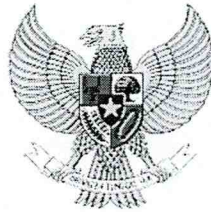


AUTHORIZED TRANSLATION



REGULATION OF THE MINISTER OF TRADE OF THE REPUBLIC OF INDONESIA

NUMBER: 59/M-DAG/PER/12/2010

REGARDING

**PROVISIONS IN ISSUING CERTIFICATE OF ORIGIN FOR INDONESIA'S EXPORT
MERCHANTIZE**

BY THE GRACE OF ALLAH THE ONE SUPREME GOD

MINISTER OF TRADE OF THE REPUBLIC OF INDONESIA,

Considering : a. that, in implementing provisions of Article 3 paragraph (3), Article 4 paragraph (2), Article 5 paragraph (2), Article 6 paragraph (3), and Article 7 paragraph (7) and paragraph (8) of the Regulation of Minister for Trade Number: 33/M-DAG/PER/8/2010 regarding Certificate of Origin for Indonesia's Export Merchandize, it is necessary to stipulate provisions in issuing Certificate of Origin for Indonesia's Export Merchandize.

b. that, based on consideration set forth at point a, it is necessary to stipulate Regulation of Ministry of Trade.

In view of : 1. *Bedrijfsreglementerings Ordonnantie* of 1934 (State Gazette of 1938 Number 86);
2. Law Number 7 of 1994 regarding Ratification of 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);

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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 amended through Law Number 17 of 2006 regarding Customs (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 Regional 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 amended through Law of Number 8 of 2005 (State Gazette of the Republic of Indonesia of 2005 Number 108, Supplement to the State Gazette of the Republic of Indonesia Number 4548);
5. Law Number 39 of 2008 regarding State Finance (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 Administrative Division between 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. Government Regulation Number 73 of 2008 regarding Type and Rate of Non-Tax State Revenue Prevailing in Department of Trade;
8. Presidential Decree Number 260 of 1967 regarding Confirmation of the Job and Responsibility of Minister of Trade in Overseas Trade Sector;
9. Presidential Decree Number 58 of 1971 regarding

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Determination of Officials Authorized to Issue Certificate of Origin;

10. Presidential Decree Number 34 of 1989 regarding Ratification of Agreement on The Global System of Trade Preferences Among Developing Countries;
11. Presidential Decree Number 85 of 1995 regarding Ratification of Protocol To Amend The Agreement on The Common Effective Preferential Tariff (CEPT) Scheme for The ASEAN Free Trade Area;
12. Presidential Decree Number 48 of 2004 regarding Ratification of Framework Agreement on Comprehensive Economic Cooperation Between The Association of Southeast Asian Nations and The People's Republic of China;
13. Presidential Decree Number 69 of 2004 regarding Ratification of Framework Agreement on Comprehensive Economic Cooperation Between The Republic of India;
14. Presidential Decree Number 84/P of 2009 regarding Establishment of II United Indonesia Cabinet;
15. Presidential Regulation Number 11 of 2007 regarding Ratification of Framework Agreement on Comprehensive Economic Cooperation Among The Governments of The Member Countries of The Association of Southeast Asian Nations and The Republic of Korea;
16. Presidential Regulation Number 12 of 2007 regarding Ratification of Agreement on Trade In Goods Under The Framework Agreement on Comprehensive Economic Cooperation Among Governments of Member Countries of The Association of Southeast Asian Nations and the Republic of Korea;
17. Presidential Regulation Number 36 of 2008 regarding Ratification of Agreement Between The Republic of Indonesia and Japan for An Economic Partnership,

