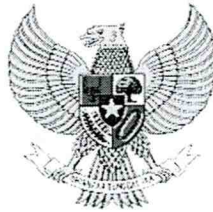

AUTHORIZED TRANSLATION



**REGULATION OF THE MINISTER OF TRADE OF THE REPUBLIC OF
INDONESIA**

NUMBER : 33/M-DAG/PER/8/2010

REGARDING

CERTIFICATE OF ORIGIN FOR INDONESIAN EXPORT COMMODITIES

BY THE GRACE OF ALLAH THE ONE SUPREME GOD

MINISTER OF TRADE OF THE REPUBLIC OF INDONESIA,

- Considering : a. that as the consequence of the participation of Indonesia in various international forums, the issuance of the Certificate of Origin should be adjusted to such international agreement provisions and to the development of technology that can be used in the process of issuing the Certificate of Origin;
- b. that the export of Indonesian commodities accompanied by the Certificate of Origin is increasing and developing, so that easy, rapid, correct and transparent public service is needed in order to support the effectiveness and efficiency in implementing the issuance of the Certificate of Origin;
- c. that the provisions for issuance of the Certificate of Origin, as regulated in the Regulation of the Minister of Trade Number 43/M-DAG/PER/10/2007, need to be re-



regulated and adjusted to the provisions of the international agreements and legislative regulations;

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

In view of

- : 1. *Bedrijfsreglementering Ordonnantie* of 1934 (State Gazette of 1938 Number 86);
2. Law Number 7 of 1994 regarding the 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);
3. Law Number 10 of 1995 regarding 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);
4. Law Number 32 of 2004 regarding 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 with Law Number 8 of 2005 (State Gazette of the Republic of Indonesia of 2005 Number 108, Supplement to the State Gazette Number 4548);
5. Law Number 39 of 2008 regarding 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);
6. Government Regulation Number 38 of 2007 regarding



- 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);
7. Presidential Decree Number 260 of 1967 regarding Affirmation of the Duties and Responsibilities of the Minister of Trade in the Foreign Trade Sector;
 8. Presidential Decree Number 58 of 1971 regarding Determination of Official who is Authorized to Issue the Certificate of Origin;
 9. Regulation of the President Number 47 of 2009 regarding Formation and Organization of the Ministry of State;
 10. Presidential Decree Number 84/P of 2009 regarding Formation of the United Indonesia Cabinet II;
 11. Regulation of the President Number 50 of 2009 regarding the Ratification of the Agreement on Comprehensive Economic Partnership Among Member States of the Association of Southeast Asian Nations and Japan;
 12. Regulation of the President Number 24 of 2010 regarding the Status, Duties and Functions of the State Ministry and the Organization Structure, Duties and Functions of Echelon I of the State Ministry;
 13. Regulation of the President Number 40 of 2010 regarding the Ratification of the Agreement of Trade in Goods Under the Framework Agreement on Comprehensive Economic Cooperation Between the Association of Southeast Asian Countries and the Republic of India;
 14. Decree of the Minister of Trade and Industry Number



558/MPP/Kep/12/1998 regarding General Provisions in the Export Sector, as has been amended several times and latest with the Regulation of the Minister of Trade Number 01/M-DAG/PER/1/2007;

15. Regulation of the Minister of Trade Number 31/M-DAG/PER/7/2010 regarding the Organization and Work Method of the Ministry of Trade.

HAS DECIDED:

To stipulate : **THE REGULATION OF THE MINISTER OF TRADE REGARDING THE CERTIFICATE OF ORIGIN.**

Article 1

In this Regulation of the Minister the meaning of:

1. Rules of Origin are the legislative regulations and administrative provisions of the application in general by a WTO member country to determine the commodity country of origin.
2. Certificate of Origin, hereinafter abbreviated CoO, is the document attached at the time the Indonesian export commodities that have complied with the Rules of Origin, enter a certain country territory, which proves that those commodities are from Indonesia.
3. CoO form is the standardized fill out form in the form, size, color and type of allocation as well as contents in accordance with the provisions in the bilateral, regional, multilateral agreements, unilateral determination, or determination by the Government of Indonesia.
4. CoO Issuing Agency is the agency/board/institution determined by the Minister and is authorized to issue the CoO.
5. CoO Signatory Official is the official provided the authority and responsibility to sign the CoO at the CoO



Issuing Agency that has been determined by the Minister.

