
AUTHORIZED TRANSLATION



**MINISTER OF TRADE OF THE REPUBLIC OF INDONESIA
REGULATION OF THE MINISTER OF TRADE
OF THE REPUBLIC OF INDONESIA
NUMBER 11/M-DAG/PER/3/2012**

CONCERNING

**SECOND AMENDMENT ON THE REGULATION OF THE
MINISTER OF TRADE NUMBER 43/M-DAG/PER/9/2009
CONCERNING PROVISION ON THE PROCUREMENT, DISTRIBUTION,
SALES, SUPERVISION AND CONTROL OF ALCOHOLIC DRINKS**

UPON BLESSING OF THE SUPREME GOD

MINISTER OF TRADE OF THE REPUBLIC OF INDONESIA,

- Considering :
- a. that alcoholic drinks are only consumed by limited circles in Indonesia with certain reasons, so that it is necessary to improve the control effectiveness and limit the total allocation and importers of alcoholic drinks;
 - b. that based on the consideration, as meant in letter a, and in order to create conducive related business climate, it is necessary to amend several provisions in the Regulation of the Minister of Trade Number 43/M-DAG/PER/9/2009 concerning the Procurement, Distribution, Sales, Supervision and Control of Alcoholic Drinks, as has been amended with the Regulation of the Minister of Trade Number 53/M-DAG/PER/12/2010;



- c. that based on the considerations, as meant in letter a and letter b, it is necessary to enact the Regulation of the Minister of Trade.

- In view of :
1. *Bedrijfsreglementerings Ordonnantie* 1934 (Staatsblad 1938 Number 86);
 2. Emergency Law Number 7 of 1955 concerning Investigation, Prosecution and Trial of Economic Crime (State Gazette of the Republic of Indonesia of 1955 Number 27, Supplement to the State Gazette of the Republic of Indonesia Number 801) as has been amended several times and latest with the Government Regulation as Replacement of Law Number 26 of 1960 concerning Amendment of Article 27 and Article 28 of the Emergency Law Number 7 of 1955 (State Gazette of the Republic of Indonesia of 1960 Number 74, Supplement to the State Gazette of the Republic of Indonesia Number 1910);
 3. Government Regulation as Replacement of Law Number 8 of 1962 concerning Trade of Goods Under Control (State Gazette of the Republic of Indonesia of 1962 Number 42, Supplement to the State Gazette of the Republic of Indonesia Number 2469);
 4. Law Number 3 of 1982 concerning 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);
 5. Law Number 5 of 1984 concerning Industrial Affairs (State Gazette of the Republic of Indonesia of 1984 Number 22, Supplement to the State Gazette of the Republic of Indonesia Number 3274);
 6. 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);
7. 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 (State Gazette of the Republic of Indonesia of 2006 Number 93, Supplement to the State Gazette of the Republic of Indonesia Number 4661);
 8. Law Number 11 of 1995 concerning Tax Duty (State Gazette of the Republic of Indonesia of 1995 Number 76, Supplement to the State Gazette of the Republic of Indonesia Number 3613), as has been amended with Law Number 39 of 2007 (State Gazette of the Republic of Indonesia of 2007 Number 105, Supplement to the State Gazette of the Republic of Indonesia Number 4755).
 9. Law Number 7 of 1996 concerning Food (State Gazette of the Republic of Indonesia of 1996 Number 99, Supplement to the State Gazette of the Republic of Indonesia Number 3656);
 10. Law Number 5 of 1999 concerning Prohibition of Monopoly and Unhealthy 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);
 11. Law Number 8 of 1999 concerning Consumer Protection (State Gazette of the Republic of Indonesia of 1999 Number 42, Supplement to the State Gazette of the Republic of Indonesia Number 3821);
 12. Law Number 36 of 2000 Enactment of the Government



Regulation as Replacement of Law Number 1 of 2000 concerning Free Trade Zone and Free Port to Become the Law (State Gazette of the Republic of Indonesia of 2000 Number 251, Supplement to the State Gazette of the Republic of Indonesia Number 4053), as has been amended with Law Number 44 of 2007 concerning Enactment of the Government Regulation as Replacement of the Law (State Gazette of the Republic of Indonesia of 2007 Number 130, Supplement to the State Gazette of the Republic of Indonesia Number 4775);

