

AUTHORIZED TRANSLATION



MINISTER OF TRADE OF THE REPUBLIC OF INDONESIA
REGULATION OF THE MINISTER OF TRADE OF
THE REPUBLIC OF INDONESIA
NUMBER 109 OF 2018
CONCERNING
PROVISIONS ON COFFEE EXPORT
UPON GRACE OF THE ONE ALMIGHTY GOD

THE MINISTER OF TRADE OF THE REPUBLIC OF INDONESIA,

- Considering :
- a. that to provide business certainty as well support the effectiveness of the implementation of coffee export via electronic licensing system, it is necessary to make adjustments to the regulation on the provisions on coffee export;
 - b. that the provisions on coffee export in the Regulation of Minister of Trade Number 41/M-DAG/PER/9/2009 regarding Provisions on the Coffee Export as amended by Regulation of the Minister of Trade Number 10/M-DAG/PER/5/2011 regarding Amendment to the Regulation of the Minister of Trade No. 41/M-DAG/PER/9/2009 regarding Provisions on the Coffee Export is no longer in accordance with the legal development and need of the public thereby it is necessary to replace the same;
 - c. that based on the consideration as referred to in items a and b, it is necessary to stipulate a Regulation of the Minister of Trade regarding Provisions on the Coffee Export;

- In view of :
1. Law Number 10 of 1995 regarding Customs (State Gazette of the Republic of Indonesia of 1995 Number 75, Supplement Number 3612) as amended by Law Number 17 of 2006 regarding Amendment to Law Number 10 of 1995 regarding Customs (State Gazette of the Republic of Indonesia of 2006 Number 93, Supplement to State Gazette of the Republic of Indonesia Number 4661);
 2. Law Number 3 Year 2014 regarding Industry (State Gazette of the Republic of Indonesia of 2014 Number 4, Supplement to State Gazette of the Republic of Indonesia Number 5492);
 3. Law Number 7 of 2014 regarding Trade (State Gazette of the Republic of Indonesia of 2014 Number 45, Supplement to State Gazette of the Republic of Indonesia Number 5512);
 4. Law Number 23 Year 2014 regarding Regional Government (State Gazette of the Republic of Indonesia of 2014 Number 244, Supplement to the State Gazette of the Republic of Indonesia Number 5587) as already amended several times, recently by the Law Number 9 of 2015 regarding the Second Amendment to Law Number 23 of 2014 regarding Regional Government (State Gazette of the Republic of Indonesia of 2015 Number 58, Supplement to State Gazette of the Republic of Indonesia Number 5679);
 5. Government Regulation Number 24 of 2018 regarding Electronic Integrated Licensing Business Services (State Gazette of the Republic of Indonesia Year 2018 Number 90, Supplement to State Gazette of the Republic of Indonesia Number 6215);
 6. Regulation of the President Number 7 of 2015 regarding Organization of State Ministries (State Gazette of the Republic of Indonesia of 2015 Number 8);
 7. Regulation of the President Number 48 of 2015 regarding the Ministry of Trade (State Gazette of the Republic of Indonesia of 2015 Number 90);

8. Regulation of the Minister of Trade Number 13/M-DAG/PER/3/2012 regarding General Provisions on Export (Official Gazette of the Republic of Indonesia of 2012 Number 395);
9. Regulation of the Minister of Trade Number 08/M-DAG/PER/7/2016 regarding Organization and Work Procedure of the Ministry of Trade (State Gazette of the Republic of Indonesia of 2016 Number 202);
10. Regulation of the Minister of Trade Number 24 of 2018 regarding Provisions and Procedures for Issue of Certificate of Origin for Indonesian Original Goods (State Gazette of the Republic of Indonesia of 2018 Number 167);
11. Regulation of the Minister of Trade No. 77 of 2018 regarding Electronic Integrated Licensing Services in Trade Sector (State Gazette of the Republic of Indonesia of 2018 Number 938);

HAS DECIDED:

To determine : REGULATION OF THE MINISTER OF TRADE REGARDING PROVISIONS ON COFFEE EXPORT

Article 1

In this Regulation of the Minister the following Terms shall have meaning as follows:

1. Coffee shall mean coffee which included in the tariff heading/HS 09.01 and 21.01.
2. Export shall mean the activity of releasing goods from the customs area.
3. Registered Coffee Exporters, hereinafter abbreviated to ETK, shall mean companies already receiving a determination to conduct coffee export.
4. Certificate of Origin Form ICO, hereinafter abbreviated to SKA Form ICO, shall mean a certificate used as documents attached to the coffee exported from all over Indonesia,

proving that the coffee is from, produced and / or processed in Indonesia.

5. Minister shall mean the Minister of Trade.
6. Director General of Foreign Trade, hereinafter referred to as Director General, shall mean the Director General of Foreign Trade, Ministry of Trade
7. Agency shall mean the agency in charge of trade at the provincial and district / municipal levels.
8. Agency Issuing SKA, hereinafter referred to as IPSKA, shall mean an agency/body/institution designated by the Minister and granted with authority to issue SKA

Article 2

- (1) This Regulation of Minister shall be intended to restrict the Coffee Export.
- (2) Export Restrictions as referred to in paragraph (1) shall be conducted based on the Coffee type as mentioned in Appendix I forming integral part hereof.

Article 3

- (1) Coffee as referred to in Article 2 paragraph (2) may only be exported by companies already obtaining designation of ETK from the Minister.
- (2) The Minister shall delegate authority of designation as ETK as referred to in paragraph (1) to the Director General.

Article 4

- (1) To obtain the designation as ETK as referred to in Article 3 paragraph (1), the company shall submit application electronically through the official website <http://inatrade.kemendag.go.id> to the Director General by attaching the scan of the original documents:
 - a. Business Registration Number (NIB);
 - b. Results of Examination from the Office in the format as

- contained in Appendix II forming integral part hereof; an
- c. Minutes of Examination from the Office in the format as contained in Appendix III forming integral part hereof.
- (2) The application as referred to in paragraph (1) may only be submitted after obtaining the Right to Access.
- (3) Upon the application as referred to in paragraph (1), the Director General shall issues a designation as ETK by using paperless Digital Signature and mentioning QR code (Quick Response Code) within not later than 3 (three) business days as of the receipt date of the application in complete and correctly.
- (4) In the event that the application referred to in paragraph (1) is incomplete and incorrect, the application will be declined electronically within not later than 3 (three) business days as of the receipt date of the application.
- (5) The designation as ETK as referred to in paragraph (3) shall be used as complementary document of customs.

Article 5

- (1) In order to obtain the Audit Findings and Minutes of Audit as referred to in Article 4 paragraph (1) item b and item c, the company shall submit a written application to the head of Agency by attaching:
- a. Photocopy of Deed of Company Establishment; and
- b. Photocopy of Identity of Person in Charge of the Company.
- (2) The Audit Findings as referred to in paragraph (1) may be issued by the head of the Agency based on the Minutes of Audit (BAP) as referred to in paragraph (1).

Article 6

Designation as ETK as referred to in Article 4 paragraph (3) shall be effective for 2 (two) years as of the date of designation.

Article 7

- (1) In the event the effectiveness term of the designation as ETK will expire, the company may submit the application for extension of designation as ETK electronically through the official website <http://inatrade.kemendag.go.id> to the Director General by attaching the scan of the original document of export realization report.
- (2) The application as referred to in paragraph (1) shall be submitted within not later than 10 (ten) days before the expiry of the designation as ETK.
- (3) The provisions on submission of applications and issue of designation as ETK as referred to in Article 4 paragraph (2) to paragraph (5) shall apply on mutatis mutandis to the submission of applications for extension of designation and issue of extension of designation as ETK as referred to in paragraph (1).
- (4) Extension of designation as ETK as referred to in paragraph (3) shall be effective for 2 (two) years as of the date of designation.

