

PROTOCOL AMENDING THE AGREEMENT
BETWEEN JAPAN AND THE REPUBLIC OF INDONESIA
FOR AN ECONOMIC PARTNERSHIP

Preamble

Japan and the Republic of Indonesia (hereinafter referred to in this Protocol as "the Parties");

Having undertaken a general review of the Agreement between Japan and the Republic of Indonesia for an Economic Partnership, done at Jakarta, August 20, 2007 (hereinafter referred to as "the Agreement") pursuant to Article 151 of the Agreement;

Recognizing the need to upgrade the Agreement, including in the areas of Trade in Goods, Trade in Services, Movement of Natural Persons, Intellectual Property and Government Procurement, to ensure that the Agreement retains its relevance to businesses in responding to current development;

Desiring to modernize the Agreement to take into account changing global business and trade practices, and the growing significance of electronic commerce between the Parties; and

Desiring to conclude a protocol to amend the Agreement pursuant to Article 152 of the Agreement,

HAVE AGREED as follows:

Article 1

The table of contents of the Agreement shall be deleted and replaced by the new table of contents as provided for in Annex A to this Protocol.

Article 2

Article 2 of the Agreement shall be amended by deleting the expression "and" at the end of subparagraph 1(f), renumbering subparagraph 1(g) as subparagraph 1(i) and inserting the following new subparagraphs immediately after subparagraph 1(f):

"(g) the term "Protocol" means the Protocol amending the Agreement between Japan and the Republic of Indonesia for an Economic Partnership, done at Tokyo and Jakarta, August 8, 2024;

- (h) the term "TRIPS Agreement" means the Agreement on Trade-Related Aspects of Intellectual Property Rights in Annex 1C to the Marrakesh Agreement Establishing the World Trade Organization, done at Marrakesh, April 15, 1994; and"

Article 3

Article 11 of the Agreement shall be amended by deleting paragraphs 1 through 4 and replacing them by the following paragraphs:

- "1. For the purposes of Chapters 2, 3, 4, 5, 7A and 8 of this Agreement, Article XX of the GATT 1994 is incorporated into and forms part of this Agreement, *mutatis mutandis*.

Note: The Parties understand that the measures referred to in subparagraph (b) of Article XX of the GATT 1994 include environmental measures necessary to protect human, animal or plant life or health, and that subparagraph (g) of Article XX of the GATT 1994 applies to measures relating to the conservation of living and non-living exhaustible natural resources.

2. For the purposes of Chapters 5, 6, 7 and 7A of this Agreement, Article XIV of the GATS including its footnotes is incorporated into and forms part of this Agreement, *mutatis mutandis*.

Note: The Parties understand that the measures referred to in subparagraph (b) of Article XIV of the GATS include environmental measures necessary to protect human, animal or plant life or health.

3. Nothing in this Agreement shall be construed:

- (a) to require a Party to furnish any information the disclosure of which it considers contrary to its essential security interests;
- (b) to prevent a Party from taking any action which it considers necessary for the protection of its essential security interests:
 - (i) relating to fissionable and fusionable materials or the materials from which they are derived;

(ii) relating to the traffic in arms, ammunition and implements of war and to such traffic in other goods and materials, or relating to the supply of services, as carried on directly or indirectly for the purpose of supplying or provisioning a military establishment;

(iii) taken so as to protect critical public infrastructures including communications, power, and water infrastructures;

Note: For greater certainty, this includes critical public infrastructures whether publicly or privately owned.

(iv) taken in time of national emergency or war or other emergency in international relations; or

(c) to prevent a Party from taking any action in pursuance of its obligations under the United Nations Charter for the maintenance of international peace and security.

4. In cases where a Party takes any measure pursuant to paragraph 1, 2 or 3 that does not conform with the obligations under Chapter 5, the Party shall make reasonable effort to notify the other Party of the description of such measure either before the measure is taken or as soon as possible thereafter."

Article 4

Article 26 of the Agreement shall be amended by deleting subparagraph (b) and replacing it by the following subparagraph:

"(b) discussing any issues related to this Chapter, including measures to update each Party's tariff schedule to reflect the amendments to the HS;

Note: For greater certainty, the Parties understand that each Party, following amendments to the HS, carries out updates of its tariff schedule without changing the substance of the tariff concessions set out in the Schedules in Annex 1, and such updates of each Party's tariff schedule shall not constitute an amendment set out in Article 152."

Article 5

Article 95 of the Agreement shall be amended by deleting the expression "a renewal" in paragraph 1 and replacing it by the expression "an extension", and by inserting the following new paragraphs immediately after paragraph 3:

"4. Each Party shall process without undue delay complete applications for the grant of entry and temporary stay or extensions thereof received from an applicant who is a natural person of the other Party covered by Article 92 or his or her employer.

5. If the competent authorities of a Party require additional information in order to process the application for the grant of entry and temporary stay, they shall, where applicable, endeavor to notify the applicant without undue delay.

6. Each Party shall, upon request and within a reasonable period of time after receiving a complete application for the grant of entry and temporary stay or extensions thereof, notify the applicant of:

- (a) the receipt of the application;
- (b) the status of the application; and
- (c) the decision concerning the application including, if approved, the period of stay and other conditions.

7. Each Party shall endeavor to simplify the requirements including required documentation, and to facilitate and expedite the procedures, relating to entry and temporary stay or extensions thereof, in accordance with its laws and regulations."

Article 6

The following new Chapter shall be inserted immediately after Chapter 7 of the Agreement:

"Chapter 7A
Electronic Commerce

Article 96A
Scope

1. This Chapter shall apply to measures by a Party affecting electronic commerce.
2. This Chapter shall not apply to government procurement.
3. In the event of any inconsistency between this Chapter and another Chapter of this Agreement, the other Chapter shall prevail to the extent of the inconsistency.

Article 96B
Definitions

For the purposes of this Chapter:

- (a) the term "computing facilities" means computer servers and storage devices for processing or storing information for commercial use;
- (b) the term "covered person" means:
 - (i) "investments", as defined in subparagraph (f) of Article 58, of an investor of the other Party in the Area of a Party;
 - (ii) an "investor of the other Party" as defined in subparagraph (h) of Article 58; or
 - (iii) a "service supplier", as defined in subparagraph (q) of Article 77, of a Party,

but does not include a "financial service supplier" or a "public entity" as defined in subparagraph 2(a) (ii) and (iii) of Section 1 of Annex 7, and a financial institution;
- (c) the term "measure" means any measure, whether in the form of a law, regulation, rule, procedure, decision, administrative action or any other form; and

- (d) the term "personal information" means any information, including data, about an identified or identifiable natural person.

Article 96C
Online Consumer Protection

1. The Parties recognize the importance of adopting and maintaining transparent and effective measures to protect consumers from fraudulent and misleading practices when they engage in electronic commerce.

2. For the purposes of this Article, fraudulent and misleading practices refers to those fraudulent and misleading practices that cause actual harm to consumers, or that pose an imminent threat of such harm if not prevented, for example:

- (a) a practice of making misrepresentations of material fact, including implied factual misrepresentations, that cause significant detriment to the economic interests of misled consumers;
- (b) a practice of failing to deliver products or provide services to consumers after the consumers are charged; or
- (c) a practice of charging or debiting consumers' financial, telephone or other accounts without authorization.

3. Each Party shall adopt or maintain domestic laws and regulations to provide protection for consumers using electronic commerce against fraudulent and misleading practices that cause harm or potential harm to such consumers.

4. The Parties recognize the importance of cooperation between their respective competent authorities in charge of consumer protection on activities related to electronic commerce in order to enhance consumer protection.

Article 96D
Personal Information Protection

1. The Parties recognize the economic and social benefits of protecting the personal information of users of electronic commerce and the contribution that protecting such personal information makes to enhancing consumer confidence in electronic commerce.

2. Each Party shall adopt or maintain laws and regulations which ensure the protection of personal information of the users of electronic commerce. In the development of laws and regulations for the protection of personal information, each Party shall take into account international standards, principles, guidelines and criteria of relevant international organizations or bodies.

3. Each Party shall endeavor to adopt non-discriminatory practices in protecting users of electronic commerce from personal information protection violations occurring within its jurisdiction.

4. Each Party should publish information on the personal information protections it provides to users of electronic commerce, including how:

- (a) individuals can pursue remedies; and
- (b) business can comply with any legal requirements.

5. Recognizing that the Parties may take different legal approaches to protecting personal information, each Party should encourage the development of cooperation to promote compatibility between these different regimes. This cooperation may include the recognition of regulatory outcomes, whether accorded autonomously or by mutual arrangement, or broader international frameworks. To this end, the Parties shall endeavor to exchange information on any such cooperation in their Areas and explore ways to extend that cooperation or other suitable arrangements to promote compatibility between them.

Article 96E Domestic Regulatory Frameworks

Each Party shall adopt or maintain a legal framework governing electronic transactions, taking into account the UNCITRAL Model Law on Electronic Commerce 1996, the United Nations Convention on the Use of Electronic Communications in International Contracts, done at New York, November 23, 2005 or other applicable international conventions and model laws related to electronic commerce.

Article 96F
Cross-Border Information Flows

1. The Parties recognize that each Party may have its own regulatory requirements concerning the transfer of information by electronic means.

2. Neither Party shall prevent the cross-border transfer of information by electronic means, including personal information, when such activity is for the conduct of the business of a covered person.

Note: For the purposes of this paragraph, Indonesia may adopt or maintain any measures that require certain information to be stored and processed in the Area of Indonesia, when businesses are performed for and on behalf of government authorities or institutions assigned by government authorities to operate the Electronic System Operations in accordance with the Government Regulation No. 71 of 2019 concerning Electronic System and Transaction Operation or its amendment and replacement.

3. Nothing in this Article shall prevent a Party from adopting or maintaining measures inconsistent with paragraph 2 that it considers necessary:

- (a) to achieve a legitimate public policy objective, provided that the measure is not applied in a manner which would constitute a means of arbitrary or unjustifiable discrimination or a disguised restriction on trade, and does not impose restrictions on transfers of information greater than are required to achieve the objective; or
- (b) for the protection of its essential security interest.

4. Paragraph 2 shall not apply to information held or processed by or on behalf of a Party, or measures related to such information, including measures related to its collection.

Article 96G
Location of Computing Facilities

1. The Parties recognize that each Party may have its own regulatory requirements regarding the use of computing facilities, including requirements that seek to ensure the security and confidentiality of communications.

2. Neither Party shall require a covered person to use or locate computing facilities in the Area of the Party as a condition for conducting business in that Area.

Note: For the purposes of this paragraph, Indonesia may adopt or maintain any measures that require certain information to be stored and processed in the Area of Indonesia, when businesses are performed for and on behalf of government authorities or institutions assigned by government authorities to operate the Electronic System Operations in accordance with the Government Regulation No. 71 of 2019 concerning Electronic System and Transaction Operation or its amendment and replacement.