13. Law Number 32 of 2004 concerning Local Government (State Gazette of the Republic of Indonesia of 2004 Number 125, Supplement to the State Gazette of the Republic of Indonesia Number 4437), as has been amended several times and latest with Law Number 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);
14. Law Number 29 of 2007 concerning Provincial Government of Jakarta Capital City Special Area as Capital City of the Unitary State of the Republic of Indonesia (State Gazette of the Republic of Indonesia of 2007 Number 93, Supplement to the State Gazette of the Republic of Indonesia Number 4744);
15. 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);
16. Law Number 36 of 2009 concerning Health (State Gazette of the Republic of Indonesia of 2009 Number 144, Supplement to the State Gazette of the Republic of Indonesia Number 5063);



17. Government Regulation Number 11 of 1962 concerning Trade of Goods Under Control (State Gazette of the Republic of Indonesia of 1962 Number 46, Supplement to the State Gazette of the Republic of Indonesia Number 2473), as has been amended with Government Regulation Number 19 of 2004 (State Gazette of the Republic of Indonesia of 2004 Number 68, Supplement to the State Gazette of the Republic of Indonesia Number 4402);
18. Government Regulation Number 69 of 1999 concerning Food Label and Advertisement (State Gazette of the Republic of Indonesia of 1999 Number 131, Supplement to the State Gazette of the Republic of Indonesia Number 3867);
19. Government Regulation Number 28 of 2004 concerning Food Security, Quality and Nutrition (State Gazette of the Republic of Indonesia of 2004 Number 107, Supplement to the State Gazette of the Republic of Indonesia Number 4424);
20. Government Regulation Number 38 of 2007 concerning Allocation of Administration Affairs Among the Government, Provincial Government and Regency/City Government (State Gazette of the Republic of Indonesia of 2007 Number 82, Supplement to the State Gazette of the Republic of Indonesia Number 4737);
21. Government Regulation Number 32 of 2009 concerning Bonded Stockpiling Location (State Gazette of the Republic of Indonesia of 2009 Number 61, Supplement to the State Gazette of the Republic of Indonesia Number 4998);
22. Presidential Decree Number 260 of 1967 concerning Affirmation of the Duties and Responsibilities of the



Minister of Trade in the Foreign Trade Sector;

23. Presidential Decree Number 3 of 1997 concerning Supervision and Control on Alcoholic Drinks;
24. Presidential Decree Number 84/P of 2009 concerning Formation United Indonesia Cabinet II, as has been amended with the Presidential Decree Number 59/P of 2011;
25. Presidential Regulation Number 47 of 2009 concerning Formation and Organization of the State Ministry, as has been amended several times and latest with the Presidential Regulation Number 91 of 2011;
26. Government Regulation Number 24 of 2010 concerning Position, Duties and Functions of the State Ministry and Organization Structure, Duties and Functions of Echelon I of the State Ministry as has been amended with the Presidential Regulation Number 67 of 2010;
27. Regulation of the Minister of Trade Number 36/M-DAG/PER/9/2007 concerning Issuance of Trade Business License as has been amended with the Regulation of the Minister of Trade Number 46/M-DAG/PER/9/2009;
28. Regulation of the Minister of Trade Number 37/M-DAG/PER/9/2007 concerning Implementation of Company Registration;
29. Regulation of the Minister of Trade Number 20/M-DAG/PER/5/2009 concerning Provision and Method of Goods and/or Service Control;
30. Regulation of the Minister of Trade Number 43/M-DAG/PER/9/2009 concerning Procurement, Distribution, Sales, Supervision and Control of Alcoholic Drinks, as has been amended with the Regulation of the Minister of Trade



Number 53/M-DAG/PER/12/2010;

31. Regulation of the Minister of Trade Number 45/M-DAG/PER/9/2009 concerning Importer Identity Number (API), as has been amended several times and latest with the Regulation of the Minister of Trade Number 20/M-DAG/PER/7/2011;
32. Regulation of the Minister of Trade Number 54/M-DAG/PER/10/2009 concerning General Provisions in the Import Sector;
33. Regulation of the Minister of Trade Number 31/M-DAG/PER/7/2010 concerning Organization and Working Method of the Ministry of Trade;
34. Regulation of the Minister of Finances Number 188/PMK.04/2010 concerning Import of Goods Carried Along by Passengers, Crew of Transportation Means, Border Crossers, and Dispatched Goods.

