of a services supplier with the final overall control and direction of the services supplier, and legally responsible to act on behalf of the services supplier inside and/or outside of the court.</div> <div>"Manager": Senior employee of a services 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 services 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.</div> <div>"Technical Expert/Advisor": Person employed by a services 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.</div> <div>"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.</div> <div>"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.</div> <div>"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.</div> <div>Business visitor(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.</div>				

II. SECTOR-SPECIFIC COMMITMENTS				
1. <u>BUSINESS SERVICES</u>				
A. <u>Professional Services</u>				
a. Legal Services (Advisory services in home country law, and international law) (CPC 861)		1) None  2) None  3) Unbound except as indicated in the Horizontal Section.  4) Unbound except for foreign lawyers (advokat).  Foreign lawyers (advokat) 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.	1) None  2) None  3) Unbound except as indicated in the Horizontal Section.  4) Unbound except for foreign lawyers (advokat).  Foreign lawyers (advokat) are :  - only allowed as employees or experts in Indonesian law firm;  - obliged to transfer legal knowledge and professional capabilities to Indonesian lawyers; and  - obliged to transfer knowledge to education, legal research, or government institutions at least 10 hours each month free of charge.  The share of foreign lawyers (advokat) in Indonesian law firm must not exceed 20%, and shall be limited to five foreign lawyers (advokat) per firm.	
Definitions :  "Lawyer (advokat)" is a person who has the profession of providing legal services inside and outside of the court.  "International law" means law established by international treaties and conventions as well as customary law.				

b. Architectural Services (CPC 8671)		1) Unbound 2) None 3) Services must be supplied through: (a) joint operation by establishing a representative office in Indonesia. License for representative office shall be valid for three years and can be extended ; and/or (b) joint venture enterprise by fulfilling the requirements as specified in the Horizontal Section and the Investment Law and its implementing regulations. 4) As specified in the Horizontal Section	1) Unbound 2) Unbound 3) (a) 1. License fee is required in accordance with the relevant laws and regulations; and 2. 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. (b) Local partner(s) in joint venture enterprise shall be registered by Construction Services Development Board and having qualification A/Big. 4) As specified in the Horizontal Section	
c. Engineering Services (CPC8672-except CPC 86721 and 86725)		1) Unbound 2) None	1) Unbound 2) Unbound	

		<p>3) Services must be supplied through:</p> <p>(a) joint operation by establishing a representative office in Indonesia.</p> <p>License for representative office shall be valid for three years and can be extended ; and/or</p> <p>(b) joint venture enterprise by fulfilling the requirements as specified in the Horizontal Section and the Investment Law and its implementing regulations.</p> <p>4) As specified in the Horizontal Section</p>	<p>3) (a) 1. License fee is required in accordance with the relevant laws and regulations; and</p> <p>2. 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 enterprise shall be registered by Construction Services Development Board and having qualification A/Big.</p> <p>4) As specified in the Horizontal Section</p>	
<p>d. Engineering Services (CPC 86721, 86725)</p> <ul style="list-style-type: none"> <li>- Mould and dies (die-casting, forging, stamping, etc.)</li> <li>- Powder metallurgy</li> </ul>		<p>1) None</p> <p>2) None</p> <p>3) Services must be supplied through joint operation by establishing a representative office in Indonesia.</p> <p>License for representative office shall be valid for three years and can be extended</p>	<p>1) None</p> <p>2) None</p> <p>3) 1. License fee is required in accordance with the relevant laws and regulations; and</p> <p>2. 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>	

		4) As specified in the Horizontal Section	4) As specified in the Horizontal Section	
e. Integrated Engineering Services (CPC 8673)		1) Unbound 2) None 3) Services must be supplied through: (a) joint operation by establishing a representative office in Indonesia. License for representative office shall be valid for three years and can be extended ; and/or (b) joint venture enterprise by fulfilling the requirements as specified in the Horizontal Section and the Investment Law and its implementing regulations. 4) As specified in the Horizontal Section	1) Unbound 2) Unbound 3) (a) 1. License fee is required in accordance with the relevant laws and regulations; and 2. 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. (b) Local partner(s) in joint venture enterprise shall be registered by Construction Services Development Board and having qualification A/Big. 4) As specified in the Horizontal Section	
f. Urban Planning Services (CPC 86741)		1) Unbound 2) None	1) Unbound 2) Unbound	

		<p>3) Services must be supplied through:</p> <p>(a) joint operation by establishing a representative office in Indonesia.</p> <p>License for representative office shall be valid for three years and can be extended ; and/or</p> <p>(b) joint venture enterprise by fulfilling the requirements as specified in the Horizontal Section and the Investment Law and its implementing regulations.</p> <p>4) As specified in the Horizontal Section</p>	<p>3) (a) 1. License fee is required in accordance with the relevant laws and regulations; and</p> <p>2. 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 enterprise shall be registered by Construction Services Development Board and having qualification A/Big.</p> <p>4) As specified in the Horizontal Section</p>	
B. <u>Computer and Related Services</u>				
<p>a. Consultancy Services related to the installation of computer hardware (CPC 841)</p> <p>b. Software Implementation Services (CPC 842)</p> <p>c. Data Base Services (CPC 844)</p>	S	<p>1) None</p> <p>2) None</p> <p>3) None which shall be subject to review by the Parties three years after the entry into force of this Agreement.</p> <p>Limitations specified in the Horizontal Section shall not apply.</p> <p>4) As specified in the Horizontal Section</p>	<p>1) None</p> <p>2) None</p> <p>3) None except as indicated in the Horizontal Section.</p> <p>4) As specified in the Horizontal Section</p>	