3. Nothing in this Article shall prevent a Party from adopting or maintaining measures inconsistent with paragraph 2 that it considers necessary:

- (a) to achieve a legitimate public policy objective, provided that the measure is not applied in a manner which would constitute a means of arbitrary or unjustifiable discrimination or a disguised restriction on trade, and does not impose restrictions on the use or location of computing facilities greater than are required to achieve the objective; or
- (b) for the protection of its essential security interest.

4. Paragraph 2 shall not apply to information held or processed by or on behalf of a Party, or measures related to such information, including measures related to its collection.

Article 96H

Source Code

1. Neither Party shall require the transfer of, or access to, source code of software owned by a person of the other Party, as a condition for the import, distribution, sale or use of such software, or of products containing such software, in the Area of the former Party.

2. Nothing in this Article shall prevent a Party from adopting or maintaining measures inconsistent with paragraph 1 that it considers necessary:

- (a) to achieve a legitimate public policy objective, provided that the measure is not applied in a manner which would constitute a means of arbitrary or unjustifiable discrimination or a disguised restriction on trade, and does not impose restrictions on the transfer of, or access to, source code of software owned by a person of the other Party greater than are required to achieve the objective; or
- (b) for the protection of its essential security interest.

3. Nothing in this Article shall preclude:

- (a) the inclusion or implementation of terms and conditions related to the provision of source code in commercially negotiated contracts; or
- (b) a Party from requiring the modification of source code of software necessary for that software to comply with laws or regulations which are not inconsistent with this Agreement.

4. Measures that fall under subparagraph 2(b) shall not be subject to dispute settlement under Chapter 14.

Article 96I Cooperation

1. The Parties shall, where appropriate, cooperate to:

- (a) work together to assist small and medium enterprises to overcome obstacles in the use of electronic commerce;
- (b) identify areas for targeted cooperation between the Parties which will help the Parties implement or enhance their electronic commerce legal framework, such as research and training activities, capacity building, and the provision of technical assistance;
- (c) share information, experiences, and best practices in addressing challenges related to the development and use of electronic commerce;

- (d) encourage business sectors to develop methods or practices that enhance accountability and consumer confidence to foster the use of electronic commerce; and
- (e) actively participate in regional and multilateral fora to promote the development of electronic commerce.

2. The Parties shall endeavor to undertake forms of cooperation that build on and do not duplicate existing cooperation initiatives pursued in international fora."

Article 7

Article 106 of the Agreement shall be amended by deleting the expression "and" at the end of subparagraph 3(b), by deleting the period at the end of subparagraph 3(c) and replacing it by the expression "; and", and by inserting the following new subparagraph immediately after subparagraph 3(c):

- "(d) the Geneva Act of the Hague Agreement Concerning the International Registration of Industrial Designs of July 2, 1999."

Article 8

Article 112 of the Agreement shall be amended by inserting the following new paragraph immediately after paragraph 7:

- "8. Each Party shall provide that, where an application for a patent is translated into the national language of the Party, the applicant for the patent or the patent owner may correct errors in the translation of the application for a reasonable period of time before the decision of examination and after the grant of patent in order to ensure adequate and effective acquisition and enforcement of the patent in accordance with its laws and regulations.

Note: This paragraph shall apply where the application is filed in a language other than the national language of a Party and then translated into its national language, or where the application is translated into and filed in the national language of a Party on the basis of one or more earlier applications in a language other than its national language whose priority is claimed."

Article 9

Article 113 of the Agreement shall be amended as follows:

1. By inserting the following new sentence immediately after the second sentence of paragraph 1:

"Each Party shall provide that such protection shall not extend to designs dictated essentially by technical or functional considerations."; and

2. By inserting the following new paragraphs immediately after paragraph 5:

"6. Each Party shall provide that an applicant for registration of an industrial design may request the administrative authority for industrial designs to maintain the design unpublished for a period designated by the applicant not exceeding the period provided for in its laws and regulations.

7. Each Party shall ensure that the protection of an industrial design of a component part under paragraphs 1 and 3 is provided regardless of whether or not the component part is used for the purpose of the repair of a complex product so as to restore its original appearance, as long as the industrial design of the component part is registered."

Article 10

The following new Article shall be inserted immediately after Article 114 of the Agreement.

"Article 114A Geographical Indications

1. Each Party shall ensure, in accordance with its laws and regulations, adequate and effective means to protect geographical indications.

2. For the purposes of this Chapter, "geographical indications" are indications which identify a good as originating in the Area of a Party, or a region or locality in that Area, where a given quality, reputation or other characteristic of the good is essentially attributable to its geographical origin.

3. In respect of geographical indications and without prejudice to Article 23 of the TRIPS Agreement, the Parties shall provide the legal means for interested parties to prevent:

- (a) the use of any means in the designation or presentation of a good that indicates or suggests that the good in question originates in a geographical area other than the true place of origin in a manner which misleads the public as to the geographical origin of the good;
- (b) any use which constitutes an act of unfair competition within the meaning of Article 10bis of the Paris Convention for the Protection of Industrial Property, signed at Paris on March 20, 1883, as amended.

4. Each Party shall provide the legal means for interested parties to prevent in its Area the use of a geographical indication identifying at least wines, spirits and other alcoholic beverages as well as agricultural products for identical or like goods not originating in the place indicated by the geographical indication in question, even where the true origin of the goods is indicated or the geographical indication is used in translation or accompanied by expressions such as "kind", "type", "style", "imitation" or the like.

Note 1: Notwithstanding Article 120, each Party may, with respect to these obligations, instead provide for enforcement by administrative action.

Note 2: For the purposes of this Article, with respect to the protection of geographical indications in Japan, the term "alcoholic beverages" means beverages containing one percent of alcohol or more.

Note 3: For the purposes of this Article, with respect to the protection of geographical indications in Japan, the term "agricultural products" means agricultural, forestry, and fishery products as well as foodstuffs excluding alcoholic beverages.

Note 4: For the purposes of this paragraph, "like goods", in relation to a good for which a geographical indication has been protected in a Party's system, means a good that would fall within the same category of good as the good for which a geographical indication has been registered in that Party.

5. The Parties will endeavor to conclude an agreement on mutual recognition of geographical indications.

6. The Parties may exchange information on the protection of their geographical indications, including information on the system, procedures, and goods covered."

Article 11

Article 117 of the Agreement shall be amended as follows:

1. By deleting the expression "and" at the end of subparagraph 3(c), deleting the period at the end of subparagraph 3(d) and replacing it by the expression "; and", and by inserting the following new subparagraph immediately after subparagraph 3(d):

"(e) acts of acquiring or holding right to use domain names identical to a specific indication of goods or services of another person, or using such domain names, with intention to gain unfair profit or intention of causing damage to such person."; and

2. By deleting the expression "identical or" in subparagraph 4(c).

Article 12

Article 119 of the Agreement shall be deleted and replaced by the following Article:

"Article 119

Enforcement - Border Measures

1. Each Party shall adopt procedures to enable a right holder, who has valid grounds for suspecting that the importation or exportation of counterfeit trademark or pirated copyright goods may take place, to lodge an application with competent authorities, administrative or judicial, for the suspension by the customs authority of the release into free circulation of such goods. Each Party shall provide for such applications to apply to multiple shipments.

Note: A Party may comply with the obligation in paragraphs 1, 3 and 4 by providing for a recordation system that enables a right holder to record its valid trademark or copyright with its customs authority.

2. Without prejudice to a Party's laws pertaining to the privacy or confidentiality of information, where its customs authority has detained or suspended the release of goods that are suspected of being counterfeit trademark or pirated copyright goods, that Party shall provide that its customs authority has the authority to inform the right holder of the name and address of the consignor, importer, exporter, or consignee, a description of goods, quantity of goods and, if known, the country of origin of the goods.

3. Each Party shall adopt or maintain procedures with respect to import and export shipments under which its customs authority may act upon their own initiative to suspend the release of suspected counterfeit trademark or pirated copyright goods.

4. Each Party shall ensure that a right holder may provide to its customs authority within a reasonable period any information that may assist it in taking the border measures referred to in this Article.

5. Each Party shall adopt or maintain procedures by which its competent authorities, administrative or judicial, may determine, within a reasonable period after the initiation of the procedures described in paragraphs 1 and 3, whether suspected counterfeit trademark or pirated copyright goods are infringing intellectual property rights.

6. Each Party shall provide that its competent authorities have the authority to order the destruction of goods that are determined as counterfeit trademark or pirated copyright goods. In cases where such goods are not destroyed, each Party shall ensure that, except in exceptional circumstances, such goods are disposed of outside the channels of commerce in such a manner as to avoid any harm to the right holder. With regard to counterfeit trademark goods, the simple removal of the trademark unlawfully affixed shall not be sufficient other than in exceptional cases, to permit the release of the goods into the channels of commerce.

Note: For the purposes of this paragraph, the term "competent authorities" may include the judicial authorities.

7. Where an application fee, merchandise storage fee or destruction fee is assessed in connection with border measures to enforce an intellectual property right, each Party shall provide that the fee shall not be set at an amount that deters recourse to these measures."

Article 13

Article 120 of the Agreement shall be amended as follows:

1. By renumbering existing paragraph 2 as paragraph 3; and

2. By deleting paragraph 1 and replacing it by the following paragraphs:

"1. Each Party shall provide that, in civil judicial proceedings concerning the enforcement of intellectual property rights, its judicial authorities have the authority to order the infringer to pay the right holder damages adequate to compensate for the injury the right holder has suffered because of an infringement of that person's intellectual property right by an infringer who knowingly, or with reasonable grounds to know, engaged in infringing activities.

2. In determining the amount of damages referred to in paragraph 1, a Party's judicial authorities shall have the authority to consider any legitimate measure of value the right holder submits, which may include the value of the infringed goods or services, measured by the market price."

Article 14

Article 121 of the Agreement shall be amended by numbering the existing paragraph as paragraph 1 and inserting the following new paragraph thereafter:

"2. With respect to the offences specified in paragraph 1, each Party shall provide that its judicial authorities have the authority to order the forfeiture or destruction of counterfeit trademark or pirated copyright goods, and of any materials and implements used in the creation thereof. Each Party shall ensure that the forfeiture or destruction of such goods, and of any materials and implements thereof shall occur without compensation of any sort to the infringer."

Article 15

The following new Articles shall be inserted immediately after the heading of Chapter 10 of the Agreement:

"Article 123A Principles

1. Recognizing the importance of government procurement in further improving the business environment in order to increase economic growth of the Parties, each Party shall endeavor to:

- (a) enhance transparency of the measures regarding government procurement; and
- (b) implement in an objective and effective manner the measures regarding government procurement.

2. A procuring entity shall conduct government procurement in a transparent and impartial manner that:

- (a) avoids conflicts of interest; and
- (b) prevents corrupt practices.

Article 123B Procurement Information

Each Party shall promptly publish any law, regulation, judicial decision, administrative ruling of general application and administrative procedure regarding its government procurement, and any modifications thereof, in an officially designated electronic or paper medium that is widely disseminated and remains readily accessible to the public.

