

Article 95
Requirements and Procedures

1. Each Party shall establish and make publicly available requirements and procedures for application for a renewal of the period of temporary stay, a change of status of temporary stay or an issuance of a work permit for a natural person of the other Party who has been granted entry and temporary stay under paragraph 1 of Article 94.
2. Each Party shall endeavor to provide, upon request by a natural person of the other Party, information on requirements and procedures referred to in paragraph 1.
3. Each Party shall, in accordance with its laws and regulations, ensure that fees charged by its competent authorities on application referred to in paragraph 1 do not in themselves represent an unjustifiable impediment to the movement of natural persons of the other Party under this Chapter.

Article 96
Sub-Committee on Movement of Natural Persons

For the purposes of the effective implementation and operation of this Chapter, the functions of the Sub-Committee on Movement of Natural Persons (hereinafter referred to in this Article as "the Sub-Committee") established in accordance with Article 15 shall be:

- (a) reviewing and monitoring the implementation and operation of this Chapter;
- (b) discussing any issues related to this Chapter;
- (c) adopting guidelines referred to in Annex 10;
- (d) reporting the findings of the Sub-Committee to the Joint Committee; and
- (e) carrying out other functions as may be delegated by the Joint Committee in accordance with Article 14.

Chapter 8
Energy and Mineral Resources

Article 97
Definitions

For the purposes of this Chapter:

- (a) the term "energy and mineral resource good" means any good listed in Annex 11;
- (b) the term "energy and mineral resource regulatory bodies" means the governmental bodies that regulate and control the exploration, exploitation, production, operation, transportation, transmission or distribution, purchase or sale of an energy and mineral resource good;
- (c) the term "energy and mineral resource regulatory measure" means any measure by energy and mineral resource regulatory bodies that directly affects the exploration, exploitation, production, operation, transportation, transmission or distribution, purchase or sale of an energy and mineral resource good;
- (d) the term "energy and mineral resource sector" means the sector relating to the exploration, exploitation, production, operation, transportation, transmission or distribution, purchase or sale of energy and mineral resource goods;
- (e) the term "export licensing procedures" means administrative procedures, whether or not referred to as "licensing", used by a Party for the operation of export licensing regimes requiring the submission of an application or other documentation, other than that required for customs procedures, to the relevant administrative body as a prior condition for exportation from that Party; and
- (f) the term "person of the other Party" means either a natural person or an enterprise of the other Party.

Article 98
Promotion and Facilitation of Investment

1. (a) Both Parties shall cooperate in promoting and facilitating investments between the Parties in the energy and mineral resource sector through ways such as:
 - (i) discussing effective ways on investment promotion activities and capacity building;

- (ii) facilitating the provision and exchange of investment information including information on the laws, regulations and policies of the Parties;
 - (iii) encouraging and supporting investment promotion activities of each Party or the business sectors of the Parties, relating to, in particular, the exploration, exploitation and production of energy and mineral resource goods and the infrastructural facilities in the energy and mineral resources sector; and
 - (iv) discussing effective ways of creating stable, equitable, favourable and transparent conditions for investors.
- (b) The implementation and operation of this paragraph shall be subject to the availability of funds and the applicable laws and regulations of each Party.

2. Annex 12 provides additional provisions with respect to the promotion and facilitation of investment in the energy and mineral resource sector.

Article 99 Import and Export Restrictions

1. The Parties reaffirm their obligation to comply with the relevant provisions of the GATT 1994, with respect to prohibitions or restrictions on the importation or exportation of energy and mineral resource goods.

2. Each Party, when introducing a prohibition or restriction otherwise justified under the relevant provisions of the GATT 1994, with respect to the exportation to or importation from the other Party of an energy and mineral resource good, shall provide relevant information concerning such prohibition or restriction as early as possible to the other Party and reply, upon the request of the other Party, to specific questions on such prohibition or restriction from the other Party, with a view to avoiding disruption of ordinary business activities in the Parties.

