
AUTHORIZED TRANSLATION



MINISTER OF TRADE OF THE REPUBLIC OF INDONESIA

**REGULATION OF THE MINISTER OF TRADE OF THE REPUBLIC OF
INDONESIA**

NUMBER: 24/M-DAG/PER/5/2013

CONCERNING

**PROVISIONS ON SOYBEAN IMPORT IN THE PROGRAM OF STABILIZING
SOYBEAN PRICE**

BY THE GRACE OF ALLAH THE AL MIGHTY

MINISTER OF TRADE OF THE REPUBLIC OF INDONESIA,

- Considering :
- a. that in order to support the program of stabilizing soybean price as regulated in the Ministerial Regulation of Trade Number 23/M-DAG./PER/5/2013 concerning Program of Stabilizing Soybean Price, it is necessary to regulate provisions on soybean import in the program of stabilizing soybean price;
 - b. that based on the consideration as referred to in item a, it is necessary to stipulate Ministerial Regulation concerning Provisions on Soybean Import in the Program of Stabilizing Soybean Price;
- In view of
1. *Bedrijfsreglementerings Ordonnantie* 1934 (State Gazette of 1938 Number 86);
 2. Law Number 3 of 1982 concerning Mandatory Company

Registration (State Gazette of the Republic of Indonesia of 1982 Number 7, Supplement to the State Gazette of the Republic of Indonesia Number 3214);

3. Law Number 16 of 1992 concerning Animal Quarantine, Fish and Plants (State Gazette of the Republic of Indonesia of 1992 Number 56, Supplement to the State Gazette of the Republic of Indonesia Number 3482);
4. Law Number 7 of 1994 concerning Ratification of Agreement Establishing The World Trade Organization, (State Gazette of the Republic of Indonesia of 1994 Number 57, Supplement to the State Gazette of the Republic of Indonesia Number 3564);
5. Law Number 10 of 1995 concerning Customs (State Gazette of the Republic of Indonesia of 1995 Number 75, Supplement to the State Gazette of the Republic of Indonesia Number 3612) as already amended by virtue of Law Number 17 of 2006 (State Gazette of the Republic of Indonesia of 2006 (State Gazette of the Republic of Indonesia of 2006 Number 93, Supplement to the State Gazette of the Republic of Indonesia Number 4661);
6. Law Number 5 of 1999 concerning Ban on Monopoly and Unfair Business Competition Practice (State Gazette of the Republic of Indonesia of 1999 Number 33, Supplement to the State Gazette of the Republic of Indonesia Number 3806);
7. Law Number 8 of 1999 concerning Customer Protection (State Gazette of the Republic of Indonesia of 1999 Number 42, Supplement to State Gazette of the Republic of Indonesia Number 3821);
8. Law Number 39 of 2008 concerning State Ministry (State Gazette of the Republic of Indonesia of 2008 Number 166, Supplement to State Gazette of the Republic of Indonesia Number 4916);
9. Law Number 13 of 2010 concerning Horticulture (State Gazette of the Republic of Indonesia of 2010 Number 132,

Supplement to the State Gazette of the Republic of Indonesia Number 5170);

10. Law Number 18 of 2012 concerning Food (State Gazette of the Republic of Indonesia of 2012 Number 227, Supplement to the State Gazette of the Republic of Indonesia Number 5360);
11. Government Regulation Number 69 of 1999 concerning Label and Food Advertising (State Gazette of the Republic of Indonesia of 1999 Number 131, Supplement to State Gazette of the Republic of Indonesia Number 3867);
12. Government Regulation Number 14 of 2002 concerning Plant Quarantine (State Gazette of the Republic of Indonesia of 2002 Number 35, Supplement to State Gazette of the Republic of Indonesia Number 4196);
13. Government Regulation Number 68 of 2002 concerning Food Resistance (State Gazette of the Republic of Indonesia of 2002 Number 142, Supplement to State Gazette of the Republic of Indonesia Number 4254);
14. Government Regulation Number 28 of 2004 concerning Security, Quality and Food Nutrition (State Gazette of the Republic of Indonesia of 2004 Number 107, Supplement to State Gazette of the Republic of Indonesia Number 4424);
15. Government Regulation Number 21 of 2005 concerning Bio Security for Genetic Engineering Products (State Gazette of the Republic of Indonesia of 2005 Number 44, Supplement to State Gazette of the Republic of Indonesia Number 4498);
16. Government Regulation Number 38 of 2007 concerning Governmental Job Descriptions between Government, Provincial Government, and Municipal Government (State Gazette of the Republic of Indonesia of 2007 Number 82, Supplement to State Gazette of the Republic of Indonesia Number 4737);
17. Presidential Decree Number 260 of 1967 concerning Affirmation on Duties and Responsibilities of the Minister of

