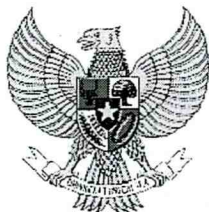

AUTHORIZED TRANSLATION



Minister of Trade of the Republic of Indonesia

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

NUMBER : 46/M-DAG/PER/9/2009

REGARDING

**AMENDMENTS ON THE REGULATION OF THE MINISTER OF TRADE THE
REPUBLIC OF INDONESIA NUMBER 36/M-DAG/PER/9/2007 REGARDING THE
ISSUANCE OF A TRADE BUSINESS LICENSE**

**BY THE GRACE OF ALLAH THE ONE SUPREME GOD
THE MINISTER OF TRADE OF THE REPUBLIC OF INDONESIA,**

Considering : a. that the stipulation on capital based Trade Operation Permit (SIUP) classification needs to be adjusted to the requirements of business criteria which is based on net assets as governed in Law No. 20 of 2008 regarding Micro, Small, and Middle Scale Businesses;
b. that based on such considerations as referred to in letter a, it needs to stipulate a Regulation of the Minister of Trade.

In view of : 1. *Bedrijfsreglementerings Ordonantie* 1934 (State Gazette of 1938 Number 86);
2. Emergency Law Number 7 of 1955 regarding the Investigation, Prosecution, and Trial on economic Criminal Act (State Gazette of the Republic of Indonesia of 1955 Number 27, Supplement to the



State Gazette of the Republic of Indonesia Number 801) as amended several times lastly by Law substitute Governmental Regulation Number 1 of 1971 (State Gazette of the Republic of Indonesia of 1971 Number 55, Supplement to the State Gazette of the Republic of Indonesia Number 2966);

3. Law Number 3 of 1982 regarding Obligation of 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);
4. Law Number 25 of 1992 regarding Cooperative Affairs (State Gazette of the Republic of Indonesia of 1992 Number 116, Supplement to the State Gazette of the Republic of Indonesia Number 3502);
5. Law Number 5 of 1999 regarding Prohibition on Anti-Trust and Unfair Business Competition Practices (State Gazette of the Republic of Indonesia of 1999 Number 33, Supplement to the State Gazette of the Republic of Indonesia Number 3817);
6. Law Number 18 of 1997 regarding Regional Tax and Regional Retribution (State Gazette of the Republic of Indonesia of 1997 Number 41, Supplement to the State Gazette of the Republic of Indonesia Number 2685); as amended by Law Number 34 of 2000 (State Gazette of the Republic of Indonesia of 2000 Number 246, Supplement to the State Gazette of the Republic of Indonesia Number 4048);
7. Law Number 37 of 2000 regarding the Stipulation on Law Substitute Governmental Regulation Number 2 of 2000 regarding Sabang Free Trade and Free Harbor Zone to Become a Law (State Gazette of the Republic of Indonesia of 2000 Number 252, Supplement to the



State Gazette of the Republic of Indonesia Number 4054);

8. Law Number 32 of 2004 regarding Regional Governments (State Gazette of the Republic of Indonesia of 2004 Number 125, Supplement to the State Gazette of the Republic of Indonesia Number 4437) as amended several times lastly by Law No. 12 of 2008 (State Gazette of the Republic of Indonesia of 2008 Number 59, Supplement to the State Gazette of the Republic of Indonesia Number 4844);
9. Law Number 25 of 2007 regarding Capital Investment (State Gazette of the Republic of Indonesia of 2007 Number 67, Supplement to the State Gazette of the Republic of Indonesia Number 4724);
10. Law Number 26 of 2007 regarding Space Arrangement (State Gazette of the Republic of Indonesia of 2007 Number 68, Supplement to the State Gazette of the Republic of Indonesia Number 4725);
11. Law Number 29 of 2007 regarding Provincial Government of the Jakarta Capital City Special Region as the Capital City of the Republic of Indonesia Unitary State (State Gazette of the Republic of Indonesia of 2007 Number 93, Supplement to the State Gazette of the Republic of Indonesia Number 4744);
12. Law Number 40 of 2007 regarding Limited Liability Company (State Gazette of the Republic of Indonesia of 2007 Number 106, Supplement to the State Gazette of the Republic of Indonesia Number 4756);
13. Law Number 44 of 2007 regarding the Stipulation on Law Substitute Governmental Regulation Number 1 of 2007 regarding Amendment on Law Number 36 of 2000 regarding the Stipulation on Law Substitute