Article 100
Export Licensing Procedures and Administrations

If a Party adopts or maintains export licensing procedures with respect to an energy and mineral resource good:

- (a) the rules for export licensing procedures shall be neutral in application and administered in a fair and equitable manner;
- (b) the rules and all information concerning procedures for the submission of applications, including the eligibility of persons of the other Party to make such applications, the administrative bodies to be approached, and the lists of products subject to the licensing requirement shall be published, as soon as possible, in such a manner as to enable the other Party and traders of the other Party to become acquainted with them. Any exceptions, derogations or changes in or from the rules concerning export licensing procedures or the list of products subject to export licensing shall also be published in the same manner as specified above;
- (c) in the case of licensing requirements for purposes other than the implementation of quantitative restrictions, the Party shall publish sufficient information for the other Party and traders of the other Party to know the basis for granting and/or allocating licenses;
- (d) where the Party provides the possibility for persons of the other Party to request exceptions or derogations from a licensing requirement, the former Party shall include this fact in the information published under paragraph (b) as well as information on how to make such a request and, to the extent possible, an indication of the circumstances under which such a request would be considered;
- (e) the Party shall provide, upon the request of the other Party, all relevant information concerning the administration of the restrictions in accordance with its laws and regulations;

- (f) when administering quotas by means of export licensing, the Party shall inform the other Party of the overall amount of quotas to be applied and any change thereof;
- (g) the Party shall hold consultations upon the request of the other Party, on the rules for such procedures with the other Party; and
- (h) any person of the other Party which fulfils the legal and administrative requirements of the former Party shall be equally eligible to apply and to be considered for a license. If the license application is not approved, the applicant of the other Party shall, on request, be given the reason therefor and shall have a right of appeal or review in accordance with the domestic legislation or procedures of the former Party.

Article 101
Energy and Mineral Resource Regulatory Measures

1. Each Party shall seek to ensure that, in the application of any energy and mineral resource regulatory measure, the energy and mineral resource regulatory bodies of the Party shall avoid disruption of contractual relationships which exist at the time of the application of the energy and mineral resource regulatory measure to the maximum extent practicable and implement the energy and mineral resource regulatory measure in an orderly and equitable manner.
2. If the energy and mineral resource regulatory bodies of a Party adopt any new energy and mineral resource regulatory measure, the Party shall, as soon as possible, notify the other Party or publish the energy and mineral resource regulatory measure, and respond, upon the request of the other Party, to specific questions on the energy and mineral resource regulatory measure from the other Party.

Article 102
Environmental Aspects

1. Each Party, in pursuit of sustainable development and taking into account its obligations under those international agreements concerning environment to which it is a party, confirms the importance of avoiding or minimizing, in an economically efficient manner, harmful environmental impacts of all activities related to energy and mineral resources in its Area.

2. Each Party shall:

- (a) take account of environmental considerations, in accordance with its laws and regulations, throughout the process of formulation and implementation of its policy on energy and mineral resources;
- (b) encourage favourable conditions for the transfer and dissemination of technologies that contribute to the protection of environment, consistent with the adequate and effective protection of intellectual property rights; and
- (c) promote public awareness of environmental impacts of activities related to energy and mineral resources and of the scope for and the costs associated with the prevention or abatement of such impacts.

Article 103
Community Development

Each Party welcomes any contribution by investors of the other Party to the development of its community when such investors make investments in the energy and mineral resource sector in its Area.

Article 104
Cooperation

- 1. Both Parties shall cooperate in the energy and mineral resource sector of Indonesia.
- 2.
 - (a) The Parties shall endeavor to make available the necessary funds and other resources for the implementation of cooperation under this Article in accordance with their respective laws and regulations.
 - (b) Costs of cooperation under this Article shall be borne in an equitable manner to be mutually agreed upon by the Parties.
- 3.
 - (a) Areas of cooperation under this Article shall include policy development, capacity building, and technology transfer.
 - (b) Forms of cooperation under this Article shall be set forth in the Implementing Agreement.

Article 105
Sub-Committee on Energy and Mineral Resources

For the purposes of the effective implementation and operation of this Chapter, the functions of the Sub-Committee on Energy and Mineral Resources (hereinafter referred to in this Article as "the Sub-Committee") established in accordance with Article 15 shall be:

- (a) exchanging information on any matters related to this Chapter;
- (b) reviewing and monitoring the implementation and operation of this Chapter;
- (c) discussing any issues related to this Chapter, including issues related to business environment, cooperation, energy security, and the development of an open and competitive market;
- (d) reporting the findings of the Sub-Committee and, where appropriate, making recommendations, to the Joint Committee; and
- (e) carrying out other functions as may be delegated by the Joint Committee in accordance with Article 14.

Chapter 9
Intellectual Property

Article 106
General Provisions

1. The Parties, aiming at further promoting trade and investment, shall grant and ensure adequate, effective and non-discriminatory protection of intellectual property, promote efficiency and transparency in the administration of intellectual property protection system, and provide for measures for the enforcement of intellectual property rights against infringement, counterfeiting and piracy, in accordance with the provisions of this Chapter and the international agreements to which both Parties are parties.

2. The Parties reaffirm their commitment to comply with the obligations set out in the international agreements relating to intellectual property to which both Parties are parties.