Article 8

- (1) In the event the effectiveness term of the designation as ETK has expired and the company will carry out Coffee Export, the company shall re-submit the application to obtain designation as ETK electronically through the official website <http://inatrade.kemendag.go.id> to the Director General.
- (2) The provisions on the submission of applications and issue of designation as ETK as referred to in Article 4 and Article 5 shall apply mutatis mutandis to the re-submission of applications and issue of designation as ETK as referred to in paragraph (1).

Article 9

In case of force majeure resulting in failure to the electronic

system through the official website <http://inatrade.kemendag.go.id>, the application as referred to in Article 4 paragraph (1), Article 7 paragraph (1), and Article 8 paragraph (1), shall be submitted manually.

Article 10

- (1) ETK shall export coffee within 1 (one) year of coffee.
- (2) The year of coffee as referred to in paragraph (1) shall commence as of October 1 to September 30 of the subsequent year.

Article 11

- (1) ETK exporting Coffee shall submit SKO Form ICO to Director General through the Director of Export of Agricultural and Forestry Products within not later than 2 (two) weeks after the date of goods loading.
- (2) To obtain the ICO Form ICO as referred to in paragraph (1), ETK shall submit an application for the issue of SKA Form ICO to IPSKA in accordance with the provisions of the legislation.
- (3) SKO Form ICO as referred to in paragraph (1) is mentioned in Appendix IV forming integral part hereof.

Article 12

- (1) ETK shall submit a report on the implementation of Coffee Export whether realized or not.
- (2) Report as referred to in paragraph (1) shall be submitted electronically by quarterly through the official website <http://inatrade.kemendag.go.id> to the Director General.

Article 13

- (1) The provisions in this Regulation of Minister shall not apply to export of coffee being:
 - a. Luggage of passengers or crew of transportation means, or border crossing goods;

- b. Delivery goods of less than 5 (five) kilograms of green bean equivalent delivered through post agency;
 - c. sample goods not for sale delivered through post agency and not delivered through post agency;
 - d. goods for the purposes of science research and development;
 - e. promotional goods for exhibition abroad;
 - f. goods as grants, reward or gifts for charitable, social or cultural purposes;
 - g. imported goods declined by domestic purchaser are then re-exported with the maximum quantity equal to the Goods Import Notification (PIB); and / or
 - h. goods for use by government agency / other state institutions that are exported by relevant government agencies / institutions.
- (2) The export of coffee as referred to in paragraph (1) item c up to item h, may be made after obtaining explanation from the Director General through the Director of Export of Agricultural and Forestry Products.
- (3) To obtain explanation as referred to in paragraph (2), the parties / individuals / companies / institutions / agencies shall submit application in writing to the Director General c.q the Director of Export of Agricultural and Forestry Products.

Article 14

Any ETK breaching the provisions as referred to in Article 11 and / or Article 12 for 2 (two) times shall be subjected to administrative sanctions in form of suspension of designation as ETK.

Article 15

In the event that there is presumption of crime related to the abuse of the document of designation as ETK, ETK shall be subjected to administrative sanction in form of suspension of designation as ETK.

Article 16

The designation as ETK that has been suspended as referred to in Article 14 and Article 15 may be reactivated if ETK:

- a. has performed its obligations as referred to in Article 11 and / or Article 12 within 30 (thirty) days as of the suspension date; and / or
- b. proven of not guilty based on the absolute court judgment.

Article 17

ETK shall not:

- a. submit incorrect data and / or information as the condition to obtain designation as ETK;
- b. change information contained in the document of designation as ETK;

Article 18

ETK breaching the provisions referred to in Article 10 paragraph (1) and Article 17 shall be subjected to administrative sanctions in form of revocation of designation as ETK.