18. Presidential Regulation Number 63 of 2008 regarding Ratification of International Coffee Agreement of 2007;
19. Presidential Regulation Number 47 of 2009 regarding Establishment and Organization of State Ministry;
20. Presidential Regulation Number 2 of 2010 regarding Ratification of ASEAN Trade in Goods Agreement;
21. Presidential Regulation of Number 24 of 2010 regarding Domicile, Duty and Function of State Ministry, and Organizational Structure, Duty and Function of 1st Echelon in State Ministry;
22. Presidential Regulation Number 40 of 2010 regarding Ratification of Agreement On Trade In Goods Under The Framework Agreement on Comprehensive Economic Cooperation Between The Association of Southeast Asian Nations and The Republic of India;
23. Decree of Minister of Trade Number 225/Kp/X/1995 regarding Import of Goods Abroad Beyond General Provisions in Export Sector, as Amended Several Times and Lastly through Decree of Minister of Industry and Trade Number 317/MPP/Kep/9/1997;
24. Decree of Minister of Industry and Trade Number 17/MPP/SK/1/1996 regarding Import and Export of Goods From and To Bonded Zone, as Amended through Decree of Minister of Industry and Trade Number 120/MPP/Kep/5/1996;
25. Decree of Minister of Finance 488/KMK.05/1996 regarding Customs Implementation System in Export Sector;
26. Decree of Minister of Industry and Trade Number 558/MPP/Kep/12/1998 regarding General Provisions in Export Sector, as amended several times, lastly through Regulation of Minister of Trade Number 01/M-DAG/PER/1/2007;

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27. Regulation of Minister of Trade Number 41/M-DAG/PER/9/2009 regarding Provisions in Coffee Export;
28. Regulation of Minister of Trade Number 31/M-DAG/PER/7/2010 regarding Organization and Work Method of Trade Ministry;
29. Regulation of Minister of Trade Number 33/M-DAG/PER/8/2010 regarding Certificate of Origin for Indonesia's Export Merchandize;

HAS DECIDED:

To stipulate : **REGULATION OF THE MINISTER FOR TRADE REGARDING ISSUANCE OF CERTIFICATE OF ORIGIN FOR INDONESIA'S EXPORT MERCHANDIZE.**

Article 1

In this Regulation of the Minister, the meaning of:

1. Certificate of Origin, hereinafter called SKA, shall be a document accompanying Indonesia's export merchandize that has fulfilled the Rules of Origin for entering territory of certain country, evidencing that such merchandize comes from Indonesia.
2. SKA Form shall be fill-in list that has been standardized for the form, size, color, allocation type, and content according to provisions in bilateral, regional, multilateral, and unilateral agreements, as well as determination of Indonesian Government.
3. SKA Issuing Agency shall be any agency/body/institution specified and authorized by the Minister for issuing SKA.
4. SKA signing official shall be any official authorized and responsible for signing SKA at the SKA Issuing Agency the Minister stipulates.
5. Unilateral Determination shall be unilateral determination by any country requiring the use of SKA in exporting any merchandize from another country, either preferential or

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non-preferential in nature.

6. Minister shall be any minister governing the trade sector.
7. Director General shall be Director General of Oversea Trade of the Department of Trade.

Article 2

- (1) SKA shall consist of 2 (two) type, that is of preferential SKA or non-preferential SKA.
- (2) Preferential SKA set forth in paragraph (1) above is issued for obtaining facility in the form of import duty reduction or freedom from a country or group of countries for merchandize export from Indonesia that fulfills international agreement or unilateral determination.
- (3) Non-preferential SKA set forth in paragraph (1) above is issued for fulfilling provisions made by a country or group of countries for merchandize export from Indonesia based on international agreement or unilateral determination.

Article 3

The type form, and provisions for issuing, as well as method for filling in preferential SKA or non-preferential SKA are written in Appendix I hereof.

Article 4

- (1) SKA issuance set forth in Article 2 hereof shall be based on request from an exporter submitted to the SKA Issuing Agency by using format given in Appendix II hereof.
- (2) Request set forth in paragraph (1) above shall be signed by the company's executives.
- (3) Any request for SKA set forth in paragraph (1) of this article shall be furnished with support documents as follows:
 - a. Photocopy of Merchandize Export Notification (PEB) already loaded in a harbor by staff of Customs and Excise Service Office, or PEB printout made through

