AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF INDONESIA ON RECIPROCAL TRADE

Preamble

The Government of the United States of America ("United States") and the Government of the Republic of Indonesia ("Indonesia") (hereinafter referred to individually as a "Party" and collectively as the "Parties"),

EMPHASIZING their shared values of commitment to sovereignty, economic prosperity, and resilient supply chains;

RECOGNIZING the cooperation between them, in particular in their trade and investment relations, as reflected in the Memorandum of Understanding Between the Government of the United States of America and the Government of the Republic of Indonesia Concerning the Establishment of the Council on Trade and Investment, done at Christchurch on July 16, 1996;

INTENDING to enhance reciprocity and mutual benefit in their bilateral trade and investment relationship by addressing tariff and non-tariff barriers; and

SEEKING to promote economic growth and strengthen their economic partnership through increased alignment on national and regional economic security matters,

HAVE AGREED as follows:

Section 1. Tariffs and Quotas

Article 1.1. Tariffs

1. Indonesia shall apply a rate of customs duty (1) on originating goods of the United States as set out in Schedule 1 to Annex I.

(1) For purposes of this Agreement, customs duty includes any duty or charge of any kind imposed on or in connection with the importation of a good, and any surtax or surcharge imposed in connection with such importation, but does not include any: (a) charge equivalent to an internal tax imposed consistently with Article III:2 of the General Agreement on Tariffs and Trade 1994 (GATT 1994); (b) fee or other charge imposed in connection with the importation commensurate with the cost of services rendered; or (c) antidumping or countervailing duty applied pursuant to a Party's law.

2. The United States shall apply a revised reciprocal tariff rate on originating goods of Indonesia as set out in Schedule 2 to Annex I.

Article 1.2. Quantitative Restrictions

Indonesia shall not impose or maintain quantitative restrictions, including through the application of import licenses, a commodity balance program, or similar measures, on imports of originating goods of the United States, except in accordance with the GATT 1994.

Section 2. Non-Tariff Barriers and Related Matters

Article 2.1. Import Licensing

Indonesia shall not apply import licensing (2) to U.S. goods in a manner that restricts the importation of such goods. Indonesia shall ensure that any non-automatic import licensing that it applies is applied only to administer an underlying

measure, and in a manner that is transparent, non-discriminatory, not unduly burdensome, and that does not reduce the competitiveness of U.S. exports.

(2) For greater certainty, "import licensing", "automatic import licensing", and "non-automatic import licensing" have the same meanings as provided in the WTO Agreement on Import Licensing Procedures.

Article 2.2. Technical Regulations, Standards, and Conformity Assessment

1. The Parties recognize their existing rights and obligations with respect to each other under the World Trade Organization (WTO) Agreement on Technical Barriers to Trade (TBT Agreement). Indonesia shall allow U.S. goods that comply with applicable U.S. or international standards, U.S. technical regulations, or U.S. or international conformity assessment procedures to enter its territory without additional conformity assessment requirements. In doing so:

(a) Indonesia shall accord to the conformity assessment bodies of the United States treatment no less favorable than that it accords to its own bodies; and

(b) Indonesia shall facilitate the acceptance of U.S. compliance procedures for goods that are not subject to third-party conformity assessment in the U.S. regulatory framework.

2. Indonesia shall ensure that technical regulations, standards, and conformity assessment procedures are applied in a non-discriminatory manner and do not operate as disguised restrictions on bilateral trade, and shall remove existing technical barriers to trade in areas that undermine reciprocity, including requirements for duplicative or unnecessary testing or conformity assessment.

Article 2.3. Agriculture

Indonesia shall provide non-discriminatory or preferential market access for U.S. agricultural goods as set forth in this Agreement.

(a) Indonesia shall ensure that its sanitary and phytosanitary (SPS) measures are science- and risk-based and do not operate as disguised restrictions on bilateral trade, and shall remove unjustified SPS barriers in areas that undermine reciprocity.

(b) Indonesia shall not adopt or maintain non-scientific, discriminatory, or preferential measures that are incompatible with U.S. or international standards or otherwise disadvantage U.S. exports to Indonesia, including as a result of entering into agreements or understandings with third countries.

Article 2.4. Geographical Indications

Indonesia shall ensure transparency and fairness with respect to the protection or recognition of geographical indications, including pursuant to an international agreement. In cases where Indonesia protects or recognizes a term that identifies a good as a geographical indication but where there is no given quality, reputation, or other characteristic of the good that is essentially attributable to its geographical origin, Indonesia shall permit use of the term in connection with U.S. goods.

Article 2.5. Cheese and Meat Terms

Indonesia shall not restrict U.S. market access due to the mere use of the individual cheese and meat terms listed in Annex II.

Article 2.6. Intellectual Property

Indonesia shall provide a robust standard of protection for intellectual property. (3) Indonesia shall ratify or accede to, and shall fully implement, the international intellectual property treaties in Annex III. Indonesia shall provide effective systems for civil, criminal, and border enforcement of intellectual property rights and shall ensure that such systems combat and deter the infringement or misappropriation of intellectual property, including in the online environment. Indonesia shall prioritize and shall take effective criminal and border enforcement actions against copyright and trademark infringements.

(3) For purposes of this Agreement, "intellectual property"refers to all categories of intellectual property that are the subject of Sections 1 through 7 of Part II of the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement). Further, for purposes of this Agreement, the protection of intellectual property includes matters related to technological protection measures and rights management

information.

Article 2.7. Services

Indonesia shall address existing services trade barriers that undermine reciprocity. Indonesia shall refrain from imposing new barriers that provide less favorable treatment to U.S. services suppliers than the treatment afforded to domestic services suppliers and services suppliers from any third country, jurisdiction, or economy.

Article 2.8. Good Regulatory Practices

Indonesia shall adopt and implement good regulatory practices that ensure greater transparency, predictability, and participation throughout the regulatory lifecycle.

Article 2.9. Labor

1. Indonesia shall adopt and implement a prohibition on the importation of goods mined, produced, or manufactured wholly or in part by forced or compulsory labor. Indonesia may recognize U.S. government determinations on entities under Section 307 of the Tariff Act and, in the event that Indonesia recognizes such determinations, shall take actions appropriate to prohibit importation of goods from those entities into Indonesian territory. Indonesia shall implement the obligations in this paragraph within two years of the date of entry into force of this Agreement.

2. Indonesia shall protect internationally recognized labor rights. (4) This includes by adopting or maintaining such rights in its law and practice, and effectively enforcing its labor laws, including by creating or maintaining necessary institutions to protect labor rights. Indonesia shall establish and effectively apply appropriate legal sanctions for violations of those laws. Indonesia shall not weaken or reduce the protections in its labor laws and shall address any such weakening or reduction that has been made to encourage trade or investment to date. (5) In addition, Indonesia shall address issues related to labor rights that contribute to non-reciprocal trade.

(4) For purposes of this paragraph, internationally recognized labor rights include those in the International Labor Organization (ILO) Declaration on Fundamental Principles and Rights at Work and its Follow-Up (1998), as amended in 2022; a prohibition on the worst forms of child labor; and acceptable conditions of work with respect to minimum wages and hours of work.

(5) For greater certainty, this includes special economic zones, including export processing zones, or sector-specific laws or regulations that have lesser labor protections than the overall economy.

Article 2.10. Environment

Indonesia shall adopt and maintain environmental protections, effectively enforce its environmental laws, uphold or institute as necessary strong environmental governance structures, and address environment-related issues that contribute to non-reciprocal trade.

