
AUTHORIZED TRANSLATION



Minister of Trade of the Republic of Indonesia

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

NUMBER: 38/M-DAG/PER/8/2009

REGARDING

**AMENDMENTS ON REGULATION OF THE MINISTER OF TRADE NUMBER
10/M-DAG/PER/3/2009 REGARDING EXPORT OF GOODS THAT NEEDS
LETTER OF CREDIT**

BY THE GRACE OF ALLAH THE ONE SUPREME GOD

THE MINISTER OF TRADE OF THE REPUBLIC OF INDONESIA,

Considering : a. that for the effectiveness of goods export policy implementation it needs to make an adjustment to the arrangement on export of goods by Letter of Credit (L/C) payment method;
b. that based on such considerations as referred to in letter a, it needs to stipulate a Regulation of the Minister of Trade;

In view of : 1. *Bedrijfsreglementerings Ordonantie* 1934 (State Gazette of 1938 Number 86);
2. Law Number 7 of 1994 regarding the Ratification on the Agreement on the Establishment of 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 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 10 of 2004 regarding the Formation of a Statutory Regulation (State Gazette of the Republic of Indonesia of 2004 Number 53, Supplement to the State Gazette of the Republic of Indonesia Number 4389);
5. Governmental Regulation Number 1 of 1982 regarding the Implementation of Export, Import and Traffic of Foreign Exchange (State Gazette of the Republic of Indonesia of 1982 Number 1, Supplement to the State Gazette of the Republic of Indonesia Number 3210) as amended by the Governmental Regulation Number 24 of 1985 (State Gazette of the Republic of Indonesia of 1985 Number 33, Supplement to the State Gazette of the Republic of Indonesia Number 3291);
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 by Presidential Decree Number 171/M of 2005;
8. Presidential Regulation Number 9 of 2005 regarding the Position, Duties, Functions, Authorities, 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. 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 the Minister of Trade Number 01/M-DAG/PER/1/2007;
 11. 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 the Minister of Trade Number 24/M-DAG/PER/6/2009;
 12. Regulation of the Minister of Finance Number 145/PMK.04/2007 regarding the Provisions of Customs Affairs In Export Sector;

HAS DECIDES:

To stipulate : **REGULATION OF THE MINISTER OF TRADE REGARDING AMENDMENTS ON REGULATION OF THE MINISTER OF TRADE NUMBER 10/M-DAG/PER/3/2009 REGARDING EXPORT OF GOODS THAT NEEDS LETTER OF CREDIT.**

Article I

Some of provisions in the Regulation of the Minister of Trade Number 10/M-DAG/PER/3/2009 regarding Export of Goods that is Obligated to Use Letter of Credit are amended as follows:

1. The provisions in article 1 are amended so article 1 runs as follows:



Article 1

- (1) Export of Crude Palm Oil (CPO), Mining Products, Coffee, Cocoa and Rubber commodities as contained in Attachment I to this Regulation of the Minister, with an export value in each of its Goods Exporting Notifications (PEB) of more than US\$ 1,000,000 (one million) is obliged to done by Letter of Credit (L/C) payment method via a Domestic Foreign Exchange Bank.
 - (2) Export of those goods as contained in Attachment I to this Regulation of the Minister, with an export value in each PEB of up to US\$ 1,000,000 (one million) can be done either by Letter of Credit (L/C) payment method or other payment methods applicable in international trade.
2. The provisions in Article 5 are amended so Article 5 runs as follows:

Article 5

- (1) Exporter who conducts such export of goods as referred to in Article 1 is obliged to submit the Report on Export Realization and the Report on the Receiving of Export Proceeds each month completely and correctly to the Minister of Trade in this matter the Director General of Overseas Trade.
- (2) Such Report on Export Realization as referred to in paragraph (1) is contained in Attachment II to this Regulation of the Minister, shall contain at least:
 - a. company identity;
 - b. date and number of PEB;
 - c. export volume;
 - d. the Free on Board (FOB) value;
 - e. method of payment; and
 - f. account number and the name and address of



the Domestic Foreign Exchange Bank which receives the export proceeds.