Article 123C Further Negotiation

In the event that, after the entry into force of the Protocol, a Party offers a non-Party any advantages of access to its government procurement market, the former Party shall, upon request of the other Party, afford adequate opportunity to enter into negotiations with the other Party."

Article 16

Article 124 of the Agreement shall be amended as follows:

1. By deleting paragraph 2 and replacing it by the following paragraph:

"2. Each Party shall designate a contact point to facilitate communication, exchange of information, cooperation and consultation between the Parties on any matters relating to this Chapter."; and

2. By inserting the following new paragraph immediately after new paragraph 2:

"3. Upon entry into force of the Protocol, each Party shall notify the other Party of its contact point referred to in paragraph 2. Each Party shall notify the other Party of any changes to its contact point."

Article 17

The following new Article shall be inserted immediately after Article 124 of the Agreement:

"Article 124A Cooperation

The Parties shall cooperate, on mutually agreed terms, to increase understanding of their respective government procurement systems with a view to increasing government procurement market access opportunities."

Article 18

Article 125 of the Agreement shall be amended by deleting the expression "by its governmental authority referred to in paragraph 2 of Article 124" in paragraph 2 and replacing it by the expression "by its contact points referred to in paragraph 2 of Article 124".

Article 19

Article 150 of the Agreement shall be deleted and replaced by the following Article:

"Article 150
Annexes, Appendices and Notes

The Annexes, Appendices and Notes to this Agreement shall form an integral part of this Agreement."

Article 20

Article 152 of the Agreement shall be amended by deleting paragraph 3 and replacing it by the following paragraph:

"3. Notwithstanding paragraph 2, amendments relating only to the following Annexes may be made by diplomatic notes exchanged between the Governments of the Parties:

- (a) Annex 1, provided that the amendments are made in accordance with the amendments to the HS, and include no change on the rates of customs duty to be applied by a Party to the originating goods of the other Party in accordance with Annex 1;
- (b) Annex 2; and
- (c) Annex 3."

Article 21

Annex 1 to the Agreement shall be amended as provided for in Annex B and its Appendix to this Protocol.

Article 22

Annex 8 to the Agreement shall be amended as provided for in Annex C to this Protocol.

Article 23

Annex 9 to the Agreement shall be amended as provided for in Annex D to this Protocol.

Article 24

Annex 10 to the Agreement shall be amended as provided for in Annex E to this Protocol.

Article 25

The annexes and their appendices to this Protocol shall form an integral part of this Protocol.

Article 26

1. This Protocol shall enter into force on the first day of the second month following the date on which the Governments of the Parties exchange diplomatic notes informing each other that their respective legal procedures necessary for entry into force of this Protocol have been completed.

2. This Protocol shall remain in force as long as the Agreement remains in force.

IN WITNESS WHEREOF, the undersigned, being duly authorized thereto by their respective Governments, have signed this Protocol.

DONE at Tokyo and Jakarta on the eighth day of August in the year 2024 in duplicate in the English, Japanese and Indonesian languages, except for Part 3 of Annex B and Part 2 of Annex C, which are done in duplicate in the English and Indonesian languages. All texts of this Protocol shall be equally authentic. The Japanese and Indonesian texts are made for reference purpose for this Protocol, and in the event of any divergence of interpretation, the English text shall prevail.

For Japan:

For the Republic of Indonesia:

上川 陽子
Minister for Foreign
Affairs

Zulkifli Hasan
Minister of Trade

Annex A
Amendment to the Table of Contents of the Agreement

Table of Contents

Preamble

Chapter 1 General Provisions

 Article 1 Objectives

 Article 2 General Definitions

 Article 3 Transparency

 Article 4 Public Comment Procedures

 Article 5 Administrative Procedures

 Article 6 Review and Appeal

 Article 7 Administrative Guidance

 Article 8 Measures against Corruption and Bribery

 Article 9 Confidential Information

 Article 10 Taxation

 Article 11 General and Security Exceptions

 Article 12 Relation to Other Agreements

 Article 13 Implementing Agreement

 Article 14 Joint Committee

 Article 15 Sub-Committees

 Article 16 Communications

Chapter 2 Trade in Goods

 Article 17 Definitions

 Article 18 Classification of Goods

 Article 19 National Treatment

 Article 20 Elimination of Customs Duties

Article 21	Customs Valuation
Article 22	Export Subsidies
Article 23	Non-tariff Measures
Article 24	Bilateral Safeguard Measures
Article 25	Restrictions to Safeguard the Balance of Payments
Article 26	Sub-Committee on Trade in Goods
Article 27	Operational Procedures for Trade in Goods
Chapter 3	Rules of Origin
Article 28	Definitions
Article 29	Originating Goods
Article 30	Accumulation
Article 31	<i>De Minimis</i>
Article 32	Non-qualifying Operations
Article 33	Consignment Criteria
Article 34	Unassembled or Disassembled Goods
Article 35	Fungible Goods and Materials
Article 36	Indirect Materials
Article 37	Accessories, Spare Parts and Tools
Article 38	Packaging Materials and Containers for Retail Sale
Article 39	Packing Materials and Containers for Shipment
Article 40	Claim for Preferential Tariff Treatment
Article 41	Certificate of Origin
Article 42	Obligations regarding Exportations
Article 43	Request for Checking of Certificate of Origin

Article 44	Verification Visit
Article 45	Determination of Origin and Preferential Tariff Treatment
Article 46	Confidentiality
Article 47	Penalties and Measures against False Declaration
Article 48	Miscellaneous
Article 49	Sub-Committee on Rules of Origin
Article 50	Operational Procedures for Rules of Origin
Chapter 4	Customs Procedures
Article 51	Scope
Article 52	Definition
Article 53	Transparency
Article 54	Customs Clearance
Article 55	Cooperation and Exchange of Information
Article 56	Sub-Committee on Customs Procedures
Chapter 5	Investment
Article 57	Scope
Article 58	Definitions
Article 59	National Treatment
Article 60	Most-Favoured-Nation Treatment
Article 61	General Treatment
Article 62	Access to the Courts of Justice
Article 63	Prohibition of Performance Requirements
Article 64	Reservations and Exceptions
Article 65	Expropriation and Compensation
Article 66	Protection from Strife
Article 67	Transfers

Article 68	Subrogation
Article 69	Settlement of Investment Disputes between a Party and an Investor of the Other Party
Article 70	Temporary Safeguard Measures
Article 71	Prudential Measures
Article 72	Denial of Benefits
Article 73	Taxation Measures as Expropriation
Article 74	Environmental Measures
Article 75	Sub-Committee on Investment
Chapter 6	Trade in Services
Article 76	Scope
Article 77	Definitions
Article 78	Market Access
Article 79	National Treatment
Article 80	Additional Commitments
Article 81	Schedule of Specific Commitments
Article 82	Most-Favoured-Nation Treatment
Article 83	Authorization, Licensing or Qualification
Article 84	Mutual Recognition
Article 85	Transparency
Article 86	Monopolies and Exclusive Service Suppliers
Article 87	Payments and Transfers
Article 88	Restrictions to Safeguard the Balance of Payments
Article 89	Emergency Safeguard Measures
Article 90	Denial of Benefits
Article 91	Sub-Committee on Trade in Services

Chapter 7	Movement of Natural Persons
Article 92	Scope
Article 93	Definition
Article 94	Specific Commitments
Article 95	Requirements and Procedures
Article 96	Sub-Committee on Movement of Natural Persons
Chapter 7A	Electronic Commerce
Article 96A	Scope
Article 96B	Definitions
Article 96C	Online Consumer Protection
Article 96D	Personal Information Protection
Article 96E	Domestic Regulatory Frameworks
Article 96F	Cross-Border Information Flows
Article 96G	Location of Computing Facilities
Article 96H	Source Code
Article 96I	Cooperation
Chapter 8	Energy and Mineral Resources
Article 97	Definitions
Article 98	Promotion and Facilitation of Investment
Article 99	Import and Export Restrictions
Article 100	Export Licensing Procedures and Administrations
Article 101	Energy and Mineral Resource Regulatory Measures
Article 102	Environmental Aspects
Article 103	Community Development
Article 104	Cooperation

Article 105	Sub-Committee on Energy and Mineral Resources
Chapter 9	Intellectual Property
Article 106	General Provisions
Article 107	Definitions
Article 108	National Treatment and Most-Favoured-Nation Treatment
Article 109	Procedural Matters
Article 110	Transparency
Article 111	Promotion of Public Awareness of Protection of Intellectual Property
Article 112	Patents
Article 113	Industrial Designs
Article 114	Trademarks
Article 114A	Geographical Indications
Article 115	Copyright and Related Rights
Article 116	New Varieties of Plants
Article 117	Acts of Unfair Competition
Article 118	Protection of Undisclosed Information
Article 119	Enforcement - Border Measures
Article 120	Enforcement - Civil Remedies
Article 121	Enforcement - Criminal Remedies
Article 122	Cooperation
Article 123	Sub-Committee on Intellectual Property
Chapter 10	Government Procurement
Article 123A	Principles
Article 123B	Procurement Information
Article 123C	Further Negotiation
Article 124	Exchange of Information

Article 124A	Cooperation
Article 125	Sub-Committee on Government Procurement
Chapter 11	Competition
Article 126	Promotion of Competition by Addressing Anti-competitive Activities
Article 127	Cooperation on the Promotion of Competition
Article 128	Non-Discrimination
Article 129	Procedural Fairness
Article 130	Non-Application of Paragraph 2 of Article 9
Chapter 12	Improvement of Business Environment and Promotion of Business Confidence
Article 131	Basic Principles
Article 132	Sub-Committee on Improvement of Business Environment and Promotion of Business Confidence
Article 133	Liaison Office on Improvement of Business Environment
Chapter 13	Cooperation
Article 134	Basic Principles
Article 135	Areas and Forms of Cooperation
Article 136	Costs of Cooperation
Article 137	Sub-Committee on Cooperation
Chapter 14	Dispute Settlement
Article 138	Scope
Article 139	General Principle
Article 140	Consultations
Article 141	Good Offices, Conciliation or Mediation
Article 142	Establishment of Arbitral Tribunals
Article 143	Functions of Arbitral Tribunals

Article 144	Proceedings of Arbitral Tribunals
Article 145	Suspension and Termination of Proceedings
Article 146	Implementation of Award
Article 147	Modification of Time Periods
Article 148	Expenses
Chapter 15	Final Provisions
Article 149	Table of Contents and Headings
Article 150	Annexes, Appendices and Notes
Article 151	General Review
Article 152	Amendment
Article 153	Entry into Force
Article 154	Termination
Annex 1 referred to in Chapter 2	Schedules in relation to Article 20
Appendix A	Certificates in relation to paragraph 7 of Section 1 of Part 2 of Annex 1
Annex 2 referred to in Chapter 3	Product Specific Rules
Annex 3 referred to in Chapter 3	Minimum Data Requirement for Certificate of Origin
Annex 4 referred to in Chapter 5	Reservations for Measures referred to in Subparagraph 1(a) of Article 64
Annex 5 referred to in Chapter 5	Reservations for Measures referred to in Paragraph 3 of Article 64
Annex 6 referred to in Chapter 5	Additional Provisions with respect to the Settlement of Investment Disputes referred to in Paragraph 21 of Article 69
Annex 7 referred to in Chapter 6	Financial Services

