

AUTHORIZED TRANSLATION



**Minister of Trade of the Republic of Indonesia**

**REGULATION OF THE MINISTER OF TRADE OF  
THE REPUBLIC OF INDONESIA  
NUMBER : 36/M-DAG/PER/8/2009**

**REGARDING**

**REQUIREMENTS ON RATTAN EXPORT**

**BY THE GRACE OF ALLAH THE ONE SUPREME GOD**

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

- Considering :
- a. that in the context of maintaining the continuance of rattan plants which also constitute an income source commodity for the farmers and gatherers of rattan as well as a source of raw material for rattan processing industry, furniture industry and handy-craft industry in Indonesia;
  - b. that to enhance the certainty of raw material availability for domestic rattan finished products industry and the certainty of a sustainable rattan utilization, it needs to make a re-arrangement on rattan export regulation;
  - c. that based on such considerations as referred to in letter a and letter b, it needs to stipulate a Regulation of Minister of Trade.



- In view of :
1. *Bedrijfsreglementerings Ordonantie* 1934 (State Gazette of 1938 Number 86);
  2. Law Number 5 of 1984 regarding Industry (State Gazette of 1984 Number 22, Supplement to State Gazette Number 3274);
  3. Law Number 10 of 1995 regarding the Customs Affairs (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 by Law No. 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 41 of 1999 regarding Forestry (State Gazette of the Republic of Indonesia of 1999 Number 30, Supplement to the State Gazette of the Republic of Indonesia Number 3888);
  5. Government Regulation of the Republic of Indonesia Number 34 of 2002 regarding Forest Arrangement and the Use of Forest Area (State Gazette of the Republic of Indonesia of 2002 Number 66, Supplement to the State Gazette of the Republic of Indonesia Number 4206);
  6. Presidential Decree Number 260 of 1967 regarding the Confirmation on the Duties and Responsibilities of the Minister of Trade in Foreign Trade Sector;
  7. Presidential Decree Number 187/M of 2004 regarding the Establishment of the Cabinet of United Indonesia as amended several times lastly by Presidential Decree Number 171/M of 2005;
  8. Presidential Regulation Number 9 of 2005 regarding the Position, Duties, Functions, Composition of Organization and Working Procedure of the State



Ministries of the Republic of Indonesia as amended lastly by the Presidential Regulation Number 20 of 2008;

9. Presidential Regulation Number 10 of 2005 regarding the Organization Unit and Duties of Echelon I of the State Ministries of the Republic of Indonesia as amended several times lastly by the Presidential Regulation Number 50 of 2008;
10. Regulation of the President of the Republic of Indonesia Number 28 of 2008 regarding the National Industrial Policy;
11. Decree of the Minister of Industry and Trade Number 558/MPP/Kep/12/1998 regarding the General Provisions in Export Sector as amended several times lastly by the Regulation of Minister of Trade Number 01/M-DAG/PER/1/2007;
12. Regulation of the Minister of Trade Number 01/M-DAG/PER/3/2005 regarding the Organization and Working Procedure of the Ministry of Trade as amended by Regulation of Minister of Trade Number 24/M-DAG/PER/6/2009;

Taking of : The Results of a coordination meeting in economic sector regarding the finalization of rattan policy on May 14, 2009;

**HAS DECIDES:**

To stipulate : **THE REGULATION OF THE MINISTER OF TRADE REGARDING THE REQUIREMENTS ON RATTAN EXPORT.**

**Article 1**

In this Regulation of the Minister, what's meant by:

1. Raw rattan is rattan in its original shape, not processed, not washed, not fumed/sulphurized, which is included in Tariff Post / ex. HS 1401.20.00.00