6. International Agreement is the multilateral, regional, or bilateral agreement and agreement made in the framework of the international trade cooperation.
7. Unilateral Determination is the unilateral determination of a country to require the use of CoO at the export commodities of other countries, either to obtain the preference or non-preference.
8. Minister is the Minister who implements the administration affairs in the trade sector.
9. Director General is the Director General of Foreign Trade, Ministry of Trade.

Article 2

- (1) The CoO consists of two types, namely the Preference CoO and Non-Preference CoO.
- (2) The Preference CoO is issued to obtain the facilities of the import duty tariff reduction or exemption provided by a country or group of countries to the Indonesian export commodities that comply with the conditions in accordance with the provisions of the international agreement or unilateral determination.
- (3) The Non-Preference CoO is issued to comply with the provisions determined by a country or group of countries on the Indonesian export commodities based on the international agreement or unilateral determination.

Article 3

- (1) The application of the CoO types, as meant in Article 2 and form of the Preference CoO and Non-Preference CoO forms are determined in accordance with their



allocations.

- (2) The CoO forms, as meant in paragraph (1), may be adjusted based on the development of the international agreement, unilateral determination, or determination by the Government of Indonesia.
- (3) The form of the CoO forms, as meant in paragraph (2), is determined by the Director General for and on behalf of the Minister.

Article 4

- (1) The form of the CoO forms, which is determined by the Government of Indonesia, as meant in Article 3 paragraph (2), is applied on certain export commodities and certain export destination countries that should be accompanied by the CoO.
- (2) The certain export commodities, as meant in paragraph (1), are determined by the Director General for and on behalf of the Minister.

Article 5

- (1) The CoO is issued by the Agency/Board/Institution, which is determined as the CoO issuing Agency by the Director General for and on behalf of the Minister.
- (2) The Director General, for and on behalf of the Minister, based on the consideration of effectiveness and efficiency in implementing the CoO issuance, may determine the change of the Agency/Board/Institution as the CoO Issuing Agency.

Article 6

- (1) The CoO is signed by the official determined as the CoO Signatory Official at each CoO Issuing Agency.
- (2) The determination as the CoO Signatory Official is determined by the Director General for and on behalf of



the Minister.

- (3) Further provisions regarding the method and requirements for the determination of the CoO Signatory Official, as meant in paragraph (2), are determined by the Director General for and on behalf of the Minister.

Article 7

- (1) The CoO, as meant in Article 2, may be obtained by the exporter by submitting the request to the CoO Issuing Agency.
- (2) The request for the CoO Issuance, as meant in paragraph (1), should be attached by the following supporting documents:
 - a. photocopy of the Commodity Export Notification (PEB) that has been signed for loading by the official of the Customs Service Office at the at the loading port or printout of the Commodity Export Notification (PEB), which is made by way of Electronic Data Exchange (PDE) attached by the Export Approval Note (NPE);
 - b. original copy of the Bill of Lading (B/L) or Air Way Bill (AWB), or photocopy of the Cargo Receipt if the export is carried out through the land port;
 - c. photocopy of the Taxpayer Registration Number (NPWP);
 - d. invoice;
 - e. packing list;
 - f. other documents in accordance with the CoO type based on the allocation.
- (3) The CoO Issuing Agency should examine and check the following for each CoO issuance application:
 - a. fulfillment of the Rules of Origin in accordance with