Annex 8 referred to in Chapter 6	Schedules of Specific Commitments in relation to Article 81
Annex 9 referred to in Chapter 6	Lists of Most-Favoured-Nation Treatment Exemptions in relation to Article 82
Annex 10 referred to in Chapter 7	Specific Commitments for the Movement of Natural Persons
Annex 11 referred to in Chapter 8	List of Energy and Mineral Resource Goods
Annex 12 referred to in Chapter 8	Additional Provisions with respect to the Promotion and Facilitation of Investment in the Energy and Mineral Resource Sector referred to in Paragraph 2 of Article 98

Annex B
Amendment to Annex 1 referred to in Chapter 2
Schedules in relation to Article 20 of the Agreement

Part 1
General Notes

Article B1

Paragraph 1 of Part 1 of Annex 1 to the Agreement shall be amended as follows:

1. By deleting the expression "Section 2 of Part 2 and Section 2 of Part 3" in the chapeau and replacing it by the expression "Sections 2 and 3 of Part 2 and Sections 2 and 3 of Part 3";

2. By deleting the expression "the Schedule of Japan" in subparagraph (h) and replacing it by the expression "each Party's Schedule"; and

3. By renumbering subparagraph (j) as subparagraph (r), deleting the expression "and" at the end of subparagraph (i), and inserting the following new subparagraphs immediately after subparagraph (i):

"(j) Customs duties on originating goods classified under the tariff lines indicated with "E0" shall be eliminated as from the date of entry into force of the Protocol;

(k) Customs duties on originating goods classified under the tariff lines indicated with "E3" shall be eliminated in four equal annual installments from the Base Rate to free, as from the date of entry into force of the Protocol;

(l) Customs duties on originating goods classified under the tariff lines indicated with "E5" shall be eliminated in six equal annual installments from the Base Rate to free, as from the date of entry into force of the Protocol;

(m) Customs duties on originating goods classified under the tariff lines indicated with "E7" shall be eliminated in eight equal annual installments from the Base Rate to free, as from the date of entry into force of the Protocol;

- (n) Customs duties on originating goods classified under the tariff lines indicated with "E10" shall be eliminated in 11 equal annual installments from the Base Rate to free, as from the date of entry into force of the Protocol;
- (o) Customs duties on originating goods classified under the tariff lines indicated with "E15" shall be eliminated in 16 equal annual installments from the Base Rate to free, as from the date of entry into force of the Protocol;
- (p) Customs duties on originating goods classified under the tariff lines indicated with "D2" shall be reduced by two percent in two equal annual installments from the Base Rate, as from the date of entry into force of the Protocol;
- (q) Customs duties on originating goods classified under the tariff lines indicated with "D5" shall be reduced by five percent in five equal annual installments from the Base Rate, as from the date of entry into force of the Protocol; and"

Article B2

Paragraph 3 of Part 1 of Annex 1 to the Agreement shall be deleted and replaced by the following paragraphs:

"3. Section 2 of Part 2 and Section 2 of Part 3 are made based on the Harmonized System as amended on 1 January 2002 and Section 3 of Part 2 and Section 3 of Part 3 are made based on the Harmonized System as amended on 1 January 2017.

3A. The tariff commitments provided for in the Schedule of Japan set out in Section 3 of Part 2 shall supersede the corresponding tariff commitments provided for in the Schedule of Japan set out in Section 2 of Part 2.

3B. The tariff commitments provided for in the Schedule of Indonesia set out in Section 3 of Part 3 shall supersede the corresponding tariff commitments provided for in the Schedule of Indonesia set out in Section 2 of Part 3."

Article B3

Paragraph 4 of Part 1 of Annex 1 to the Agreement shall be amended by deleting the expression "Section 2 of Part 2 and Section 2 of Part 3" and replacing it by the expression "Sections 2 and 3 of Part 2 and Sections 2 and 3 of Part 3".

Article B4

Paragraph 5 of Part 1 of Annex 1 to the Agreement shall be amended by deleting subparagraphs (a) and (b) and replacing them by the following subparagraphs:

- "(a) The reduction for the purposes of subparagraphs 1(a) through (g) for the first year shall take place on the date of entry into force of this Agreement;
- (b) The reduction for the purposes of subparagraphs 1(h) and (j) through (q) for the first year shall take place on the date of entry into force of the Protocol; and
- (c) The subsequent annual reductions shall take place on April 1 of each following year in the cases of this Part, as far as the Schedule of Japan is concerned, and Part 2, and on January 1 of each following year in the cases of this Part, as far as the Schedule of Indonesia is concerned, and Part 3."

Article B5

Paragraph 6 of Part 1 of Annex 1 to the Agreement shall be deleted and replaced by the following paragraph:

"6. For the purposes of this Part, as far as the Schedule of Japan is concerned, and Part 2, the term "year" means:

- (a) with respect to the first year:
 - (i) for the purposes of subparagraphs 1(a) through (g) and subparagraph 5(a) of this Part and paragraphs 1, 4 and 5 of Section 1 and Section 2 of Part 2, the period from the date of entry into force of this Agreement until the coming March 31; and

- (ii) for the purposes of subparagraphs 1(h) and (j) through (o), subparagraph 5(b) and paragraph 8 of this Part and paragraphs 2, 3, 6 and 7 of Section 1 and Section 3 of Part 2, the period from the date of entry into force of the Protocol until the coming March 31; and
- (b) with respect to each subsequent year, the twelve-month period which starts on April 1 of that year."

Article B6

Paragraph 7 of Part 1 of Annex 1 to the Agreement shall be deleted and replaced by the following paragraph:

"7. For the purposes of this Part, as far as the Schedule of Indonesia is concerned, and Part 3, the term "year" means:

- (a) with respect to the first year:
 - (i) for the purposes of subparagraphs 1(a) through (g) and subparagraph 5(a) of this Part and Section 1 (except paragraphs 2A and 15A) and Section 2 of Part 3, the period from the date of entry into force of this Agreement until the coming December 31; and
 - (ii) for the purposes of subparagraphs 1(h), (l), (p) and (q), subparagraph 5(b) and paragraph 8 of this Part and paragraphs 2A and 15A of Section 1 and Section 3 of Part 3, the period from the date of entry into force of the Protocol until the coming December 31; and
- (b) with respect to each subsequent year, the twelve-month period which starts on January 1 of that year."

Article B7

Paragraph 8 of Part 1 of Annex 1 to the Agreement shall be deleted and replaced by the following paragraph:

"8. For the purposes of implementing tariff rate quota, where the first year is less than twelve months, the aggregate quota quantity for the first year set out in Section 1 of Part 2 and Section 1 of Part 3 shall be reduced to a part of the aggregate quota quantity that is proportional to the number of complete months remaining in the first year. Notwithstanding the previous sentence, with respect to the aggregate quota quantity set out in Section 1 of Part 2, when such quantity reduced in accordance with the previous sentence is less than the aggregate quota quantity already applied in the first year prior to the entry into force of the Protocol, the latter shall be the aggregate quota quantity for that year. For the purposes of this note, any fraction less than 1.0 shall be rounded to the nearest whole number (in the case of 0.5, the fraction is rounded to 1.0), provided that the unit specified in relevant notes in Section 1 of Part 2 and Section 1 of Part 3 shall be applied."

Part 2
Schedule of Japan

Article B8

Section 1 of Part 2 of Annex 1 to the Agreement shall be amended as follows:

1. By deleting the expressions "a serial number from 1 through 6" and "Section 2" in the chapeau and replacing them respectively by the expressions "a serial number from 1 through 7" and "Sections 2 and 3";

2. By deleting subparagraph 2(a)(i) and replacing it by the following subparagraph:

"(i) From the date of entry into force of the Protocol, the aggregate quota quantity shall be 4,000 metric tons for each year.";

3. By deleting subparagraph 2(a)(iv);

4. By deleting subparagraph 3(a)(i) and replacing it by the following subparagraph:

"(i) From the date of entry into force of the Protocol, the aggregate quota quantity shall be 800 metric tons for each year.";

5. By deleting subparagraph 3(a)(iv);

6. By deleting subparagraph 6(a)(i) and replacing it by the following subparagraph:

"(i) From the date of entry into force of the Protocol, the aggregate quota quantity shall be 30,000 metric tons for each year."

7. By deleting subparagraph 6(a)(iv);

8. By inserting the following new paragraph immediately after paragraph 6:

"7. Elimination of customs duties in accordance with the categories indicated in Column 4 shall be applied to originating goods which are certified by the Government of Indonesia in accordance with Appendix A to this Annex."; and

9. Appendix A attached to this Annex to this Protocol shall be added to the Agreement as Appendix A to Annex 1 to the Agreement.

Article B9

Part 2 of Annex 1 to the Agreement shall be amended as follows:

1. By inserting the following heading of a new Section immediately after Section 2:

"Section 3
Schedule of Japan Modifying Tariff Commitments provided for
in Schedule in Section 2"; and

2. By inserting the following immediately after the heading of new Section 3:

Column 1	Column 2	Column 3	Column 4	Column 5
Tariff item number	Description of goods	Base Rate	Category	Note
Chapter 3	Fish and crustaceans, molluscs and other aquatic invertebrates			
03.01	Live fish.			
	- Other live fish:			
ex.0301.94	-- Atlantic and Pacific bluefin tunas (<i>Thunnus thynnus</i> , <i>Thunnus orientalis</i>):			
	Other than fry for fish culture:			
	Atlantic bluefin tunas (<i>Thunnus thynnus</i>)	3.5%	E5	
	Pacific bluefin tunas (<i>Thunnus orientalis</i>)	3.5%	E5	
ex.0301.95	-- Southern bluefin tunas (<i>Thunnus maccoyii</i>):			
	Other than fry for fish culture	3.5%	E5	
ex.0301.99	-- Other:			
	Other than fry for fish culture:			
	Other:			
	Hirame (<i>Paralichthys spp.</i>)	3.5%	E5	
03.02	Fish, fresh or chilled, excluding fish fillets and other fish meat of heading 03.04.			

