

APPENDIX 5 TO ANNEX XVI

SWITZERLAND – SCHEDULE OF SPECIFIC COMMITMENTS

1. This schedule of specific commitments shall apply to non-services sectors in the scope of Chapter 4 (Investment) of the Agreement. Services sectors are covered by Chapter 3 (Trade in Services) of the Agreement. It is understood that services specifically exempted from the scope of Chapter 3 (Trade in Services) of the Agreement are not in the scope of this Schedule of Specific Commitments. Where a listed sector or sub-sector also contains an element of supply of services, only the non-services aspects of the sector or sub-sector is committed in this list.

2. The list of commitments below indicates the sectors liberalised pursuant to Article 4.5 (Schedule of Specific Commitments) of the Agreement and, by means of reservations, the national treatment conditions and qualifications that apply to juridical and natural persons of Indonesia, and to the commercial presence of such persons in those sectors. The list is composed of the following elements:

- (a) the first column indicates the sector or sub-sector in which the commitment is undertaken by Switzerland, and the scope of liberalisation to which the reservations apply; and
- (b) the second column describes the applicable reservations.

Commercial presence of sectors or sub-sectors covered by the Agreement and not mentioned in the list is not committed.

3. The identification of individual sectors and sub-sectors is based on “the International Standard Industrial Classification of all Economic Activities as set out in Statistical Office of the United Nations, Statistical Papers, Series M, No. 4/Rev. 4 (hereinafter referred to as “rev 4”).

4. Notwithstanding Article 4.4 (National Treatment) of the Agreement, non-discriminatory requirement as regards the type of legal form of an establishment does not need to be specified in this Schedule of Specific Commitments in order to be maintained or adopted by Switzerland.

5. The rights and obligations arising from the list shall have no self-executing effect and thus not directly confer rights to natural or juridical persons.

Sector or Sub-Sector	Description of Reservations
ALL SECTORS	<p><u>Composition of Governing Bodies / Representatives of Branch Offices</u> For a “corporation” (<i>société anonyme / Aktiengesellschaft</i>), a “corporation with unlimited partners” (<i>société en commandite par actions / Kommanditaktiengesellschaft</i>), a “limited liability company” (<i>société à responsabilité limitée / Gesellschaft mit beschränkter Haftung</i>) and a “cooperative” (<i>société cooperative / Genossenschaft</i>) at least one member of the governing body of the legal person or another person with the right to represent the legal person must be domiciled in Switzerland.</p> <p>A foreign legal person may also establish one or several branch offices in Switzerland. At least one person of the branch office with the right to represent the branch office must be domiciled in Switzerland.</p>
ALL SECTORS	<p><u>Acquisition of real estate</u> Acquisition of real estate by persons abroad is subject to authorisation by the relevant cantonal authority. For the purpose of a permanent business establishment or a main residence, authorization is granted upon verification of the purpose.</p>
ALL SECTORS	<p><u>Privatisation</u> When transferring or disposing its equity interests in, or the assets of, a state-controlled enterprise or a governmental entity, Switzerland reserves the right to prohibit or impose limitations on the ownership of such interests or assets by foreign investors or their investments, and impose limitations to their ability to control such enterprise.</p>
ALL SECTORS	<p><u>Investment</u> Foreign participation in Swiss companies may be subject to prior notification requirements, examination or authorisation by the relevant Swiss authorities.</p>

A. AGRICULTURE, FORESTRY AND FISHING	
<p><u>Crop and Animal Production and Hunting and Related Service Activities</u></p> <p>(ISIC Rev 4: 011, 012, 013, 014, 015, 016, 017)</p>	None
<p><u>Forestry and Logging</u></p> <p>(ISIC Rev 4: 021, 022, 023)</p>	None
<p><u>Fishing and Aquaculture</u></p> <p>(ISIC Rev 4: 031, 032)</p>	None
B. MINING AND QUARRYING	
<p><u>Mining of Coal and Lignite</u></p> <p>(ISIC Rev 4: 051, 052)</p>	None
<p><u>Extraction of Crude Petroleum and Natural Gas</u></p> <p>(ISIC Rev 4: 061, 062)</p>	<p>For oil prospection and exploitation the inter-cantonal agreement (among 10 cantons) stipulates that oil concessions may be granted only to companies that are at least 75 percent Swiss-owned. Other cantons apply similar restrictions.</p> <p>For pipelines a registered office and management presence in Switzerland is required for foreign-owned or controlled companies.</p>