C. <u>Research and Development Services</u>				
Interdisciplinary R & D (CPC 853, limited to industrial activities)		1) None 2) None 3) Services must be supplied through joint operation by establishing a representative office in Indonesia. 4) Unbound except for director and technical expert/advisor.	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	
D. <u>Other Business Services</u>				
a. Advertising Services (CPC 871)		1) None 2) None 3) Unbound except as indicated in the Horizontal Section. 4) As specified in the Horizontal Section	1) None 2) None 3) Unbound except as indicated in the Horizontal Section. 4) As specified in the Horizontal Section	
b. Project Management Services other than for construction (CPC 86601)		1) None 2) None 3) Services must be supplied through joint operation by establishing a representative office in Indonesia. 4) Unbound except for director and technical expert/advisor.	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	
c. Technical Testing and Analysis Services (CPC 8676)		1) None 2) None 3) Services must be supplied through joint operation by establishing a representative office in Indonesia.	1) None 2) None 3) The Indonesian participant in joint operation must be member of Indonesian Consultant Association.	

		4) Unbound except for director and technical expert/advisor.	4) As specified in the Horizontal Section	
d. Services incidental to manufacturing (CPC 884 & 885)		1) None 2) None 3) Services must be supplied through joint operation by establishing a representative office in Indonesia. 4) Unbound except for director and technical expert/advisor.	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	
e. Maintenance and Repair Services (not including maritime vessels, aircraft or other transport equipment) (CPC 633, 8866, 8867 excluding motor cycle, 8868)  - Service supplied by a Japanese company established in Indonesia and having manufacturing activities in Indonesia, including its local group companies, relating to the maintenance and repair of:  - Automobile (excluding motor cycle)  - Household electrical appliances  - Office machineries  - Construction machineries		1) None 2) None 3) According to the laws and regulations at the time that this Agreement comes into force.  The above-mentioned commitment shall be maintained for 10 years after this Agreement enters into force, and is subject to review.  4) Unbound except as indicated in the Horizontal Section.	1) None 2) None 3) None except as indicated in the Horizontal Section.  4) Unbound except as indicated in the Horizontal Section.	

f. Rental and Leasing Services without operator relating to Aircraft (CPC 83104)		1) None 2) None 3) Unbound except as indicated in the Horizontal Section. 4) As specified in the Horizontal Section	1) None 2) None 3) Unbound except as indicated in the Horizontal Section. 4) As specified in the Horizontal Section	
2. <u>COMMUNICATION SERVICES</u>				
A. <u>Telecommunication Services</u>				
Basic Telecommunication Services :  Local Services  Long Distance Services  International Services  a) Voice Telephone Services (CPC 7521)  c) Circuit Switched Data Transmission Services (CPC 7523**)		1) None 2) None 3) Foreign equity participation is limited to 40%, through joint venture enterprise.  The period of exclusivity for local services expires in 2011.  The government will conduct a review of policy as to whether to permit additional suppliers of such services upon the expiry of this period.  4) As specified in the Horizontal Section	1) None 2) None 3) None except as indicated in the Horizontal Section.      4) As specified in the Horizontal Section	(i) Indonesia undertakes additional commitments as reference paper attached.  (ii) Type approval mechanism is in place.  (iii) Basic Telecommunication Services tariff is decided by the government.
b) Packet Switched Data Transmission (CPC 7523**)  d) Telex Services (CPC 7523**)  e) Telegraph Services (CPC 7522)  f) Facsimile Services (CPC 7521**, 7529**)		1) None 2) None 3) Foreign equity participation is limited to 40%, through joint venture enterprise.  4) As specified in the Horizontal Section	1) None 2) None 3) None except as indicated in the Horizontal Section.   4) As specified in the Horizontal Section	

g) Private Leased Circuit Services (CPC 7522**, 7523**)				
Value-added Services				
h) Electronic mail (CPC 7523**)		1) None	1) None	
i) Voice mail (CPC 7523**)		2) None	2) None	
j) On-line information and data base retrieval (CPC 7523**)		3) Foreign equity participation is limited to 40%, through joint venture enterprise.	3) None except as indicated in the Horizontal Section.	
k) Electronic data exchange (EDI) (CPC 7523**)		4) As specified in the Horizontal Section	4) As specified in the Horizontal Section	
l) Enhanced/value-added facsimile services, including store and forward, store and retrieve (CPC 7523**)				
Internet Access Services				
B. <u>Audiovisual Services</u>				
a) Motion Picture and Video Tape production and Distribution Services (CPC 9611)		1) None	1) None	
b) Motion Picture Projection Services (CPC 9612)		2) None	2) None	
		3) Foreign equity participation of not exceeding 40% is allowed through joint venture with Indonesian company or Indonesian national.	3) None except as indicated in the Horizontal Section.	
		4) As specified in the Horizontal Section	4) As specified in the Horizontal Section	
3. <u>CONSTRUCTION AND RELATED ENGINEERING SERVICES</u>				
A. <u>General construction work for building</u>		1) Unbound	1) Unbound	