Governmental Regulation Number 1 of 2000 regarding Free Trade and Free Harbor Zone to Become a Law (State Gazette of the Republic of Indonesia of 2007 Number 130, Supplement to the State Gazette of the Republic of Indonesia Number 4775);

14. Law Number 20 of 2008 regarding Micro, Small, and Middle Scale Businesses (State Gazette of the Republic of Indonesia of 2008 Number 93, Supplement to the State Gazette of the Republic of Indonesia Number 4866);
15. Governmental Regulation Number 1 of 1957 regarding Company Channeling (State Gazette of the Republic of Indonesia of 1957 Number 7, Supplement to the State Gazette of the Republic of Indonesia Number 1144) as amended several times lastly by Law No. 53 of 1957 (State Gazette of the Republic of Indonesia of 1957 Number 150, Supplement to the State Gazette of the Republic of Indonesia Number 1467);
16. Governmental Regulation Number 66 of 2001 regarding Regional Retribution (State Gazette of the Republic of Indonesia of 2001 Number 119, Supplement to the State Gazette of the Republic of Indonesia Number 4139);
17. Governmental Regulation Number 38 of 2007 regarding the Division of Governmental Affairs Between the Government, Regional Government of Province, and Regional Government of Regency / Municipality (State Gazette of the Republic of Indonesia of 2007 Number 82, Supplement to the State Gazette of the Republic of Indonesia Number 4737);



18. Presidential Decree Number 187/M of 2004 regarding the Establishment of the Cabinet of United Indonesia as amended by Presidential Decree Number 171/M of 2005;
19. Presidential Regulation Number 9 of 2005 regarding the Position, Duties, Functions, Composition of Organization and Working Procedure of the State Ministries of the Republic of Indonesia as amended lastly by the Presidential Regulation Number 20 of 2008;
20. Presidential Regulation Number 10 of 2005 regarding the Organization Unit and Duties of Echelon I of the State Ministries of the Republic of Indonesia as amended several times lastly by the Presidential Regulation Number 50 of 2008;
21. Presidential Regulation Number 76 of 2007 regarding the Criteria and Requirements in the Composing of Un-accessible and Accessible Business Fields by Certain Conditions in Capital Investment Sector;
22. Presidential Regulation Number 77 of 2007 regarding the List of Un-accessible and Accessible Business Fields by Certain Conditions in Capital Investment Sector as amended by Presidential Regulation Number 111 of 2007;
23. Decree of Minister of Industry and Trade Number 23/MPP/Kep/1/1998 regarding the Institutions of Trade Business as amended by the Decree of Minister of Industry and Trade Number 159/MPP/Kep/4/1998;
24. Regulation of the Minister Number 01/M-DAG/PER/3/2005 regarding the Organization and Working Procedure of the Ministry of Trade as several times amended lastly by Regulation of the Minister Number 24/M-DAG/PER/6/2009;



25. Regulation of the Minister of Trade Number 36/M-DAG/PER/9/2007 regarding the Issuance of a Trade Business License;

HAS DECIDES:

To stipulate : **THE REGULATION OF THE MINISTER REGARDING AMENDMENTS ON TRADE MINISTER'S REGULATION NUMBER 36/M-DAG/PER/9/2007 REGARDING THE ISSUANCE OF A TRADE BUSINESS LICENSE.**

Article I

Some of provisions in the Regulation of the Minister of Trade of the Republic of Indonesia Number 36/M-DAG/PER/9/2007 regarding the Issuance of a Trade Business License are amended as follows:

1. Between Number 1 and Number 2 in Article 1 is inserted 1 (one) number, so it runs as follows:

Number 2A

Net assets are the results of reduction between the business total assets and total liabilities not including land and building where the business is run.