2. Washed and Sulphurized (W/S) rattan, which hereinafter shall be referred to as W/S Rattan is rattan in a natural barked shape and has undergone the washing and sulphurizing process, which is included in Tariff Post / ex. HS 1401.20.00.00.
3. Half Finished Rattan is rattan already processed further into fine polished rattan, rattan core and rattan bark which is included in Tariff Post / ex. HS 1401.20.00.00.
4. Fine polished rattan is rattan which has been polished all along its non-epidermic bark which is included in Tariff Post / ex. HS 1401.20.00.00.
5. Non-wood Forest Products Primary Industry which hereinafter shall be abbreviated as IPHHBK is an industry which processes raw rattan into *Washed and sulphurized rattan (W/S)*.
6. Rattan Registered Exporter which hereinafter shall be abbreviated as ETR is a company already held a recognition to export rattan W/S and/or Half Finished Rattan.
7. Rattan Export Policy Monitoring and Evaluation Team which hereinafter shall be referred to as TME is a team stipulated by the Minister of Trade to conduct monitoring and evaluation on rattan export policy the composition of which consists of instances and related associations representatives as well as independent surveyors institutions.
8. Director General is the Director General of Overseas Trade of the Ministry of Trade.
9. Minister is the Minister whose duties and responsibilities are in trade sector.

## Article 2

- (1) Rattan which is exportable in certain types and volume includes:
  - a. (W/S) Rattan of Taman/Sega (*Calamus caesius*) and Irit (*Calamus trachycoleus*) species with a diameter of 4 mm to 16 mm; and
  - b. Half Finished Rattan of Taman/Sega and Irit species, Half Finished Rattan of other than Taman/Sega and Irit Species in the form of fine polished, barked and core.
- (2) Rattan prohibited for export, includes:
  - a. Raw Rattan;
  - b. (W/S) Rattan of Taman/Sega and Irit species with a diameter of under 4



mm and above 16 mm; and

- c. (W/S) rattan of other than Taman/Sega and Irit species of rattan.

### Article 3

- (1) Types and volume of such exportable Rattan as referred to in Article 2 paragraph (1) shall be defined by paying an attention to the sustainability of rattan plants, national rattan production and the need for raw material of domestic rattan industry.
- (2) Types and volume of such exportable rattan as referred to in paragraph (1) are defined as follows:
  - a. For (W/S) Rattan and Half Finished Rattan of Taman/Sega and Irit species is 35.000 (thirty-five thousand) tons per year; and
  - b. For Half Finished Rattan of other than Taman/Sega and Irit species shall be defined in certain percentage of the supply proof realization by ETR for the previous 3 (three) months period.
- (3) The rate of such percentage as referred to in paragraph (2) letter b shall be stipulated by the Director General upon a consultation with TME.

### Article 4

- (1) Such export of rattan as referred to in Article 2 paragraph (1) can only be done by a company already received a recognition as ETR from the Director General.
- (2) Such recognition as ETR as referred to in paragraph (1) shall be granted to companies having their domicile in the rattan producing regions.
- (3) Any single company, group of companies or affiliated companies can only hold one such recognition as ETR as referred to in paragraph (1).
- (4) Any company already holding a recognition as Registered Exporter of Forestry Industrial Products (ETPIK) can not be granted a recognition as ETR.
- (5) An application to obtain such recognition as ETR as referred to in paragraph (1) shall have to be submitted in writing to the Director General.
- (6) Such application for ETR as referred to in paragraph (5) must be supported by the following requirements:
  - a. a copy of Company Registration Certificate (TDP);
  - b. a copy of Tax-Payer Number (NPWP);



- c. a copy of Taxable Entrepreneur (PKP);
  - d. a copy of Non-wood Forest Products Primary Industry Business License (IUIPHHBK) legalized by the issuing instance for ETR of W/S and a copy of Industrial Business License (IUI) for ETR of Half Finished Rattan.
  - e. Minutes of Industry Physical check from the Office of Regency/Municipality whose duties and responsibilities are in industry sector; and
  - f. Recommendation from the Provincial Office whose Duties and responsibilities are in industry sector based on such Minutes of Industrial Check as referred in letter e.
- (7) Director General shall issue such recognition as ETR as referred to in paragraph (1) at the latest 10 (ten) business days since the application was received completely and correctly.
- (8) For any changes on company data, an ETR holder is obliged to report and submit an application for ETR change to the Director General.