Construction work for building (CPC 512 except CPC 51210)		<p>2) None</p> <p>3) Services must be supplied through:</p> <p>(a) joint operation by establishing a representative office in Indonesia. License for representative office shall be valid for three years and can be extended ; and/or</p> <p>(b) joint venture enterprise by fulfilling the requirements as specified in the Horizontal Section and the Investment Law and its implementing regulations.</p> <p>Notwithstanding limitations specified in the Horizontal Section, not more than 55% of the capital share of the Limited Liability Enterprise (Perseroan Terbatas/PT) may be owned by foreign partner(s).</p> <p>4) As specified in the Horizontal Section</p>	<p>2) Unbound</p> <p>3) (a) 1. License fee is required in accordance with the relevant laws and regulations; and</p> <p>2. 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 enterprise shall be registered by Construction Services Development Board and having qualification A/Big.</p> <p>4) As specified in the Horizontal Section</p>	
<p>B. <u>General construction work for civil engineering</u></p> <p>Construction work for civil engineering (CPC 513)</p>		<p>1) Unbound</p> <p>2) None</p>	<p>1) Unbound</p> <p>2) Unbound</p>	

		<p>3) Services must be supplied through:</p> <p>(a) joint operation by establishing a representative office in Indonesia. License for representative office shall be valid for three years and can be extended; and/or</p> <p>(b) joint venture enterprise by fulfilling the requirements as specified in the Horizontal Section and the Investment Law and its implementing regulations.</p> <p>Notwithstanding limitations specified in the Horizontal Section, not more than 55% of the capital share of the Limited Liability Enterprise (Perseroan Terbatas/PT) may be owned by foreign partner(s).</p>	<p>3) (a) 1. License fee is required in accordance with the relevant laws and regulations; and</p> <p>2. 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 enterprise shall be registered by Construction Services Development Board and having qualification A/Big.</p>	
		<p>4) As specified in the Horizontal Section</p>	<p>4) As specified in the Horizontal Section</p>	
<p>C. <u>Installation and assembly work</u></p> <p>Assembly and erection of prefabricated construction (CPC 514)</p>		<p>1) Unbound</p> <p>2) None</p>	<p>1) Unbound</p> <p>2) Unbound</p>	

		<p>3) Services must be supplied through:</p> <p>(a) joint operation by establishing a representative office in Indonesia. License for representative office shall be valid for three years and can be extended ; and/or</p> <p>(b) joint venture enterprise by fulfilling the requirements as specified in the Horizontal Section and the Investment Law and its implementing regulations.</p> <p>Notwithstanding limitations specified in the Horizontal Section, not more than 55% of the capital share of the Limited Liability Enterprise (Perseroan Terbatas/PT) may be owned by foreign partner(s).</p>	<p>3) (a) 1. License fee is required in accordance with the relevant laws and regulations; and</p> <p>2. 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 enterprise shall be registered by Construction Services Development Board and having qualification A/Big.</p>	
		4) As specified in the Horizontal Section	4) As specified in the Horizontal Section	
<p>D. <u>Other</u></p> <p>- Pre-erection work at construction system (CPC 511 except CPC 51110 and 51113)</p>		<p>1) Unbound</p> <p>2) None</p>	<p>1) Unbound</p> <p>2) Unbound</p>	

		<p>3) Services must be supplied through:</p> <p>(a) joint operation by establishing a representative office in Indonesia. License for representative office shall be valid for three years and can be extended ; and/or</p> <p>(b) joint venture enterprise by fulfilling the requirements as specified in the Horizontal Section and the Investment Law and its implementing regulations.</p> <p>Notwithstanding limitations specified in the Horizontal Section, not more than 55% of the capital share of the Limited Liability Enterprise (Perseroan Terbatas/PT) may be owned by foreign partner(s).</p> <p>4) As specified in the Horizontal Section</p>	<p>3) (a) 1. License fee is required in accordance with the relevant laws and regulations.</p> <p>2. 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 enterprise shall be registered by Construction Services Development Board and having qualification A/Big.</p> <p>4) As specified in the Horizontal Section</p>	
- Steel binding and erection (including welding) (CPC 51550)		<p>1) Unbound</p> <p>2) None</p>	<p>1) Unbound</p> <p>2) Unbound</p>	

