

AUTHORIZED TRANSLATION



**MINISTER OF TRADE OF THE REPUBLIC OF INDONESIA
REGULATION OF THE MINISTER OF TRADE OF
THE REPUBLIC OF INDONESIA
NUMBER 29 OF 2018
CONCERNING
PROVISIONS FOR IMPORT OF SACCHARINE AND CYCLAMATE
AND ODOR PREPARATIONS CONTAINING ALCOHOL**

UPON GRACE OF THE ONE ALMIGHTY GOD

THE MINISTER OF TRADE OF THE REPUBLIC OF INDONESIA,

- Considering :
- a. that in order to encourage the improvement of the national competitiveness and to support the implementation of the import trade system of saccharine and cyclamate and odor preparations containing alcohol through the post border control, it is necessary to reregulate the provisions for import of saccharine and cyclamate and odor preparations containing alcohol;
 - b. that the provisions for import of saccharine and cyclamate and odor preparations containing alcohol, as regulated in the Decree of the Minister of Industry and Trade of the Republic of Indonesia Number 230/MPP/Kep/7/1997 concerning Goods Which Import Trade System is Regulated, is considered no more relevant so that it needs to be replaced;

- c. that based on the considerations, as meant in letter a and letter b, it is necessary to determine the Regulation of the Minister of Trade concerning the Provisions for Import of Saccharine and Cyclamate and Odor Preparations Containing Alcohol;

In view of

- : 1. Law Number 7 of 1994 concerning Ratification of the 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);
2. 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 has been amended with Law Number 17 of 2006 concerning Amendment of Law Number 10 of 1995 concerning Customs (State Gazette of the Republic of Indonesia of 2006 Number 93, Supplement to the State Gazette of the Republic of Indonesia Number 4661);
3. Law Number 5 of 1999 concerning Prohibition of Monopoly Practice and Unhealthy Business Competition (State Gazette of the Republic of Indonesia of 1999 Number 33, Supplement to the State Gazette of the Republic of Indonesia Number 3817);
4. Law Number 39 of 2008 concerning State Ministry (State Gazette of the Republic of Indonesia of 2008 Number 166, Supplement to the State Gazette of the Republic of Indonesia Number 4916);
5. Law Number 3 of 2014 concerning Industry (State Gazette of the Republic of Indonesia of 2014 Number 4, Supplement to the State Gazette of the Republic of Indonesia Number 5492);

6. Law Number 7 of 2014 concerning Trade (State Gazette of the Republic of Indonesia of 2014 Number 45, Supplement to the State Gazette of the Republic of Indonesia Number 5512);
7. Law Number 20 of 2014 concerning Standardization and Assessment of Conformity (State Gazette of the Republic of Indonesia of 2014 Number 216, Supplement to the State Gazette of the Republic of Indonesia Number 5584);
8. Government Regulation Number 10 of 2012 concerning Treatment of Customs, Taxation, and Excise as well as Implementation System of Taking In and Taking Out Goods Into and From and That Are in the Area Determined as the Free Trade Area and Free Port (State Gazette of the Republic of Indonesia of 2012 Number 17, Supplement to the State Gazette of the Republic of Indonesia Number 5277);
9. Presidential Regulation Number 7 of 2015 concerning State Ministry Organization (State Gazette of the Republic of Indonesia of 2015 Number 8);
10. Presidential Regulation Number 48 of 2015 concerning Ministry of Trade (State Gazette of the Republic of Indonesia of 2015 Number 90);
11. Regulation of the Minister of Trade Number 46/M-DAG/PER/8/2014 concerning General Provisions for the Verification or Technical Tracing in the Trade Sector (State Gazette of the Republic of Indonesia of 2014 Number 1104);
12. Regulation of the Minister of Trade Number 48/M-DAG/PER/7/2015 concerning General Provisions in the Import Sector (State Gazette of the Republic of Indonesia of 2015 Number 1006);
13. Regulation of the Minister of Trade Number 70/M-DAG/PER/9/2015 concerning Importer Identity Number

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- (State Gazette of the Republic of Indonesia of 2015 Number 1516);
14. Regulation of the Minister of Trade Number 08/M-DAG/PER/2/2016 concerning Organization and Work System of the Ministry of Trade (State Gazette of the Republic of Indonesia of 2016 Number 202);
 15. Regulation of the Minister of Trade Number 85/M-DAG/PER/12/2016 concerning Trade Integrated Service (State Gazette of the Republic of Indonesia of 2016 Number 2007);
 16. Regulation of the Minister of Trade Number 86/M-DAG/PER/12/2016 concerning Provisions on the Online Licensing Service in the Trade Sector and Electronic Signature (Digital Signature) (State Gazette of the Republic of Indonesia of 2016 Number 2008).