- (3) Such Report on the Receiving of Export Proceeds as referred to in paragraph (1) is contained in attachment III to this Regulation of the Minister, shall contain at least:
 - a. company identity;
 - b. date and number of PEB;
 - c. value of the received export proceeds; and
 - d. number of export proceeds receipt.
 - (4) Such Report on Export Realization and Report on the Receiving of Export Proceeds as referred to in paragraph (1) shall be submitted at the latest on the 10th day of the next month through <http://inatrade.depdag.co.id>
 - (5) The Submission of Such Report on Export Realization and Report on the Receiving of Export Proceeds as referred to in paragraph (1) until October 31, 2009 can also be done by electronic mail at the address of :
 - a. dir1-daglu@depdag.co.id for CPO, Coffee, Cocoa and Rubber commodities, and
 - b. dir2-daglu@depdag.co.id, for Mining Products.
3. Provisions in Article 6 are deleted.
 4. The provisions in Article 7 are amended so Article 7 runs as follows:

Article 7

- (1) The obligation to use L/C payment method through Domestic Foreign Exchange Bank for export of goods as referred to in Article 1 paragraph (1) shall be in effect as of November 1, 2009.
- (2) Export of goods as referred to in paragraph (1) may use L/C payment method or other methods of



payment applicable in international trade shall commence to be in effect from September 1, 2009 through October 31, 2009.

- (3) The obligation to include number and date of L/C in the PEB as referred to in Article 3 paragraph (1) shall commence to be in effect on November 1, 2009.
 - (4) The obligation to include in a PEB, the L/C payment method along with its number and date, or other payment methods along with the number and date of its payment document if any, as referred to in Article 3 paragraph (2) commenced to be in effect back on April 1, 2009.
5. The provisions in Article 8 are amended so Article 8 runs as follows:

Article 8

Exporter who violates the provisions in Article 1 paragraph (1), Article 2, Article 3, Article 5, and Article 7 shall be imposed with a sanction of suspension on its next export of goods as contained in Attachment I to this Regulation of the Minister and/or other sanctions based on the provisions of statutory regulation.

6. The provisions in Article 9 are amended so Article 9 runs as follows:

Article 9

Such exporter as referred to in article 8 may resume to its activity of exporting goods as contained in attachment I to this Ministerial regulation once it has fulfilled the requirements as contained in Article 1 paragraph (1), Article 2, Article 3, Article 5, and Article 7.

7. Attachment I, Attachment II, and Attachment III to



Regulation of the Minister of Trade Number 10/M-DAG/PER/3/2009 regarding Export of Goods that is Obligated to Use Letter of Credit are amended to be Attachment I, Attachment II, and Attachment III to this Regulation of the Minister.

Article II

This Regulation of the Minister shall be in effect as of its stipulation date.

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

Stipulated in Jakarta

Dated August 31, 2009

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

signed

MARI ELKA PANGESTU

Copy corresponds with the original

Secretariat General of

Ministry of Trade

Head of Legal Bureau,

signed

WIDODO



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

NUMBER : 38/M-DAG/PER/8/2009

DATED : August 31, 2009

LIST OF ATTACHMENTS

1. ATTACHMENT I : LIST OF EXPORT COMMODITIES THAT ARE OBLIGED TO USE L/C METHOD OF PAYMENT.
2. ATTACHMENT II : FORMAT OF THE REALIZATION REPORT.
3. ATTACHMENT III : FORMAT OF EXPORT PROCEEDS RECEIVING REPORT.

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

signed

MARI ELKA PANGESTU

Copy corresponds with the original



Secretary General of
Ministry of Trade
Head of Legal Bureau,

signed

WIDODO



**LIST OF EXPORT COMMODITIES THAT ARE OBLIGED TO USE L/C METHOD
OF PAYMENT**

NO.	TARIFF POST /HS	DESCRIPTION OF ITEM
I.		MINING PRODUCTS
	26.01	Iron ore and its concentrate, including pyrites of roasted iron.
		- Iron ore and its concentrate, other than pyrites of roasted iron:
1.	2601.11.00.00	-- Agglomerated.
2.	2601.12.00.00	-- not agglomerated.
3.	2601.20.00.00	- pyrites of roasted iron.
4.	2602.00.00.00	Manganese ore and its concentrate, including iron contained manganese ore and its concentrate with manganese content of 20% or more, calculated from its dry weight.
5.	2603.00.00.00	Copper ore and its concentrate.
6.	2604.00.00.00	Nickel ore and its concentrate.
7.	2606.00.00.00	Aluminum ore and its concentrate.
8.	2607.00.00.00	Lead ore and its concentrate.
	26.15	Niobium, tantalum, vanadium, or zirconium ore and its concentrate.
9.	2615.10.00.00	- Zirconium ore and its concentrate.