		<p>3) Services must be supplied through:</p> <p>(a) joint operation by establishing a representative office in Indonesia. License for representative office shall be valid for three years and can be extended; and/or</p> <p>(b) joint venture enterprise by fulfilling the requirements as specified in the Horizontal Section and the Investment Law and its implementing regulations.</p> <p>Notwithstanding limitations specified in the Horizontal Section, not more than 55% of the capital share of the Limited Liability Enterprise (Perseroan Terbatas/PT) may be owned by foreign partner(s).</p>	<p>3) (a) 1. License fee is required in accordance with the relevant laws and regulations; and</p> <p>2. 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 enterprise shall be registered by Construction Services Development Board and having qualification A/Big.</p>	
		<p>4) As specified in the Horizontal Section</p>	<p>4) As specified in the Horizontal Section</p>	
- Renting Services related to equipment for construction or demolition of building or civil engineering works, with operator (CPC 518)		<p>1) Unbound</p> <p>2) None</p>	<p>1) Unbound</p> <p>2) Unbound</p>	

		<p>3) Services must be supplied through:</p> <p>(a) joint operation by establishing a representative office in Indonesia. License for representative office shall be valid for three years and can be extended; and/or</p> <p>(b) joint venture enterprise by fulfilling the requirements as specified in the Horizontal Section and the Investment Law and its implementing regulations.</p> <p>Notwithstanding limitations specified in the Horizontal Section, not more than 55% of the capital share of the Limited Liability Enterprise (Perseroan Terbatas/PT) may be owned by foreign partner(s).</p> <p>4) As specified in the Horizontal Section</p>	<p>3) (a) 1. License fee is required in accordance with the relevant laws and regulations; and</p> <p>2. 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 enterprise shall be registered by Construction Services Development Board and having qualification A/Big.</p> <p>4) As specified in the Horizontal Section</p>	
- Foundation work including pile driving (CPC 51510)		<p>1) Unbound</p> <p>2) None</p>	<p>1) Unbound</p> <p>2) Unbound</p>	

		<p>3) Services must be supplied through:</p> <p>(a) joint operation by establishing a representative office in Indonesia. License for representative office shall be valid for three years and can be extended ; and/or</p> <p>(b) joint venture enterprise by fulfilling the requirements as specified in the Horizontal Section and the Investment Law and its implementing regulations.</p> <p>Notwithstanding limitations specified in the Horizontal Section, not more than 55% of the capital share of the Limited Liability Enterprise (Perseroan Terbatas/PT) may be owned by foreign partner(s).</p> <p>4) As specified in the Horizontal Section</p>	<p>3) (a) 1. License fee is required in accordance with the relevant laws and regulations; and</p> <p>2. 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 enterprise shall be registered by Construction Services Development Board and having qualification A/Big.</p> <p>4) As specified in the Horizontal Section</p>	
- Gas fitting construction work (CPC 51630)		<p>1) Unbound</p> <p>2) None</p>	<p>1) Unbound</p> <p>2) Unbound</p>	

		<p>3) Services must be supplied through:</p> <p>(a) joint operation by establishing a representative office in Indonesia. License for representative office shall be valid for three years and can be extended ; and/or</p> <p>(b) joint venture enterprise by fulfilling the requirements as specified in the Horizontal Section and the Investment Law and its implementing regulations.</p> <p>Notwithstanding limitations specified in the Horizontal Section, not more than 55% of the capital share of the Limited Liability Enterprise (Perseroan Terbatas/PT) may be owned by foreign partner(s).</p>	<p>3) (a) 1. License fee is required in accordance with the relevant laws and regulations; and</p> <p>2. 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 enterprise shall be registered by Construction Services Development Board and having qualification A/Big.</p>	
		4) As specified in the Horizontal Section	4) As specified in the Horizontal Section	
- Fire alarm construction work (CPC 51642)		<p>1) Unbound</p> <p>2) None</p> <p>3) Services must be supplied through:</p>	<p>1) Unbound</p> <p>2) Unbound</p>	

		<p>(a) joint operation by establishing a representative office in Indonesia. License for representative office shall be valid for three years and can be extended; and/or</p> <p>(b) joint venture enterprise by fulfilling the requirements as specified in the Horizontal Section and the Investment Law and its implementing regulations.</p> <p>Notwithstanding limitations specified in the Horizontal Section, not more than 55% of the capital share of the Limited Liability Enterprise (Perseroan Terbatas/PT) may be owned by foreign partner(s).</p> <p>4) As specified in the Horizontal Section</p>	<p>3) (a) 1. License fee is required in accordance with the relevant laws and regulations; and</p> <p>2. 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 enterprise 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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<p>- Burglar alarm system construction work (CPC 51643)</p>		<p>1) Unbound</p> <p>2) None</p> <p>3) Services must be supplied through:</p> <p>(a) joint operation by establishing a representative office in Indonesia. License for representative office shall be valid for three years and can be extended; and/or</p> <p>(b) joint venture enterprise by fulfilling the requirements as specified in the Horizontal Section and the Investment Law and its implementing regulations.</p> <p>Notwithstanding limitations specified in the Horizontal Section, not more than 55% of the capital share of the Limited Liability Enterprise (Perseroan Terbatas/PT) may be owned by foreign partner(s).</p> <p>4) As specified in the Horizontal Section</p>	<p>1) Unbound</p> <p>2) Unbound</p> <p>3) (a) 1. License fee is required in accordance with the relevant laws and regulations; and</p> <p>2. 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 enterprise 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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<p>- Lift and escalator construction work (CPC 51691)</p>		<p>1) Unbound</p> <p>2) None</p> <p>3) Services must be supplied through:</p> <p>(a) joint operation by establishing a representative office in Indonesia. License for representative office shall be valid for three years and can be extended ; and/or</p> <p>(b) joint venture enterprise by fulfilling the requirements as specified in the Horizontal Section and the Investment Law and its implementing regulations.</p> <p>Notwithstanding limitations specified in the Horizontal Section, not more than 55% of the capital share of the Limited Liability Enterprise (Perseroan Terbatas/PT) may be owned by foreign partner(s).</p> <p>4) As specified in the Horizontal Section</p>	<p>1) Unbound</p> <p>2) Unbound</p> <p>3) (a) 1. License fee is required in accordance with the relevant laws and regulations; and</p> <p>2. 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 enterprise shall be registered by Construction Services Development Board and having qualification A/Big.</p> <p>4) As specified in the Horizontal Section</p>	
4. <u>DISTRIBUTION SERVICES</u>				
<p>Wholesale Services (CPC 6111, 6224, and 6228)</p>		<p>1) Unbound</p>	<p>1) Unbound</p>	