2. The provisions in Article 2 are amended, to become as follows:

Article 2

- (1) Each Trading Company is obliged to hold a SIUP.
- (2) The SIUP as referred to in paragraph (1) consists of:
 - a. Minor SIUP;
 - b. Middle SIUP; and
 - c. Major SIUP.
- (3) Other than such SIUPs as referred to in



paragraph (2), it can be granted a Micro SIUP to a Micro Scale Trading Company.

3. The provisions in article 3 are amended, to become as follows:

Article 3

- (1) Minor SIUP must be held by a trading company having net assets of more than Rp. 50.000.000 (fifty million rupiah) up to maximum Rp. 500.000.000 (five hundred million rupiah) not including land and building where the business is run.
- (2) Middle SIUP must be held by a trading company having net assets of more than Rp. 500.000.000 (five hundred million rupiah) up to maximum Rp. 10.000.000.000 (ten billion rupiah) not including land and building where the business is run.
- (3) Major SIUP must be held by a trading company having net assets of more than Rp. 10.000.000.000 (ten billion rupiah) not including land and building where the business is run.

4. The provisions in Article 3 are amended, to become as follows:

Article 4

- (1) The obligation to hold such SIUP as referred to in Article 2 paragraph (1), is exempted on:
 - a. A Company running a business activity beyond the trading sector;
 - b. A Branch office or Representative Office;
 - c. A Micro Trading Company with the following criteria:
 1. a private individual or partnership



- company;
2. the business activity is cared for, operated, or managed by the owner or the closest family members/relatives; and
 3. having net assets of maximum Rp. 50.000.000 (fifty million rupiah) not including land and building where the business is run;
- (2) Such Micro Trading Company as referred to in paragraph (1) letter c can be granted a Micro SIUP, if it is desirable by the same.
5. The provisions in Article 5 paragraph (1) are amended and section (2) is deleted, so it run as follows:

Article 5

SIUP is prohibited to use for doing the activities of:

- a. a trading business not in accordance with the institutional and/or business activity, as contained in the SIUP
 - b. a business claiming itself as trading activity, to raise funds from the people by offering unreasonable promise of profit (money game); or
 - c. other trading activities already governed by a separate provisions of statutory regulation.
6. The provisions in Article 12 paragraph (1) are amended, to become as follows:

Article 12

- (1) The SIUP Issuing Official shall issue a SIUP at the latest 3 (three) business days since the receipt of SP-SIUP and requirement documents completely and correctly, by using the Form as



contained in Attachment III to this Regulation of the Minister, with the following requirements:

- a. green color for Micro SIUP;
 - b. white color for Minor SIUP;
 - c. blue color for Middle SIUP; and
 - d. yellow color for Major SIUP;
- (2) Should the SP-SIUP and requirement documents be deemed as not complete and correct yet, the SIUP Issuing Official shall deliver a SIUP issuance rejection letter to the SIUP Applicant at the latest 3 (three) business days since the receiving date of SP-SIUP.
- (3) The SIUP applicant whose application was rejected may re-submit an application for SIUP according to such requirements as stipulated in this Regulation of the Minister.
7. Between Article 15 and Article 16 is inserted 1 (one) article, i.e. Article 15A, so it run as follows:

Article 15A

- (1) Should the data, information, and explanation given in;
- a. a new SP-SIUP;
 - b. a revised SP-SIUP and/or replacement for the lost or damaged one; or
 - c. the registration report of Branch Office or Representative Office;
- be proved as not correct, then the SIUP, revised SIUP, and/or replacement SIUP already issued and the entry of such Branch Office or Representative Office registration already made shall be declared as cancelled and null and void.