Article 19

In the case ETK:

- a. fails to perform the obligations referred to in Article 11 and / or Article 12 within 30 (thirty) days as of the date of suspension;
 - b. id proven of guilty based on the absolute court judgment for a crime related to abuse of the document of designation as ETK; and / or
 - c. has been subjected to suspension of designation as ETK 2 (two) times and fulfilled the reason for re-suspension,
- ETK shall be subjected to administrative sanctions in form of revocation of designation as ETK.

Article 20

Suspension, reactivation and revocation of designation as ETK as referred to in Article 14 to Article 19 shall be carried out by the Director General and submitted to the Director General of Customs.

Article 21

In necessary, the Directorate General of Foreign Trade and the Directorate General of Consumer Protection and Well-Ordered Trade may jointly conduct assessment to compliance (post audit) to ETK conducting coffee export.

Article 22

In the event that the Management Institution and Electronic Integrated Business Licensing or Online Single Submission (OSS) Institution has processed the issue of business licensing on trade set forth herein, the OSS Institution for and on behalf of the Minister shall issue the designation as ETK.

Article 23

Technical instructions for the implementation of this Regulation of Minister may be determined by the Director General.

Article 24

The acknowledgment as Temporary Coffee Exporters and acknowledgment as Registered Exporter of Coffee issued based on the Regulation of the Minister of Trade Number 41/M-DAG/PER/9/2009 regarding Provisions on the Coffee Export (State Gazette of the Republic of Indonesia of 2009 Number 321) as amended by the Regulation of the Minister of Trade No.10/M-DAG/PER/5/2011 regarding Amendment to Regulation of the Minister of Trade Number 41/M-DAG/PER/9/2009 regarding Provisions on the Coffee Export (State Gazette of the Republic of Indonesia of 2011 Number 321) shall be declared remain take into effect until the expiry of the validity term of acknowledgment as

Temporary Coffee Exporter and acknowledgment as a Registered Exporter of Coffee.

Article 25

Upon effectiveness hereof:

1. Provisions of Article 19 of the Decree of the Minister of Industry and Trade No. 225/KP/X/1995 regarding the Export of Goods Overseas beyond the General Provisions on Export; and
2. Regulation of the Minister of Trade Number 41/M-DAG/PER/9/2009 regarding Provisions on Coffee Export (State Gazette of the Republic of Indonesia of 2009 Number 321) as amended by the Regulation of the Minister of Trade Number 10/M-DAG/PER/5/2011 regarding Amendment to Regulation of the Minister of Trade Number 41/M-DAG/PER/9/2009 regarding Provisions on Coffee Export (State Gazette of the Republic of Indonesia of 2011 Number 354), shall be revoked and declared null and void.

Article 26

This Regulation of the Minister shall come into effect 30 (thirty) days as of the date of promulgation.

So that it is known by everyone, the enactment of this Regulation of the Minister is instructed with its placement in the State Gazette of the Republic of Indonesia.

Stipulated in : Jakarta

On : December 5, 2018

MINISTER OF TRADE OF THE REPUBLIC OF INDONESIA

signed

ENGGARTIASTO LUKITA

Promulgated in Jakarta

On : December 13, 2018

DIRECTOR GENERAL OF LEGISLATION OF THE MINISTRY OF LAW AND
HUMAN RIGHTS OF THE REPUBLIC OF INDONESIA,

signed

WIDODO EKATJAHJANA

STATE GAZETTE OF THE REPUBLIC OF INDONESIA OF 2018 NUMBER 90

Copy conforms to the original.