NO.	TARIFF POST /HS	DESCRIPTION OF ITEM
10.	2615.90.00.00	- Others.
	27.01	Coal, briquette, ovoid and similar kind of solid fuels made of coal
		- Coal, crushed or not, but not be agglomerated:
11.	2701.11.00.00	-- Anthracite.
	2701.12	-- Bituminous coal:
12.	2701.12.10.00	--- Fuel coal.
13.	2701.12.90.00	--- Others.
14.	2701.19.00.00	-- Other coals.
	80.01	Non wrought tin
15.	8001.10.00.00	- tin, not combined.
16.	8001.20.00.00	- combined tin.
II.		PALM OIL (CPO)
		--- palm oil, crude
III.		COFFEE
	09.01	Coffee, oil-free fried or eliminated its caffeine or not, husk and coffee substitute coffee leather containing coffee at any comparison
		- Coffee, not oil-free fried:
	0901.11	-- Not eliminated its caffeine:
18.	0901.11.10.00	--- Arabica WIB or Robusta OIB.
19.	0901.11.90.00	--- Others.
	0901.12	-- Eliminated its caffeine:
20.	0901.12.10.00	--- Arabica WIB or Robusta OIB.
21.	0901.12.90.00	--- Others.



NO.	TARIFF POST /HS	DESCRIPTION OF ITEM
		- Coffee, oil-free fried;
	0901.21	-- Not eliminated its caffeine;
22.	0901.21.10.00	--- Not crushed.
23.	0901.22.20.00	--- Crushed.
	0901.22	-- Eliminated its caffeine:
24.	0901.22.10.00	--- Not crushed.
25.	0901.22.20.00	--- Crushed.
	0901.90	-- Others
26.	0901.90.10.00	--- Coffee husk and membrane.
27.	0901.90.20.00	--- Coffee substitute that contains coffee.
IV.		COCOA
28.	1801.00.00.00	Cocoa beans, intact or broken, crude or oil-free fried
V.		RUBBER
	40.01	Natural rubber, balata, gutta-percha, guayule, chicle and similar kind of natural rubber, in original or plate, sheet or strip form.
	4001.10	- Natural rubber latex, pre-vulcanized or not;
		-- Containing ammonia of more than 0.5%;
29.	4001.10.11.00	--- centrifugal concentrate.
30.	ex.4001.10.19.00	--- Others (only applies on cream latex).
		-- Containing ammonia of more than 0.5%
31.	4001.10.21.00	--- Centrifugal concentrate.
32.	ex.4001.10.29.00	--- Others (only applies on cream latex).
		- Natural rubber in other forms:
	4001.21	-- Smoked sheets:
33.	4001.21.10.00	-- RSS Grade 1.



NO.	TARIFF POST /HS	DESCRIPTION OF ITEM
34.	4001.21.20.00	--- RSS Grade 2.
35.	4001.21.30.00	--- RSS Grade 3.
36.	4001.21.40.00	--- RSS Grade 4.
	4001.22	-- Technically Specified Natural Rubber (TSNR): (Or SIR, or block rubber, or crumb rubber, including technical specifications not meeting the quality standard of SIR, except those meeting the SNI which is proved by a certificate from an accredited testing laboratory or those having an SPPT-SNI certificate).
37.	4001.22.10.00	--- TSNR (SIR) 10, TSNR (SIR) 10 CV/VK.
38.	4001.22.20.00	--- TSNR (SIR) 20, TSNR (SIR) 20 CV/VK.
39.	4001.22.30.00	--- TSNR (SIR) 3 L
40.	4001.22.40.00	--- TSNR (SIR) 3 CV
41.	ex.4001.22.90.00	--- Others (only applies on SIR 3WF).
	4001.29	-- Others
42.	4001.29.10.00	--- Air-dried sheet
43.	ex.4001.29.20.00	--- Latex crepe (thin pale crepe / TPC 1x,2x,3x).
44.	ex.4001.29.40.00	--- Re-milled crepe (thin brown crepe / TBC 1x,2x,3x).
45.	ex.4001.29.70.00	--- Skim rubber (block skim rubber)
	4001.30	- Balata, gutta-percha, guayule, chicle and similar kind of natural rubber
		-- Jelutung
46.	ex.4001.30.11.00	--- In original form (primary products generated from a processing in dried and clean shape)
		-- Others
47.	ex.4001.30.91.00	-- In original form (primary products generated from a processing in dried and clean shape)



MINISTER OF TRADE OF THE REPUBLIC OF INDONESIA

signed

MARI ELKA PANGESTU

Copy corresponds with the original



Company Name
Head Office Address
Telephone No.
Fax No.
Contact Person
Email Address
NPWP

[illegible]

.....

Director of Company

NAME _____)

Title

REPORT OF EXPORT PROCEEDS RECEIVING

Company Name
Head Office Address
Telephone No.
Fax No.
Contact Person
Email Address
NPWP

[illegible]

....., Director of Company

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

FIKRI SAID OBED

