
AUTHORIZED TRANSLATION



MINISTER OF TRADE OF THE REPUBLIC OF INDONESIA

**REGULATION OF THE MINISTER OF TRADE OF THE REPUBLIC OF
INDONESIA NUMBER 117 OF 2018**

CONCERNING

**SECOND AMENDMENT TO REGULATION OF THE MINISTER OF TRADE
NUMBER 77/M-DAG/PER/11/2016**

CONCERNING PROVISIONS ON TIRES IMPORT

BY THE GRACE OF THE ONE SUPREME GOD

THE MINISTER OF TRADE OF THE REPUBLIC OF INDONESIA,

Considering : a. that in order to further improve the effectiveness of the implementation of policy on tire import, it is necessary to make amendment to the Regulation of the Minister of Trade Number 77/M-DAG/PER/11/2016 concerning Provisions on Tires Import as amended by the Regulation of the Minister of Trade Number 06 of 2018 concerning Amendments to the Regulation of the Minister of Trade Number 77/M-DAG/PER/11/2016 concerning Provisions on Tires Import;

- b. that based on the consideration as referred to in item a, it is necessary to stipulate a Regulation of the Minister of Trade concerning the Second Amendment to the Regulation of the Minister of Trade Number 77/M-DAG/PER/11/2016 concerning Provisions on Tires Import;

- In view of :
- 1. Law Number 39 of 2008 concerning State Ministries (Official Gazette of the Republic of Indonesia of 2008 Number 166, Supplement to the Official Gazette of the Republic of Indonesia Number 4916);
 - 2. Law Number 7 of 2014 concerning Trade (Official Gazette of the Republic of Indonesia of 2014 Number 45, Supplement to the Official Gazette of the Republic of Indonesia Number 5512);
 - 3. Law Number 17 of 2017 concerning Ratification of the Protocol Amending the Marrakesh Agreement Establishing the World Trade Organization (Official Gazette of the Republic of Indonesia of 2017 Number 240, Supplement to the Official Gazette of the Republic of Indonesia Number 6140) ;
 - 4. Government Regulation Number 24 of 2018 concerning Online Single Submission (Official Gazette of the Republic of Indonesia of 2018 Number 90, Supplement to the Official Gazette of the Republic of Indonesia Number 6215); Regulation of the Minister of Trade Number 77 of 2018

concerning Online Single Submission in the Trade Sector (Official Gazette of the Republic of Indonesia of 2018 Number 938);

5. Presidential Regulation Number 48 of 2015 concerning the Ministry of Trade (Official Gazette of the Republic of Indonesia of 2015 Number 90);
6. Regulation of the Minister of Trade Number 08/M-DAG/PER/2/2016 concerning the Organization and Work System of the Ministry of Trade (Official Gazette of the Republic of Indonesia of 2016 Number 202);
7. Regulation of the Minister of Trade Number 77/M-DAG/PER/11/2016 concerning Provisions on Tires Import (Official Gazette of the Republic of Indonesia of 2016 Number 1704) as already amended by the Regulation of the Minister of Trade Number 06 of 2018 concerning Amendments to the Regulation of the Minister of Trade Number 77/M-DAG/PER /11/2016 concerning Provisions on Tires Import (Official Gazette of the Republic of Indonesia of 2018 Number 65);
8. Regulation of the Minister of Trade Number 75 of 2018 concerning Importer Identification Number (Official Gazette of the Republic of Indonesia of 2018 Number 936);

HAS DECIDED:

To Stipulate : **REGULATION OF THE MINISTER OF TRADE CONCERNING**

**THE SECOND AMENDMENT TO REGULATION OF THE
MINISTER OF TRADE NUMBER 77/M-DAG/PER/11/2016
CONCERNING PROVISIONS ON TIRES IMPORT.**

Article 1

Several provisions in the Regulation of the Minister of Trade Number 77/M-DAG/PER/11/2016 concerning Provisions on Tires Import (State Gazette of the Republic of Indonesia of 2016 Number 1704) as already amended by the Regulation of the Minister of Trade Number 06 of 2018 concerning Amendments to the Regulation of the Minister of Trade Number 77/M-DAG/PER/11/2016 concerning Provisions on Tires Import (State Gazette of the Republic of Indonesia of 2018 Number 65) shall be amended as follows:

1. The provisions of Article 1 shall be amended so as to henceforth read as follows:

Article 1

In this Regulation of the Minister, the following capitalized terms shall have definition as follows:

1. Tires shall mean the essential part of a vehicle manufactured from a mixture of natural rubber and/or synthetic rubber, which are fixed and/or not to the rims included in HS Post 4011, 4013 and 8708.
2. Import shall mean the activity of entering goods into the customs area.

