| | | |
|---|---|---|
| Sector | : | Agriculture, Manufacturing |
| Subsector | : | Horticulture |
| Industry Classification | : | ISIC 0111, 0112, 0113, 0140, 1513, 1514, 1531, 1549, 2423 |
| Level of Government | : | Central |
| Type of Obligation | : | – National Treatment (Article 10.3)<br>– Senior Management and Board of Directors (Article 10.7) |
| Description of Measure | : | Article 10.3 (National Treatment) and Article 10.7(Senior Management and Board of Directors) may not apply to the establishment and operation of horticulture business activities in Indonesia, which includes the following activities:<br>(a) germination;<br>(b) cultivation;<br>(c) harvest and post-harvest;<br>(d) processing;<br>(e) distribution, trading, and marketing;<br>(f) research; and<br>(g) agro tourism<br>A transition period of four years is provided for existing investors[15] in the horticulture subsectors[16] to make adjustment to comply with measures stated in *Law No. 13 of 2010 concerning Horticulture* and its implementing regulations. |
| Source of Measure | : | • *Law No. 13 of 2010 concerning Horticulture*<br>• *Government Policy* |

[15] For the purposes of this reservation, existing investors refer to the existing investors that exist before the enactment of *Law No. 13 of 2010 concerning Horticulture*.

[16] For the purposes of this reservation, the definition of horticulture subsectors has the meaning as set out in *Law No. 13 of 2010 concerning Horticulture.*

**LIST B**

**EXPLANATORY NOTES**

1. This List sets out, pursuant to Article 10.8 (Reservations and Non-Conforming Measures), measures that do not conform to the obligations under:

   (a) Article 10.3 (National Treatment);

   (b) Article 10.4 (Most-Favoured-Nation Treatment);

   (c) Article 10.6 (Prohibition of Performance Requirements); and

   (d) Article 10.7 (Senior Management and Board of Directors).

2. List A and this List pursuant to Article 10.8 (Reservations and Non-Conforming Measures) follow the negative list with two list approach as follows:

   (a) List A sets out commitments in relation to existing non-conforming measures which are subject to standstill obligations but not subject to ratchet mechanism; and

   (b) this List sets out policy flexibility in relation to measures in sectors, subsectors and activities.

3. Each reservation shall set out the following elements, where applicable:

   (a) **Sector** refers to the sectors in which a reservation is taken;

   (b) **Subsector** refers to specific industries, products, and activities in which a reservation is taken;

   (c) **Industry Classification** refers to the activities covered by the reservation according to:

      (i) International Standard Industrial Classification Revision 3 for manufacturing, agriculture, fishery, forestry, mining and quarrying (hereinafter referred to as “ISIC”); or where applicable, ASEAN Harmonised Tariff Nomenclature codes; or

      (ii) If the reservation does not exactly conform to the ISIC, Indonesia has specified the coverage of the reservation, as necessary and appropriate.

   (d) **Level of Government** specifies the level of government (e.g., Central or Regional) maintaining the measure for which a reservation is taken;

   (e) **Type of Obligation** refers to the obligations of Article 10.3 (National Treatment), Article 10.4 (Most-Favoured-Nation Treatment), Article 10.6 (Prohibition of Performance Requirements), and Article 10.7 (Senior Management and Board of Directors), as the case may be, which do not apply to the listed measure;