Article 2.11. Customs and Trade Facilitation

Indonesia shall maintain or implement technology solutions that allow for full pre-arrival processing, paperless trade, and digitalized procedures for the movement of goods of the United States across its borders.

Article 2.12. Border Measures and Taxes

1. Indonesia shall coordinate and endeavor to align its border measures applicable to third-country imports with relevant border measures that the United States may adopt in the future, such as border-adjusted tax measures or other border measures, to combat regulatory arbitrage that would disadvantage U.S. workers and businesses.

2. Indonesia shall not impose value-added taxes that discriminate against U.S. companies in law or in fact.

Section 3. Digital Trade and Technology

Article 3.1. Digital Services Taxes

Indonesia shall not impose digital services taxes, or similar taxes, that discriminate against U.S. companies in law or in fact.

Article 3.2. Facilitation of Digital Trade

Indonesia shall facilitate digital trade with the United States, including by:

(a) refraining from measures that discriminate against U.S. digital services or U.S. products distributed digitally;

(b) ensuring the transfer of data by electronic means across trusted borders with appropriate protection for the conduct of business; and

(c) collaborating with the United States to address cybersecurity challenges.

Article 3.3. Digital Trade Agreements

Indonesia shall communicate with the United States before entering into a new digital trade agreement with another country that jeopardizes essential U.S. interests.

Article 3.4. Market Entry Conditions

1. Indonesia shall not impose any condition or enforce any undertaking requiring U.S. persons to transfer or provide access to a particular technology, production process, source code, or other proprietary knowledge, or to purchase, utilize, or accord a preference to a particular technology, as a condition for doing business in its territory. This Article shall not apply to government procurement.

2. This Article does not preclude a regulatory body or judicial authority of a Party from requiring a person of another Party to preserve and make available the source code of software, or an algorithm expressed in that source code, to the regulatory body for a specific investigation, inspection, examination, enforcement action, or judicial proceeding, subject to safeguards against unauthorized disclosure.

Article 3.5. Customs Duties on Electronic Transmissions

Indonesia shall not impose customs duties on electronic transmissions, including content transmitted electronically, and shall support multilateral adoption of a permanent moratorium on customs duties on electronic transmissions at the WTO immediately and without conditions. For greater certainty, this Article shall not preclude Indonesia from imposing internal taxes, fees, or other changes on electronic transmissions in a manner not inconsistent with Articles I and III of the GATT 1994 or Articles II and XVII of the WTO General Agreement on Trade in Services.

Section 4. Rules of Origin

Article 4.1. General Provision

The Parties intend for the benefits of this Agreement to accrue substantially to them and their nationals. If benefits of this Agreement are accruing substantially to third countries or third-country nationals, a Party may establish rules of origin necessary to achieve the Parties? intention for this Agreement.

Section 5. Economic and National Security

Article 5.1. Complementary Actions

1. If the United States imposes a customs duty, quota, prohibition, fee, charge, or other import restriction on a good or service of a third country and considers that such measure is relevant to protecting the economic or national security of the United States, the United States intends to notify such measure to Indonesia for the purpose of economic and national security alignment. Upon receiving such notification from the United States, to address a shared economic or national security concern identified by the Parties, Indonesia shall adopt or maintain a measure with equivalent restrictive effect as the measure adopted by the United States, guided by principles of goodwill and a shared commitment to enhancing bilateral relations between the United States and Indonesia.

2. At the request of the United States, Indonesia, in accordance with its national interest and domestic laws and regulations, shall adopt and implement measures to address unfair practices of companies operating in Indonesia and owned or controlled by third countries when such practices, in Indonesia's jurisdiction, result in:

(a) the export of below-market price goods to the United States;

(b) increased exports of such goods to the United States; or

(c) a reduction in U.S. exports to Indonesia or to third-country markets.

3. Indonesia shall adopt, in accordance with its domestic laws and regulations, similar measures of equivalent restrictive effect as those adopted by the United States to encourage shipbuilding and shipping by market economy countries. The Parties shall discuss the structure and effect of such measures.

Article 5.2. Export Controls, Sanctions, Investment Security, and Related Matters

1. Indonesia shall, in accordance with its domestic laws and regulations, cooperate with the United States with a view to restricting transactions of its nationals with individuals and entities included on the U.S. Department of Commerce Bureau of Industry and Security Entity List (Supplement 4 of Part 744 of the Export Administration Regulations), as well as the U.S. Department of the Treasury Office of Foreign Assets Control Lists of Specially Designated Nationals and Blocked Persons List (SDN List) and the Non-SDN Consolidated Sanctions List.

2. Indonesia shall establish and apply a mechanism for reviewing inbound investment for national security risks and shall cooperate with the United States on matters related to investment security.

3. If the United States determines that Indonesia is cooperating to address shared national and economic security issues, the United States may take such cooperation into account in administering its laws and regulations pertaining to export controls, investment reviews, and other measures.

4. Indonesia shall, through its domestic regulatory process, cooperate with the United States to regulate the trade in national security-sensitive technologies and goods through relevant existing multilateral export control regimes, align with U.S. export controls and ensure that its companies do not backfill or undermine these controls.

Article 5.3. Other Measures

1. The United States shall work with Indonesia to streamline and enhance defense trade.

2. Indonesia shall, in accordance with its domestic laws and regulations, adopt and effectively enforce provisions to combat transshipment and other practices to evade or circumvent duties and other measures applied by the United States. Indonesia and the United States shall enter into a duty evasion cooperation agreement.

3. If Indonesia enters into a new bilateral free trade agreement or preferential economic agreement with a country that jeopardizes essential U.S. interests, the United States may, if consultations with Indonesia fail to resolve its concerns, terminate this Agreement and reimpose the applicable reciprocal tariff rate set forth in Executive Order 14257 of April 2, 2025.

Section 6. Commercial Considerations and Opportunities

Article 6.1. Investment

1. Indonesia shall allow and facilitate U.S. investment in its territory to explore, mine, extract, refine, process, transport, distribute, and export critical minerals and energy resources and to provide power generation, telecommunication, transportation, and infrastructure services on terms no less favorable than it accords to its own investors in like circumstances and shall regulate those investments in keeping with minimum standards of international law.

2. The United States shall work through U.S. institutions such as the Export-Import Bank of the United States (EXIM Bank) and the U.S. International Development Finance Corporation (DFC), if eligible, to consider supporting investment financing in critical sectors in Indonesia in collaboration with U.S. private sector partners, consistent with applicable law.

3. Indonesia shall facilitate job-creating, greenfield investment in the United States.

Article 6.2. Commercial Considerations

1. Indonesia shall ensure that its State-Owned or Controlled Enterprises (SOEs), when engaging in commercial activities: (1) act in accordance with commercial considerations in their purchase of goods or services; (2) refrain from discriminating against U.S. goods or services; and (3) refrain from subsidizing domestic goods producers, except to fulfil any public service mandate. Indonesia shall refrain from providing non-commercial assistance or otherwise subsidizing its goods-producing SOEs, except for the achievement of their public service mandate. Indonesia shall ensure a level playing field for U.S. companies in Indonesia's market with regard to SOEs of non-Parties.

2. Upon the written request of the United States, Indonesia shall provide information regarding all forms of non-commercial assistance or subsidies that it provides to a manufacturing enterprise in its territory and shall take action to address the distortive impacts of those subsidies and support mechanisms at the central level on trade and investment with the United States.