HAS DECREED:

To determine : THE REGULATION OF THE MINISTER OF TRADE CONCERNING THE PROVISIONS FOR IMPORT OF SACCHARINE AND CYCLAMATE AND ODOR PREPARATIONS CONTAINING ALCOHOL.

Article 1

The meaning of the following in this Regulation of the Minister is:

1. Saccharine and Cyclamate is the food additional ingredients inform of artificial sweetener that is chemically processed.
2. Odor Preparations Containing Alcohol is the odor substance that has been mixed with alcohol or another substance.
3. Import is the activity of taking goods into the customs area.

4. Import Approval is the approval that is used as permit to import Saccharine and Cyclamate and Odor Preparations Containing Alcohol.
5. Verification or Technical Tracing is the investigation and checking on imported goods that is carried out by the Surveyor.
6. Surveyor is the survey company that has obtained the authority to carry out the Verification or Technical Tracing on imported goods.
7. Customs Area is the area with certain boundaries at the seaport, airport or other places that are determined for the traffic of goods, which is fully under the control of the Directorate General of Customs.
8. Minister is the minister who organizes the administration affairs in the trade sector.
9. Director General is the Director General of Foreign Trade, Ministry of Trade.
10. Director is the Director of Import, Directorate General of Foreign Trade, Ministry of Trade.

Article 2

- (1) The import of Saccharine and Cyclamate and Odor Preparations Containing Alcohol is limited.
- (2) Saccharine and Cyclamate and Odor Preparations Containing Alcohol, which import is limited, as meant in paragraph (1), are contained in the Appendix, which is an integral part of this Regulation of the Minister.

Article 3

- (1) Saccharine and Cyclamate and Odor Preparations containing Alcohol, as meant in Article 2, may only be imported by the company that owns the Import Identity Number (API) and has obtained the Import Approval from

the Minister.

- (2) The Minister delegates the authority to issue the Import Approval, as meant in paragraph (1) to the Director General.
- (3) The Director General provides the mandate to issue the Import Approval, as meant in paragraph (2), to the Director.

Article 4

- (1) The company that wishes to obtain the Import Approval, as meant in Article 3, should electronically submit the request to the Director General, in this case the Director, by attaching the following documents:
 - a. API;
 - b. The plan for distribution and/or use to import Saccharine and Cyclamate and Odor Preparations Containing Alcohol; and/or
 - c. Import of Goods Notification (PIB) that shows the experience in the sector of Import of Saccharine and Cyclamate and Odor Preparations Containing Alcohol for minimum 1 (one) year.
- (2) Based on the request, as meant in paragraph (1), the Director issues the Import Approval on behalf of the Director General within not later than 3 (three) working days effective as of the date the request is received completely and correctly.
- (3) In case the request, as meant in paragraph (1) is incomplete and incorrect, then the Director issues on behalf of the Director General the notification on the rejection of request within not later than 3 (three) working days effective as of the date the request is received.

Article 5

The Import Approval, as meant in Article 4 paragraph (2), applies for 6 (six) months effective as of the date of its issuance.

Article 6

- (1) The Importer of Saccharine and Cyclamate and Odor Preparations Containing Alcohol should report each amendment related to the requirements documents, as meant in Article 4 paragraph (1), and should submit the request for amendment of the Import Approval.
- (2) The Importer of Saccharine and Cyclamate and Odor Preparations Containing Alcohol may submit the request for amendment of the Import Approval in case there are amendments on the description of goods. Tariff Post/Harmonized System (HS), type, amount, country of origin, unit, port of loading, and/or port of Import destination.
- (3) In order to obtain the amendment of the Import Approval, as meant in paragraph (1) and paragraph (2), the Importer of Saccharine and Cyclamate and Odor Preparations Containing Alcohol should electronically submit the request to the Director General, in this case the Director, by attaching the following documents:
 - a. Document that is amended for the request as meant in paragraph (1); and
 - b. Import Approval.
- (4) Based on the request, as meant in paragraph (3), the Director issues the amendment of the Import Approval on behalf of the Director General within not later than 3 (three) working days effective as of the date the request is received completely and correctly.

Article 7

- (1) The submission of request in order to obtain:
 - a. The Import Approval as meant in Article 4; and
 - b. Amendment of the Import Approval as meant in Article 6,should be electronically submitted through <http://inatrade.kemendag.goi.id>.
- (2) In case of force majeure, which causes the non functioning of the electronic system, then the submission of request, as meant in paragraph (1), is delivered manually.

Article 8

- (1) The Verification or Technical Tracing should first be carried out at the port of loading on each implementation of the Import of Saccharine and Cyclamate and Odor Preparations Containing Alcohol.
- (2) The implementation of the Verification or Technical Tracing is carried out by the Surveyor determined by the Minister.

