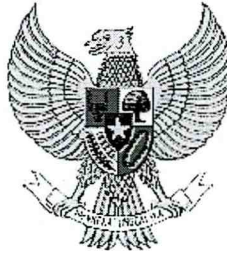

AUTHORIZED TRANSLATION



Minister of Trade of the Republic of Indonesia

REGULATION OF THE MINISTER OF TRADE OF THE REPUBLIC OF INDONESIA

NUMBER : 17 / M-DAG / PER / 3 / 2010

REGARDING

AMENDMENT TO REGULATION OF THE MINISTER OF TRADE

NUMBER 45/M-DAG/PER/9/2009 REGARDING

IMPORTER IDENTITY NUMBER (API)

BY THE GRACE OF THE GOD ALMIGHTY

THE MINISTER OF TRADE OF THE REPUBLIC OF INDONESIA,

Considering : a. that as one of efforts to increase the business certainty and to support the service acceleration to the business world for increase in the investment implementation, it is necessary to amend the provisions on API;

b. that based on the consideration as referred to in item a, it is necessary to stipulate the Regulation of the Minister of Trade.

In view of : 1. *Bedrijfsreglementerings Ordonnantie 1934 (Staatsblad 1938 Number 86);*



2. Law Number 3 of 1982 Regarding Company Register (State Gazette of 1982 Number 7, Supplement to State Gazette of the Republic Indonesia Number 3214)
3. Law of the Republic of Indonesia No.5 of 1984 regarding Industry (State Gazette of the Republic of Indonesia of 1984 Number 22, Supplement to State Gazette of the Republic Indonesia Number 3214);
4. Law of the Republic of Indonesia Number 7 of 1994 regarding Ratification of the Agreement Establishing the World Trade Organization (State Gazette of the Republic of Indonesia of 1994 Number 57, Supplement to State Gazette of the Republic Indonesia Number 3564);
5. Law of the Republic of Indonesia Number 10 of 1995 regarding Customs (State Gazette of the Republic of Indonesia of 1995 Number 75, Supplement Number 3612) as already amended by the Law of the Republic of Indonesia Number 17 of 2006 (State Gazette of the Republic of Indonesia of 2006 Number 1993, Supplement to State Gazette of the Republic Indonesia Number 4661);
6. Law of the Republic of Indonesia No. 5 of 1999 regarding Prohibition of Monopoly Practices and Unfair Business Competition (State Gazette of the Republic of Indonesia of 1999 Number 33, Supplement to State Gazette of the Republic Indonesia Number 3817);
7. Law Number 32 of 2004 regarding Regional Government (State Gazette of 2004 Number 125, Supplement to State Gazette of the Republic Indonesia Number 4437) as already amended several times, recently by Law Number 12 of 2008 (State Gazette of 2008 Number 59, Supplement to State Gazette of the Republic Indonesia Number 4737);
8. Law Number 25 of 2007 regarding Investment (State Gazette of 2007 Number 67, Supplement to State Gazette of the Republic Indonesia Number 4724);



9. Law Number 40 of 2007 regarding Limited Liability Company (State Gazette of 2007 Number 106, Supplement to State Gazette of the Republic Indonesia Number 4724);
10. Law Number 39 of 2008 regarding Limited Liability Company (State Gazette of 2008 Number 166, Supplement to State Gazette of the Republic Indonesia Number 4916);
11. Government Regulation Number 38 of 2007 Regarding Distribution of Government Affairs between the Government, Provincial Government, and District/Municipal Government (State Gazette of 2007 Number 82, Supplement to State Gazette of the Republic Indonesia Number 4737);
12. Decree of the President of the Republic of Indonesia Number 260 of 1967 regarding Confirmation of Tasks and Responsibilities of the Minister of Trade in Foreign Trade Sector;
13. Regulation of President Number 10 of 2005 regarding Organization Unit and Task of Echelon I of the State Ministries of the Republic of Indonesia as already amended severally, recently by the Regulation of President Number 50 of 2008;
14. Regulation of President Number 47 of 2009 regarding One-Stop Service in Investment Sector;
15. Regulation of President Number 47 of 2009 regarding Establishment and Organization of the State Ministries;
16. Decree of President Number 84/P of 2009 regarding Establishment of Indonesia Bersatu II Cabinet;
17. Regulation of Minister of Trade Number 01/M-DAG/PER/3/2005 regarding Organization and Work System of the Ministry of Trade as already amended several times, recently by the Regulation of Minister Number 24/M-DAG/PER/6/2009;
18. Regulation of Minister of Trade Number 366/M-DAG/KEP/12/2005 regarding Guideline on General



Administration of the Ministry of Trade;

19. Regulation of Minister of Trade Number 28/M-DAG/PER/6/2009 regarding Provisions on Service of Agreement on Export and Import by using Electronic System Through INATRADE For Indonesia National Single Window;
20. Regulation of Minister of Trade Number 45/M-DAG/PER/9/2009 regarding Importer Identity Number (API);
21. Regulation of Minister of Trade Number 54/M-DAG/KEP/10/2009 regarding General Provisions in Import Sector;

DECIDED :

**To stipulate:REGULATION OF THE MINISTER OF TRADE REGARDING
AMENDMENT TO REGULATION OF THE MINISTER OF TRADE
NUMBER 45/M-DAG/PER/9/2009 REGARDING IMPORTER IDENTITY
NUMBER (API).**

Article I

Several provisions in the Regulation of the Minister of Trade Number 45/M-DAG/PER/9/2009 regarding the Importer Identification Number (API) is amended as follows:

1. Provisions Article 3 is amended so as to read as follows Henceforth:

Article 3

- (1) API as Referred to in Article 2 shall consist of:
 - a. API for General (API - U); and
 - b. API for Producers (API - P)
- (2) API - U as referred to in paragraph (1) item a shall only be issued to importers importing goods for the purposes of business activity by trading or transferring goods to another party:



- (3) API - U as referred to in paragraph (1) item b shall only be issued to importers importing goods for their own use, as raw materials, auxiliary materials, and / or to support the production process.
- (4) Goods imported as referred to in paragraph (3) shall not be traded nor transferred to any other party.