Article 6.3. Textiles

The United States commits to establish a mechanism that will allow for certain textile and apparel goods from Indonesia to receive a zero reciprocal tariff rate. This mechanism will provide that a to-be-specified volume of apparel and textile imports from Indonesia can enter the United States at this reduced tariff rate, but this volume shall be determined in relation to the quantity of exports of textiles, e.g., U.S. produced cotton and man-made fiber textile inputs, from the United States.

Article 6.4. Purchases

Indonesia shall facilitate the purchase, by Indonesian companies, of originating goods of the United States as set out in Annex IV.

Section 7. Implementation, Enforcement, and Final Provisions

Article 7.1. Annexes, Appendices, and Footnotes

The annexes, appendices, and footnotes to this Agreement constitute an integral part of this Agreement.

Article 7.2. Modifications and Amendments

The Parties may agree, in writing, to amend this Agreement. An amendment to this Agreement shall enter into force 60 days after the date on which the Parties exchange written notification of the completion of their respective applicable legal procedures or on such other date as the Parties may agree.

Article 7.3. Enforcement and Implementation

1. Nothing in this Agreement shall prevent, or otherwise constrain, a Party from imposing additional tariffs to remedy unfair trade practices, to address import surges, to protect its economic or national security, or for other similar reasons consistent with its domestic law.

2. If a Party considers that the other Party has not complied with a provision of this Agreement, that Party may review the terms of this Agreement and take action in accordance with its domestic law. (6)A Party shall, when practicable, with a view to finding a mutually satisfactory solution, notify and seek consultations in good faith with the other Party prior to taking any action.

(6) For greater certainty, for purposes of this paragraph, ?law? includes applicable laws, regulations, and other binding instruments or rules.

3. To the extent that a Party experiences:

(a) an import surge (7) of goods from the other Party; or

(7) For greater certainty, the implementation of any commitment listed in Annex IV shall not be considered an "import surge".

(b) an increase in the bilateral trade deficit following implementation of this Agreement, that Party may request consultations with the other Party.

Article 7.4. Termination

Either Party may terminate this Agreement by providing written notice of termination to the other Party. Termination shall take effect 30 days after the date of such notification. When practicable, a Party shall provide the other Party an opportunity to consult before providing such notice.

Article 7.5. Entry Into Force

This Agreement shall enter into force 90 days after the date on which the Parties have exchanged written notifications certifying completion of their applicable legal procedures or on such other date as the Parties may decide.

Annex III. Specific Commitments

Section 1. Tariffs and Quotas

Article 1.1. Other Taxes and Fees

Indonesia shall review and, as appropriate, amend its internal taxes and other internal charges to ensure alignment with the requirement to not maintain or adopt internal taxes or internal charges of any kind in excess of those applied, directly or indirectly, to like domestic products.

Section 2. Non-Tariff Barriers and Related Matters

Article 2.1. Import Licensing

Indonesia shall submit its annual questionnaire on import licensing procedures to the WTO Committee on Import Licensing as provided in Article 7.3 of the WTO Agreement on Import Licensing Procedures.

Industrial Goods

Article 2.2. Local Content and Domestic Specification Requirements

1. Indonesia shall exempt U.S. companies and U.S. goods from local content requirements.

2. Indonesia shall remove forced domestic specification usage and processing requirements.

Article 2.3. Testing and Certification Procedures

1. Indonesia shall allow testing and certification for information communications technologies (ICT) goods to be completed by accredited U.S. conformity assessment bodies and address redundance and costs from product compliance certification requirements.

2. Indonesia shall remove duplicative requirements, including requirements for shipmentspecific testing and certification, for testing of heavy metals in cosmetics.

Article 2.4. Cabotage Policy Exemptions

Indonesia shall grant exemptions, as is done with oil and gas surveys and drilling, to its cabotage policy for foreign-flagged vessels involved in installing telecommunication cables on or below the sea surface, except with respect to vessels associated with any country of concern.

Article 2.5. Medical Devices & Pharmaceuticals

1. Indonesia shall accept a prior marketing authorization approval or clearance that is issued by the U.S. Food and Drug Administration (FDA) as sufficient evidence that a medical device manufactured in the United States meets Indonesia's requirements for marketing authorization, and shall not require marketing authorization for low-risk medical devices where approval or clearance is not required by the FDA.

2. Indonesia shall recognize audits and certificates of device manufacturers' quality management systems that are in accordance with the requirements established by the Medical Device Single Audit Program (MDSAP) and conducted by auditing organizations authorized by the regulatory authorities participating in MDSAP to audit under the MDSAP requirements, and shall not impose additional regulatory requirements beyond those required for MDSAP.

3. Indonesia shall accept the FDA's electronic certificates to foreign governments (eCFGs) for medical devices and the FDA's electronic certificates for pharmaceutical products (eCPPs) as sufficient evidence that these products meet Indonesia's approval requirements, and shall not require hard copies, original copies, authenticated copies, wet signatures, or apostilles of the FDA certificates.

4. Indonesia shall accept a prior marketing authorization that is issued by the FDA as sufficient evidence that a pharmaceutical product manufactured in the United States meets Indonesia's requirements for marketing authorization in its country.

5. Indonesia shall not require periodic re-authorization for a pharmaceutical product that has previously received marketing authorization from the United States, unless Indonesia identifies a significant safety, effectiveness, or quality concern.

6. Indonesia shall accept the results of an FDA good manufacturing practice surveillance inspection of a manufacturing facility for pharmaceutical products without further need for an inspection or reinspection performed by Indonesia's relevant regulatory authorities when the following conditions apply:

(a) the manufacturing facility is within the territory of the United States; and

(b) the most recent FDA inspection report, as provided by the facility, is classified as no action indicated, demonstrating no objectionable conditions or practices.

Article 2.6. Motor Vehicles and Parts

1. Indonesia shall:

(a) accept vehicles and vehicle parts that are manufactured to comply with U.S. Federal Motor Vehicle Safety Standards (FMVSS) and U.S. emissions standards and sold in the United States; and

(b) accept U.S. compliance procedures for automotive products without requirements for U.S. vehicles to undergo additional processes to enter Indonesia's market.

2. Indonesia shall address any other standards or requirements that discriminate against U.S. vehicles and vehicle parts.

Article 2.7. Remanufactured Goods

Indonesia shall remove any import restrictions or licensing requirements on U.S. remanufactured goods or their parts.

Article 2.8. Worn Clothing

Indonesia shall allow the importation of shredded worn clothing from the United States to further promote commerce and circularity within the highly developed U.S. recycled clothing industry.

Article 2.9. Halal for Manufactured Goods

1. With the goal of facilitating U.S. exports of cosmetics, medical devices, and other manufactured goods for which halal certification may currently be required, Indonesia shall exempt U.S. products from any halal certification and halal labeling requirements.

2. Indonesia shall also exempt containers and other materials used to transport manufactured products from any halal certification and halal labeling requirements, except for containers and other materials utilized to transport food and beverages, cosmetics, and pharmaceuticals.

3. Indonesia shall not impose labeling or certification requirements for non-halal products. (8)

(8) For greater certainty, this paragraph does not apply to requirements to provide content or ingredient information on a product.

4. Indonesia shall allow any U.S. Halal certifier recognized by the Indonesian Halal authority to certify any products as Halal for importation into Indonesia without additional requirements or restrictions. Indonesia shall streamline the process by which U.S. halal certifiers obtain recognition by the Indonesian Halal authority and accelerate approvals.