HAS DECIDED:

To stipulate : **THE REGULATION OF THE MINISTER OF TRADE CONCERNING SECOND AMENDMENT ON THE REGULATION OF THE MINISTER OF TRADE NUMBER 43/M-DAG/PER/9/2009 CONCERNING THE PROCUREMENT, DISTRIBUTION, SALES, SUPERVISION AND CONTROL OF ALCOHOLIC DRINKS.**

Article I

Several provisions in the Regulation of the Minister of Trade Number 43/M-DAG/PER/9/2009 concerning the Procurement, Distribution, Sales, Supervision and Control of Alcoholic Drinks, as has been amended with the Regulation of the Minister of Trade Number 53/M-DAG/PER/12/2010 are amended as follows:



1. 1 (one) Article is inserted between Article 8A and Article 9, namely Article 8B, which now reads as follows:

Article 8B

The IT/MB that has obtained the import approval, as meant in Article 8A paragraph (1), should realize the Alcoholic Drinks import of minimum 50% (fifty percent).

2. The provision of Article 43 is amended, which now reads as follows:

Article 43

The IT-MB that violates the provisions as meant in Article 8A paragraph (3), Article 8B, Article 9 paragraph (1), Article 28 and Article 33 of this Regulation of the Minister is imposed the sanction of withdrawal of the determination as IT-MB and/or criminal sanction in accordance with the provisions of the legislative regulations.

3. 1 (one) Article is inserted between Article 48 and Article 49, namely Article 48A, which now reads as follows:

Article 48A

Exception on the provisions in this Regulation of the Minister may only be determined by the Minister.

4. Attachment II of the Regulation of the Minister of Trade Number 43/M-DAG/PER/9/2009 concerning the Procurement, Distribution, Sales, Supervision and Control of Alcoholic Drinks, as has been amended with the Regulation of the Minister of Trade Number 53/M-DAG/PER/12/2010 so that it becomes as contained in Attachment, which is an inseparable part of this Regulation of the Minister.



Article II

This Regulation of the Minister commences effective on the date of enactment.

To be known by everyone, instructs the enactment of this Regulation of the Minister with its placement in the State Gazette of the Republic of Indonesia.

Stipulated in : Jakarta

On : March 1, 2012

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

signed

GITA IRAWAN WIRJAWAN

Copy conforms to original

Secretariat General

Ministry of Trade of the Republic of Indonesia

Head of Legal Bureau

signed and sealed

LASMININGSIH



ATTACHMENT

REGULATION OF THE MINISTER OF TRADE OF THE REPUBLIC OF INDONESIA

NUMBER: 11/M-DAG/PER/3/2012

CONCERNING

SECOND AMENDMENT ON THE REGULATION OF THE MINISTER OF TRADE
NUMBER 43/M-DAG/PER/9/2009 CONCERNING PROVISIONS ON THE
PROCUREMENT, DISTRIBUTION, SALES, SUPERVISION AND CONTROL OF
ALCOHOLIC DRINKS.

ALCOHOLIC DRINKS TYPES OR PRODUCTS THAT
MAY BE IMPORTED AND DISTRIBUTED DOMESTICALLY

HS NUMBER	DESCRIPTION OF GOODS
22.03	Beer produced from malt.
22.03.00.10.00	-Black beer or porter
2203.00.09.00	- Others, including ale
22.04	Fermented beverage from fresh grapes, including strengthened fermented beverage; grape must other than post 20.90.
2204.10.00.00	-Sprayed fermented beverage
	-Other fermented beverage; grape must which fermentation is prevented or ceased with the addition of alcohol;
2204.21	--In packing of 2 liters or less:
	---Fermented beverage:
2204.21.11.00	----With the alcohol content not exceeding 15% according to the volume
2204.21.13.00	----With the alcohol content exceeding 15% but not exceeding 23% according to the volume
2204.21.14.00	----With the alcohol content exceeding 23% according to the volume
	----Grape must which fermentation is prevented or ceased with the addition of alcohol