- (2) Such cancellation as referred to in paragraph (1), shall be made by the SIUP Issuing Official by producing a Decree of Cancellation on SIUP, revised SIUP and/or replacement SIUP, as well as the entry of Branch Office or Representative Office Registration.
 - (3) Such Decree of cancellation as referred to in paragraph (2) shall use such Form as contained in Attachment III A to this Regulation of the Minister.
8. The provisions in Article 16 are amended, to become as follows:

Article 16

- (1) On each Trading Company which submits an application for a new SIUP shall not be imposed any retribution.
- (2) Retribution can be imposed on a Trading Company during the application for a re-registration, revision and/or replacement on a lost or damaged SIUP.
- (3) Such retribution as referred to in paragraph (2), is exempted on a Micro Trading Company as referred to in Article 4 paragraph (2).
- (4) The tariff of such retribution as referred to in paragraph (2), shall be stipulated by a Regional Regulation of the local province or regency/municipality without giving the entrepreneurs a difficulty.
- (5) The provincial regional government, the regency/municipality regional government shall have to provide the tariff of such retribution as



referred to in paragraph (2) on the announcement board posted at each of Service Offices responsible for trade sector or One-Stop Integrated Service Offices.

9. The provisions in Article 21 paragraph (1) are amended, to become as follows:

Article 21

- (1) The owner, Caretaker or Person-in-charge of a Trading Company already holding a SIUP, who pays no attention to such written warning as referred to in Article 20 paragraph (2) or Article 5 letter a, shall be imposed an administrative sanction in the form of temporary termination on its SIUP.
 - (2) Such temporary revocation of SIUP as referred to in paragraph (1) shall apply for a maximum period of 3 (three) months, which is performed by the SIUP Issuing Official by issuing a Decree for SIUP Temporary Termination.
 - (3) Such Decree for SIUP Temporary revocation as referred to in paragraph (2) shall use the Form as contained in Attachment VIII to this Regulation of the Minister.
10. The provisions in Article 23 are amended, to become as follows:

Article 23

- (1) A Trading Company which violates the provisions in Article 2 paragraph (1), shall be imposed a sanction according to the provisions in statutory regulation.
- (2) A Trading Company which violates the provisions



in Article 5 letter b and letter c, shall be imposed an administrative sanction in the form of SIUP revocation.

- (3) A Trading Company can be imposed an administrative sanction in the form of SIUP revocation, when it violates any provisions of the statutory regulation in trade sector which stipulates a SIUP revocation sanction.

11. Attachment I, Attachment III, Attachment IV, and Attachment VI are amended to become as contained in the Attachments to this Regulation of the Minister.
12. Between Attachment III and Attachment IV is added Attachment IIIA as contained in the Attachments to this Regulation of the Minister.

Article II

TRANSITIONAL PROVISIONS

1. Minor SIUP, Middle SIUP, and Major SIUP already issued prior to the stipulation of this Regulation of the Minister shall remain in effect until the re- registration period is over and are obliged to adjust to the provisions in this Regulation of the Minister.
2. As of the stipulation date of this Regulation of the Minister, when the holders of Minor SIUP, Middle SIUP and Major SIUP are going to participate in any activities that pertain to the business criteria based on net assets, they are obliged to adjust their SIUP first before participating in those activities.



CLOSING PROVISIONS

This Regulation of the Minister shall be in effect 60 (sixty) days since its stipulation date.

In order to let everyone be aware of, instructing the enactment of this Regulation of the Minister by posting it in the State Gazette of the Republic of Indonesia.

Stipulated in : Jakarta

On : September 16, 2009

MINISTER OF TRADE OF THE REPUBLIC OF INDONESIA

signed

MARI ELKA PANGESTU

Copy corresponds with the original



Secretary General of
Ministry of Trade
Head of Legal Bureau,

signed

WIDODO



APPLICATION LETTER FOR TRADE BUSINESS LICENSE
(MICRO/MINOR/MIDDLE/MAJOR*)

To

Issuing Official SIUP

.....


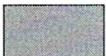
.....