Agriculture

Article 2.10. Import Licensing for Food and Agricultural Products

1. Indonesia shall exempt food and agricultural products originating from the United States from Indonesia's commodity balance policy, horticultural products import licensing regime, and other import licensing regimes. Indonesia shall only apply automatic import licensing for these products.

2. Indonesia shall not:

(a) adopt or maintain any measure granting an entity a special or exclusive importation right that limits U.S. agricultural products; or

(b) otherwise limit or restrict importers from importing U.S. agricultural products into Indonesia.

Article 2.11. Recognition of the U.S. Food and Agricultural Control System and Acceptance of Certificates Issued by U.S. Regulatory Authorities

1. Indonesia shall recognize that the U.S. SPS measures and other measures for food and agricultural products, including technical regulations and standards, adopted or maintained by the U.S. government, (9) satisfy the requirements of Indonesia's measures applied to food and agricultural products imported into Indonesia.

(9) For greater certainty, these U.S. measures include: measures related to organic goods, food safety; the regulatory oversight of processed food production; labeling of perishable and processed foods; measures to protect agricultural production in the United States from the introduction of plant and animal pests and diseases; and regionalization protocols for animal disease and plant pest outbreaks.

2. Further to paragraph 1, Indonesia shall accept official U.S. government certification of compliance with U.S. requirements, for imports of food and agricultural products into Indonesia. Indonesia shall ensure that any future changes made to any bilateral export certification documents or electronic data elements are not implemented without the concurrence of the United States.

3. Indonesia shall limit attestations and information required in certificates required for imports of U.S. food and agricultural products to what is necessary to comply with applicable U.S. requirements.

4. Indonesia affirms its commitments under Annex B of the WTO Agreement on the Application of Sanitary and Phytosanitary Measures and Articles 2 and 5 of the TBT Agreement to notify proposed measures to the WTO SPS Committee or Technical Barriers to Trade Committee, as appropriate, and to take into account comments received from WTO Members before the measure is final.

Article 2.12. Facility Registration/Establishment Listing

Dairy Products

1. Indonesia shall:

(a) recognize the U.S. dairy-safety system as providing at least the same level of protection as Indonesia's dairy-safety system;

(b) allow imports of U.S. dairy products of bovine, ovine, and caprine origins when accompanied by a U.S. Department of Agriculture (USDA) Agricultural Marketing Service (AMS) dairy sanitary certificate;

(c) not require a veterinarian signature on AMS dairy certificates; and

(d) not adopt or maintain a facility registration requirement for imports of U.S. dairy products into Indonesia.

Meat and Poultry (Including Offal), Meat and Poultry Products, Processed Meat and Poultry, Siluriformes, and Egg Products

2. Indonesia shall recognize USDA Food Safety Inspection Service (FSIS) oversight of U.S. meat, poultry (including offal), meat

and poultry products, processed meat and poultry, Siluriformes, and egg product facilities, including cold storage warehouse facilities, for purposes of allowing imports of U.S. meat and poultry (including offal), meat and poultry products, processed meat and poultry, Siluriformes, and egg products.

3. Indonesia shall accept the FSIS Meat, Poultry and Egg Product Inspection (MPI) Directory, which lists all Federally inspected establishments producing meat, poultry, Siluriformes, and egg products regulated by FSIS, as the official list of U.S. establishments eligible to export meat, poultry (including offal), meat and poultry products, processed meat and poultry, Siluriformes, and egg products to Indonesia.

4. Indonesia shall accept U.S. meat and poultry (including offal), meat and poultry products, processed meat and poultry, Siluriformes, and egg products inspected by FSIS and certified using a FSIS Export Certificate of Wholesomeness (FSIS 9060-5 series certificate) or electronic data elements, or any successor thereto.

5. Indonesia shall accept digitally signed FSIS Form 9060-5 series certificates signed by any FSIS authorized personnel.

6. Indonesia shall impose no additional product registration or facility registration requirements on U.S. meat and poultry (including offal), meat and poultry products, processed meat and poultry, Siluriformes, and egg products.

Aquatic Products (10)

(10) Aquatic products include U.S. fishery products and their derivatives excluding Siluriformes.

7. Indonesia shall allow imports of aquatic products:

(a) when the shipment is accompanied by the bilaterally-agreed certificate issued by the National Oceanic and Atmospheric Administration (NOAA); and

(b) for fish meal processing facilities, in good regulatory standing with the FDA and registered by the Directorate General of Aquaculture of the Ministry of Marine Affairs and Fisheries, when the shipment is accompanied by the bilaterally-agreed certificate issued by the NOAA.

Article 2.13. Prior Notice and Time Limits for U.S. Agricultural Imports to Indonesia

1. Indonesia shall accept a U.S. certificate issued by the USDA without regard to the departure date of the U.S. agricultural import from a U.S. port.

2. With respect to U.S. agricultural imports to Indonesia, Indonesia shall not require the submission of a notice request prior to departure.

Article 2.14. Maximum Residue Levels (MRLs) (11)

(11) For greater certainty, “maximum residue level” has the same meaning as “maximum residue limit,” including the term as used by the Codex Alimentarius.

1. Recognizing the importance of establishing science- and risk-based MRLs, in cases where Indonesia has not established an MRL, Indonesia shall recognize and accept the corresponding U.S. tolerances or, when there is not an established U.S. tolerance, the Codex Alimentarius MRL.

2. In the event of an MRL non-compliance, Indonesia shall apply enhanced, risk-based surveillance, if warranted, only to the entity responsible for the non-compliance. Indonesia shall also provide the entity responsible for the non-compliance with an opportunity to dispute or resolve the non-compliance.

3. Indonesia shall limit suspension of U.S. entities based on MRL non-compliance to the responsible entity and only after multiple instances of non-compliance.

4. Indonesia shall ensure transparent procedures by, upon request, communicating testing methodologies and marker residues used to determine compliance with MRLs.

Article 2.15. Fresh Food of Plant Origin (FFPO) Recognition

1. Indonesia shall provide FFPO recognition for all food and agricultural products of plant origin originating from the United States.

2. Once a U.S. plant product is designated with FFPO recognition by the Indonesian Quarantine Authority, this designation is permanent and is not subject to renewal, and shall not be removed from products that have not been exported to Indonesia for several years, given the confidence in the U.S. regulatory oversight based on Indonesia's risk assessment.

3. Indonesia shall promptly notify the United States within five working days of any adverse result of an import check, if practicable by electronic means, and provide information about the adverse result to at least one of the following: the importer or its agent; the exporter; or the manufacturer.

4. In a notification pursuant to paragraph 3 of this Article, Indonesia shall include:

(a) an explanation of the detected non-compliance;

(b) the reason for the prohibition or restriction, if Indonesia prohibits or restricts the importation of a U.S. good on the basis of an adverse result of an import check, unless the good is seized by a customs administration or is subject to ongoing law enforcement action;

(c) the legal basis or authorization for the action; and

(d) information on the status of the affected goods including, if applicable:

(i) release of the affected goods;

(ii) relevant laboratory results and laboratory methodologies;

(iii) in the case of pest interceptions, an identification of the pests at the species level; and

(iv) information on the disposition of goods, if appropriate.

5. Indonesia shall provide an opportunity for a review of a decision related to an adverse result of an import check and consider any relevant information submitted to assist in the review. (12)

(12) For greater certainty, Indonesia shall provide an opportunity for review to at least one of the following: the importer or its agent, the exporter, or the manufacturer of the product, and the review shall be conducted by the customs administration or the relevant competent authority.