- the provisions of the international agreement or unilateral determination;
- b. correctness of information submitted by the exporter; and
 - c. completeness of the supporting documents.
- (4) The CoO Issuing Agency may verify the compliance toward the Rules of Origin, as meant in paragraph (2), on:
- a. CoO application made by the exporter as the first application; and/or
 - b. CoO application, which origin of goods to be exported is in doubt.
- (5) The verification, as meant in paragraph (4) should minimum cover:
- a. existence and legality of the company;
 - b. correctness of the local invoice document;
 - c. capacity of production; and
 - d. production process.
- (6) Within maximum 1 (one) working day effective as of the date of receiving application, as meant in paragraph (1), the CoO Issuing Agency should:
- a. issue the CoO in case the application is complete and correct; or
 - b. notify in writing regarding the rejection of the CoO issuance including the reason for rejection.
- (7) For certain export commodities, as meant in Article 4, the exporter may only submit the application for the CoO issuance to the certain CoO Issuing Agency, which is determined by the Director General on behalf of the Minister.
- (8) Further provisions regarding the application and method of implementing the CoO issuance are further on



determined by the Director General on behalf of the Minister.

Article 8

- (1) The CoO Issuing Agency should submit the CoO issuance monthly report within not later than the 10th day of the following month to the Director General, in this case the Director of Export and Import Facilitation of the Ministry of Trade.
- (2) The Director General, in this case the Director of Export and Import Facilitation of the Ministry of Trade, conducts the evaluation on the CoO issuance report, as meant in paragraph (1), and the overall CoO issuance implementation at the CoO Issuing Agency.
- (3) The Director General submits the evaluation result report, as meant in paragraph (2) to the Minister.

Article 9

- (1) The CoO Issuing Agency, which violates the provisions of this Regulation of the Minister and its implementation regulations, is imposed the sanction in form of reduction of a part of its CoO issuance authority, freezing or withdrawal as the CoO Issuing Agency.
- (2) The CoO signatory official, who violates the provisions of this Regulation of the Minister and its implementation regulations, is imposed the sanction in form of withdrawal of the CoO signing authority.
- (3) The business actor, who violates the provisions of this Regulation of the Minister and its implementation regulations, is imposed the sanction of CoO issuance deferment for the next export.

Article 10

- (1) The provisions that are related to the implementation of



the CoO issuance, which are contained in other legislative regulations, are declared still applicable as long as they are not contradicting and/or until new provisions are determined based on the provisions of this Regulation of the Minister.

- (2) The CoO that has been issued based on the Regulation of the Minister of Trade Number 43/M-DAG/PER/10/2007 regarding the Certificate of Origin for Indonesian Export Commodities, is declared still effective until the validity term of such CoO expires.
- (3) The CoO Issuing Agency, which has been determined to implement the CoO issuance, and the CoO Signatory Official, who has been determined to sign the CoO, based on the Regulation of the Minister of Trade Number 43/M-DAG/PER/10/2007 regarding the Certificate of Origin for Indonesian Export Commodities, are still able to implement the CoO issuance and CoO signing until otherwise determined based on this Regulation of the Minister.

Article 11

The guidance, control and evaluation on the implementation of the provisions of this Regulation of the Minister are carried out by the Director General.

Article 12

At the time this Regulation of the Minister commences effective, the Regulation of the Minister of Trade Number 43/M-DAG/PER/10/2007 regarding the Certificate of Origin Issuance for Indonesian Export Commodities is withdrawn and declared not applicable.

Article 13



This Regulation of the Minister commences effective on 1 January 2011.

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

Stipulated in Jakarta

On 19 August 2010

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

signed

MARI ELKA PANGESTU

Copy according to original

Secretariat General

Ministry of Trade

Head of Legal Bureau

signed

WIDODO

Translated from Indonesian Language
Jakarta, September 5, 2011
Authorized and Sworn Translator,

FIKRI SAID OBED