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- Electronic Data Exchange (PDE) by enclosing Export Approval Note (NPE).
- b. Original copy of Bill of Lading (B/L) or photocopy of Airway Bill (AWB), or photocopy of Cargo receipt if the export is implemented by land;
 - c. Photocopy of Taxpayer registration Number (NPWP);
 - d. Invoice;
 - e. Packing list;
 - f. Any other documents relevant with the SKA based on its allocation.
- (4) Any other documents set forth at point f of paragraph (3) above shall be in the form of cost structure for export merchandize containing raw material and/or imported support material for requesting Preferential SKA.
- (5) In submitting request for SKA of export merchandize for certain purpose, it is necessary to have the following support documents:
- a. Receipt of merchandize requiring SKA; and/or
 - b. Photocopy of Identity Card (ID) for Indonesian citizen or photocopy of passport for foreign citizen/tourist or Power of Attorney from the merchandize owner if the merchandize is delivered by a Delivery Service Company.
- (6) Export merchandize for certain purpose set forth in paragraph (5) above is written in Appendix III hereof.
- (7) SKA request for export merchandize using Form A shall be furnished with support documents as follows:
- a. In the event that Form A for export is requested for the first time, document set forth at point a of paragraph (1) shall be enclosed, together with the following documents:
 1. Statement from the Applicant of Form A given in Appendix IVa hereof and Cost Structure per

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Unit in USD given in Appendix Va hereof; while if the export merchandize is using raw material from ASEAN, Cost Structure to be used is the one given in Appendix Vb hereof in the event that the applicant of Form A is the exporter as well the producer; or

2. Statement from the applicant of Form A plus Statement from Producer given in Appendix IVb hereof and Cost Structure per Unit in USD given in Appendix V hereof in the event that the applicant of Form A is the exporter but he/she is not a producer.
- b. In the event that Form A for export is requested for the subsequent export of similar merchandize without any change, and the request is sent to the same SKA Issuing Agency, the following documents shall be enclosed:
1. Documents set forth at point a of paragraph (2); and
 2. Letter of Confirmation from the applicant of Form A given in Appendix VI hereof.
- (8) Any request for SKA using Form GSTP and Form IJEPA shall be accompanied by document of Cost Structure per Unit in USD given in Appendix Va hereof.
- (9) Any request for SKA using Form D, Form E, Form AK and Form AI shall be accompanied by document of Cost Structure per Unit in USD given in Appendix Vb hereof.

Article 5

- (1) To accelerate the SKA issuance, in addition to submitting SKA request and support documents directly to SKA Issuing Agency, the exporter is required to submit SKA request and support documents using electronic data storage such as diskette, memory stick (USB), optical

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disc, electronic mail or website

- (2) Further provisions on method of submitting SKA request and support documents using electronic data storage set forth in paragraph (1) above will be specified by the relevant Director General.

Article 6

- (1) In the event that any SKA-requesting exporter will export the merchandize by air, the required documents in the form of Air Way Bill (AWB) and/or Merchandize Export Notification (PEB) set forth in paragraph (3) of Article 4 may be temporarily replaced with Exporter's Letter of Statement informing that he/she has yet to be able to submit such AWB and/or PEB.
- (2) Any exporter submitting Letter of Statement set forth in paragraph (1) above is required to submit AWB and or PEB to the SKA Issuing Agency not later than ten (10) days as of the date of SKA issuance.
- (3) If any exporter fails to fulfill provisions set forth in paragraph (2) above, SKA Issuing Agency shall reject such exporter's SKA request for exporting subsequent merchandize.

Article 7

- (1) SKA Issuing Agency shall into and inspect the correctness of SKA Forms and any support documents set forth in Article 4 before such SKA is signed by SKA Signing Official.
- (2) When in doubt about the correctness and completeness of any SKA form or support document set forth in paragraph (1) above prior to the signing, such SKA Signing Official may:
 - a. ask for additional information from the exporter;
 - b. conduct verification by using data/information from

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survey for comparison regarding data from the exporter, type of merchandize, source of raw material, and the production process, including the cost structure per unit, made based on data from Merchandize State of Origin Tracking (PNAB) available in database of SKA issuing system.