6. At the request of the importer or its agent, the exporter, or the manufacturer of the product, Indonesia shall provide the relevant sample from the affected shipment for testing.

7. Indonesia shall accept the results from any accredited U.S. laboratory, should the importer or its agent, the exporter, or the manufacturer of the product have conducted testing in an accredited U.S. laboratory or decide to retest the sample in question in an accredited U.S. laboratory.

8. If Indonesia determines that there is a significant, sustained or recurring pattern of nonconformity with a SPS measure, Indonesia shall notify the United States of the pattern of nonconformity.

9. Any action taken by Indonesia because of a non-conformity shall be taken at the exporter level and not the commodity level.

10. On request, Indonesia shall provide to the United States available information on goods of the United States that were found not to conform to a SPS measure of Indonesia.

11. Indonesia shall not designate any food and agricultural product originating from the United States and listed in the FFPO as "high risk" unless the importer or its agent, the exporter, or the manufacturer of the product have had the opportunity to review and appeal the relevant findings underlying such a determination.

Article 2.16. Agricultural Biotechnology

1. Noting the ability of agricultural biotechnology to improve lives by helping to feed growing populations and by promoting improved agricultural productivity while optimizing inputs, Indonesia shall maintain, for products of agricultural biotechnology, science- and risk-based regulatory frameworks and efficient authorization processes, in order to facilitate increased trade in such products.

2. In the event of an occurrence of low-level presence (LLP) affecting a U.S. shipment exported to Indonesia, Indonesia shall ensure that the LLP occurrence is managed without unnecessary delay; and shall take into account any relevant risk or safety assessment provided, and authorization granted, by the United States or any third country when deciding how to manage the LLP occurrence.

Article 2.17. Horticultural Products Market Access

1. Within six months of the date of entry into force of this Agreement, Indonesia shall finalize the market access process for, and allow the import of, U.S. agave and *Helleborus spp.* tissue culture plants, and bulk almond hulls for animal consumption.

2. For U.S. horticultural products market access requests submitted to Indonesia after entry into force of this Agreement, Indonesia shall complete the market access process for, and reach agreement on, a protocol to allow imports within 18 months of submission.

3. Recognizing the International Standard for Phytosanitary Measures 14 (ISPM 14) as the relevant international standard regarding the use of integrated measures in a systems approach for pest risk management, Indonesia shall accept the use of systems approach protocols for the importation of U.S. plant products. For U.S. plant product requests for systems approaches submitted to Indonesia six months after the date of entry into force of this Agreement, Indonesia shall complete the risk analysis process and reach agreement on a protocol to allow imports using a systems approach protocol within 18 months.

Article 2.18. Animals and Animal Product Market Access

1. Indonesia shall allow the importation of chicken parts, which includes items such as leg quarters, breasts, legs, or thighs.

2. Within six months of the date of entry into force of the Agreement, Indonesia shall finalize the market access process for and allow the import of U.S. live breeding cattle, feeder cattle, swine, horses, sheep, and goats, and their respective genetics.

Article 2.19. Highly Pathogenic Avian Influenza (HPAI) - Live Poultry and Poultry Product Commodities

1. Indonesia shall not adopt or maintain any measure related to importation of live poultry, poultry genetics, poultry products, or eggs and egg products that is inconsistent with the World Organization for Animal Health (WOAH) Terrestrial Animal Health Code (TAHC) Chapter 10.4 (Infection with High Pathogenicity Avian Influenza Viruses) or any successor thereto. Specifically, Indonesia shall align its import regulatory definition of poultry with the WOAH TAHC definition for poultry.

2. Within six months of the date of entry into force of this Agreement, Indonesia shall decrease the scope of HPAI regionalization of the United States to a 10km zone for live poultry, poultry genetics, poultry products, or eggs and egg products. Indonesia shall ensure that any import restrictions imposed on U.S. live poultry, poultry genetics, poultry products, or eggs and eggs products in response to outbreaks of HPAI are limited to the 10km zone in which the outbreak was confirmed. Poultry and products originating outside of the 10km zone shall continue to be eligible for import.

3. Indonesia shall recognize the USDA Animal and Plant Health Inspection Service (APHIS) as the competent animal health authority to determine if a 10km zone is considered free of HPAI, as defined by the WOAH TAHC Chapter 10.4, or any successor thereto, and, therefore, is eligible to export live poultry and poultry product commodities to Indonesia.

Article 2.20. African Swine Fever (ASF)

1. Within 18 months of the date of entry into force of this Agreement, Indonesia shall recognize the zone established by the United States for ASF (13) and begin the process of recognition of the remainder of the United States for ASF regionalization.

(13) In September 2021, the United States established a protection zone for Puerto Rico and the U.S. Virgin Islands.

2. Consistent with WOAH TAHC Chapter 15.1 (Infection with African Swine Fever Virus) and recognizing the efficacy of the regionalization actions overseen by the United States, within 18 months of the date of entry into force of this Agreement, Indonesia shall complete a regionalization agreement with the United States for ASF.

Article 2.21. Live Animals Electronic Signature

Within six months of the date of entry into force if this Agreement, Indonesia shall accept the use of electronic signatures to allow for digital endorsement of live animal health certificates.

Article 2.22. Halal for Food and Agricultural Products

1. Indonesia shall accept U.S. slaughter practices that comply with Islamic law or standards of any country that is a member state of the Standards and Metrology Institute for Islamic Countries (SMIIC).

2. Indonesia shall exempt non-animal products and animal feed, whether genetically engineered or not, from any halal certification and halal labeling requirements.

3. Indonesia shall exempt containers and other materials used to transport food and agricultural products from any halal certification and halal labeling requirements.

4. Indonesia shall exempt U.S. packing, storage, and warehousing companies in the supply chain of halal-certified U.S. agricultural exports to Indonesia from any halal competency testing and certification requirements for their employees.

5. Indonesia shall not adopt or maintain any measure that requires U.S. companies to appoint a halal subject matter expert to oversee company operations.

Article 2.23. Bioethanol

1. Indonesia shall not adopt or maintain any measure that prevents the import of U.S. bioethanol.

2. Indonesia shall implement its policy to supply for transportation fuels mixed with up to five percent bioethanol (E5) by 2028 and up to 10 percent bioethanol (E10) by 2030.

3. Indonesia shall endeavor to implement its policy on the use of bioethanol blends in transportation fuels at up to 20 percent bioethanol (E20), subject to the availability of supply and the readiness of supporting infrastructure.

Intellectual Property

Article 2.24. Geographical Indications

1. With respect to the protection or recognition of a geographical indication, including pursuant to an international agreement, Indonesia shall:

(a) ensure transparent and fair procedures for examination, opposition, and cancellation, including with respect to a translation or transliteration;

(b) provide that the grounds for refusal, opposition, and cancellation include the likelihood of confusion with a prior trademark and whether the term is the term customary in common language as the common name for the relevant good in its territory;

(c) publicly identify which component or components it is protecting and which it is not protecting;

(d) not protect an individual component of a multi-component term that is protected or is recognized as a geographical indication if that individual component is the term customary in common language as the common name for the relevant good in its territory;

(e) not prevent third parties from commercial use of a term, sign, or image based on the evocation of a geographical indication protected or recognized in its territory;

(f) in determining whether a term is the term customary in common language as the common name for the relevant good in its territory, have the authority to take into account how consumers understand the term in its territory and recognize that factors relevant to that consumer understanding may include:

(i) whether the term is used to refer to the type of good in question, as indicated by competent sources such as dictionaries, newspapers, and relevant websites;

(ii) how the good referenced by the term is marketed and used in trade in its territory;

(iii) whether the term is used in relevant international standards to refer to a type or class of good in its territory, such as pursuant to a standard promulgated by the Codex Alimentarius;

(iv) whether persons other than the person who claims rights in the term use the term as the name for the type of product in question;

(v) whether the good in question is imported into its territory, in significant quantities, from a place other than the territory identified in the application or petition, and whether those imported goods are named by the term; and

(vi) whether the product associated with the term is manufactured or traded in significant quantities from a place other than the territory identified in the application or petition.