#### **Article 5**

- (1) Export of Rattan can only be done by an ETR upon receiving an Export Approval from the Director General in this matter the Director of Agricultural and Forestry Products Export.
- (2) Approval on the types and volume of exportable rattan, shall be granted to an ETR once in every quarter in the form of Export Approval Letter (SPE) by Director General in this matter the Director of Agricultural and Forestry Products Export of the Ministry of Trade.
- (3) Approval on export for half finished rattan other than Taman/Sega and Irit species can be granted by considering:
- a. proof of supply by ETR to domestic industry, towards the types of rattan absorbed domestically.
  - b. recommendation from the Director General of Forestry Products Nurturing of Ministry of Forestry, towards the types of rattan un-absorbable domestically.
- (4) Such application for obtaining an SPE as referred to in paragraph (2) must be submitted in writing to Director General in this matter the Director of Agricultural and Forestry Products Export of the Ministry of Trade by enclosing



the following requirements:

- a. For W/S rattan and Half Finished Rattan of Taman/Sega and Irit species:
    1. a copy of ETR;
    2. proofs of rattan stock and production capacity for an ETR not obtaining an SPE yet; and
    3. export realization proof for the previous 3 (three) months period for those already obtaining an SPE.
  - b. For Half Finished Rattan other than Taman/Sega and Irit species:
    1. a copy of ETR;
    2. proof of rattan raw material supply to domestic finished rattan industry for the previous 3 (three) months period, in terms that the types rattan to be exported are absorbable by domestic industry.
    3. recommendation letter from Director General of Forestry Products Nurturing of the Ministry of Forestry, in terms that the types rattan to be exported are un-absorbable by domestic industry;
- (5) The form of such supply proof as referred to in paragraph (4) letter b number 2 is contained in Attachment I which constitutes an inseparable part of this Regulation of the Minister.
- (6) Each application for SPE for rattan as referred to in paragraph (4) letter b shall have to include the types and names of rattan to be exported.
- (7) The Issuance of such SPE for W/S and Half Finished Rattan of Taman/Sega and Irit species as referred to in paragraph (4) letter a, shall be granted by considering the number of ETR and/or export realization.
- (8) The Goods Export Notification (PEB) on such implementation of rattan export as referred to in paragraph (1) shall be submitted to the Customs Office at the loading harbor of rattan production regions.

#### **Article 6**

- (1) An ETR already holding an SPE is obliged to submit the rattan exporting report, either those realized or unrealized, in writing once in every the 15<sup>th</sup> (the fifteenth) day of the next month since the SPE expiry date, to the Director General in this matter the Director of Agricultural and Forestry Products Export which is cc-ed to:
- a. Director General of Agro and Chemical Industry in this matter the Director



- of Forest and Plantation Products Industry, Ministry of Industrial; and
- b. Director General of Forestry Production Nurturing in this matter the Director of Forest Products Processing and Marketing Nurturing, Ministry of Forestry;
- (2) The form of such rattan export realization report as referred to in paragraph (1) is contained in Attachment II which constitutes an inseparable part of this Minister Regulation.

#### Article 7

- (1) On each implementation of rattan export by ETR, must be firstly conducted a verification or export technical tracing.
- (2) The implementation of such verification or rattan export technical tracing as referred to in paragraph (1) shall be done by an independent surveyor stipulated by the Minister.
- (3) The results of verification or rattan export technical tracing made by the surveyor shall be spelled out in the form of :
- a. Surveyor Report (LS), for rattan checked according to the applicable provisions; or
- b. Report of Checking Result (LHP), for rattan checked not in accordance with the applicable provisions.
- (4) Such Surveyor report (LS) as referred to in paragraph (3) letter a shall be used as customs supplemental document in customs affairs settlement in export sector.
- (5) Any costs incurred in such verification or export technical tracing activity as referred to in paragraph (2) shall be charged on the government.
- (6) Report on the results of such verification or export technical tracing as referred to in paragraph (2) must be submitted by surveyor at the latest on the 15<sup>th</sup> day of the next month to the Director of Agricultural and Forestry Products Export which is cc-ed to:
- a. Director General of Agro and Chemical Industry in this matter the Director of Forest and Plantation Products Industry, the Ministry of Industrial; and
- b. Director General of Forestry Production Nurturing in this matter the Director of Forest Products Processing and Marketing Nurturing, the Ministry of Forestry;