Article 9

In order to be determined as the executive of the Verification or Technical Tracing on the Import of Saccharine and Cyclamate and Odor Preparations Containing Alcohol, as meant in Article 8, the Surveyor should comply with the following requirements:

- a. In possession of the Survey Service Business License (SIUJS);
- b. Has the experience as Surveyor of minimum 5 (five) years;
- c. Has branches or representatives and/or affiliates abroad and the network to support the effectiveness of the

- Verification or Technical Tracing service; and
- d. In possession of good track records in the sector of the import Verification or Technical Tracing activity management.

Article 10

- (1) The Verification or Technical Tracing, as meant in Article 8 paragraph (1), is carried out on the Import of Saccharine and Cyclamate and Odor Preparations Containing Alcohol, which covers minimum the data and information on the following:
- a. Country of origin and port of loading the goods;
 - b. Description of goods and Tariff Post/Harmonized System (HS);
 - c. Type, amount and specification of goods;
 - d. Compulsory Indonesian national Standard (Compulsory SNI) for those that are required; and
 - e. Port of destination.
- (2) The result of Verification or Technical Tracing, as meant in paragraph (), is entered into the form of Surveyor Report (LS).
- (3) The Surveyor Report (LS), as meant in paragraph (2), should contain the statement of correctness on the result of Verification or Technical Tracing and is fully the responsibility of the Surveyor.
- (4) The Surveyor collects the service reward from the Importer for the implementation of the Verification or Technical Tracing, as meant in paragraph (1), which amount is determined by taking account of the benefit principle.

Article 11

- (1) The checking on the compliance toward the Import requirements of Saccharine and Cyclamate and Odor

Preparations Containing Alcohol is carried out after going through the Customs Area.

- (2) The Import requirements, as meant in paragraph (1), are in form of the:
 - a. Import Approval; and
 - b. Surveyor Report.
- (3) The Importer should make the self declaration, which represents that it has complied with the requirements for Import of Saccharine and Cyclamate and Odor Preparations Containing Alcohol before those imported goods are used, traded and/or transferred.
- (4) The Importer should electronically submit the declaration, as meant in paragraph (3), through <http://inatrade.kemendag.go.id> by indicating the number of the Goods Import Notification (PIB).
- (5) The Importer should keep the Import requirements documents, as meant in paragraph (2), and the Goods Import Notification (PIB) for minimum 5 (five) years for the need of checking, as meant in paragraph (1).

Article 12

- (1) The Directorate General of Consumer Protection and Trade Order carries out the checking and control periodically and/or at any time.
- (2) The checking, as meant in paragraph (1), is carried out on the:
 - a. Requirements for the Import of Saccharine and Cyclamate and Odor Preparations Containing Alcohol; and
 - b. Other Import supporting documents.
- (3) The control, as meant in paragraph (1), is carried out on the:
 - a. Correctness of the Import realization report;

- b. Conformity of the imported Saccharine and Cyclamate and Odor Preparations Containing Alcohol and the data contained in the Import Approval; and
- c. Obedience toward the legislative regulations that are related to the sector of import of Saccharine and Cyclamate and Odor Preparations Containing Alcohol.

Article 13

- (1) The company that has obtained the Import Approval should electronically submit the report on the implementation of Import of Saccharine and Cyclamate and Odor Preparations Containing Alcohol, either realized or not realized, through <http://inatrade.kemendag.go.id> once every 3 (three) months within not later than the 15th (fifteenth) day of the first month of the following quarter.
- (2) In case of force majeure that causes the non functioning of the electronic system, then the submission of report, as meant in paragraph (1). Is delivered manually.

Article 14

The company that has obtained the Import Approval but does not implement the obligation of submitting the report, as meant in Article 13, for 2 (two) times, is imposed the sanction of postponement of the request for the Import Approval for the next period.

Article 15

The Import Approval is revoked in case the company:

- a. Is proven as amending, adding, and/or replacing the contents of the Import Approval;

- b. Is proven as submitting incorrect data and/or information in the request for the Import Approval, after the Import Approval has been issued;
- c. Is proven as importing Saccharine and Cyclamate and Odor Preparations Containing Alcohol which types are not in accordance with and/or amounts are exceeding what are contained in the Import Approval; and/or
- d. Is declared guilty based on the court verdict that has permanent legal power for the criminal act related to the misuse of the Import Approval.

Article 16

The postponement of the request for the Import Approval, as meant in Article 14 and the revocation of the Import Approval, as meant in Article 15, are determined by the Director on behalf of the Director General.