<ul style="list-style-type: none"><li>- Service supplied by a Japanese company established in Indonesia and having manufacturing activities in Indonesia, including its local group companies, relating to the wholesale distribution of:<ul style="list-style-type: none"><li>- Automobile (excluding motor cycle)</li><li>- Household electrical appliances</li><li>- Office machineries</li><li>- Construction machineries</li></ul></li></ul>		<ul style="list-style-type: none"><li>2) Unbound</li><li>3) According to the laws and regulations at the time that this Agreement comes into force. The above-mentioned commitment shall be maintained for 10 years after this Agreement enters into force, and is subject to review.</li><li>4) Unbound except as indicated in the Horizontal Section.</li></ul>	<ul style="list-style-type: none"><li>2) Unbound</li><li>3) None except as indicated in the Horizontal Section.</li><li>4) Unbound except as indicated in the Horizontal Section.</li></ul>	
Direct Selling (Multi Level Marketing)		<ul style="list-style-type: none"><li>1) None</li><li>2) None</li><li>3) Unbound except as indicated in the Horizontal Section.</li><li>4) As specified in the Horizontal Section</li></ul>	<ul style="list-style-type: none"><li>1) None</li><li>2) None</li><li>3) Unbound except as indicated in the Horizontal Section.</li><li>4) As specified in the Horizontal Section</li></ul>	
5. <u>EDUCATIONAL SERVICES</u>				
<p>General Conditions on Education Services</p> <p>Supply of services by the foreign service provider is permitted only through an education institution which is registered in Indonesia and must meet the following conditions:</p> <ol style="list-style-type: none"><li>1. Mutual recognition arrangement between relevant institutions on credits, programs, and certifications is required.</li><li>2. Foreign education institution providing services must establish partnership with local partner. Foreign language instructors must be native speakers.</li><li>3. Foreign education institution must be listed in the Ministry of Education's List of Accredited Foreign Education and its local partner must be accredited.</li><li>4. Foreign education institution in cooperation with local partner may open education institution in the cities of Jakarta, Surabaya, Bandung, Yogyakarta, and Medan.</li></ol>				

5. 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.				
A. <u>Secondary Education Services:</u>  Technical and vocational secondary education services (electronic, automotive) (CPC 92230)		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 except as indicated in the Horizontal Section. 4) As indicated in the Horizontal Section and General Conditions	
B. <u>Higher Education Services:</u>  Post secondary technical and vocational education services (Polytechnique Machine and Electrical) (CPC 92310)		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 except as indicated in the Horizontal Section. 4) Unbound except as indicated in the Horizontal Section.	
C. <u>Adult Education (CPC 924):</u>  - 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 except as indicated in the Horizontal Section. 4) Unbound except as indicated in the Horizontal Section.	
D. <u>Other Education Services (CPC 92900):</u>  - Football and chess		1) None 2) None 3) As indicated in the Horizontal Section and General Conditions	1) None 2) None 3) Unbound except as indicated in the Horizontal Section.	