Secretariat General

Ministry of Trade

Head of Legal Bureau,

signed and sealed

SRI HARIYATI

APPENDIX I

REGULATION OF THE MINISTER OF TRADE

NUMBER 109 OF 2018

CONCERNING PROVISIONS ON COFFEE EXPORT

COFFEE SUBJECTED EXPORT RESTRICTION

No.	POSTTARIF / HS	DESCRIPTION ON GOODS
		COFFEE
	09.01	Coffee, whether or not roasted or its caffeine removed or not; coffee husk and peel; coffee substitutes containing coffee in any ratio.
		- Coffee, unroasted:
	0901.11	-- No caffeine is removed:
1.	0901.11.10	--- Arabika WIB or Robusta OIB
2.	0901.11.90	-- Others
	0901.12	-- Caffeine is removed:
3.	0901.12.10	--Arabika WIB or Robusta OIB
4.	0901.12.90	---Others
		- Coffee, roasted:
	0901.21	-- No caffeine is removed;
5.	0901.21.10	--- Not pounded
6.	0901.21.20	--- Pounded
	0901.22	-- Caffeine is removed:
7.	0901.22.10	----Not pounded
8.	0901.22.20	-- Pounded
	0901.90	= Others :
9.	0901.90.10	-- Coffee husk and membrane
10.	0901.90.20	-- Coffee substitutes containing coffee
	21.01	COFFEE PROCESSED PRODUCTS Extract; essence and concentrate, of coffee, tea or mate and processed with the this product base or with the coffee base, tea or mate; chicory roasted and other roasted coffee

		substitutes, and extracts, essences and concentrates.
		--Extracts, essences and concentrates, of coffee, and processed with extracts base, essences or coffee concentrates or processed with coffee base:
	2101.11	== Extract, essence, and concentrate:
11.	2101.11.10	--- Instant coffee
12.	2101.11.90	--- Others
	2101.12	-- Processed with extract base, essences or concentrates or processed with coffee base
13.	2101.12.10	--- Mixtures in the form of pasta with roasted coffee ingredient pounded, containing vegetable fat
		--Others:
15.	2101.12.92	---- Processed coffee with roasted coffee base pounded containing sugar added, whether containing cream or not
16.	2101.12.99	---Others

MINISTER OF TRADE OF THE REPUBLIC OF INDONESIA

signed

ENGGARTIASTO LUKITA

Copy conforms to the original.

Secretariat General

Ministry of Trade

Head of Legal Bureau,

signed and sealed

SRI HARIYATI

APPENDIX II
REGULATION OF THE MINISTER OF TRADE
NUMBER 109 OF 2018
REGARDING PROVISIONS ON COFFEE EXPORT.

AUDIT FINDINGS

(LETTER HEAD OF PROVINCIAL OR DISTRICT /MUNICIPAL TRADE AGENCY)

Number : To
Encl. : Directorate General of Foreign Trade
Re : Audit Findings Attn.: Director of Agricultural and Forestry
Produces Export, Ministry of Trade

In relation to the application from ___company's Name___ No. ___ dated ___ regarding the Application for Audit as Registered Exporter of Coffee (ETK) and taking into account the Minutes of Audit from the Head of Provincial/District/Municipality Trade Agency No. ___ dated ___ stating that the company is feasible to obtain Recognition as Registered Exporter of Coffee (ETK), enclosed please find the audit finding as follows:

1. Company's Name :
2. Company's Address :
3. Taxpayer Identification Number (TIN) :
4. Company's telephone/facsimile number :
5. Company's email address :
6. Business License Number (SIUP) :dated.....
7. Business Permit Number (NIB) :dated.....
8. Type of Main Commodities/Service :
9. Person in Charge of Company :
10. Address of Person in Charge of Company :

Thus, this Audit Findings shall be valid for 90 (ninety) days as of the date of issue for proper use.

District/Municipality..... date

Head of Provincial Trade Agency

signed

Name

NIP:

Remarks:

1. delete as appropriate
2. If any

MINISTER OF TRADE OF THE REPUBLIC OF INDONESIA

signed

ENGGARTIASTO LUKITA

True Copy

Secretariat General of
the Ministry of Trade

Head of Legal Bureau,

signed and sealed

SRI HARIYATI

APPENDIX III
REGULATION OF THE MINISTER OF TRADE
NUMBER 109 OF 2018
REGARDING PROVISIONS ON COFFEE EXPORT.