2. Provisions in Article 4 shall be amended so as to henceforth read as follows:

Article 4

- (1) The authority to issue API as referred to in Article 3 paragraph (1) shall be at the Minister.
- (2) The Minister shall delegate the authority to issue API - P as Referred to in Article 3 paragraph (1) item b to:
 - a. Director General for business entities or contractors in the energy, oil and gas, minerals sectors and other natural resource management conducting business based on joint contract agreements with the Government of the Republic of Indonesia;
 - b. To the Capital Investment Coordinating Board (BKPM), for foreign investment company and domestic investment company.
- (3) In addition to delegation of authority as referred to in paragraph (2), the Minister shall also delegate the authority to the Head of the Provincial Office, to issue API - U and API - P as referred to in Article 3 paragraph (1) items a and b.
- (4) The issue of API - P as referred to in paragraph (3) to any company other than business entity or contractor as referred to in paragraph (2) item a and investment companies as referred to in paragraph (2) item b.
- (5) The issue of API - U and API - P as referred to in paragraphs (2) and (3) shall be signed for and on behalf of the Minister.



3. Between Article 3 and Article 4, it is inserted 1 (one) article, namely Article 4A so as to henceforth read as follows:

Article 4 A

- (1) Head of BKPM may sub-delegate the authority to issue API - P as referred to in Article 4 paragraph (2) item b to the first echelon officials in charge of investment services and / or second echelon officials in charge of licensing services in the BKPM.
- (2) The issue of API - P as referred to in Article 4 (3) by the Head of the Province shall only be for the importers having business permit/license in industrial sector or other similar business license issued by the technical agency/services other than BKPM.
- (3) In case the issue of API - U and API - P as referred to in Article 4 paragraph (3) is made by the One Stop Service or other forms of service, its implementation shall be under coordination with the Provincial Office and the Directorate General of Foreign Trade, Ministry of Commerce for implementation API issue application program.
4. The provisions of Article 7 shall be amended so as to henceforth read as follows:

Article 7

Import can be made without the API for:

- a. temporary imported goods;
- b. promotional goods
- c. goods for the purposes of research and science development;
- d. delivered goods ;
- e. goods as a grant, donation or contribution for purposes of public worship, charity, social, cultural or natural disaster prevention;
- f. goods in terms of medicines and medical equipment using the government budget;



- g. goods already exported for the purposes of improvement and test already re-imported in quantity maximum equal to the quantity when being exported in accordance with the notification on the Goods Export (PEB);
 - h. exported goods rejected by buyers overseas and then re-imported at quantity maximum in accordance with the notification on the Goods Export (PEB);
 - i. examples of goods not for trading;
 - j. goods in the interest of government agencies / other state institutions imported by the relevant institutions and agencies;
 - k. goods of the foreign state representatives and their officials assigned in Indonesia;
 - l. goods in the interest of international agencies and their officials assigned in Indonesia;
 - m. moved goods.
5. The provisions of Article 8 shall be amended so as to henceforth read as follows:

Article 8

- (1) Imports without the API as referred to in Article 7 may only be made after obtaining import approval from the Director of Import of the Ministry of Commerce.
 - (2) In case of imports without API for goods as referred to in Article 7 paragraph (1) items k, l, and m, its implementation shall be made without the import approval.
6. Provisions of Article 27 shall be amended so as to henceforth read as follows:

Article 27

- (1) API - U or API - P already issued prior to the enforcement of this Regulation of the Minister by the Head of the Provincial Office shall be



- adjusted to this Regulation of Minister within not later than December 31, 2010.
- (2) APIT already issued prior to the enforcement of this Regulation of the Minister by Head of BKPM shall be adjusted to this Regulation of the Minister within not later than December 31, 2010.
 - (3) APIT issued as API - or APIT U - U already issued prior to the enforcement of this Regulation of the Minister by Head of BKPM shall be adjusted to this Regulation of the Minister within not later than December 31, 2010.
 - (4) APIT as referred to in paragraph (3) of which the validity period expires before December 31, 2010, shall remain valid until December 31, 2010.
 - (5) API - K already issued prior to the enforcement of this Regulation of the Minister by the Director General shall be adjusted to this Regulation of the Minister within not later than March 31, 2010.
 - (6) API - U, API - P, APIT, APIT effective as APIU, APIT - U or API - K, that has not yet expired shall submit application for its change to:
 - a. API - U for companies running in trading activities; or
 - b. API - P for companies running in industrial or other similar business license issued by the agency / authorized technical service.

Article II

This Ministerial Regulation shall come into force on the stipulation date.

For public cognizance, it is instructed to promulgate this Regulation of the Minister by inserting the same in the State Gazette of the Republic of Indonesia.

Stipulated in Jakarta
On : March 29, 2010

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

signed

MARI ELKA PANGESTU

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

FIKRI SAID OBED