Trade in the sector of Foreign Trade;

18. Presidential Decree Number 84/P of 2009 concerning Establishment of Kabinet Indonesia Bersatu II as already amended by virtue of Presidential Decree Number 59/P of 2011;
19. Presidential Regulation Number 47 of 2009 concerning the Establishment and Organization of State Ministry as already amended lastly by virtue of Presidential Regulation Number 91 of 2011;
20. Presidential Regulation Number 24 of 2010 concerning Position, Duty, and Function of State Ministry and Organizational Structure, Duty, and Function of Echelon I of State Ministry as already amended lastly by virtue of Presidential Regulation Number 92 of 2011;
21. Presidential Regulation Number 32 of 2013 concerning Assignment to the General Company of BULOG for the Security of Price and Soybean Distribution;
22. Regulation of the Minister of Trade Number 54/M-DAG/PER/9/2009 concerning General Provisions in the sector of Import;
23. Regulation of the Minister of Trade Number 31/M-DAG/PER/7/2010 concerning Organization and Working Procedure of Ministry of Trade as already amended by virtue of Ministerial Regulation of Trade Number 57/M-DAG/PER/8/2012;
24. Regulation of the Minister of Agriculture Number 88/Permentan/PP.340/12/2011 concerning Supervision for Food Security towards Importation and Exportation of Fresh Food of Plant Origin;
25. Regulation of the Minister of Trade Number 27/M-DAG/PER/5/2012 concerning Provisions on Importer Identification Number (API) as already amended several times by virtue of Ministerial Regulation of Trade Number 84/M-

DAG/PER/12/2012;

26. Regulation of the Minister of Trade Number 23/M-DAG/PER/5/2013 concerning Program of Stabilizing Soybean Price;

HAS DECIDED:

To Stipulate : **REGULATION OF MINISTER OF TRADE CONCERNING PROVISIONS ON SOYBEAN IMPORT IN THE PROGRAM OF STABILIZING SOYBEAN PRICE.**

Article 1

The terms of the Regulation of Minister are:

1. Soybean means the crops of soybean (*Glycine max. Merr*) in terms of yellow-dried bean already removed from pod skin and removed in the classification of Tariff Post/HS 1201.90.00.00.
2. Program of Stabilizing Soybean Price, hereinafter referred to as the Program of SHK means regulation of purchasing Soybean from farmer, Soybean import, and sales of Soybean to the tofu (tahu)/tempe maker.
3. Import means any activities to import goods to the Customs Area.
4. Registered Soybean Importer, hereinafter referred to as the IT-Soybean means cooperative and/or private importing the Soybean for the purpose of business activity by trading and/or transferring to other parties.
5. Approval of Import means license of Soybean Import.
6. Verification or technical observation means any activities of technical verification for the import products conducted by surveyor.
7. Surveyor means survey company which obtains authorization to conduct verification or technical observation of import product.
8. Public Company of Logistic Agency, hereinafter referred to as the Public Company of BULOG means State Owned

Company, in which all capital are owned by state in terms of State assets separated and undivided to the Shares.

9. Minister means minister carrying out governmental affairs in the sector of trade.
10. Director General means Director General of Foreign Trade, Ministry of Trade.

Article 2

Soybean Import may only be made by Public Company of BULOG, cooperative and/or private participating in the Program of Stabilizing Soybean Price.

Article 3

- (1) Soybean Import as referred to in Article 2 shall be made with due observance to the great harvest period of the Soybean.
- (2) Determination on the great harvest period of Soybean as referred to in paragraph (1) shall be made by the Minister of Agriculture.
- (3) Implementation of Soybean import as referred to in paragraph (1) may be excepted by the Minister only based on the agreement by the Limited Coordinating Meeting at level of Minister in the sector of Economy.

Article 4

- (1) Soybean Import by Public Company of BULOG may be made after obtaining the assignment from the Minister.
- (2) Soybean Import by cooperative and/or private may be made after obtaining stipulation as IT-Soybean (Registered Soybean Importer) from the Minister.
- (3) Minister shall delegate authority of issuing the stipulation as IT-Soybean to the Director General.