HS NUMBER	DESCRIPTION OF GOODS
2204.21.21.00	----With the alcohol content not exceeding 15% according to the volume:
2204.21.22.00	----With the alcohol content exceeding 15% according to the volume
2204.29	--others:
	---Fermented beverage
2204.29.11.00	----With the alcohol content not exceeding 15% according to the volume
2204.29.13.00	----With the alcohol content exceeding 15% but not exceeding 23% according to the volume
2204.29.14.00	----With the alcohol content exceeding 23%
	---Grape must which fermentation is prevented or ceased with the addition of alcohol
2204.29.21.00	----With the alcohol content not exceeding 15% according to the volume
2204.29.22.00	----With the alcohol content exceeding 15% according to the volume
2204.30	-Other grape must:
2204.30.10.00	--With the alcohol content not exceeding 15% according to the volume
2204.30.20.00	--With the alcohol content exceeding 15% according to the volume
22.05	Vermouth and other fermented beverages from fresh grapes, which are provided the taste with vegetable substances or aromatic substances.
2205.10	-in packing of 2 liters or less:
2205.10.10.00	--With the alcohol content not exceeding 15% according to the volume
2205.10.20.00	--With the alcohol content exceeding 15% according to the volume
2205.90	-Others:



HS NUMBER	DESCRIPTION OF GOODS
2205.90.10.00	--With the alcohol content not exceeding 15% according to the volume
2205.90.20.00	--With the alcohol content exceeding 15% according to the volume
2206	Other fermented beverages (for example fermentation of apple essence, pear essence, honey solution in water); mixture of fermented beverage and mixture of fermented beverage with beverage not containing alcohol, not detailed or not included in the other posts.
2206.00.10.00	-Fermentation of apple and fermentation of pear essence
2206.00.20.00	-Sake (fermented beverage from rice)
2206.00.30.00	-Toddy
2206.00.40.00	-Shandy
	-Others, including fermentation of honey solution in water
2206.00.91.00	--Other rice fermented beverages (including rice fermented beverage containing drugs)
2206.00.99.00	--Others
22.08	Non denaturized ethyl alcohol with the alcohol content of less than 80% according to the volume; alcohol, liqueur and other alcoholic beverages
2208.20	-Alcohol obtained from distillation grape or grape marc fermented beverages
2208.20.50.00	--Brandy
2208.20.90.00	--Others
2208.30.00.00	-Whiskey
2208.40.00.00	-Rum and other alcohol obtained from the distillation of fermented sugar cane products
2208.50.00.00	-Gin and Geneva
2208.60.00.00	-Vodka
2208.70.00.00	-Liqueur and Cordial



HS NUMBER	DESCRIPTION OF GOODS
2208.90	-Others:
2208.90.10.00	--Arrack containing drugs with the alcohol content not exceeding 40% according to the volume
2208.90.20.00	--Arrack containing drugs with the alcohol content exceeding 40% according to the volume
2208.90.30.00	--Other arrack with the alcohol content not exceeding 40% according to the volume
2208.90.40.00	--Other arrack with the alcohol content exceeding 40% according to the volume
2208.90.50.00	--Arrack or pineapple alcohol with the alcohol content not exceeding 40% according to the volume
2208.90.60.00	--Arrack or pineapple alcohol with the alcohol content exceeding 40% according to the volume
ex. 2208.90.70.00	--Bitter and similar type of beverage with the alcohol content not exceeding 57% according to the volume
ex. 2208.90.90.00	--Others

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

signed

GITA IRAWAN WIRJAWAN

Copy conforms to original

Secretariat General

Ministry of Trade of the Republic of Indonesia

Head of Legal Bureau

signed and sealed

LASMININGSIH

Translated from Indonesian Language
Jakarta, June 26, 2012
Authorized and Sworn Translator,

FIKRI SAID OBED