At

FILLED-IN BY THE OWNER/CARETAKER/PERSON-IN-CHARGE

Filled-in/typed in print letters

The undersigned hereby submits the application for a Trade Business License (Micro/Minor/Middle/Major*) as provided for in the Regulation of the Minister of Trade of the Republic of Indonesia No. /M-DAG/PER/.... /2009.

1. Application for a new SIUP : 
2. Application for a SIUP Re-registration, Revision and/or Replacement*) : 

I. Identity of the owner / caretaker / person-in-charge*)

1. Name :
2. Address of residence :
3. Place/date of birth :
4. Phone/ Fax Number :
5. KTP/Passport Number :
6. Citizenship :

II. Company identity

1. Company Name :
2. Company Address :
3. Phone / Fax Number :
4. Province of :
5. Regency/City/Municipality of :



6. District of :
7. Urban-village/Village of :
8. Status : PMA/PMDN/others*)
9. Postal Code :

| | | | | |
|--|--|--|--|--|
| | | | | |
|--|--|--|--|--|

III. Company Legality

The Company takes the form of a Limited Liability Company/Cooperative/CV/Firm*)

1. Establishment Deed
 - a. Number & date of Deed :
 - b. Number & date of Legalization :
2. Amendment Deed
 - a. Number & date of Deed :
 - b. Number & date of Legalization :

IV. Net assets and shares

1. The Value of Company Net Assets,
(not including land and building where
the business is run) :
2. Shares (only for Foreign Capital :
Investment)
 - a. Total Value of Shares :
 - b. Composition of Shareholding :
 - National : %
 - Foreign : %

V. Business Activity

1. Institutional :
2. Business Activity (KBLI 4 Digits) :
3. Core merchandises / services



This application letter for SIUP was made truthfully and should in the future it be proved that the above data/information is not true, then we are ready to be cancelled the SIUP we already hold and imposed a lawsuit according to the provisions in statutory regulation.

.....
Name and Signature
(Owner / Caretaker / Person-in-charge of
the Trading Company*)

company seal and duly stamp
.....

Note:

*) Delete as appropriate



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

NUMBER : 46/M-DAG/PER/9/2009

DATED : September 16, 2009

LIST OF ATTACHMENTS

- ATTACHMENT I : An Application Letter for a Trade Business License (SP-SIUP).
- ATTACHMENT II : The Form of Micro / Minor/ Middle/ Major SIUP.
- ATTACHMENT IIIA : The Form of a Decree on the Cancellation of SIUP, Revised SIUP, Replacement SIUP, the Entry of Registration for Branch Office or Representative Office of a Trading Company.
- ATTACHMENT IV : The Form of Company's Business Activity Report.
- ATTACHMENT VI : The Form of SIUP Issuance Progress Report.

MINISTER OF TRADE OF THE REPUBLIC OF INDONESIA

signed

MARI ELKA PANGESTU

Copy corresponds with the original

Secretary General of

Ministry of Trade

Head of Legal Bureau,

signed

WIDODO



LETTER HEAD

REGENCY / MUNICIPALITY GOVERNMENT OF.....

TRADE BUSINESS LICENSE

NUMBER:

| | |
|---|-------|
| COMPANY NAME | : |
| NAME OF PERSON-IN CHARGE & TITLE | : |
| COMPANY ADDRESS | : |
| TELEPHONE NUMBER | FAX : |
| COMPANY NET ASSETS (NOT INCLUDING : LAND AND BUILDING WHERE THE BUSINESS IS RUN) | |
| INSTITUTIONAL | : |
| BUSINESS ACTIVITY (KBLI) | : |
| CORE MERCHANDISES / SERVICES | : |
| THIS LICENSE APPLIES FOR CONDUCTING TRADE BUSINESS ACTIVITIES ALL OVER INDONESIA'S TERRITORY , AS LONG AS THE COMPANY IS STILL RUNNING ITS BUSINESS, AND MUST BE RE-REGISTERED ONCE IN EVERY 5 (FIVE) YEARS. | |

Pas Photo
3x4 cm

.....
SIUP ISSUING OFFICIAL

(.....)