Column 1	Column 2	Column 3	Column 4	Column 5
Tariff item number	Description of goods	Base Rate	Category	Note
	- Tunas (of the genus <i>Thunnus</i>), skipjack or stripe-bellied bonito (<i>Euthynnus (Katsuwonus) pelamis</i>), excluding edible fish offal of subheadings 0302.91 to 0302.99:			
0302.33	-- Skipjack or stripe-bellied bonito	3.5%	E5	
ex.0302.35	-- Atlantic and Pacific bluefin tunas (<i>Thunnus thynnus</i> , <i>Thunnus orientalis</i>):			
	Pacific bluefin tunas (<i>Thunnus orientalis</i>)		E0	
0302.39	-- Other		E0	
03.03	Fish, frozen, excluding fish fillets and other fish meat of heading 03.04.			
	- Tunas (of the genus <i>Thunnus</i>), skipjack or stripe-bellied bonito (<i>Euthynnus (Katsuwonus) pelamis</i>), excluding edible fish offal of subheadings 0303.91 to 0303.99:			
0303.42	-- Yellowfin tunas (<i>Thunnus albacares</i>)	3.5%	E5	
ex.0303.45	-- Atlantic and Pacific bluefin tunas (<i>Thunnus thynnus</i> , <i>Thunnus orientalis</i>):			
	Pacific bluefin tunas (<i>Thunnus orientalis</i>)		E0	
0303.49	-- Other		E0	
	- Other fish, excluding edible fish offal of subheadings 0303.91 to 0303.99:			
0303.81	-- Dogfish and other sharks		E0	
ex.0303.89	-- Other:			
	Other than Nishin (<i>Clupea spp.</i>), Buri (<i>Seriola spp.</i>), Saba (<i>Scomber spp.</i>) and red-eye round herring (<i>Etrumeus spp.</i>); Barracouta (<i>Sphyraenidae</i> and <i>Gempylidae</i>), king-clip (<i>Genypterus spp.</i>) or sea breams (<i>Sparidae</i>):			
	Hairtails	3.5%	E5	
	Other, excluding Fugu, Menuke (<i>Sebastes spp.</i>), Sable fish, Alfonsino, Sweetfish or North Pacific armorhead (<i>Pseudopentaceros wheeleri</i>):			

Column 1	Column 2	Column 3	Column 4	Column 5
Tariff item number	Description of goods	Base Rate	Category	Note
	Samma (<i>Cololabis spp.</i>) other than Pacific saury (<i>Cololabis saira</i>)		X	
	Other	3.5%	E15	
03.04	Fish fillets and other fish meat (whether or not minced), fresh, chilled or frozen. - Fresh or chilled fillets of tilapias (<i>Oreochromis spp.</i>), catfish (<i>Pangasius spp.</i> , <i>Silurus spp.</i> , <i>Clarias spp.</i> , <i>Ictalurus spp.</i>), carp (<i>Cyprinus spp.</i> , <i>Carassius spp.</i> , <i>Ctenopharyngodon idellus</i> , <i>Hypophthalmichthys spp.</i> , <i>Cirrhinus spp.</i> , <i>Mylopharyngodon piceus</i> , <i>Catla catla</i> , <i>Labeo spp.</i> , <i>Osteochilus hasselti</i> , <i>Leptobarbus hoeveni</i> , <i>Megalobrama spp.</i>), eels (<i>Anguilla spp.</i>), Nile perch (<i>Lates niloticus</i>) and snakeheads (<i>Channa spp.</i>):			
0304.31	-- Tilapias (<i>Oreochromis spp.</i>)	3.5%	E5	
0304.32	-- Catfish (<i>Pangasius spp.</i> , <i>Silurus spp.</i> , <i>Clarias spp.</i> , <i>Ictalurus spp.</i>)	3.5%	E5	
0304.39	-- Other - Fresh or chilled fillets of other fish:	3.5%	E5	
0304.45	-- Swordfish (<i>Xiphias gladius</i>)	3.5%	E5	
0304.48	-- Rays and skates (<i>Rajidae</i>)	3.5%	E5	
ex.0304.49	-- Other: Other than Nishin (<i>Clupea spp.</i>), Buri (<i>Seriola spp.</i>), Saba (<i>Scomber spp.</i>), Iwashi (<i>Etrumeus spp.</i> , <i>Sardinops spp.</i> and <i>Engraulis spp.</i>), Aji (<i>Trachurus spp.</i> and <i>Decapterus spp.</i>) or Samma (<i>Cololabis spp.</i>): Other than Bluefin tunas (<i>Thunnus thynnus</i> , <i>Thunnus orientalis</i>) or Southern bluefin tunas (<i>Thunnus maccoyii</i>)	3.5%	E5	
ex.0304.59	- Other, fresh or chilled: -- Other: Other than Nishin (<i>Clupea spp.</i>), Buri (<i>Seriola spp.</i>), Saba (<i>Scomber spp.</i>), Iwashi (<i>Etrumeus spp.</i> , <i>Sardinops spp.</i> and <i>Engraulis spp.</i>), Aji (<i>Trachurus spp.</i> and <i>Decapterus spp.</i>) or Samma (<i>Cololabis spp.</i>):			

Column 1	Column 2	Column 3	Column 4	Column 5
Tariff item number	Description of goods	Base Rate	Category	Note
	<p>Other than Barracouta (<i>Sphyraenidae</i> and <i>Gempylidae</i>), king-clip (<i>Genypterus spp.</i>) or sea breams (<i>Sparidae</i>):</p> <p>Other than Bluefin tunas (<i>Thunnus thynnus</i>, <i>Thunnus orientalis</i>) or Southern bluefin tunas (<i>Thunnus maccoyii</i>)</p>		E0	
03.05	Fish, dried, salted or in brine; smoked fish, whether or not cooked before or during the smoking process; flours, meals and pellets of fish, fit for human consumption.			
	- Dried fish, other than edible fish offal, whether or not salted but not smoked:			
0305.52	-- Tilapias (<i>Oreochromis spp.</i>), catfish (<i>Pangasius spp.</i> , <i>Silurus spp.</i> , <i>Clarias spp.</i> , <i>Ictalurus spp.</i>), carp (<i>Cyprinus spp.</i> , <i>Carassius spp.</i> , <i>Ctenopharyngodon idellus</i> , <i>Hypophthalmichthys spp.</i> , <i>Cirrhinus spp.</i> , <i>Mylopharyngodon piceus</i> , <i>Catla catla</i> , <i>Labeo spp.</i> , <i>Osteochilus hasselti</i> , <i>Leptobarbus hoeveni</i> , <i>Megalobrama spp.</i>), eels (<i>Anguilla spp.</i>), Nile perch (<i>Lates niloticus</i>) and snakeheads (<i>Channa spp.</i>)	10.5%	E7	
ex.0305.54	-- Herrings (<i>Clupea harengus</i> , <i>Clupea pallasii</i>), anchovies (<i>Engraulis spp.</i>), sardines (<i>Sardina pilchardus</i> , <i>Sardinops spp.</i>), sardinella (<i>Sardinella spp.</i>), brisling or sprats (<i>Sprattus sprattus</i>), mackerel (<i>Scomber scombrus</i> , <i>Scomber australasicus</i> , <i>Scomber japonicus</i>), Indian mackerels (<i>Rastrelliger spp.</i>), seerfishes (<i>Scomberomorus spp.</i>), jack and horse mackerel (<i>Trachurus spp.</i>), jacks, crevalles (<i>Caranx spp.</i>), cobia (<i>Rachycentron canadum</i>), silver pomfrets (<i>Pampus spp.</i>), Pacific saury (<i>Cololabis saira</i>), scads (<i>Decapterus spp.</i>), capelin (<i>Mallotus villosus</i>), swordfish (<i>Xiphias gladius</i>), Kawakawa (<i>Euthynnus affinis</i>), bonitos (<i>Sarda spp.</i>), marlins, sailfishes, spearfish (<i>Istiophoridae</i>):			

Column 1	Column 2	Column 3	Column 4	Column 5
Tariff item number	Description of goods	Base Rate	Category	Note
ex.0305.59	<p>Other than Herrings (<i>Clupea harengus</i>, <i>Clupea pallasii</i>), Iwashi (<i>Sardinops spp.</i> and <i>Engraulis spp.</i>), mackerel (<i>Scomber scombrus</i>, <i>Scomber australasicus</i>, <i>Scomber japonicus</i>), Aji (<i>Trachurus spp.</i> and <i>Decapterus spp.</i>) or Pacific saury (<i>Cololabis saira</i>)</p> <p>-- Other:</p> <p>Other than Salmonidae:</p> <p>Other than Nishin (<i>Clupea spp.</i>), Buri (<i>Seriola spp.</i>), Saba (<i>Scomber spp.</i>) or red-eye round herring (<i>Etrumeus spp.</i>):</p> <p>Samma (<i>Cololabis spp.</i>) other than Pacific saury (<i>Cololabis saira</i>)</p> <p>Other</p> <p>- Fish fins, heads, tails, maws and other edible fish offal:</p>	10.5%	E7	
ex.0305.72	<p>-- Fish heads, tails and maws:</p> <p>Other than maws:</p> <p>Dried:</p> <p>Other than Salmonidae:</p> <p>Other than Nishin (<i>Clupea spp.</i>), Tara (<i>Gadus spp.</i>, <i>Theragra spp.</i> and <i>Merluccius spp.</i>), Buri (<i>Seriola spp.</i>), Saba (<i>Scomber spp.</i>), Iwashi (<i>Etrumeus spp.</i>, <i>Sardinops spp.</i> and <i>Engraulis spp.</i>), Aji (<i>Trachurus spp.</i> and <i>Decapterus spp.</i>) or Samma (<i>Cololabis spp.</i>)</p>	10.5%	E15	
ex.0305.79	<p>-- Other:</p> <p>Other than Viscera:</p> <p>Dried:</p> <p>Other than Salmonidae:</p>	10.5%	E7	

Column 1	Column 2	Column 3	Column 4	Column 5
Tariff item number	Description of goods	Base Rate	Category	Note
	Other than Nishin (<i>Clupea spp.</i>), Tara (<i>Gadus spp.</i> , <i>Theragra spp.</i> and <i>Merluccius spp.</i>), Buri (<i>Seriola spp.</i>), Saba (<i>Scomber spp.</i>), Iwashi (<i>Etrumeus spp.</i> , <i>Sardinops spp.</i> and <i>Engraulis spp.</i>), Aji (<i>Trachurus spp.</i> and <i>Decapterus spp.</i>) or Samma (<i>Cololabis spp.</i>)	10.5%	E7	
03.06	Crustaceans, whether in shell or not, live, fresh, chilled, frozen, dried, salted or in brine; smoked crustaceans, whether in shell or not, whether or not cooked before or during the smoking process; crustaceans, in shell, cooked by steaming or by boiling in water, whether or not chilled, frozen, dried, salted or in brine; flours, meals and pellets of crustaceans, fit for human consumption.			
ex.0306.14	- Frozen: -- Crabs: Swimming crabs (<i>Portunus spp.</i>)	4.0%	E5	
ex.0306.33	- Live, fresh or chilled: -- Crabs: Swimming crabs (<i>Portunus spp.</i>)	4.0%	E5	
0306.93	- Other: -- Crabs: Smoked Other	7.2% 10.0%	E5 E7	
03.07	Molluscs, whether in shell or not, live, fresh, chilled, frozen, dried, salted or in brine; smoked molluscs, whether in shell or not, whether or not cooked before or during the smoking process; flours, meals and pellets of molluscs, fit for human consumption.			
ex.0307.19	- Oysters: -- Other: Smoked: Adductors of shellfish	6.7%	E3	