Article 5

- (1) To obtain stipulation as IT-Soybean as referred to in Article 4,

cooperative and/or private shall submit written application to the Minister in this case Director General, by attaching the following documents:

- a. photocopy of Trading Business License (SIUP), or other business license issued by competent agency or technical office;
 - b. photocopy of Company Registration (TDP);
 - c. photocopy of Taxpayer Reference Number (NPWP);
 - d. photocopy of Importer Identification Number (API);
 - e. photocopy of Customs Identification Number (NIK);
 - f. photocopy of proof of control for storage in accordance with the product characteristics;
 - g. proof of experience in carrying out import and/or distribution of Soybean in the home-country for 3 (three) years;
 - h. statement from bank devisa declaring that applicant has financial ability qualifying banking in support of issuance of L/C; and
 - i. duly-stamped statement declaring to participate in the Program of Stabilizing Soybean Price in accordance with the laws and regulation.
- (2) Director General on behalf of Minister issues stipulation as IT-Soybean at most 5 (five) business days after field verification by Team to know the truth of document as referred to in paragraph (1).
 - (3) Verification as referred to in paragraph (2) shall be made at most 3 (three) business days as of the acceptance of the application properly.
 - (4) Team as referred to in paragraph (2) consists of official stipulated by Director General.
 - (5) In the event that false data are found in the results of the verification as referred to in paragraph (3), Director General refuses to issue stipulation as IT-Soybean.

- (6) Stipulation as IT-Soybean as referred to in paragraph (2) shall apply for 3 (three) years as of stipulation.
- (7) Stipulation as IT-Soybean as referred to in paragraph (2) shall be continued online to portal Indonesia National Single Window (INSW).
- (8) In the event that Soybean import through harbor which is unconnected with Indonesia National Single Window (INSW), copy of stipulation as IT-Soybean shall be manually submitted to the related agency.

Article 6

- (1) Public Company of BULOG, cooperative and/or private as the owner of IT-Soybean that will conduct Soybean import shall obtain Approval of Import from the Minister.
- (2) Minister shall delegate authority of issuing Approval of Import for Cooperative and/or private of owner of IT-Soybean as referred to in paragraph (1) to the Director General.

Article 7

- (1) In order to obtain Approval of Import as referred to in Article 6, cooperative and/or private as owner of IT-Soybean shall submit written application to the Minister in this case Director General by attaching the following documents:
 - a. proof of Soybean purchase of the farmer; and
 - b. photocopy of stipulation as IT-Soybean.
- (2) In the event that no harvests occur, so that cooperative and/or private of owner of IT-Soybean may not make the soybean purchase of the farmer, the proof as referred to in paragraph (1) item a is not required.
- (3) Number of Soybean purchase of the farmer as referred to in paragraph (1) item a shall conform to the further calculation stipulated by the Director General.
- (4) Proof of Soybean purchase of the farmer as referred to in paragraph (1) item a in term of statement of purchasing the

Soybean submitted by the Public Company of BULOG.

- (5) Director General on behalf of the Minister issues:
 - a. Approval of Import at most 5 (five) business days as of the acceptance of application completely and properly; or
 - b. Refuse of issuing the Approval of Import at most 5 (five) business days since the application is accepted in the event that the application is incomplete and/or improper.
- (6) Approval of Import as referred to in paragraph (5) item a shall apply for 1 (one) year as of the issuance.
- (7) Approval of Import as referred to in paragraph (5) item a shall be submitted to the cooperative and/or private as owner of IT-Soybean and copy is submitted to the related agency.
- (8) Approval of Import as referred to in paragraph (5) item a shall be continued on-line to portal Indonesia National Single Window (INSW).
- (9) In the event that Soybean import through harbor which is unconnected with Indonesia National Single Window (INSW), copy of Approval of Import shall be manually submitted to the related agency.

Article 8

Cooperative and/or private as owner of IT-Soybean which has obtained Approval of Import as referred to in Article 7 shall realize Soybean import at least 70% (seventy percent) from the Approval of Import.

Article 9

- (1) Any implementation of Soybean import shall first of all be made the verification or technical observation of import in the port of loading of country of origin.
- (2) Verification or technical observation as referred to in paragraph (1) shall be made by Surveyor as stipulated by the Minister.
- (3) To be stipulated as the performer of verification or technical observation of Soybean import as referred to in paragraph (2),

Surveyor shall meet the following qualifications:

- a. having Survey Service Business License (SIUJS);
- b. experiencing as surveyor at least 5 (five) years;
- c. having branch or representative and/or affiliate in the foreign country and having network in support of the effectiveness of the verification or technical observation services; and
- d. having track records in the sector of managing verification or technical observation of the import.

Article 10

- (1) Verification as referred to in Article 9 paragraph (1) shall be made towards Soybean import, including data or information concerning:
 - a. Country and port of origin of loading;
 - b. Tariff post or number of HS and product descriptions;
 - c. Type and volume;
 - d. Shipmen time; and
 - e. Port of destination.
- (2) Verification as referred to in paragraph (1) shall be contained in the form of Surveyor Report (LS) to be used as supplementary custom document to settle customs in the sector of import.
- (3) In respect of the verification or technical observation as referred to in paragraph (1), Surveyor levy recompense from the Cooperative and/or private of IT-Soybean of which the amount is determined with due observance to the useful principle.