		4) Unbound except as indicated in the Horizontal Section and General Conditions.	4) Unbound except as indicated in the Horizontal Section and General Conditions.	
<p>6. <u>FINANCIAL SERVICES</u></p> <p>General Conditions on Non Banking Financial Services Sub-sector:</p> <p>1. All market access and national treatment limitations specified in the Non Banking Financial Services Sub-sectors will be eliminated by the year 2020 subject to similar commitment by Japan.</p> <p>2. Notwithstanding limitations on joint venture enterprises specified in the Horizontal Section, for insurance, the share ownership of foreign services suppliers is bound at 80%, and for other non-banking financial services, the share ownership of foreign services suppliers is bound by the prevailing laws and regulations at the date of entry into force of this Agreement. The conditions of ownership and the percentage share of ownership as stipulated in the respective shareholder agreement establishing the existing individual joint venture enterprise in non-banking financial services shall be respected. No transfer of ownership shall take place without the consent of all parties in the joint venture enterprise concerned.</p> <p>3. Limitation on national treatment in terms of taxation which is specified in the Horizontal Section is not applied on the Non Banking Financial Services Sub-sector.</p> <p>4. In addition to the Horizontal Section, temporary entry will be granted to technical expert(s)/advisor(s) for no longer than three months per person for any given year.</p> <p>5. Share of non-bank financial companies listed in the stock exchange may be 100% owned by foreign investors.</p> <p>6. In relation to the presence of natural person, only directors, managers and technical experts/advisors can be assumed by expatriates with maximum stay of three years and can be extended.</p> <p>7. All joint venture enterprises shall provide training for their employees.</p>				
a. Non-Life Insurance Services (CPC 8129) excluding Marine, Aviation, and Transportation/MAT	S	1) Unbound 2) Unbound except if:  (a) there is no insurance company in Indonesia, either individually or in group, which could handle the insurance risks of the object in question;  (b) there is no insurance company in Indonesia which wants to carry out an insurance coverage of the object in question; and  (c) the owners of insurance objects in question are not Indonesian citizens or Indonesian legal entities.	1) Unbound 2) Unbound	

		3) As specified in the Horizontal Section and General Conditions 4) Unbound except for director and technical expert/advisor.	3) As specified in the General Conditions 4) As specified in the Horizontal Section	
b. Reinsurance Services		1) Reinsurance service suppliers from Japan must be rated at minimum as BBB by Standard and Poor or equivalent. 2) Reinsurance service suppliers from Japan must be rated at minimum as BBB by Standard and Poor or equivalent. 3) As specified in the Horizontal Section and General Conditions 4) Unbound except for director and technical expert/advisor.	1) None 2) Unbound 3) As specified in the General Conditions 4) As specified in the Horizontal Section	
c. Life Insurance Services (CPC 8121)		1) Unbound 2) Unbound except if: (a) there is no insurance company in Indonesia, either individually or in group, which could handle the insurance risks of the object in question; (b) there is no insurance company in Indonesia which wants to carry out an insurance coverage of the object in question; and (c) the owners of insurance objects in question are not Indonesian citizens or Indonesian legal entities.	1) Unbound 2) Unbound	

		3) As specified in the Horizontal Section and General Conditions 4) Unbound except for director and technical expert/advisor.	3) As specified in the General Conditions 4) As specified in the Horizontal Section	
d. Insurance Brokerage Services (CPC 8140)		1) Unbound 2) None 3) As specified in the Horizontal Section and General Conditions 4) Unbound except for director and technical expert/advisor.	1) None 2) None 3) As specified in the General Conditions 4) As specified in the Horizontal Section	
e. Reinsurance Brokerage Services (CPC 8140)		1) Unbound 2) None 3) As specified in the Horizontal Section and General Conditions 4) Unbound except for director and technical expert/advisor.	1) None 2) None 3) As specified in the General Conditions 4) As specified in the Horizontal Section	
f. Financial Lease Services (CPC 81120)	S	1) None 2) None 3) As specified in the Horizontal Section and General Conditions 4) Unbound except for director and technical expert/advisor.	1) None 2) None 3) As specified in the General Conditions 4) As specified in the Horizontal Section	The Indonesian government will not differentiate "on-shore" and "off-shore" borrowings.
g. Factoring Services (CPC 8113)	S	1) None 2) None 3) As specified in the Horizontal Section and General Conditions	1) None 2) None 3) As specified in the General Conditions	

		4) Unbound except for director and technical expert/advisor.	4) As specified in the Horizontal Section	
h. Credit Card Business (Issuer and Agent of Credit Card) (CPC 8113)	S	1) None 2) None 3) As specified in the Horizontal Section and General Conditions 4) Unbound except for director and technical expert/advisor.	1) None 2) None 3) As specified in the General Conditions 4) As specified in the Horizontal Section	
i. Consumers Finance Services (CPC 8113)	S	1) None 2) None 3) As specified in the Horizontal Section and General Conditions 4) Unbound except for director and technical expert/advisor.	1) None 2) None 3) As specified in the General Conditions 4) As specified in the Horizontal Section	
j. Securities Business Trading for own account or for account of customer on an exchange or over-the-counter market - Listed shares - Bonds	S	1) Unbound 2) None 3) Services must be supplied through establishment of a securities broker/dealer. 4) Unbound except for director and technical expert/advisor.	1) Unbound 2) None 3) As specified in the General Conditions 4) As specified in the Horizontal Section	

k. Participation in issues of securities, including underwriting and placement as agent (whether publicly or privately), and provision of services related to such issues	S	1) Unbound 2) None 3) Services must be supplied through establishment of a securities company as an underwriter. 4) Unbound except for director and technical expert/advisor.	1) Unbound 2) None 3) As specified in the General Conditions 4) As specified in the Horizontal Section	
l. Asset Management: Portfolio Management	S	1) Unbound 2) None 3) Services must be supplied through establishment of a securities company as an investment manager. 4) Unbound except for director.	1) Unbound 2) None 3) As specified in the General Conditions 4) As specified in the Horizontal Section	
m. Asset Management: Investment managers that manage mutual fund in all forms of collective investment management	S	1) Unbound 2) None 3) Services must be supplied through establishment of an investment manager. 4) Unbound except for director.	1) Unbound 2) None 3) As specified in the General Conditions 4) As specified in the Horizontal Section	
n. Investment Advisory Services limited only to investment advisory in capital market	S	1) Unbound 2) None 3) Services must be supplied through establishment of an investment advisory company. 4) Unbound except for directors.	1) Unbound 2) None 3) As specified in the General Conditions 4) As specified in the Horizontal Section	