Column 1	Column 2	Column 3	Column 4	Column 5
Tariff item number	Description of goods	Base Rate	Category	Note
	- Scallops, including queen scallops, of the genera <i>Pecten</i> , <i>Chlamys</i> or <i>Placopecten</i> :			
ex.0307.29	-- Other:			
	Smoked	6.7%	E3	
	- Mussels (<i>Mytilus</i> spp., <i>Perna</i> spp.):			
0307.31	-- Live, fresh or chilled	7.0%	E7	
0307.32	-- Frozen	7.0%	E5	
ex.0307.39	-- Other:			
	Smoked:			
	Adductors of shellfish	6.7%	E3	
	- Clams, cockles and ark shells (families <i>Arcidae</i> , <i>Arcticidae</i> , <i>Cardiidae</i> , <i>Donacidae</i> , <i>Hiatellidae</i> , <i>Mactridae</i> , <i>Mesodesmatidae</i> , <i>Myidae</i> , <i>Semelidae</i> , <i>Solecurtidae</i> , <i>Solenidae</i> , <i>Tridacnidae</i> and <i>Veneridae</i>):			
ex.0307.72	-- Frozen:			
	Adductors of shellfish		X	
	Hard clam	3.5%	E5	
	Other:			
	Baby clam	7.0%	E7	
ex.0307.79	-- Other:			
	Smoked:			
	Adductors of shellfish	6.7%	E3	
	- Abalone (<i>Haliotis</i> spp.) and stromboid conchs (<i>Strombus</i> spp.):			
ex.0307.88	-- Other stromboid conchs (<i>Strombus</i> spp.):			
	Smoked	6.4%	E5	
	- Other, including flours, meals and pellets, fit for human consumption:			
ex.0307.91	-- Live, fresh or chilled:			
	Adductors of shellfish		X	
	Other:			

Column 1	Column 2	Column 3	Column 4	Column 5
Tariff item number	Description of goods	Base Rate	Category	Note
ex.0307.92	Fresh water clam -- Frozen: Adductors of shellfish Other: Fresh water clam	7.0%	E7	
ex.0307.99	-- Other: Smoked: Scallop (<i>Pectinidae</i>) and adductors of shellfish	7.0%	E7	
		6.7%	E3	
Chapter 8	Edible fruit and nuts; peel of citrus fruit or melons			
08.03	Bananas, including plantains, fresh or dried.			
ex.0803.10	- Plantains: Fresh: If imported during the period from 1st April to 30th September		Q	2
	If imported during the period from 1st October to 31st March		Q	2
ex.0803.90	- Other: Fresh: If imported during the period from 1st April to 30th September		Q	2
	If imported during the period from 1st October to 31st March		Q	2
08.04	Dates, figs, pineapples, avocados, guavas, mangoes and mangosteens, fresh or dried.			
ex.0804.30	- Pineapples: Fresh: Weighing less than 900g as a whole, not peeled, whether or not crowned		Q	3
Chapter 13	Lac; gums, resins and other vegetable saps and extracts			

Column 1	Column 2	Column 3	Column 4	Column 5
Tariff item number	Description of goods	Base Rate	Category	Note
13.02 ex.1302.19	Vegetable saps and extracts; pectic substances, pectinates and pectates; agar-agar and other mucilages and thickeners, whether or not modified, derived from vegetable products. - Vegetable saps and extracts: -- Other: Bases for beverage: Other than obtained from a single material of vegetable origin	16.5%	E15	
Chapter 15 15.12 ex.1512.11	Animal or vegetable fats and oils and their cleavage products; prepared edible fats; animal or vegetable waxes Sunflower-seed, safflower or cotton-seed oil and fractions thereof, whether or not refined, but not chemically modified. - Sunflower-seed or safflower oil and fractions thereof: -- Crude oil: Of an acid value exceeding 0.6: Safflower oil Other: Sunflower-seed oil	8.50yen/kg 10.40yen/kg	E15 E15	
Chapter 16 16.02 ex.1602.20 16.04 ex.1604.11	Preparations of meat, of fish or of crustaceans, molluscs or other aquatic invertebrates Other prepared or preserved meat, meat offal or blood. - Of liver of any animal: Other than of bovine animals or swine: In airtight containers Prepared or preserved fish; caviar and caviar substitutes prepared from fish eggs. - Fish, whole or in pieces, but not minced: -- Salmon: In airtight containers	3.0% 9.6%	E15 E7	

Column 1	Column 2	Column 3	Column 4	Column 5
Tariff item number	Description of goods	Base Rate	Category	Note
1604.14	-- Tunas, skipjack and bonito (<i>Sarda spp.</i>): Skipjack and other bonito, in airtight containers Other: Skipjack and other bonito, boiled and dried Tunas, in airtight containers Other		E0 E0 E0 E0	 7 7
16.05	Crustaceans, molluscs and other aquatic invertebrates, prepared or preserved.			
ex.1605.10	- Crab: Other than in airtight containers, excluding smoked: Other than containing rice	7.2%	E5	
ex.1605.30	- Lobster: Other than smoked or simply boiled in water or in brine; chilled, frozen, salted, in brine or dried, after simply boiled in water or in brine		E0	
ex.1605.40	- Other crustaceans: Ebi: Other than smoked or simply boiled in water or in brine; chilled, frozen, salted, in brine or dried, after simply boiled in water or in brine	5.0%	E5	
	- Molluscs:			
ex.1605.51	-- Oysters: Smoked: Adductors of shellfish Other Other: In airtight containers	6.7% 6.4% 7.2%	E5 E5 E5	
ex.1605.53	-- Mussels: Other than smoked:			

Column 1	Column 2	Column 3	Column 4	Column 5
Tariff item number	Description of goods	Base Rate	Category	Note
	In airtight containers	7.2%	E5	
ex.1605.55	-- Octopus:			
	Smoked	6.4%	E5	
	Other:			
	In airtight containers	7.2%	E5	
ex.1605.56	-- Clams, cockles and arkshells:			
	Smoked:			
	Adductors of shellfish	6.7%	E5	
	Other	6.4%	E5	
	Other:			
	In airtight containers	7.2%	E5	
ex.1605.58	-- Snails, other than sea snails:			
	Smoked	6.4%	E5	
	Other:			
	In airtight containers	7.2%	E5	
ex.1605.59	-- Other:			
	Scallops (<i>Pectinidae</i>), other than those of the genera <i>Pecten</i> , <i>Chlamys</i> or <i>Placopecten</i> and queen scallops:			
	Smoked	6.7%	E7	
	Other	7.2%	E7	
	Other:			
	Smoked:			
	Adductors of shellfish	6.7%	E5	
	Other	6.4%	E5	
	Other:			
	In airtight containers	7.2%	E5	
	- Other aquatic invertebrates:			
1605.61	-- Sea cucumbers:			
	Smoked	6.4%	E7	
	Other	8.0%	E7	

Column 1	Column 2	Column 3	Column 4	Column 5
Tariff item number	Description of goods	Base Rate	Category	Note
1605.62	-- Sea urchins:			
	Smoked	6.4%	E7	
	Other	8.0%	E7	
ex.1605.69	-- Other			
	Smoked:			
	Sea urchins	6.4%	E7	
	Other:			
	Sea urchins	8.0%	E7	
Chapter 18	Cocoa and cocoa preparations			
18.06	Chocolate and other food preparations containing cocoa.			
ex.1806.10	- Cocoa powder, containing added sugar or other sweetening matter:			
	Other than containing added sugar	12.5%	E10	
Chapter 19	Preparations of cereals, flour, starch or milk; pastrycooks' products			
19.05	Bread, pastry, cakes, biscuits and other bakers' wares, whether or not containing cocoa; communion wafers, empty cachets of a kind suitable for pharmaceutical use, sealing wafers, rice paper and similar products.			
1905.20	- Gingerbread and the like	9.0%	E15	
Chapter 20	Preparations of vegetables, fruit, nuts or other parts of plants			
20.01	Vegetables, fruit, nuts and other edible parts of plants, prepared or preserved by vinegar or acetic acid.			
ex.2001.90	- Other:			
	Other than containing added sugar:			
	Other:			
	Ginger	9.0%	E10	
20.04	Other vegetables prepared or preserved otherwise than by vinegar or acetic acid, frozen, other than products of heading 20.06.			
ex.2004.90	- Other vegetables and mixtures of vegetables:			

Column 1	Column 2	Column 3	Column 4	Column 5
Tariff item number	Description of goods	Base Rate	Category	Note
	Containing added sugar:			
	Other than sweet corn	23.8%	E7	
20.07	Jams, fruit jellies, marmalades, fruit or nut purée and fruit or nut pastes, obtained by cooking, whether or not containing added sugar or other sweetening matter.			
	- Other:			
ex.2007.91	-- Citrus fruit:			
	Jams, fruit jellies and marmalades:			
	Containing added sugar:			
	Jams	16.8%	E10	
	Fruit jellies and marmalades	16.8%	E10	
	Fruit purée and fruit pastes:			
	Containing added sugar	34.0%	E15	
	Other	21.3%	E10	
ex.2007.99	-- Other:			
	Other than jams or fruit jellies:			
	Containing added sugar:			
	Other than fruit purée or fruit pastes	34.0%	E15	
	Other:			
	Other than fruit purée or fruit pastes	21.3%	E15	
20.08	Fruit, nuts and other edible parts of plants, otherwise prepared or preserved, whether or not containing added sugar or other sweetening matter or spirit, not elsewhere specified or included.			
ex.2008.30	- Citrus fruit:			
	Other than containing added sugar:			
	In pulp form	21.3%	E15	
	- Other, including mixtures other than those of subheading 2008.19:			
ex.2008.97	-- Mixtures:			

Column 1	Column 2	Column 3	Column 4	Column 5
Tariff item number	Description of goods	Base Rate	Category	Note
	Other than mixed fruit, fruit salad or fruit cocktail: Containing added sugar: Other than in pulp form Other: In pulp form	23.8% 21.3%	E10 E15	
20.09	Fruit juices (including grape must) and vegetable juices, unfermented and not containing added spirit, whether or not containing added sugar or other sweetening matter.			
ex.2009.21	- Grapefruit (including pomelo) juice: -- Of a Brix value not exceeding 20: Containing added sugar: More than 10% by weight of sucrose, naturally and artificially contained Other: More than 10% by weight of sucrose	29.8% or 23 yen/kg, whichever is the greater 25.5%	E15 E15	
2009.29	-- Other: Containing added sugar: Not more than 10% by weight of sucrose, naturally and artificially contained Other Other: Not more than 10% by weight of sucrose Other	23.0% 29.8% or 23 yen/kg, whichever is the greater 19.1% 25.5%	E15 E15 E15	
ex.2009.31	- Juice of any other single citrus fruit: -- Of a Brix value not exceeding 20: Containing added sugar:			