NIP



LETTER HEAD
REGIONAL GOVERNMENT OF REGENCY / MUNICIPALITY OF
PROVINCE..... OF THE REPUBLIC OF INDONESIA

DECREE
OF THE SIUP ISSUING OFFICIAL
NUMBER:

REGARDING
CANCELLATION ON SIUP, REVISED SIUP, REPLACEMENT SIUP, THE
REGISTRATION ENTRY OF BRANCH OFFICE OR REPRESENTATIVE OFFICE
OF THE TRADING COMPANY*)

Considering : that the data, information and explanation on the Company submitted by the Applicant in the Application Letter for SIUP based on reports and inspection results are not true, then it needs to make a cancellation on the SIUP already issued.

In view of : 1. *Bedrijfsreglementerings Ordonantie* 1934 (State Gazette of 1938 Number 86);
2. Regulation of the Minister of Trade of the Republic of Indonesia Number .../M-DAG/PER/.../2009 regarding the Amendment on the Regulation of the Minister Number 36/M-DAG/PER/9/2007 regarding the issuance of a Trade Business License.

By taking notes of : 1.
2.
3.



HAS DECIDES:

- To stipulate :
- FIRST : To cancel and declare as null and void (SIUP, Revised SIUP, Replacement SIUP, the Entry of Trading Company's Branch Office or Representative Office Registration*) Number Dated in the name of, which is engaged in trade business activity having its domicile in.....
- SECOND : By the cancellation and nullification of (SIUP, Revised SIUP, Replacement SIUP, the Entry of Trading Company's Branch Office or Representative Office Registration*), as referred to in the FIRST dictum, then the concerned company is prohibited to conduct any trading business activity.
- THIRD : A (SIUP, Revised SIUP, Replacement SIUP, the Entry of Trading Company's Branch Office or Representative Office Registration*) that has been cancelled and declared as null and void must be returned to the Instance that issued such SIUP.
- FOURTH : This decree shall commence in effect as of its stipulation date.

Stipulated in

On

SIUP ISSUING OFFICIAL

Cc:

1. Regency Head / Mayor.....
2. Head of Office (who is responsible for trade sector) of province.....;

Note : *) choose one



COMPANY HEAD LETTER

Number : Place, date
Attachment :
Subject : Report of Company Business Activity to
the SIUP Issuing Official
In

1. Company Name :
2. Number & Date of SIUP :
3. Business Activity (KBLI) :
4. Turnover (Annual Sales Results)
 - a. Current year :
 - b. Previous year :
5. Number of Manpower
 - a. Local :
 - b. Expatriates :
6. Especially for Capital Investors
 - a. Domestic
 - Net Assets :
 - b. Foreign Capital Investors
 - Net Assets :
 - Composition of shareholding
 - Foreign :
 - National :
7. Data/information required/requested : [provided in attachments]

In witness whereof, this report was made truthfully

Person-in-charge
Of the trading company



THE PROGRESS REPORT ON SIUP ISSUANCE AND REVOCATION

Province/Regency/Municipality :
Period of Report :
Number & Date of PERDA (REGIONAL REGULATION) Regarding SIUP :

| No | SIUP Classification | Issuance up to Last Month | Issuance During the Report Period | Revocation During the report Period | SIUP Cancellation | Amendment (3+4)-(5+6) | SIUP retribution Tariff | Time of SIUP Issuance/Rejection Process (Business Day) | Remarks (Mention the Additional Requirements and Arrangements Beyond the provisions stipulated in Permendag 10 |
|----|---|---------------------------------|--|--|----------------------|--------------------------|-------------------------------|--|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| 1 | Micro SIUP (micro Scale Business) | | | | | | | | |
| 2 | Minor SIUP (Small Scale Business) | | | | | | | | |
| 3 | Middle SIUP (Middle Scale Business) | | | | | | | | |
| 4 | Major SIUP (Big Scale Business) | | | | | | | | |

Place and Date

SIUP Issuing Official

Translated from Indonesian Language
Jakarta, October 1, 2010
Authorized and Sworn Translator,

FIKRI SAID OBED