Article 2.25. International Agreements

1. Indonesia shall fully implement each of the following agreements:

(a) Berne Convention for the Protection of Literary and Artistic Works, done at Berne on September 9, 1886, as revised at Paris on July 24, 1971;

(b) Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure, done at Budapest on April 28, 1977, as amended on September 26, 1980;

(c) Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks, done at Madrid on June 27, 1989;

(d) Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled, done at Marrakesh on June 27, 2013;

(e) Paris Convention for the Protection of Industrial Property, done at Paris on March 20, 1883, as revised at Stockholm on July 14, 1967;

(f) Patent Cooperation Treaty, done at Washington on June 19, 1970, as amended on September 28, 1979, and modified on February 3, 1984;

(g) World Intellectual Property Organization (WIPO) Copyright Treaty, done at Geneva on December 20, 1996; and

(h) WIPO Performances and Phonograms Treaty, done at Geneva on December 20, 1996.

2. Indonesia shall ratify or accede to and fully implement each of the following agreements within two years of the date of entry into force of this Agreement:

(a) Convention Relating to the Distribution of Programme-Carrying Signals Transmitted by Satellite, done at Brussels on May 21, 1974;

(b) Geneva Act of the Hague Agreement Concerning the International Registration of Industrial Designs, done at Geneva on July 2, 1999;

(c) Patent Law Treaty, done at Geneva on June 1, 2000;

(d) International Convention for the Protection of New Varieties of Plants, done at Paris on December 2, 1961, as revised at Geneva on March 19, 1991; and

(e) Singapore Treaty on the Law of Trademarks, done at Singapore on March 27, 2006.

Article 2.26. Additional Intellectual Property Issues

Indonesia shall expeditiously take steps to fully resolve the issues identified in the Indonesia-United States Intellectual Property Rights Work Plan, signed on May 14, 2018, or identified with respect to Indonesia in the most recent Special 301 Report, including by:

(a) significantly increasing enforcement actions against IP infringement or misappropriation, maintaining this increased level of enforcement actions, and devoting sufficient resources to ensure continued effective IP enforcement;

(b) eliminating local domicile requirements for the recordation system for exercise of ex officio authority for border enforcement against pirated and counterfeit goods;

(c) reducing large deposits required of right holders as a prerequisite for IP seizures by border enforcement authorities;

(d) with respect to undisclosed test or other data submitted in support of an application for marketing approval of a new pharmaceutical product, ensuring that no person other than the person who submitted such data may, without the permission of the person who submitted the data, rely on such data in support of an application for product approval for a period of at least five years from the date of marketing approval of the new pharmaceutical product in Indonesia; (14)

(14) Notwithstanding this paragraph, Indonesia may take measures to protect public health in accordance with: (a) the Declaration on the TRIPS Agreement and Public Health (WT/MIN(01)/DEC/2), adopted on November 14, 2001 (Declaration on TRIPS and Public Health); (b) any waiver of a provision of the TRIPS Agreement granted by WTO Members in accordance with the Marrakesh Agreement Establishing the World Trade Organization, done at Marrakesh on April 15, 1994, to implement the Declaration on TRIPS and Public Health and that is in force between the Parties; or (c) any amendment of the TRIPS Agreement to implement the Declaration on TRIPS and Public Health that enters into force with respect to the Parties.

(e) with respect to undisclosed test or other data submitted in support of an application for marketing approval of a new agricultural chemical product, ensuring that no person other than the person who submitted such data may, without the permission of the person who submitted the data, rely on such data in support of an application for product approval for a period of at least 10 years from the date of marketing approval of the new agricultural chemical product in Indonesia;

(f) with respect to Indonesia's Patent Law of 2016, as amended in 2024:

(i) eliminating local manufacturing and use requirements;

(ii) ensuring that any patent implementation reporting requirements do not include an unreasonable disclosure requirement;

(iii) clarifying the disclosure requirement for traditional knowledge and genetic resources, including clarifying what triggers this requirement and what information an applicant must disclose; and

(iv) providing the opportunity for an applicant to correct or submit a disclosure of information concerning traditional knowledge or genetic resources;

(g) ensuring transparency and procedural fairness in its system for compulsory licenses, consistent with international standards; and

(h) with respect to copyright and related rights:

(i) taking steps to clarify that limitations or exceptions to copyright and related rights in Articles 43 and 44 of the Copyright Law are consistent with the three-step test; (15)

(15) For greater certainty, limitations or exceptions are consistent with the three-step test if they are confined to certain special cases which do not conflict with a normal exploitation of the work and do not unreasonably prejudice the legitimate interests of the right holder.

(ii) providing for criminal penalties to be applied in cases of trafficking in devices that circumvent technological protection measures;

(iii) revising provisions in the Copyright Law that protect the integrity of rights management information to also cover economic rights for copyright owners and employers that commission works made for hire;

(iv) criminalizing unauthorized camcording of motion pictures; and

(v) extending the term of protection from fifty years to seventy years since first publication for all works for which the term is not based on the life of an author, including photographic and cinematographic works, video games and software, and sound recordings.

Services and Investment

Article 2.27. Onshoring of Export Proceeds

Indonesia shall review the requirement for natural resource exporters to onshore export proceeds for any amount of time, as it applies to U.S. investors. Within 12 months of the date of entry into force of this Agreement, Indonesia shall permit the transfer of export proceeds for natural resource investments freely and without delay, at a market rate of exchange, into and out of its territory as it relates to U.S. investors.

Article 2.28. Restrictions on Foreign Investment

Indonesia shall allow foreign investment without ownership restrictions for U.S. investors in the mining sector (including any divestment requirements), fish processing, nature-based development projects, ecosystem services, resource efficiency solutions, publishing, delivery services, land transportation, broadcasting, and financial services.

Article 2.29. International Payment Networks and Chip Standards

1. Indonesia shall continue to allow international payment networks provided by U.S. companies to process domestic credit card and card not present/e-commerce transactions on a cross-border basis, as provided by the exemption provisions in its regulations. Indonesia shall refrain from imposing requirements to process data onshore, particularly in the financial space, provided the country's authorities have, for regulatory and supervisory purposes, immediate, direct, complete, and ongoing access to the information processed or stored outside Indonesia's territory.

2. Indonesia shall allow for use of internationally-accepted chip standards for all domestic card transactions, including contactless debit (tap-to-pay).

Article 2.30. Other Services Commitments

1. Indonesia shall remove restrictions on foreign suppliers of delivery services that prohibit them from operating outside of provincial capitals with international airports and seaports.

2. Indonesia shall ensure that fees for import licensing and facility registrations are no higher than the cost of the services rendered.

3. Indonesia shall take effective actions to implement the WTO Joint Initiative on Services Domestic Regulation, including submitting its revised Specific Commitments for certification by the WTO.