Column 1	Column 2	Column 3	Column 4	Column 5
Tariff item number	Description of goods	Base Rate	Category	Note
	Not more than 10% by weight of sucrose, naturally and artificially contained	23.0%	E15	
	Other	29.8% or 23 yen/kg, whichever is the greater	E15	
	Other:			
	More than 10% by weight of sucrose	25.5%	E15	
ex.2009.39	-- Other:			
	Containing added sugar:			
	Not more than 10% by weight of sucrose, naturally and artificially contained	23.0%	E15	
	- Juice of any other single fruit or vegetable:			
ex.2009.89	-- Other:			
	Other than fruit juices or vegetable juices:			
	Containing added sugar	13.4%	E10	
ex.2009.90	- Mixtures of juices:			
	Consisting chiefly of fruit juice:			
	Containing added sugar:			
	More than 10% by weight of sucrose, naturally and artificially contained	29.8% or 23 yen/kg, whichever is the greater	E15	
	Other, excluding consisting chiefly of vegetable juice:			
	Containing added sugar	13.4%	E10	
Chapter 21	Miscellaneous edible preparations			
21.03	Sauces and preparations therefor; mixed condiments and mixed seasonings; mustard flour and meal and prepared mustard.			
ex.2103.90	- Other:			
	Sauces:			

Column 1	Column 2	Column 3	Column 4	Column 5
Tariff item number	Description of goods	Base Rate	Category	Note
	Mayonnaise	12.8%	E7	
	French dressings and salad dressings	10.5%	E7	
Chapter 22	Beverages, spirits and vinegar			
22.02	Waters, including mineral waters and aerated waters, containing added sugar or other sweetening matter or flavoured, and other non-alcoholic beverages, not including fruit or vegetable juices of heading 20.09.			
ex.2202.10	- Waters, including mineral waters and aerated waters, containing added sugar or other sweetening matter or flavoured:			
	Containing added sugar	13.4%	E10	
	- Other:			
ex.2202.91	-- Non-alcoholic beer:			
	Containing added sugar	13.4%	E10	
ex.2202.99	-- Other:			
	Containing added sugar	13.4%	E10	
22.07	Undenatured ethyl alcohol of an alcoholic strength by volume of 80% vol. or higher; ethyl alcohol and other spirits, denatured, of any strength.			
ex.2207.10	- Undenatured ethyl alcohol of an alcoholic strength by volume of 80% vol. or higher:			
	Of an alcoholic strength by volume of 90% vol. or higher:			
	Intend for use in manufacturing industrial alcohol, ethyl acetate or ethylamine:			
	Intend for use in manufacturing ethyl acetate		E0	
	Intend for use in manufacturing ethylamine		E0	
Chapter 29	Organic chemicals			
29.05	Acyclic alcohols and their halogenated, sulphonated, nitrated or nitrosated derivatives.			
	- Other polyhydric alcohols:			

Column 1	Column 2	Column 3	Column 4	Column 5
Tariff item number	Description of goods	Base Rate	Category	Note
2905.44	-- D-glucitol (sorbitol)		Q	6

Part 3
Schedule of Indonesia

Article B10

Section 1 of Part 3 of Annex 1 to the Agreement shall be amended as follows:

1. By deleting expressions "a serial number from 1 through 15" and "Section 2" in the chapeau and replacing them respectively by the expressions "a serial number from 1 through 15A" and "Sections 2 and 3";

2. By deleting the expression "the approved manufacturers and approved steel service centers" in subparagraph 2(a)(i) and replacing it by the expression "the approved manufacturers, approved steel service centers and approved supporting industry";

3. By inserting the following new paragraph immediately after paragraph 2:

"2A. As from the date of entry into force of the Protocol, in the case of the originating goods which are determined by the relevant authority of Indonesia as fulfilling the conditions set out in subparagraph 2(a)(i) or (ii) upon importation but which are found not to satisfy the requirement of product specification referred to in subparagraph 2(a)(i) after importation, the following rate of customs duty shall be applied:

- (a) For importation of such originating goods up to 65 percent of the aggregate volume of such originating goods to Indonesia in the previous year: 5.25 percent; and
- (b) For importation of such originating goods exceeding the aggregate volume referred to in subparagraph (a): the most-favored-nation applied rate in effect at the time of importation."; and

4. By inserting the following new paragraph immediately after paragraph 15:

"15A. (a) A tariff rate quota shall be applied in accordance with the following:

- (i) From the first year to the fifth year, the aggregate quota quantity shall be 8,500 metric tons for each year;

- (ii) The in-quota rate of customs duty shall be Rp.450/kg;
 - (iii) For the purposes of subparagraphs (i) and (ii), the tariff rate quota shall be implemented through a certificate of tariff rate quota issued by the importing Party. The tariff rate quota shall be administered by the importing Party and the aggregate quota quantity shall be allocated by the importing Party; and
 - (iv) In accordance with paragraph 2 of Article 20, the Parties shall negotiate, in the fifth year, on the aggregate quota quantity thereafter. In the absence of agreement between the Parties and until such an agreement is reached as a result of the negotiations, the aggregate quota quantity provided for in subparagraph (i) shall be applied.
- (b) The rate of customs duty applied to originating goods other than those imported under the tariff rate quota shall be the most-favoured-nation applied rate.
 - (c) The in-quota rate referred to in subparagraph (a)(ii) may be subject to margin operational fee of up to five percent by Indonesian state-owned enterprises, designated companies or their successor."

Article B11

Part 3 of Annex 1 to the Agreement shall be amended as follows:

1. By inserting the following heading of a new Section immediately after Section 2:

"Section 3
Schedule of Indonesia Modifying Tariff Commitments provided
for in Schedule in Section 2"; and

2. By inserting the following immediately after the heading of new Section 3:

Column 1	Column 2	Column 3	Column 4	Column 5
Tariff item number	Description of goods	Base Rate	Category	Note
Chapter 10	Cereals			
1006.20.90	-- Other		Q	15A
1006.30.30	-- Glutinous rice		Q	15A
1006.30.99	--- Other		Q	15A
Chapter 11	Products of the milling industry; malt; starches; inulin; wheat glute			
1102.90.10	-- Rice flour	Rp. 450/kg	E5	
Chapter 72	Iron and steel			
7208.27.19	---- Other	15%	D2	2, 2A
7208.27.99	---- Other	15%	D2	2, 2A
7208.37.00	-- Of a thickness of 4.75 mm or more but not exceeding 10 mm		X	2, 2A
7208.38.00	-- Of a thickness of 3 mm or more but less than 4.75 mm		X	2, 2A
7209.16.10	--- Of a width not exceeding 1,250 mm	15%	D2	2, 2A
7209.16.90	--- Other	15%	D2	2, 2A
7209.17.10	--- Of a width not exceeding 1,250 mm	15%	D2	2, 2A
7209.17.90	--- Other	15%	D2	2, 2A
7209.18.99	---- Other	15%	D2	2, 2A
Chapter 73	Articles of iron or steel			
7320.10.90	-- Other	12%	D5	
7320.20.19	--- Other	12%	D5	
7320.20.90	-- Other	12%	D5	
7326.90.30	-- Stainless steel clamp assemblies with rubber sleeves of a kind used for hubless cast iron pipes and pipe fittings	5%	E5	
7326.90.60	-- Bunsen burners	5%	E5	
Chapter 87	Vehicles other than railway or tramway rolling-stock, and parts and accessories thereof			
8703.23.56	----- Of a cylinder capacity exceeding 1,800 cc but not exceeding 2,000 cc	5%	E5	
8703.23.57	----- Of a cylinder capacity exceeding 2,000 cc but not exceeding 2,500 cc	5%	E5	

Column 1	Column 2	Column 3	Column 4	Column 5
Tariff item number	Description of goods	Base Rate	Category	Note
8703.23.62	----- Of a cylinder capacity exceeding 1,800 cc but not exceeding 2,000 cc	5%	E5	
8703.23.63	----- Of a cylinder capacity exceeding 2,000 cc but not exceeding 2,500 cc	5%	E5	
8703.23.64	----- Of a cylinder capacity exceeding 2,500 cc	5%	E5	
8703.23.66	----- Of a cylinder capacity exceeding 1,800 cc but not exceeding 2,000 cc	5%	E5	
8703.23.67	----- Of a cylinder capacity exceeding 2,000 cc but not exceeding 2,500 cc	5%	E5	

Appendix A
Certificates in relation to paragraph 7 of Section 1 of
Part 2 of Annex 1

1. For the purposes of paragraph 7 of Section 1 of Part 2 of Annex 1, originating goods classified under tariff item number 1604.14 and indicated with "7" in Column 5 of the Schedule of Japan in Section 3 of Part 2 to Annex 1 of the Agreement shall be accompanied by a certificate of a good for the preferential tariff treatment in accordance with Annex 1 of the Agreement, which is issued by the exporting Party and certifies that the originating goods are produced from the raw materials that do not include skipjack less than 30 centimetres in length.

2. A Catch Certificate issued by the issuing authority of the exporting Party shall serve as a certificate of a good as provided for in paragraph 1 when it:

(a) includes the following information in the field of details identifying the products:

(i) description of the good specified in Column 2 of the tariff line in the Schedule of Japan provided for in Section 3 of Part 2 of Annex 1, in which the originating good referred to in paragraph 1 is classified; and

(ii) invoice number(s) and date(s); and

(b) certifies that the originating goods referred to in paragraph 1 are produced from the raw materials that do not include skipjack less than 30 centimetres in length.

3. A certificate of a good as provided for in paragraph 1 shall be those the details of which are set out in the Operational Procedures for Trade in Goods referred to in Article 27.

4. (a) The competent authority of the importing Party may request the competent authority of the exporting Party to check the authenticity of a certificate of a good provided for in paragraph 1 or the accuracy of the information included in the certificate. Upon such request, the competent authority of the exporting Party shall provide the requested information in a period not exceeding 90 days after the date of receipt of the request.
- (b) The customs authority of the importing Party may deny the preferential tariff treatment in accordance with Annex 1 and this Appendix, where:
- (i) the competent authority of the exporting Party fails to respond to the request by the competent authority of the importing Party pursuant to subparagraph (a) within 90 days after the date of the receipt of the requests; or
- (ii) the information provided by the competent authority of the exporting Party pursuant to subparagraph (a) is not sufficient for determining that the certificate qualifies as the certificate provided for in paragraph 1.
5. The Parties shall review the provisions of this Appendix five years after the entry into force of the Protocol, unless otherwise agreed by the Parties.