<p>General Conditions on Banking Sub-sector</p> <p>1. Unless otherwise stipulated in this Schedule, Indonesia's commitment to the WTO, as may be amended, shall apply to this Agreement.</p> <p>2. Notwithstanding limitations on joint venture enterprise specified in the Horizontal Section, the share ownership of foreign services supplier in the existing joint venture bank shall be subject to the following conditions:</p> <p>a. Bound by the prevailing laws and regulations at the date of entry into force of this Agreement;</p> <p>b. Ownership and the percentage share of ownership as stipulated in the respective shareholder agreement establishing the existing individual joint venture bank shall be respected as the basis of ownership of the foreign service provider(s) and their Indonesian partner(s);</p> <p>c. No transfer of ownership shall take place without the consent of all parties in the joint venture bank concerned; and</p> <p>d. Any transfer of ownership of the joint venture bank concerned shall not violate any other condition as stipulated in this Schedule.</p> <p>3. A person shall be a controlling shareholder in only one bank.</p> <p>Definition:</p> <p>A "controlling shareholder" shall mean a person who beneficially owns 10% or more of the equity interest of a bank or who beneficially owns less than 10% of the equity interest of a bank but has the power to control the bank. A person shall be deemed to have control of a bank if such person has the power to name director and/or commissioner of such bank and/or has the power to direct its action.</p>				
<p>7. <u>HEALTH RELATED AND SOCIAL SERVICES</u></p> <p>General Conditions on Health Related and Social Services:</p> <p>Commercial presence of the foreign service provider is permitted only through health institution which is registered in Indonesia and must establish partnership with local partner. Establishment of such partnership is limited to the cities of Medan and Surabaya.</p>				
Hospital services (only for specialistic and super specialistic medical care/more specific than specialistic medical care, provided by hospital of more than 300 beds) (CPC 9311)		1) None 2) None 3) In addition to the conditions specified in the Horizontal Section and General Conditions:  - The hospital shall be managed by Board of Directors chaired by Indonesian medical doctor	1) None 2) None 3) The health professionals shall be Indonesian.	

		<ul style="list-style-type: none"><li>- Approval is subject to the social function of hospital services offered</li><li>- The medical services shall be provided by persons with medical licenses issued by the Ministry of Health and the Health professional organization/council</li><li>- Foreign health professionals are obliged to transfer medical knowledge and professional capabilities to Indonesian health professional as a consultant only</li><li>- A non Indonesian health professional employed as manager or as technical expert/advisor shall have at least two Indonesians under studies during his/her term</li></ul>		
		4) Unbound except as indicated in the Horizontal Section.	4) Unbound except as indicated in the Horizontal Section.	
Hospital services (nursing services in hospital) (CPC 9311)		<ul style="list-style-type: none"><li>1) None</li><li>2) None</li><li>3) In addition to the conditions specified in the Horizontal Section and General Conditions:<ul style="list-style-type: none"><li>- The hospital shall be managed by Board of Directors chaired by Indonesian medical doctor</li></ul></li></ul>	<ul style="list-style-type: none"><li>1) None</li><li>2) None</li><li>3) The health professionals shall be Indonesian.</li></ul>	

		<ul style="list-style-type: none"><li>- Approval is subject to the social function of hospital services offered</li><li>- The medical services shall be provided by persons with medical licenses issued by the Ministry of Health and the Health professional organization/council</li><li>- Foreign health professionals are obliged to transfer medical knowledge and professional capabilities to Indonesian health professional as a consultant only</li><li>- A non Indonesian health professional employed as manager or as technical expert shall have at least two Indonesians under studies during his/her term</li></ul>		
	4)	Unbound except as indicated in the Horizontal Section.	4)	Unbound except for nursing services supplied by natural persons of Japan as provided for in Section 5 of Part 2 of Annex 10.