3. Business Identification Number, hereinafter abbreviated to NIB, shall mean the identity of the Business Actor issued by the OSS Institution after the Business Actor submits application for registration.
4. Importer Identification Number, hereinafter abbreviated to API, shall mean the identification number as an importer.
5. Import Approval shall mean an approval that used as a permit to import tires.
6. Recommendation shall mean a certificate issued by the authorized official of the relevant technical agency/unit and as a requirement for consideration material in the issue of Import Approval.
7. Technical verification or examination of import shall mean the examination and inspection of imported goods carried out by surveyors.
8. Surveyor shall mean a survey company that is authorized to perform technical verification or examination of the Imported goods.
9. Bonded Logistics Center, hereinafter abbreviated to PLB shall mean a Bonded Piling Area to pile up goods originating from outside the customs area and/or goods originating from other area within the customs area, may be accompanied with 1 (one) or more simple activities within a certain period of time for re-release.

10. Online Single Submission, hereinafter abbreviated to OSS shall a Business Licensing issued by the OSS Institution for and on behalf of the minister, head of the institution, governor, or regent/mayor to the Business Actor through on line single system.
 11. Indonesia National Single Window, hereinafter abbreviated to INSW, shall mean the Indonesian national system that allows the implementation of single submission of data and information, single and synchronous processing of data and information and single decision-making for custom release and clearance of cargoes.
 12. Access Right shall mean the right granted to carry out interaction with an independent electronic system or with a network
 13. OSS Management and Organizing Institution, hereinafter referred to as OSS Institution, shall mean a non-ministerial government agency that carries out government affairs in the field of investment coordination
 14. Minister shall mean the minister of trade.
 15. Director General shall mean the Director General of Foreign Trade, Ministry of Trade.
2. The provisions of Article 3 shall be amended so as to henceforth read as follows:

Article 3

- (1) Tires as referred to in Article 2 may only be imported by any companies being the holder of NIB that serves as Manufacturer Importer Identification Number (API-P) or companies the holder of NIB that serves as General Importer Identification Numbers (API-U) that have obtained Import Approval from the Minister.
 - (2) The Minister shall delegate the issue of Import Approval as referred to in paragraph (1) to the Director General.
 - (3) The Import Approval as referred to in paragraph (1) shall constitute a complementary customs document in the customs settlement in the import sector.
3. Between Article 3 and Article 4, it is inserted 1 (one) article, namely Article 3A so as to henceforth read as follows:

Article 3A

- (1) The import of tires by any companies being the holder of NIB that serves as API-P may be carried out from the country of origin or PLB.
 - (2) The import of tires by any companies being the holder of NIB that serves as API-U may only be made from PLB.
4. The provisions of Article 4 shall be amended so as to henceforth read as follows:

Article 4

Any company being the holder of NIB that serves as API-P as referred to in Article 3 paragraph (1) shall constitute company that imports tires only for use to support or complete the production process of the goods produced.

5. The provisions of Article 5 shall be amended so as to henceforth read as follows:

Article 5

No company being the holder of NIB that serves as API-P as referred to in Article 4 shall be allowed to trade and/or transfer the imported tires to any other parties.

6. The provisions of Article 6 shall be amended so as to henceforth read as follows:

Article 6

(1) To obtain Import Approval as referred to in Article 3 paragraph (1), the company shall submit an application via on line to the Director General, by attaching the scanned original documents of:

- a. NIB;
- b. Certificate of Product Using Indonesian National Standard Mark (SPPT SNI) for Tires, for those required;
- c. Goods Registration Number (NPB) for Tires, for

those required;

- d. Goods Import Plan covering the type of goods, classification of goods/Tariff Code /HS 8 (eight) digits, brand, quantity, country of origin and port of loading, as well as port of destination;
- e. Letter of Appointment from the principal being the holder of the brand or factory in foreign countries which is legalized by a notary public and trade attaché in the local country.
- f. evidence of control of storage area according to product characteristics, for companies being the holder of NIB that serves as API-U
- g. evidence of control of transportation means according to product characteristics, for any companies being the holder of NIB that serves as API-U; and
- h. Recommendations from the Minister of Industry or appointed officials obtained via on line from the INSW portal.