### Article 8

- (1) Such recognition as ETR as referred to in Article 4 paragraph (1) shall be suspended if an ETR holder:
  - a. has not been implementing an export activity yet within a period of 1 (one) year since the ETR issuance or since the last export implementation;
  - b. does not fulfill such obligations as referred to in Article 4 paragraph (8); or
  - c. does not fulfill such obligations as referred to in Article 6 paragraph (1)
- (2) Such suspended recognition as an ETR as referred to in paragraph (1) can be re-activated if the ETR holder:
  - a. is going to implement an export activity as proved by an order/sales contract;
  - b. has fulfilled such obligations as referred to in article 4 paragraph (8) within a period of 30 (thirty) days since the suspension date; and/or
  - c. has fulfilled such obligations as referred to in article 6 paragraph (1) within a period of 15 (fifteen) days since suspension date.
- (3) Such recognition as ETR as referred to in Article 4 paragraph (1) shall be revoked if an ETR holder:
  - a. has not yet performed such obligations as referred to in Article 4 paragraph (8) after 30 (thirty) days since the suspension date;
  - b. is sentenced guilty by a court's decision having a permanent legal force on any criminal acts in respect of the abuse on ETR and/or violation on any provisions in export sector;
  - c. did not submit correct data and/or documents when submitting an application for ETR or an application for ETR changes or an application for SPE;
  - d. it has been imposed by an ETR suspension for 2 (two) times and committed a violation which is subject to the sanction of suspension; or
  - e. has not exported yet for 1 (one) year since the first suspension.

### Article 9

Surveyor who does not perform such obligations as referred to in Article 7 paragraph



(6) is subject to a sanction in the form of a revocation on its stipulation as surveyor.

#### **Article 10**

Further provisions in the implementation of this Regulation of the Minister shall be stipulated by the Director General.

#### **Article 11**

Any recognitions as ETR already issued prior to the enactment of this Regulation of the Minister must be adjusted at the latest 1 (one) month since the effective date of this Regulation of the Minister.

#### **Article 12**

When this Regulation of the Minister commences in effect, Regulation of the Minister of Trade Number 12/M-DAG/PER/6/2005 regarding the Requirements on Rattan Export as several times amended lastly by Regulation of the Minister of Trade Number 33/M-DAG/PER/7/2009 is revoked and declared as null and void.

#### **Article 13**

This Regulation of the Minister shall commence to be in effect 2 (two) months since its stipulation date and shall be in force for 2 (two) years.

In order to let everyone be aware of, instructing the enactment of this Regulation of the Minister by posting it in the State Gazette of the Republic of Indonesia.

Stipulated in Jakarta

On : August 11, 2009

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

*signed*

**MARI ELKA PANGESTU**

Copy corresponds with the original

Secretariat General of

Ministry of Trade of the Republic of Indonesia

Head of Legal Bureau,

*signed*

**Widodo**



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

Number : 36/M-DAG/PER/8/2009

Dated : August 11, 2009

1. Attachment I : Rattan Supply Proof
2. Attachment II : Export Realization Report

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

*signed*

**MARI ELKA PANGESTU**

Copy corresponds with the original

Secretariat General of  
Ministry of Trade of the Republic of Indonesia  
Head of Legal Bureau,  
*signed*  
**WIDODO**



## RATTAN SUPPLY PROOF

PT/CV/UD .....  
Shipper Company Address  
Phone and Fax Number

Place, date, month year  
To:  
PT/CV/ .....  
Receiving Company Address

### BILL/INVOICE

Number: .....

We hereby would like to ship the rattan raw materials with the following details:

1. Types and Volume of Rattan : .....
  - a. .... = ..... bdls = ..... Ton
  - b. .... = ..... bdls = ..... Ton
  - c. .... = ..... bdls = ..... TonTotal ..... bdls = ..... Ton
  
2. Loading Address : .....  
.....
  
3. Receiving Address/Phone/Fax : .....  
:  
Business Field : .....  
Unloading Address/Place : .....  
.....

Receiver  
PT/CV/UD.....  
Place, date month year

Shipper  
PT/CV/UD.....

Signed  
(appointed receiving officer)  
and company seal

Signed  
(appointed shipping officer)  
and company seal

(Print Name)  
Title

(Print Name)  
Title



**EXPORT REALIZATION REPORT**

Month : ..... Year : .....

Company Name :

ETR Number :

No.	Description	Surveyor Report (LS)	Number/Date of PEB	Number/Date of B/L	Loading Harbor	Destination Country	Volume	Value
TOTAL							.....	.....
							.....	.....

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

FIKRI SAID OBED