8. <u>TOURISM AND TRAVEL RELATED SERVICES</u>				
a. <u>Hotels</u> <sup>1</sup> (3, 4 and 5 star hotels)		1) None	1) None	
		2) None	2) None	
		3) Notwithstanding limitations specified in the Horizontal Section, in eastern part of Indonesia, Kalimantan, Bengkulu, Jambi and Sulawesi, 100 % of the capital share can be owned by foreign investor.	3) Higher paid-up capital is required of foreign service suppliers than of domestic service suppliers. This measure will be eliminated in the year 2020.	
		4) Unbound except for:	4) As specified in the Horizontal Section	
		1. Top Management Level in Hotel business comprised of:		
		i) General Manager		
		ii) Food and Beverage Manager		
		iii) Resident Manager		
		iv) Comptroller		
		v) Marketing Director		
		2. Highly Skilled Professionals comprised of:		
		i) Executive Chef		

1 Starred hotel is a service business which provides accommodation and food and beverages facilities and other services, except casino and other activities prohibited by law for reasons of public moral, religion, security and public order.

		ii) Sous Chef iii) Specialty Cook		
b. Travel Agent and Tour Operator (TA & TO) (CPC 74710)		1) None 2) None 3) Maximum number of services provider is limited to 35 TA & TO. 4) Unbound except for technical expert/advisor.	1) None 2) None 3) Tour operator must be Travel Agent located in Jakarta and Bali. 4) As specified in the Horizontal Section	
<u>Tourist Resorts<sup>2</sup> including:</u> - Hotel (3, 4 and 5 stars) - Marinas - Golf Courses and Other Sport Facilities		1) None 2) None 3) Notwithstanding limitations specified in the Horizontal Section, in eastern part of Indonesia, Kalimantan, Bengkulu, Jambi and Sulawesi, 100% of the capital share can be owned by foreign investor. 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. This measure will be eliminated in the year 2020. 4) As specified in the Horizontal Section	
c. Beverage Serving Services without Entertainment (CPC 64310)		1) None 2) None 3) Unbound except in certain parts of East Indonesia (Sulawesi, Papua, Mollucas, Nusa Tenggara), foreign equity participation is permitted up to 49%.	1) None 2) None 3) Subject to prevailing local government's laws regarding the moral or public order in accordance with Article XIV (a) of the GATS.	

<sup>2</sup> Tourist Resort is an area built to accommodate the facilities needed for the tourist such as hotels, marinas, golf courses, cultural open stage and other facilities, except casino and other activities prohibited by law for reasons of public moral, religion, security and public order.

		4) Unbound, except for: <ul style="list-style-type: none"><li>- Top Management Level</li><li>- Highly-Skilled Professionals</li></ul>	4) As specified in the Horizontal Section	
d. International Hotel Operator (CPC 91135)		1) None 2) None 3) The commercial presence must be established through joint venture enterprise, as indicated in the Horizontal Section. 4) Unbound, except for: <ul style="list-style-type: none"><li>1. Top Management Level in Hotel business comprised of:<ul style="list-style-type: none"><li>- General Manager</li><li>- Food and Beverage Manager</li><li>- Resident Manager</li><li>- Comptroller</li><li>- Marketing Director</li></ul></li><li>2. Highly Skilled Professionals comprised of:<ul style="list-style-type: none"><li>- Executive Chef</li><li>- Sous Chef</li><li>- Specialty Cook</li></ul></li></ul>	1) None 2) None 3) Unbound except as indicated in the Horizontal Section. 4) As specified in the Horizontal Section	
e. Spa Services		1) None 2) None	1) None 2) None	

		3) The commercial presence must be established only through joint venture enterprise, as indicated in the Horizontal Section.	3) As indicated in the Horizontal Section	
		4) Unbound except as indicated in the Horizontal Section.	4) Unbound except as indicated in the Horizontal Section.	
9. <u>TRANSPORT SERVICES</u>				
A. <u>Maritime Transport Services</u>				
(a) Passenger Transportation (CPC 7211) Excluding Cabotage		1) None 2) None 3) The commercial presence must be established only through joint venture enterprise, with foreign equity share allowable up to maximum 49%. 4) As specified in the Horizontal Section	1) None 2) None 3) Foreign shipping company is obliged to appoint Indonesian shipping company as its General Agent. 4) As specified in the Horizontal Section	Access to and use of port facilities in the port which is opened for international shipping are permitted.
(b) Freight Transportation (CPC 7212) Excluding Cabotage		1) None 2) None 3) The commercial presence must be established only through joint venture enterprise, with foreign equity share allowable up to maximum 49%. 4) As specified in the Horizontal Section	1) None 2) None 3) Foreign shipping company is obliged to appoint Indonesian shipping company as its General Agent. 4) As specified in the Horizontal Section	Access to and use of port facilities in the port which is opened for international shipping are permitted.
(c) Maritime Cargo Handling Services (CPC 741)		1) None 2) None 3) The commercial presence must be established only through joint venture enterprise, with foreign equity share allowable up to maximum 49%.	1) None 2) None 3) As indicated in the Horizontal Section	

		4) As specified in the Horizontal Section	4) As specified in the Horizontal Section	
(d) Rental of vessel without crew (CPC 83103)		1) None 2) None 3) The commercial presence must be established only through joint venture enterprise, with foreign equity share allowable up to maximum 49%. 4) As specified in the Horizontal Section	1) None 2) None 3) As specified in the Horizontal Section 4) As specified in the Horizontal Section	

## 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

Indonesia has the right to define the kind of universal service obligations 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 Indonesia.

#### 4. Public availability of licensing criteria

Where a license 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 license; and
- (b) the terms and conditions of individual licenses.

The reasons for the denial of a license 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.

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