Article 17

The Importer that has been imposed the sanction of the revocation of the Import Approval may not resubmit the request for the Import Approval during 2 (two) years and is included in the list of importers under control.

Article 18

- (1) The company that has carried out the Import of Saccharine and Cyclamate and Odor Preparations Containing Alcohol not in accordance with the provisions in this Regulation of the Minister is imposed the sanction in accordance with the provisions of the legislative regulations.
- (2) The Saccharine and Cyclamate and Odor Preparations Containing Alcohol that are imported not in accordance with the provisions in this Regulation of the Minister should be withdrawn from circulation and destroyed by

the Importer.

- (3) The costs for the withdrawal from circulation and destruction, as meant in paragraph (2), are born by the Importer.

Article 19

The provisions in this Regulation of the Minister do not apply on the Import of Saccharine and Cyclamate and Odor Preparations Containing Alcohol that are:

- a. Goods for the need of research and development of science;
- b. Samples that are not to be traded; or
- c. Goods for the need of government agencies / other state institutions that are imported by such government agencies / other state institutions.

Article 20

Exceptions from the provisions that are regulated in this Regulation of the Minister are determined by the Minister.

Article 21

In addition to being subject to the provisions in this Regulation Minister, the implementation of the Import of Saccharine and Cyclamate and Odor Preparations Containing Alcohol is also subject to other provisions of the legislative regulations concerning Saccharine and Cyclamate and Odor Preparations Containing Alcohol.

Article 22

The implementation of this Regulation of the Minister may be evaluated 1 (one) year as of the date of enforcement.

Article 23

in case it is needed, the technical instructions on the implementation of this Regulation of the Minister are

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determined by the Director General and/or Director General of Consumer Protection and Trade Order in accordance with their respective authorities.

Article 24

The Saccharine and Cyclamate and Odor Preparations Containing Alcohol that are imported prior to the validity of this Regulation of the Minister:

- a. Are exempted from the provisions in this Regulation of the Minister; and
- b. Should have already arrived at the port of destination within not later than 1 April 2018, which is proven by the customs manifest document (B.C. 11).

Article 25

At the time this regulation of the Minister commences applicable, the provisions on the Import of Saccharine and Cyclamate and Odor Preparations Containing Alcohol that are regulated based on the Decree of the Minister of Industry and Trade Number 230/MPP/Kep/7/1997 concerning Goods Which Import Trade System is Regulated, as has been amended several times and latest with the Decree of the Minister of Industry and Trade Number 406/MPP/Kep/6/2004 concerning Amendment of the Decree of the Minister of Industry and Trade Number 230/MPP/Kep/7/1997 concerning Goods Which Import Trade System is Regulated, as has been amended several times and latest with the Decree of the Minister of Industry and Trade Number 478/MPP/Kep/7/2003, is revoked and declared as not applicable.

Article 26

This Regulation of the Minister commences applicable on 1 February 2018.

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.

Determined in : Jakarta

On : January 30, 2018

MINISTER OF TRADE OF THE REPUBLIC OF INDONESIA

signed

ENGGARTIASTO LUKITA

Enacted in : Jakarta

On : January 31, 2018

DIRECTOR GENERAL OF LEGISLATIVE REGULATIONS

MINISTRY OF LAW AND HUMAN RIGHTS OF

THE REPUBLIC OF INDONESIA

signed

WIDODO EKATJAHJANA

STATE GAZETTE OF THE REPUBLIC OF INDONESIA OF 2018 NUMBER 204

APPENDIX

REGULATION OF THE MINISTER OF TRADE

OF THE REPUBLIC OF INDONESIA

NUMBER 29 of 2018

CONCERNING

PROVISIONS FOR IMPORT OF SACCHARINE AND CYCLAMATE

AND ODOR PREPARATIONS CONTAINING ALCOHOL

SACCHARINE AND CYCLAMATE AND ODOR PREPARATIONS
CONTAINING ALCOHOL WHICH IMPORT IS LIMITED

No.	Tariff Post/HS	Description of Goods
SACCHARINE AND CYCLAMATE		
1	2925.11.00	-- Saccharine and its salt
2	2929.90.10	-- Natrium Cyclamate
3	2929.90.20	-- Other Cyclamates
ODOR PRFEPARATIONS CONTAINING ALCOHOL		
4	3302.10.10	-- Odor preparations containing alcohol from the types that are used in the production of beverages containing alcohol, in liquid form
5	3302.10.20	-- Odor preparations containing alcohol from the types that are used in the production of beverages containing alcohol, in other forms
6	3302.10.90	-- Others

MINISTER OF TRADE OF THE REPUBLIC OF INDONESIA

signed

ENGGARTIASTO LUKITA

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, July 29, 2019