(2) The Goods Import Plan as referred to in paragraph (1) item d, shall contain the goods import plan:

- a. for 12 (twelve) months, for any companies being the holder of NIB that serves as API-P; and
- b. for 6 (six) months, for any companies being the

holder of NIB that serves as API-U.

- (3) The application for Import Approval as referred to in paragraph (1) may only be made after obtaining the Access Right.
 - (4) Upon the application for the application for the Import Approval as referred to in paragraph (1), the Director General shall issue the Import Approval by using Digital Signature that requires no a wet stamp and signature and provide a QR code (Quick Response Code) within not later than 3 (three) business days as of the receipt date of the complete and correct application.
 - (5) In the event that the application as referred to in paragraph (1) is incomplete and incorrect, it will be subjected to denial via online within not later than 3 (three) business days as of the receipt of the application.
 - (6) The Import Approval as referred to in paragraph (4) shall be used as a complementary customs document in the customs settlement in the import sector.
7. The provisions of Article 7 shall be amended so as to henceforth read as follows:

Article 7

The Import Approval as referred to in Article 6 paragraph (4) shall be valid for the period of:

- a. 1 (one) year as of the date of issue, for any companies

- being the holder of NIB that serves as API-P; and
- b. 6 (six) months as of the date of issue, for any companies being the holder of NIB that serves as API-U.
8. The provisions of paragraph (2) of Article 8 shall be amended, and added with 2 (two) paragraphs, namely paragraph (4) and paragraph (5) so as to henceforth read as follows:

Article 8

- (1) The validity period of the Import Approval as referred to in Article 7 may be provided with extension for maximum of 30 (thirty) days.
- (2) To obtain an extension of the Import Approval validity period as referred to in paragraph (1), the company shall submit an application via online to the Director General within not later than 14 (fourteen) business days before the expiry of the validity period of the Import Approval, by attaching the scanned original documents of:
- a. Import Approval;
 - b. Bill of Lading (B/L); and
 - c. Manifest document (BC 1.1).
- (3) The application for an extension of the Import Approval validity period as referred to in paragraph (2) may only be made after obtaining the Access Right.
- (4) Upon the application as referred to in paragraph (2), the

Director General shall issue the extension of the validity period of the Import Approval by using a Digital Signature that requires no a wet stamp and signature and mention QR code (Quick Response Code) within not later than 3 (three) business days as of the receipt date of the complete and correct application.

(5) In the event that the application as referred to in paragraph (2) is incomplete and incorrect, it will be subjected to denial within not later than 3 (three) business days as of the receipt of the application.

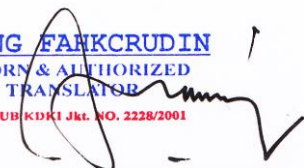
9. The provisions of Article 9 shall be amended so as to henceforth read as follows:

Article 9

(1) Any Companies importing tires shall report any changes related to the documents as referred to in Article 6 paragraph (1) item a to item g, and submit the application for changes to the Import Approval.

(2) Any Companies importing Tires may submit the application for changes to the Import Approval in the event that there are changes to the Tariff Code /HS, type, quantity, country of origin and port of loading, and/or port of destination of import.

(3) The application for changes to the Import Approval as referred to in paragraph (1) and paragraph (2) may only



be made after obtaining Access Rights.

- (4) In order to obtain the change to the Import Approval as referred to in paragraph (1), the Tire importer shall submit an application via online to the Director General, by attaching the scanned original documents of:
 - a. Documents experiencing change as referred to in paragraph (1); and
 - b. Import Approval.
- (5) To obtain the change to the Import Approval as referred to in paragraph (2), the Tire importer shall submit an application via online to the Director General, by attaching the scanned original documents of :
 - a. Import Approval; and
 - b. Recommendation from the Minister of Industry or official so appointed.
- (6) Upon the application as referred to in paragraph (4) and paragraph (5), the Director General shall issue an Import Approval using a Digital Signature that requires no a wet stamp and signature and mention a QR code (Quick Response Code) at least 3 (three) business days as of he receipt of complete and correct application.
- (7) In the event that the application as referred to in paragraph (4) and paragraph (5) is incomplete and incorrect, a denial will be made via online within not later than 3 (three) business days as of the receipt of the

application.