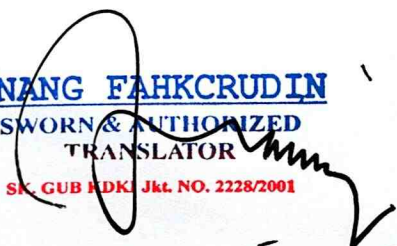
- (3) Survey of Merchandize State of Origin Tracking (PNAB) set forth at point b of paragraph (1) above shall include general data of the exporter, type of merchandize, source of raw material, and the production process, including the cost structure per unit, and the results shall be stored in database for reference in SKA issuing system, and such survey shall be conducted by SKA Issuing Agency and/or an independent surveyor.

Article 8

Exporters may choose the venue for submitting request for SKA issuance at SKA Issuing Agency based on location or work area of the SKA Issuing Agency, as follows:

- a. SKA Issuing Agency whose work area includes the merchandise's manufacturing area;
- b. SKA Issuing Agency whose work area includes whose work area includes the location of the foreign exchange Bank used by the exporter;
- c. SKA Issuing Agency whose work area includes the location of Customs and Excise Service Office that issues the PEB and/or the location where the PEB is approved by official of Customs and Excise Service Office;
- d. SKA Issuing Agency whose work area includes the location where the merchandise is purchased;
- e. SKA Issuing Agency whose work area includes the location of merchandize shipment;
- f. The nearest SKA Issuing Agency.

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Article 9

- (1) Exporters of certain export merchandizes required to submit SKA may only request for SKA from certain SKA Issuing Agency specified by relevant Director General on behalf of the Minister.
- (2) Certain export merchandizes set forth in paragraph (1) above are listed in Appendix VII hereof.
- (3) In the event that certain export merchandizes set forth in paragraph (1) are exported without using other SKA form based on international agreement, it is required to use Form B.
- (4) In the event that there is any doubt regarding request for SKA issuance for exporting certain export merchandizes set forth in paragraph (1) of this article, it is necessary to verify the source of raw material and production process.
- (5) In addition to support documents set forth in paragraph (3) of Article 4 hereof, any request for SKA for certain export merchandizes shall be accompanied by support data of raw material in the form of:
 - a. Data of the company's production;
 - b. Data of domestic purchase as follows:
 1. Purchase receipt; and
 2. Invoice;
 - c. Data of import purchase as follows:
 1. Bill of lading; and
 2. Invoice.

Article 10

- SKA Issuing Agency within one (1) day as of the date the request is received is required to:
- a. issue SKA when such request is complete and correct; or
 - b. inform in writing about the rejection to issue SKA, along with the reasons for such rejection.

Article 11

- (1) SKA Issuing Agency is required to respond and settle any demand for SKA verification from any government/formal agency of the country of export destination regarding validity and correctness of SKA data/information.
- (2) Exporters related to such verification set forth in paragraph (1) above are required to provide data and information regarding the validity and correctness of SKA data/information to SKA Issuing Agency.
- (3) SKA Issuing Agency shall respond any demand for SKA verification from any government/formal agency of the country of export destination set forth in paragraph (1) of this article within 30 (thirty) working days as of the date of receiving such demand, with copies delivered to the Director of Export and Import Facilitation of the Ministry for Trade.
- (4) When required, SKA Issuing Agency and relevant exporters may carry out coordination with Directorate of Export and Import Facilitation of the Ministry for Trade in implementing provision set forth in paragraph (1) and paragraph (2) of this article.

Article 12

Appendix I, Appendix II, Appendix III, Appendix IVa, Appendix IVb, Appendix V, Appendix Va, Appendix Vb, Appendix VI, and Appendix VII shall become integral part of this Ministerial Regulation.

Article 13

This Ministerial Regulation shall apply as of January 1, 2011.
To be known by all men, instruct the enactment of this Regulation of the Minister with its placement in the State Gazette of the Republic of Indonesia.

Stipulated in Jakarta

On December 30 2010

**for on behalf of MINISTER OF TRADE OF THE
REPUBLIC OF INDONESIA**

Acting Director General of Foreign Trade

signed

DEDDY SALEH

Copy according to original

Secretariat General

Ministry of Trade

Head of Legal Bureau,

signed

WIDODO

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, October 13, 2011

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