

# TaxFlash



## Proposal of New Negative List of Investment

정부는 2016년 2월 11일에 현재 대통령령 No.39/2014에 규정되어 있는 외국인 투자 제한("Negative List")에 대한 개정 초안이 담긴 10차 경제개발계획을 발표하였다. 개정 Negative List에 대한 대통령령은 2016년 3월 또는 4월 중 승인될 예정이다. 새로운 Negative List가 발효되기 전까지는 현재의 Negative List가 적용된다.

개정 Negative List는 인도네시아 전역의 외국 및 국내의 투자를 증가시키고 국제 시장에서 국가경쟁력을 강화하는데 그 목적이 있으며, 또한 인도네시아 중소기업 뿐만 아니라 국가 전략산업을 보호할 목적도 있다.

개정 Negative List 안의 내용은 다음과 같다.

- a. Negative List에서 35개의 업종을 제외하여 해당 업종은 100% 외국인 투자가 가능하게 하였음.
- b. 36개 업종에 대해서 외국인 투자 지분 한도를 증가시켰음.
- c. 외국인 투자가 불가능하였던 20개 업종에 대해서 일부 투자가 가능하게 하였음.
- d. 82개 업종에 대해서 해당 장관으로부터 승인받아야 했던 특정 요구사항을 삭제하였음(외국인 투자 지분은 변동없음).

- e. 환경 보호를 위하여 산호 채취 및 거래에 대해서 국내 및 외국인 투자가 모두 금지될 예정임.
- f. 중소기업 보호를 강화하기 위하여 중소기업이 참여하는 건설 부문에 대한 도급금액이 증가되고, 인도네시아 중소기업과의 공동투자가 필수적인 업종들이 추가되는 등 중소기업을 위한 업종들을 추가됨.

상기 항목 중 (a) – (c) 항목과 관련한 변경 안의 주요 내용은 다음과 같다.

No.	Sector	Lines of Business	Current	Proposed Change
1	Industry	Crumb rubber industry	Closed for foreign ownership (100% domestic ownership)	Open to have 100% foreign ownership
2	Trade	Cold storage	Permitted to have (a) 33% foreign ownership in Sumatra, Java and Bali and (b) 67% foreign ownership in Kalimantan, Sulawesi, Nusa Tenggara, Maluku and Papua	Open to have 100% foreign ownership
3		Distribution	Permitted to have 33% foreign ownership	Permitted to have 67% foreign ownership
4		Warehouses	Permitted to have 33% foreign ownership	Permitted to have 67% foreign ownership
5	Manpower and Transmigration	Work training	Permitted to have 49% foreign ownership	Permitted to have 67% foreign ownership
6	Tourism and Creative Economy	Restaurants	Permitted to 51% foreign ownership	Open to have 100% foreign ownership
7		Bars	Permitted to have 49% foreign ownership or 51% if in partnership with SMEs	Open to have 100% foreign ownership
8		Cafes	Permitted to 49% foreign ownership or 51% if in a partnership with SMEs	Open to have 100% foreign ownership
9		Sport centres	Permitted to have 49% foreign ownership or 51% if in a partnership with SMEs	Open to have 100% foreign ownership
10		Film industry in general (including film distribution)	Closed for foreign ownership (100% domestic ownership)	Open to have 100% foreign ownership
11		Film processing laboratories	Permitted to have 49% foreign ownership	Open to have 100% foreign ownership
12		Travel bureaus	Permitted to have 49% foreign ownership	Permitted to have 67% foreign ownership
13	Private museums	Permitted to have 51% foreign ownership	Permitted to have 67% foreign ownership	
14	Telecommunication and Information	E-commerce and marketplace platforms with an ownership of more than IDR100billion	Not regulated	Open to have 100% foreign ownership
15		Telecommunication equipment testing laboratories	Permitted to have 95% foreign ownership	Open to have 100% foreign ownership

No.	Sector	Lines of Business	Current	Proposed Change
16		Integrated telecommunication network providers	Permitted to have 65% foreign ownership	Permitted to have 67% foreign ownership
17	Public Works	Toll roads	Permitted to have 95% foreign ownership	Open to have 100% foreign ownership
18		Non-hazardous waste management	Permitted to have 95% foreign ownership	Open to have 100% foreign ownership
19		Construction consultancy services	Permitted to have 55% foreign ownership	Permitted to have 67% foreign ownership (with project values over IDR 10 billion)
20	Health	Raw pharmaceutical materials industry	Permitted to have 85% foreign ownership	Open to have 100% foreign ownership
21		Healthcare support services	Closed for foreign ownership (100% domestic ownership) or a maximum of 49% foreign ownership if throughout Indonesia	Permitted to have 67% foreign ownership
22	Transportation	Air transportation supporting services	Permitted to have 49% foreign ownership	Permitted to have 67% foreign ownership
23		Land transportation for passengers	Closed for foreign ownership (100% domestic ownership)	Permitted to have 49% foreign ownership
24	Energy and Mineral Resources	Extra-high voltage installation	Closed for foreign ownership (100% domestic ownership)	Permitted to have 49% foreign ownership

## Additional tax considerations

투자자들은 인도네시아에 투자 시에 해당 산업에 적용되는 조세혜택을 고려할 것이다. 개정 Negative List 안에 포함되어 투자제한이 완화된 일부 산업 또한 다음과 같이 조세혜택을 받을 수 있다.

No.	Lines of Business	Tax Concessions	Description of the concessions
1	<ul style="list-style-type: none"> <li>Telecommunication and information</li> <li>Sea transportation</li> </ul>	Corporate Income Tax (CIT) Reduction	<ul style="list-style-type: none"> <li>CIT reduction of 10% – 100% of the CIT due for 5 – 15 years from the start of commercial production</li> </ul>
2	<ul style="list-style-type: none"> <li>Telecommunication and information</li> <li>Land transportation</li> <li>Renewable energy and geothermal power plants</li> <li>Rubber industry</li> </ul>	Income Tax Allowance	<ul style="list-style-type: none"> <li>A reduction in net taxable income of up to 30% of the amount invested in the form of fixed assets, prorated at 5% for 6 years of the commercial production</li> <li>Acceleration of tax depreciation and amortisation deductions</li> <li>A reduction of the withholding tax rate on dividends paid to non-residents to 10% or the applicable reduced tax treaty rate</li> <li>Extension of tax-loss carry forwards for longer than 5 years but not more than 10 years</li> </ul>

No.	Lines of Business	Tax Concessions	Description of the concessions
3	<ul style="list-style-type: none"> <li>• Telecommunication and information</li> <li>• Transportation</li> <li>• Toll roads</li> <li>• Renewable energy and geothermal power plants</li> <li>• Non-hazardous waste management</li> <li>• Hospitals and specialized medical clinics</li> </ul>	Public Private Partnership	Not yet regulated
4	<ul style="list-style-type: none"> <li>• Distribution and warehouses</li> <li>• Rubber industry</li> <li>• Tourism</li> </ul>	Special Economic Zone	<ul style="list-style-type: none"> <li>• CIT Reduction or Income Tax Allowance</li> <li>• Non-collection or exemption of import taxes</li> </ul>
5	<ul style="list-style-type: none"> <li>• Distribution and warehouses</li> </ul>	Bonded Stockpiling	<ul style="list-style-type: none"> <li>• Non-collection or exemption of import taxes (i.e. Value Added Tax, Luxury-goods Sales Tax, Article 22 Income Tax, Import Duty, and Excise)</li> </ul>

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