Annex C
Amendment to Annex 8 referred to in Chapter 6
Schedules of Specific Commitments in relation to Article
81 of the Agreement

Part 1
Schedule of Japan

Article C1

The Schedule of Japan set out in Part 1 of Annex 8 to the Agreement shall be amended as follows:

1. By inserting the following new paragraph immediately after paragraph 4 of Explanatory Notes:

"5. The terms, limitations, conditions and qualifications specified in "HORIZONTAL COMMITMENTS" shall apply to all sectors in "SECTOR-SPECIFIC COMMITMENTS". In the event of any inconsistency between the terms, limitations, conditions and qualifications specified in "HORIZONTAL COMMITMENTS" and those specified in "SECTOR-SPECIFIC COMMITMENTS", the former terms, limitations, conditions and qualifications shall prevail to the extent of the inconsistency."

2. By numbering row "SECTOR-SPECIFIC COMMITMENTS" as "II. SECTOR-SPECIFIC COMMITMENTS", and by inserting the following table immediately before the row.

I. HORIZONTAL COMMITMENTS				
ALL SECTORS INCLUDED IN THIS SCHEDULE		<p>1) With respect to acquisition or lease of land properties in Japan, prohibitions or restrictions may be imposed.</p> <p>2) With respect to acquisition or lease of land properties in Japan, prohibitions or restrictions may be imposed.</p> <p>3) With respect to acquisition or lease of land properties in Japan, prohibitions or restrictions may be imposed.</p> <p>4) With respect to acquisition or lease of land properties in Japan, prohibitions or restrictions may be imposed.</p>	<p>1) With respect to acquisition or lease of land properties in Japan, prohibitions or restrictions may be imposed.</p> <p>2) With respect to acquisition or lease of land properties in Japan, prohibitions or restrictions may be imposed.</p> <p>3) With respect to acquisition or lease of land properties in Japan, prohibitions or restrictions may be imposed.</p> <p>4) With respect to acquisition or lease of land properties in Japan, prohibitions or restrictions may be imposed.</p>	

3. By replacing the Specific Commitment in the sector 7.B. with the following table:

<p>B. Banking and Other Financial Services (excluding Insurance and Insurance-Related Services)</p>	<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</p>	<p>1) None</p>	
	<p>2) None</p>	<p>2) None</p>	
	<p>3) None</p>	<p>3) None except that the deposit insurance system does not cover deposits taken by branches of foreign banks.</p>	
	<p>4) None except that the limitation on the number of intra-corporate transferees may be applied on a reciprocal basis.</p>	<p>4) None except that the limitation on the number of intra-corporate transferees may be applied on a reciprocal basis.</p>	

Part 2
Schedule of Indonesia

Article C2

The Schedule of Indonesia set out in Part 2 of Annex 8 to the Agreement shall be amended as follows:

1. By renumbering the sector 1.D. as 1.E, and by inserting the following table immediately after the sector 1.C.

D. Real Estate Services				
Real estate activities with own or leased property only for high-rise building (residential and mix use) (KBLI 68111) ¹		1) None	1) None	
		2) None	2) None	
		3) None, except the commercial presence must be established only through joint venture enterprise with foreign equity participation allowable up to maximum 51%	3) None, except: a. Local partner(s) in joint venture shall be registered by Indonesian association on real estate b. New licenses subject to Economic Needs Test c. Licensing requirement for the Japan services supplier may vary that applicable to Indonesian service supplier	
		4) Unbound, except as indicated in the Horizontal Section	4) Unbound, except as indicated in the Horizontal Section	

¹ Indonesian Standard of Industrial Classification (Klasifikasi Baku Lapangan Usaha Indonesia/KBLI) 2020

2. By inserting the following table immediately after the sector 9.A.(d).

B. Services Auxiliary to All Modes of Transport				
(a) Other Storage or Warehousing Services (CPC 7429)		1) Unbound 2) None 3) None, except the commercial presence must be established only through joint venture enterprise with foreign equity participation allowable up to maximum 49% 4) Unbound	1) Unbound 2) None 3) None, except licensing requirement for the Japan services supplier may vary that applicable to Indonesian service supplier 4) Unbound	
(b) Freight transport agency services (CPC 74800**) only for freight forwarding		1) Unbound 2) None 3) None, except the commercial presence must be established only through joint venture enterprise with foreign equity participation allowable up to 49%, except in eastern part of Indonesia that minimum foreign equity participation is allowable up to 67% 4) Unbound	1) Unbound 2) None 3) None, except licensing requirement for the Japan services supplier may vary that applicable to Indonesian service supplier 4) Unbound	

Annex D
Amendment to Annex 9 referred to in Chapter 6
Lists of Most-Favoured-Nation Treatment Exemptions in
relation to Article 82 of the Agreement

The list of Japan set out in Part 1 of Annex 9 to the Agreement shall be amended by inserting the following table immediately before the exemption for the sector "Maritime freight forwarding services".

All Sectors	With respect to acquisition or lease of land properties in Japan, prohibitions or restrictions may be imposed.	Indefinite	Need to ensure territorial integrity and security of Japan.
-------------	--	------------	---

Annex E
Amendment to Annex 10 referred to in Chapter 7
Specific Commitments for the Movement of Natural Persons

Part 1
Specific Commitments of Japan

Article E1

Section 2 of Part 1 of Annex 10 to the Agreement shall be amended as follows:

1. By deleting the expression "one or three years" in the chapeau of paragraph 1 and replacing it by the expression "up to five years";

2. By inserting "or" at the end of subparagraph 1(c)(iii), deleting subparagraphs 1(c)(iv) and (v) and replacing them by the following:

"(iv) activities which require technology or knowledge at an advanced level pertinent to physical sciences, engineering or other natural sciences, or jurisprudence, economics, business management, accounting or other human sciences, or activities which require ideas and sensitivity based on culture of a country other than Japan, recognized under the status of residence of "Engineer/Specialist in Humanities/International Services" provided for in the Immigration Control and Refugee Recognition Act of Japan (Cabinet Order No.319 of 1951)."; and

3. By deleting the expression "subparagraphs 1(c)(iv) and (v)" in paragraph 2 and replacing it by "subparagraph 1(c)(iv)".

Article E2

The chapeaux of Sections 3 and 4 of Part 1 of Annex 10 to the Agreement shall be amended by deleting the expression "one or three years" and replacing it by the expression "up to five years" respectively.

Article E3

Section 5 of Part 1 of Annex 10 to the Agreement shall be amended as follows:

1. By deleting paragraph 1 and replacing it by the following:

"1. Entry and temporary stay for a period of up to five years, which may be extended, shall be granted to a natural person of Indonesia who will engage in business activities during his or her temporary stay in Japan on the basis of a personal contract with a public or private organization in Japan which correspond to:

- (a) activities which require technology or knowledge at an advanced level pertinent to physical sciences, engineering or other natural sciences, or jurisprudence, economics, business management, accounting or other human sciences; or
- (b) activities which require ideas and sensitivity based on culture of a country other than Japan,

recognized under the status of residence of "Engineer/Specialist in Humanities/International Services" provided for in the Immigration Control and Refugee Recognition Act of Japan."; and

2. By deleting the expression "subparagraphs 1(a) and (b)" in paragraph 2 and replacing it by the expression "subparagraph 1(a)".

Article E4

Section 6 of Part 1 of Annex 10 to the Agreement shall be amended as follows:

1. By deleting the expression "twice" in the chapeau of paragraph 1 and replacing it by "four times";

2. By inserting the expression "or higher degree" immediately after the expression "Diploma III" in subparagraph 1(a);

3. By renumbering subparagraphs 1(c) and (d) as subparagraphs 1(e) and (f) respectively and deleting the expression "and" at the end of renumbered subparagraph 1(e);

4. By inserting the following new subparagraphs immediately after subparagraph 1(b):

"(c) has completed the course of the Japanese language training in Indonesia;

(d) has satisfied the requirement with regard to the proficiency of the Japanese language which shall be specified by the Sub-Committee on Movement of Natural Persons;";

5. By inserting the expression ", unless otherwise agreed by the Parties" immediately after the expression "for six months" in renumbered subparagraph 1(f)(i);

6. By deleting the period at the end of renumbered subparagraph 1(f) and replacing it by "; and", and by inserting the following new subparagraph immediately after renumbered subparagraph 1(f):

"(g) in addition to subparagraphs (a) through (f) above, has satisfied the conditions notified by the Government of Japan to the Government of Indonesia, in case of the third and fourth extension of the period of stay.";

7. By deleting the expression "three times" in Note 2 of paragraph 1 and replacing it by the expression "five times";

8. By deleting the expression "three times" in the chapeau of paragraph 2 and replacing it by the expression "four times";

9. By inserting the expression "or higher degree" immediately after the expression "Diploma III" in subparagraphs 2(a)(ii);

10. By renumbering subparagraphs 2(c) and (d) as subparagraphs 2(e) and (f) respectively and deleting the expression "and" at the end of renumbered subparagraph 2(e);

11. By inserting the following new subparagraphs immediately after subparagraph 2(b):

"(c) has completed the course of the Japanese language training in Indonesia;

(d) has satisfied the requirement with regard to the proficiency of the Japanese language which shall be specified by the Sub-Committee on Movement of Natural Persons;";

12. By inserting the expression ", unless otherwise agreed by the Parties" immediately after the expression "for six months" in renumbered subparagraph 2(f)(i);

13. By deleting the period at the end of renumbered subparagraph 2(f) and replacing it by "; and", and by inserting the following new subparagraph immediately after renumbered subparagraph 2(f):

"(g) in addition to subparagraphs (a) through (f) above, has satisfied the conditions notified by the Government of Japan to the Government of Indonesia, in case of the third and fourth extension of the period of stay."; and

14. By deleting paragraphs 5 through 7 and replacing them by the following paragraphs:

"5. Japan may exempt, totally or partially, a natural person of Indonesia from the training referred to in subparagraphs 1(c) or (f)(i), or 2(c) or (f)(i), if it considers his or her language ability as sufficient to engage in the activities referred to in subparagraph 1(f)(ii) or 2(f)(ii), respectively.

6. The Government of Japan shall notify the Government of Indonesia of the modalities and other related information on the training referred to in subparagraphs 1(c) and (f)(i), and 2(c) and (f)(i).

7. The training under the supervision of a "Kangoshi" and the hospital referred to in subparagraph 1(f), the training under the supervision of a "Kaigofukushishi" and the caregiving facility referred to in subparagraph 2(f), and the personal contract and the public or private organization in Japan referred to in subparagraphs 1(f), 2(f) and 3(b) shall satisfy the conditions notified by the Government of Japan to the Government of Indonesia."

Part 2
Specific Commitments of Indonesia

Article E5

Section 4 of Part 2 of Annex 10 to the Agreement shall be amended by inserting the expression "which require knowledge pertinent to physical sciences, engineering or other natural sciences, or economics, business management, accounting or other human sciences in accordance with relevant laws and regulations of Indonesia," immediately after the expression "business activities" and deleting the expression ", such as mechanical engineer and electrical engineer" at the end of the sentence.