MINUTES OF AUDIT

(LETTER HEAD OF PROVINCIAL OR DISTRICT /MUNICIPAL TRADE AGENCY)

MINUTES OF AUDIT

AUDIT TO COMPANY'S LEGALITY AND PHYSICAL ASPECTS USED TO OBTAIN
AUDIT FINDINGS TO ACKNOWLEDGMENT AS REGISTERED EXPORTER OF
COFFEE (ETK)

Number :

On this day, (day, date) ____, it was conducted a audit to ____company's
Name ____, with the findings as follows:

1. Company's Name :
- Company's Status : (Head Office/Branch) *
- Company's Address :
(Street, Village, District, Regency/Municipality
/Province)
- Company's : /
- telephone/facsimile number
- Company's email address :
2. Person in Charge of Company :
- Address of Person in Charge : (Street, Village, District, Regency /
of Company Municipality / Province)
- Contact Person Number and : /
- e-mail address of Person in
Charge of Company

- A Business Facilities
1. Condition of Office Building : (Permanent/Semi-Permanent/others)
 2. Land Area : ...m²
 3. Building Area : ...m²
 4. Building Status : (Own ownership/lease-rent)
 5. Warehouse Area : ...m²
 6. Warehouse ownership Status : (Own ownership/lease-rent)
- B. TOTAL MANPOWER:
7. Local /Indonesian : Persons
 8. Expatriate : Persons
- C. INVESTMENT
9. Investment source : (Foreign/Domestic Investment)
 10. Fixed capital/Assets : Rp.....
 11. Working capital/operating costs : Rp.....
 12. TOTAL INVESTMENT : Rp.....
- B. PRODUCTION FACILITIES**
- Plant's Address :
(Jalan, Village, Sub-district, Regency/City, Province)
13. Production Capacity : tons per year
 14. Type of machineries (units) : units
 15. Processing method (choose the appropriate) :

Remarks: 1. delete as appropriate
 2. If any

- Coffee bean : green bean – wet/dry process
- Instant coffee source :
- Organic :
- Decaffein :

E. EXPERIENCE IN COFFEE TRADING BUSINESS

- 16. Coffee Trading
- 17. Export
- 18. Export Plan Estimation
- 19. Export Destination Plan

No.	Commodities	Raw Material	Purchaser's Name and Address	Country of Destination
 (illegible)			

F. COMPANY'S LEGALITY ASPECT

- 20. Company's TIN :
- 21. Company's Deed of Establishment :
- 22. Trade Business License Number :dated
- 23. Industrial Business License Number : dated
- 24. Business Registration Number (NIB) : dated
- 25. Warehouse Permit : dated
- 26. Others :

G. AUDITOR'S NOTE

Based on the audit to the assets and audit to the company's legality together with the audit to the field, then it could proposed that the company is the Registered Exporter of Coffee (ETK)

Thus, this Minutes of Audit is issued for proper use.

[.....illegible]

MINISTER OF TRADE OF THE REPUBLIC OF INDONESIA

signed

ENGGARTIASTO LUKITA

True Copy

Secretariat General of

the Ministry of Trade

Head of Legal Bureau,

signed and Sealed

SRI HARIYATI

APPENDIX IV
REGULATION OF THE MINISTER OF TRADE
NUMBER 109 OF 2018
CONCERNING
PROVISIONS ON COFFEE EXPORT.

CERTIFICATE OF ORIGIN FORM ICO

[Table in English]

..... (illegible)

MINISTER OF TRADE OF THE REPUBLIC OF INDONESIA

signed

ENGGARTIASTO LUKITA

Copy conforms to the original.

Secretariat General

Ministry of Trade

Head of Legal Bureau,

signed and sealed

SRI HARIYATI

I, **Anang Fahkrudin**, a sworn and authorized translator, practicing in Jakarta, do solemnly and sincerely declare that the foregoing document is a true and faithful translation from **Indonesian into English** of the original version.

Jakarta, August 10, 2019

ANANG FAHKCRUDIN
SWORN & AUTHORIZED
TRANSLATOR
SK. GUB KDKI Jkt. No. 272/2001