4. Indonesia shall refrain from adopting or maintaining any rules restricting the ability of U.S. insurers to process or store data outside of Indonesia.

Good Regulatory Practices

Article 2.31. Good Regulatory Practices

With respect to the adoption and implementation of good regulatory practices at the central level of government, Indonesia shall:

(a) ensure that laws, regulations, procedures, and administrative rulings are promptly published and made easily accessible online;

(b) publish and make easily accessible online the text of proposed regulatory actions, as well as any regulatory impact analysis, an explanation of the regulation, and its objective;

(c) conduct public consultations for proposed regulatory actions in a transparent manner; allow adequate time for interested persons, domestic and foreign, to submit comments, taking into account the complexity or possible impact of the proposed regulation; and give consideration to comments received;

(d) give reasonable notice of planned regulatory actions and publish regulatory policy priorities that will be developed, modified, or eliminated in the near term;

(e) use publicly accessible high-quality data, evidence, technical information, and risk assessments, where appropriate, during the planning and development of regulation;

(f) support international regulatory cooperation through the use of, as appropriate, relevant international standards, guides, and recommendations to avoid unnecessary obstacles to trade;

(g) conduct reviews of regulation in effect to determine whether new information or other changes justify modification or repeal of regulation; and

(h) use tools, such as regulatory impact analysis, to assess the need for and possible impacts of regulations, which could also include alternative approaches to regulation, where appropriate.

Labor

Article 2.32. Labor Laws and other Measures

1. Indonesia shall prohibit the charging of recruitment fees and related costs to workers in Indonesia and, where applicable, prior to their migration to Indonesia. Indonesia's law may provide that such recruitment fees and related costs be paid by employers.

2. Indonesia shall issue implementing regulations for the 2023 Job Creation Law that significantly limit the use of labor-only outsourcing firms.

3. Indonesia shall amend its labor law (16) to:

(16) For the purposes of this Annex, "labor law" means statutes or regulations, or provisions of statutes or regulations, that are directly related to the internationally recognized labor rights referenced in Article 2.9 of this Agreement.

(a) prohibit the outsourcing of core business functions;

(b) allow fixed-term employment only for non-permanent tasks and for up to one year total;

(c) end exemptions for sectoral and regional minimum wages, including for mediumsized enterprises; and

(d) remove provisions that restrict the ability of workers and unions to fully exercise their rights to freedom of association and collective bargaining.

4. Indonesia shall ensure its law protects internationally recognized labor rights in special economic zones, and that its law does not afford such zones lower labor protections than the rest of the economy.

5. Indonesia shall ensure that its labor law covers substantially all workers, regardless of their employment status and enterprise registration status, size, or sector.

Article 2.33. Enforcement of Labor Law

To facilitate the effective enforcement of its labor law, Indonesia shall:

(a) train officials, including police, labor inspectors, and immigration officials, on standard operating procedures for the identification of victims of forced labor;

(b) ensure its labor inspectorate is sufficiently resourced, including with respect to funding, personnel, training, transportation, and equipment;

(c) ensure its labor inspectorate has the authority to issue sanctions that are significant enough to help deter violations, including by establishing a mechanism for labor law enforcement officials to assess civil penalties;

(d) provide its labor inspectorate with the authority to conduct unannounced inspections and routine inspections in all sectors; and

(e) ensure that its labor inspectorate conducts unannounced and routine labor inspections in sectors where there is a high risk of labor law violations, including the fisheries, palm oil, and mineral processing sectors, as well as special economic zones; and that such inspections include an examination of whether there are violations related to child labor, forced labor, and occupational safety and health.

Environment

Article 2.34. Environmental Law

1. Indonesia shall ensure that its environmental laws and policies provide for, and encourage, high levels of environmental protection.

2. Indonesia shall effectively enforce its environmental laws.

Article 2.35. Illegal Logging and Associated Trade

1. Indonesia shall take measures to combat, and cooperate with the United States to prevent, trade in illegally harvested forest products.

2. Indonesia shall improve forest sector governance, including by taking the following actions:

(a) update land classification regulations to accurately reflect land cover;

(b) eliminate or reduce high cut rate requirements on government logging concessions;

(c) strengthen the Timber Legality Assurance System (Sistem Verifikasi Legalitas dan Kelestarian) to reliably track specimens from harvest through transport, processing, and export; and

(d) develop and implement an anti-corruption plan for officials charged with the administration and control of forest resources.

Article 2.36. A More Resource Efficient Economy

1. Indonesia shall take measures to promote a more resource efficient economy. Such measures may include addressing trade barriers that inhibit a more resource efficient economy; encouraging innovation that promotes circularity, for example through improving resource efficiency in product design; and promoting trade facilitative approaches to enable reverse supply chains.

2. Indonesia shall take measures to promote the recovery of critical minerals from waste streams. Such measures may include encouraging regulations, infrastructure, or technologies to expand the collection of electronic waste and spent lithium-ion batteries for recycling and recovering critical minerals.

Article 2.37. Fisheries Subsidies

1. Indonesia shall endeavor to accept, as soon as practicable, the WTO Agreement on Fisheries Subsidies (AFS), and fully implement its obligations. This is without prejudice to Indonesian domestic priorities and regulation and international agreements to which it is a party, including the United Nations Convention on the Law of the Sea, done at Montego Bay on December 10, 1982.

2. Indonesia shall strive to ensure its fisheries subsidies do not contribute to overcapacity and overfishing, including through the use of robust fisheries management regimes and reform of such subsidies.

Article 2.38. Article 2.38: Sustainable Fisheries Management and Illegal, Unreported, and Unregulated (IUU) Fishing

1. Indonesia shall operate a sustainable fisheries management system that regulates marine wild capture fishing and promotes the long-term conservation of marine species including sharks, sea turtles, seabirds, and marine mammals.

2. Indonesia shall strengthen enforcement of fisheries related laws, regulations, and other measures to effectively combat IUU fishing and deter trade in products from IUU fishing, including through:

(a) implementing port state measures, including through actions consistent with the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported, and Unregulated Fishing, done at Rome on November 22, 2009;

(b) adopting or strengthening measures to deter vessels flying its flag and its nationals from engaging in IUU fishing; and

(c) preventing the transshipment at sea of fish caught through IUU fishing or fish products derived from IUU fishing.

Article 2.39. Combating Illegal Wildlife Trade and Associated Crimes

Indonesia shall take measures to combat, and cooperate to prevent, the trade of wild fauna and flora that were taken or traded in violation of its law or another applicable law, including through the following actions:

(a) take measures to enhance the effectiveness of inspections of shipments containing wild fauna and flora, including parts and products thereof, at ports of entry;

(b) take measures to combat the trade of wild fauna and flora transshipped through its territory that, based on credible evidence, were illegally taken or traded; and

(c) treat intentional transnational trafficking of wild fauna and flora as a serious crime as defined in the United Nations Convention Against Transnational Organized Crime, done at New York on November 15, 2000; and

(d) take measures to dismantle organized trafficking networks involved in nature crimes.

Article 2.40. Convention on International Trade In Endangered Species of Wild Fauna and Flora (CITES)

Indonesia shall strengthen implementation of CITES to ensure legal and sustainable trade of CITES-listed species, including through:

(a) reviewing its reservation to the CITES Appendix II listing of seahorses (Hippocampus spp.);

(b) ensuring non-detriment findings are based on robust scientific data, and quotas are strictly enforced, in line with CITES requirements; and

(c) effective management of and reporting on pangolin scale stockpiles, including plans for their destruction.