Article 11

Verification or technical observation activities of the Soybean Import by Surveyor shall not decrease the authority of Directorate General of Customs and Excises, Ministry of Finance to check up the customs.

Article 12

- (1) Cooperative and/or private which has obtained stipulation as IT-Soybean shall submit written report for the implementation of Soybean import through <http://inatrade.kemendag.go.id>.
- (2) Report as referred to in paragraph (1) shall be monthly submitted at least 15 (fifteen) in the subsequent month to the Director General.

Article 13

Surveyor as referred to in Article 9 paragraph (2) shall submit written report on the verification or technical observation of the Soybean import to the Director General monthly at least 15 (fifteen) in the subsequent month.

Article 14

Stipulation as IT-Soybean shall be made if cooperative and/or private shall not conduct obligation of realizing Soybean import as referred to in Article 8.

Article 15

Stipulation as IT-Soybean shall be revoked if the cooperative and/or private:

- a. Fails to submit report as referred to in Article 12 in the number of 3 (three) times;
- b. Is proved to change information as contained in the document of Soybean import; and/or
- c. Is declared to be guilty based on the ruling of court which has had permanent force of laws for the criminal action relating to the misuse of document of the Soybean import.

Article 16

Revocation of stipulation as IT-Soybean shall be stipulated by Director General for and on behalf of the Minister.

Article 17

Cooperative and/or private which is subject to sanction of revoking the stipulation as IT-Soybean as referred to in Article 15, may submit application for the stipulation as IT-Soybean after 1 (one) year as of the revocation.

Article 18

Stipulation as Surveyor is revoked if the latter:

- a. Violates the activity of verification or technical observation of Soybean import; and/or
- b. Fails to meet provisions on the obligation of the written reporting as referred to in Article 13 for 2 (twice).

Article 19

Revocation of stipulation as Surveyor as performer of the verification or technical observation of Soybean import as referred to in Article 18 shall be stipulated by the Minister.

Article 20

- (1) Importer who conducts Soybean import does not conform to the Ministerial Regulation, the latter shall be subject to sanction in accordance with the laws and regulation.
- (2) Soybean imported does not conform to the Ministerial Regulation, it will be re-exported in accordance with the laws and regulation.
- (4) Cost for the re-export conforms to the laws and regulation.

Article 21

- (1) Soybean Import for the purposes of:
 - a. Research, examination, and development of science; and/or
 - b. Sample of goods not for sale; shall obtain Approval of Import.
- (2) Soybean Import for the purposes as referred to in paragraph

(1) shall not apply to the provisions of IT-Soybean and provisions on verification or technical observation of the import.

Article 22

- (1) Supervision towards import and distribution of Soybean shall be made in accordance with the laws and regulation.
- (2) Minister may form Integrated Team consisting of the related vice agency to conduct:
 - a. Evaluation and implementation of policy on Soybean import; and
 - b. Supervision for the distribution of Soybean.

Article 23

Technical guidance of implementing this Ministerial Regulation may be stipulated by Director General.

Article 24

Exception from the provisions shall be regulated in this Ministerial Regulation may only be made by the Minister.

Article 25

- (1) LS as supporting custom documents in settling customs in the sector of import as referred to in Article 10 paragraph (2) shall apply 60 (sixty) days as of the effectiveness of the Ministerial Regulation.
- (2) LS as referred to in paragraph (1) shall be proved with the custom document in terms of manifest (BC.1.1).

Article 26

- (1) Provisions on this Ministerial Regulation shall not apply for the Soybean import shipped from the country of origin before the validity date of the Ministerial Regulation.
- (2) Soybean Import as referred to in paragraph (1) shall be proved with Bill of Lading or Airway Bill and Invoice.
- (3) Soybean as referred to in paragraph (1) shall arrive in the port

of destination not later than 60 (sixty) days as of the validity date of this Ministerial Regulation proved by the custom document in terms of manifest (BC 1.1).

Article 27

This Regulation of Minister becomes effective as of promulgation.

For public cognizance, it is ordered to promulgate this Ministerial Regulation by publicizing the same in the State Gazette of the Republic of Indonesia.

Stipulated in : Jakarta

On : May 28, 2013

**MINISTER OF TRADE OF THE REPUBLIC OF
INDONESIA,**

signed

GITA IRAWAN WIRJAWAN

Copy conforms to original

Secretariat General

Ministry of Trade

Head of Legal Bureau,

signed and sealed

LASMININGSIH

Translated from Indonesian Language
Jakarta, June 20, 2013
Authorized and Sworn Translator,

FIKRI SAID OBED