10. Between Article 10 and Article 11, it is inserted 1 (one) article, namely Article 10A so as to henceforth read as follows:

Article 10A

In the event that the OSS Institution has been able to process the issue of business licenses in the trade sector as set forth herein, the OSS Institution for and on behalf of the Minister shall issue an Import Approval.

11. The provisions of paragraph (1) of Article 11 shall be amended so as to henceforth read as follows:

Article 11

- (1) Every implementation of Tires Import shall firstly be subjected to technical verification or examination at the loading port or PLB.
- (2) The technical verification or examination as referred to in paragraph (1) shall be carried out by a Surveyor appointed by the Minister.

12. The provisions of paragraphs (1) and (2) of Article 13 shall be amended so as to henceforth read as follows:

Article 13

- (1) The technical verification or examination as referred to in Article 11 paragraph (1) shall be carried out to the

Import of Tires, covering data or information at least on:

- a. country of origin and port of loading;
- b. Tariff Code or HS number and description
- c. type and quantity;
- d. type and size;
- e. shipping time;
- f. destination port; and
- g Conformity of Certificate of Product Using Indonesian National Standard Mark (SPPT SNI) for Tires with documents of origin

- (2) The technical verification and examination results as referred to in paragraph (1) shall be contained in the form of a Surveyor Report (SR) to be used as a complementary document customs in customs settlement in the import sector.
- (3) SR as referred to in paragraph (2) shall contain a statement on the truth of the technical verification and examination results and become the full responsibility of the Surveyor.
- (4) For the implementation of technical verification and examination as referred to in paragraph (1), the Surveyor may impose service fee upon the importer, at amount that will be determined by taking into account the principle of benefit.

13. The provisions of Article 13A is deleted.
14. The provisions of paragraph (1) of Article 14 shall be amended so as to henceforth read as follows:

Article 14

- (1) Any Companies that have obtained Import Approval shall submit reports to the Director General on the implementation of Tires Import, whether realized and nor, via online through the <http://inatrade.kemendag.go.id> page, by monthly within not later than the 15th (the fifteenth day) of the following month.
 - (2) In the event of force majeure that causes failure to the electronic system, the report as referred to in paragraph (1) shall be submitted manually.
15. The provisions of Article 17 shall be amended so as to henceforth read as follows:

Article 17

The Import Approval shall be subjected to revocation if the company:

- a. is proven of violating the prohibition as referred to in Article 5, for companies being the holder of NIB that serves as API-P;
- b. changes, adds, and/or replaces the contents listed in the

Import Approval;

- c. submits untrue data and/or information in the application for Import Approval, after the Import Approval is issued;
 - d. imports Tires of which the type is not suitable and/or the quantity exceeds that stated in the Import Approval; and/or;
 - e. declared guilty based on the absolute court's judgment for a crime related to the abuse of the Import Approval.
16. The provisions of Article 20 shall be amended so as to henceforth read as follows:

Article 20

- (1) Any Companies that import tires not in accordance with the provisions herein shall be subject to sanctions as set forth in the legislation.
- (2) Tires that are imported not in accordance with the provisions herein shall be re-exported at the expense of the importer.

17. The provisions of Article 22 is deleted.

18. The provisions of Article 25 shall be amended so as to henceforth read as follows:

Article 25

For the purpose of controlling the implementation hereof, the Director General together with the Director General of

Chemical, Textile and Miscellaneous Industries of the Ministry of Industry may establish an Evaluation Team to the Implementation of the Tires Import.

19. The provisions of Article 26A shall be amended so as to henceforth read as follows:

Article 26A

If necessary, the technical instructions for the implementation hereof shall be stipulated by the Director General.

Article II

This Regulation of the Minister shall become effective 30 (thirty) days as of the promulgation date.

Stipulated in Jakarta

On : December 19, 2018

MINISTER OF TRADE OF THE REPUBLIC OF INDONESIA,

signed

ENGGARTIASTO LUKITA

Promulgated in Jakarta

On : December 31, 2018

DIRECTOR GENERAL OF LEGISLATION

MINISTRY OF LAW AND HUMAN RIGHTS OF THE REPUBLIC OF INDONESIA,

signed

WIDODO EKATJAHJANA

STATE GAZETTE OF THE REPUBLIC OF INDONESIA OF 2018 NUMBER 1917

Copy conforms to the original

Secretariat General

Ministry of Trade

Head of Legal Bureau,

signed and sealed

SRI HARIYATI

I, **Anang Fahkcrudin**, 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 17, 2021