Customs & Trade Facilitation

Article 2.41. Express Shipments

1. Indonesia shall allow express shipment carriers to efficiently return shipments to the sender if the shipment is undeliverable due to the application of Regulation PMK 96/2023 on Import or Export of Consigned Goods, as amended or revised.

2. Indonesia shall ensure that penalties related to shipments covered by PMK 96/2023, as amended or revised, are imposed only on the person(s) responsible for the breach. Where a logistics provider is not responsible for a violation, the logistics provider shall not be subject to penalties, in accordance with Article 6.3 of the WTO Trade Facilitation Agreement.

Article 2.42. Advance Rulings

Indonesia shall issue customs agency advance rulings to U.S. persons regardless of whether they are registered in Indonesian government systems and ensure that an advance ruling is respected at all ports of entry.

Article 2.43. Pre-Shipment Inspection

Indonesia shall reform its pre-shipment inspection mechanism to address the concerns of U.S. exporters no later than three months after the date of entry into force of this Agreement, by meeting with USTR every two weeks to ensure that the reform addresses the relevant issues in a timely manner.

Article 2.44. Electronic Collection of Pre-Arrival Declaration Data

For imports of U.S. goods, Indonesia shall allow for the electronic collection of pre-arrival declaration data and require all border agencies to conclude their processing of such data prior to arrival to allow for the immediate release of low-risk shipments without transfer to a customs bonded area or warehouse.

Article 2.45. Protection of Proprietary Data

Indonesia shall protect proprietary data submitted to Indonesia's Directorate General of Customs and Excise of the Ministry of Finance by U.S. traders from unauthorized disclosure, including tax identification information if it is required on a customs manifest or customs declaration.

Article 2.46. Rewards for Customs and Excise Officers

Indonesia shall ensure that rewards or premiums offered to customs and excise officers are not based on, or calculated as, a percentage or portion of administrative sanctions assessed or proceeds of the auction of goods resulting from a breach of Indonesian law.

Section 3. Digital Trade and Technology

Article 3.1. Intangible Products and Electronic Transmissions

Indonesia shall eliminate its existing tariff lines on “intangible products” and suspend the requirement that importers file import declarations with Indonesian customs authorities for their electronic transmissions.

Article 3.2. Data Transfers

Indonesia shall provide certainty regarding the ability to move personal data out of its territory to the United States by recognizing the United States as a country or jurisdiction that provides adequate data protection under Indonesia’s law.

Article 3.3. Requirements for Digital Services Providers

Indonesia shall refrain from requiring U.S. digital services providers (platform services) to support domestic news organizations through paid licenses, user data sharing, and profit-sharing models.

Section 4. Rules of Origin

This section is intentionally blank.

Section 5. Economic and National Security

Article 5.1. Cooperation on Excess Capacity In the Steel Sector

Indonesia shall join the Global Forum on Steel Excess Capacity and take effective actions to address global excess capacity in the steel sector and its impacts.

Article 5.2. Equipment and Platform Security

1. Indonesia shall use only communication technology suppliers that do not compromise the security, safeguards, and intellectual property of ICT infrastructure, including 5G, 6G, communication satellites, and undersea cables. Indonesia shall consult with the United States on which suppliers are unable to meet these standards.

2. Indonesia shall ensure, including through cooperation with the United States, that its ports, port terminals, and logistics tracking networks, and its commercial fleet, use digital logistics platforms that provide appropriate cybersecurity protection, protection against the unauthorized disclosure of data, protection against national security risks, and protection against data access by other foreign governments.

Article 5.3. Export Controls

1. Indonesia shall adopt a robust Strategic Trade Management framework to meet its nonproliferation obligations under United Nations Security Council Resolution 1540.

2. Indonesia shall establish measures to restrict the unauthorized export, reexport, and incountry transfer of U.S.-origin or U.S.-controlled items subject to the Export Administration Regulations (EAR) unless the exporter presents U.S. Department of Commerce’s Bureau of Industry and Security (BIS) reexport authorization or demonstrates no BIS authorization is required.

3. Indonesia shall screen and share its export control data related to U.S.-origin or U.S.- controlled items to identify transactions of concern to U.S. authorities, including BIS or its surrogate, and shall adopt and implement measures to prevent and address violations of U.S. export controls.

4. Indonesia shall develop domestic export controls systems and enforcement mechanisms, including by establishing and implementing civil and criminal penalties, and by strengthening its auditing and investigative capabilities, and shall partner with the United States on export controls enforcement actions where appropriate, including by sharing information when violations may have occurred and cooperating on end-use checks and investigations.

Article 5.4. Antidumping and Countervailing Duty Cooperation

Indonesia agrees to expand cooperation and exchange information, as appropriate, related to the Parties' respective antidumping and countervailing duty proceedings (to include circumvention inquiries).

Article 5.5. Other Commitments

Indonesia shall take steps to ratify the Convention on Supplementary Compensation for Nuclear Damage to reduce U.S. industry concerns related to nuclear liability so as to facilitate trade.

Section 6. Commercial Considerations

Article 6.1. Critical Minerals

1. To strengthen supply chain connectivity between the Parties, Indonesia shall remove restrictions on exports to the United States of industrial commodities, including critical minerals.

2. Indonesia and the United States shall intensify their cooperative efforts to accelerate the secure supply of critical minerals, including rare earths. Indonesia shall cooperate with U.S. companies on mining, processing, and downstream production of critical minerals based on commercial considerations.

3. To this end, Indonesia shall cooperate on the expedient development of its rare earth and critical minerals sector in partnership with U.S. companies to ensure secure and diversified supply chains. Indonesia shall provide greater certainty for companies involved in critical mineral extraction, creating certainty for businesses to increase production capacity and supporting operational growth.

4. Indonesia and the United States commit to continued cooperation and engagement on critical mineral supply chains.

5. Indonesia shall:

(a) implement restrictions on foreign-owned processing facilities' excess production (17) by ensuring that production conforms to Indonesia mining quotas; and

(17) This includes processing facilities for nickel, cobalt, bauxite, copper, tin, and manganese.

(b) ensure that foreign-owned industrial parks and processing facilities are subject to the same tax, environmental, labor, quota, and other legal requirements as other companies and entities.

Article 6.2. Strategic Investment

Indonesia shall endeavor to facilitate the realization of outbound direct investment to the United States with a minimum indicative value of USD 10 billion. Such investment will include engineering, procurement, and construction projects, and the development of blue ammonia and other energy initiatives.

Article 6.3. Industrial Cooperation

Indonesia shall ensure that all industrial parks and processing facilities are subject to the same tax, environmental, labor, quota, and other legal requirements as other companies and entities.

Article 6.4. Facilitation of Energy Purchases

Indonesia shall facilitate, by granting all necessary government approvals, decrees, and authorizations to state-owned entities and the private sector, the increase of purchases of U.S. energy; the development of a purchasing approach for U.S. crude oil; and the purchase of more U.S. refined petroleum and liquified petroleum gas (LPG), including through long-term contracts.

Article 6.5. Investment

Indonesia shall:

(a) provide investment to help develop a U.S. West Coast export corridor, including developing export terminals, to increase

U.S. coal's competitiveness in the international market; and

(b) partner with the United States and Japan to work toward deploying small modular reactors using a modernized public-private partnership approach, starting with the front-end engineering and design work for the project in West Kalimantan.