<u>Mining of Metal Ores</u> (ISIC Rev 4: 071, 072)	None
<u>Other Mining and Quarrying</u> (ISIC Rev 4: 081, 089)	Unbound for the extraction of salt in ISIC Rev 4: 0893.
C. MANUFACTURING	
<u>Manufacture of Food Products</u> (ISIC Rev 4: 101, 102, 103, 104, 105, 106, 107, 108)	Unbound for manufacture of salt into food-grade salt, e.g. iodized salt in ISIC Rev 4: 1079.
<u>Manufacture of Beverages</u> (ISIC Rev 4: 110)	None
<u>Manufacture of Tobacco Products</u> (ISIC Rev 4: 120)	None
<u>Manufacture of Textiles</u> (ISIC Rev 4: 131, 139)	None

<p><u>Manufacture of Wearing Apparel</u> (ISIC Rev 4: 141, 142, 143)</p>	<p>None</p>
<p><u>Manufacture of Leather and Related Products</u> (ISIC Rev 4: 151, 152)</p>	<p>None</p>
<p><u>Manufacture of Wood and of Products of Wood and Cork, except Furniture; Manufacture of Products of Straw and Plaiting Materials</u> (ISIC Rev 4: 161, 162)</p>	<p>None</p>
<p><u>Manufacture of Paper and Paper Products</u> (ISIC Rev 4: 170)</p>	<p>None</p>
<p><u>Printing and Reproduction of Recorded Media</u> (ISIC Rev 4: 181, 182)</p>	<p>None</p>

<p><u>Manufacture of Coke and Refined Petroleum Products</u></p> <p>(ISIC Rev 4: 191, 192)</p>	<p>None</p>
<p><u>Manufacture Chemicals and Chemical Products</u></p> <p>(ISIC Rev 4: 201, 202, 203)</p>	<p>Unbound for the enrichment of uranium and thorium ores and production of fuel elements for nuclear reactors in ISIC Rev 4: 2011.</p>
<p><u>Manufacture of Pharmaceuticals, Medicinal Chemical and Botanic Products</u></p> <p>(ISIC Rev 4: 210)</p>	<p>None</p>
<p><u>Manufacture of Rubber and Plastic Products</u></p> <p>(ISIC Rev 4: 221, 222)</p>	<p>None</p>
<p><u>Manufacture of other Non-Metallic Mineral Products</u></p> <p>(ISIC Rev 4: 231, 239)</p>	<p>None</p>

<p><u>Manufacture of Basic Metals</u> (ISIC Rev 4: 241, 242, 243)</p>	<p>None</p>
<p><u>Manufacture of Fabricated Metal Products, except Machinery and Equipment</u> (ISIC Rev 4: 251, 252, 259)</p>	<p>Unbound for manufacture of nuclear reactors in ISIC Rev 4: 2513.</p>
<p><u>Manufacture of Computer, Electronic and Optical Products</u> (ISIC Rev 4: 261, 262, 263, 264, 265, 266, 267, 268)</p>	<p>None</p>
<p><u>Manufacture of Electrical Equipment</u> (ISIC Rev 4: 271, 272, 273, 274, 275, 279)</p>	<p>None</p>
<p><u>Manufacture of Machinery and Equipment n.e.c.</u> (ISIC Rev 4: 281, 282)</p>	<p>None</p>

<p><u>Manufacture of Motor Vehicles, Trailers and Semi-Trailers</u></p> <p>(ISIC Rev 4: 291, 292, 293)</p>	<p>None</p>
<p><u>Manufacture of other Transport Equipment</u></p> <p>(ISIC Rev 4: 301, 302, 303, 304, 309)</p>	<p>None</p>
<p><u>Manufacture of Furniture</u></p> <p>(ISIC Rev 4: 310)</p>	<p>None</p>
<p><u>Other Manufacturing</u></p> <p>(ISIC Rev 4: 321, 322, 323, 324, 325, 329)</p>	<p>None</p>