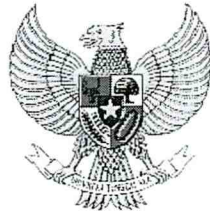


AUTHORIZED TRANSLATION



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

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

**NUMBER : 40/M-DAG/PER/9/2009**

**REGARDING**

**VERIFICATION OR TECHNICAL TRACING ON THE IMPORT OF SHEET GLASS**

**BY THE BLESSING OF THE ONE AND ONLY GOD**

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

- Considering : a. that in the context of creating a more conducive business atmosphere and improving the competitiveness of national sheet glass industry, it needs to conduct a verification or technical tracing on the import of sheet glass;
- b. that based on such considerations as referred to in letter a, 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 the Republic of Indonesia of 1984 Number 22, Supplement to the State Gazette of the Republic of Indonesia Number 3274);
3. 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);
4. 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 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);
  5. Law Number 5 of 1999 regarding Prohibition on Anti-Trust and Unfair Business Competition Practices (State Gazette of the Republic of Indonesia of 1999 Number 33, Supplement to the State Gazette of the Republic of Indonesia Number 3806);
  6. Law Number 8 of 1999 regarding Consumers Protection (State Gazette of the Republic of Indonesia of 1999 Number 42, Supplement to the State Gazette of the Republic of Indonesia Number 3821);
  7. Presidential Decree Number 260 of 1967 regarding the Confirmation on the Duties and Responsibilities of the Trade Minister in Foreign Trade Sector;
  8. 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;
  9. 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;
  10. 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;
11. Decree of the Industry and the Minister of Trade Number 229/MPP/Kep/7/1997 regarding General requirements in Import Sector;
  12. Regulation of the Minister of Trade Number 01/M-DAG/PER/3/2005 regarding the Organization and Working Procedure of the Trade Ministry as several times amended lastly by Regulation of the Minister of Trade Number 24/M-DAG/PER/6/2009;
  13. Regulation of the Minister of Trade Number 31/M-DAG/PER/7/2007 regarding Importer identification number (API);

**HAS DECIDED:**

To stipulate : **REGULATION OF THE MINISTER OF TRADE REGARDING VERIFICATION OR TECHNICAL TRACING ON THE IMPORT OF SHEET GLASS.**

**Article 1**

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

1. Sheet glass is a processing result from non-metallic extractive generated by a burning process by using the pouring, pulling and floating technology as well as other types of sheet glass which have undergone further process, which are included in tariff post / HS 7003, 7004, 7005, 7006, and 7007.
2. Surveyor is a survey company holding an authorization to conduct the verification or goods technical tracing.
3. Minister is the Minister whose duties and responsibilities are in trade sector
4. Director General is the Director General of overseas trade, Minister of Trade.





## Article 2

Each importation of Sheet Glass is required to firstly conduct the verification or import technical tracing in the country of origin where the goods was loaded.

## Article 3

- (1) The implementation of such verification or import technical tracing as referred to in Article 2 shall be conducted by a surveyor stipulated by the Minister.
- (2) Such verification or import technical tracing as referred to in section (1) covers:
  - a. the description and specifications of goods covering the number of Tariff Post / HS;
  - b. volume per type of goods;
  - c. time of shipment; and
  - d. data or information on the goods' country of origin.
- (3) Surveyor shall affix an inspection mark as the results of verification or import technical tracing in the form of a seal on the transporting package of Full Container load (FCL) type or a surveyor's inspection mark in the form of label on the goods or other types of transporting package.
- (4) The results of such verification or import technical tracing as referred to in section (1) by the surveyor shall be spelled out in the form of a Surveyor Report (LS) to use as a customs supporting document in the settlement of customs affairs in import sector.
- (5) For the implementation of such verification or import technical tracing as referred to in section (1) surveyor shall charge a fee from importers.

## Article 4

- (1) To be stipulated as the implementer of verification or import technical tracing on Sheet Glass, a surveyor has to meet the requirements as follows:



- a. holding a Survey services business license (SIUJS);
  - b. having the experience as a surveyor for minimum 5 (five) years; and
  - c. having an overseas branch or representative or affiliate.
- (2) A Surveyor stipulated as the implementer of such verification or import technical tracing on Sheet Glass as referred to in Article 3 section (1) is obliged to submit a written report on the activity of verification or import technical tracing on Sheet Glass periodically 1 (once) in each month.
- (3) Such written report as referred to in section (2) shall be submitted to the Director General in this matter the Director of Import of Ministry of Trade with a cc to the Director General of Agro and Chemical Industry in this matter the Director of Downstream Chemical Industry of the Industrial Ministry in the first week of the next month.

#### **Article 5**

An imported Sheet glass not fulfilling such requirements as referred in Article 2 must be re-exported at the concerned importer's cost.

#### **Article 6**

- (1) The provisions in this Regulation of the Minister shall not apply on the import of Sheet Glass taken into:
- a. A Bonded Zone or Bonded Warehouse stipulated under a Finance Minister's Decree; or
  - b. Free Trade and Free Harbor Zone.
- (2) The provisions in this Regulation of the Minister shall not apply on the imported Sheet Glass which constitutes:
- a. goods of Governmental and other State Institutions' need;
  - b. goods of technological research and development's



- need;
- c. goods of technical aid and project aid based on the Governmental Regulation Number 19 of 1955 regarding the Regulation on Exemption from Import and Export Duties for High Officials and Experts of Certain Foreigners;
  - d. goods of foreign countries' representatives as well as their officials assigned in Indonesia;
  - e. goods for the requirement of International agencies as well as their officials assigned in Indonesia;
  - f. relocated goods;
  - g. sample goods not to be traded;
  - h. promotional goods;
  - i. gift presentation requirement for the purpose of general religious devotion, charity, social, culture and/or natural disaster aid;
  - j. personal goods of passengers or crew of transporting facilities or border-crossers;
  - k. goods exported for repairing, processing and testing purpose which are re-imported to Indonesia;
  - l. exported goods denied by foreign buyers which are then re-imported at the quantity equal to that of exported goods;
  - m. goods delivered through courier services, deposit services or PT. Pos Indonesia by flight and a maximum FOB value of Us\$ 1,500; or
  - n. goods imported by such importers holding the import facility through priority lane.

#### Article 7

- (1) On sheet glass of import origin which is released from a Bonded Zone, Bonded Warehouse, or a Free Trade and Free Harbor Zone to be introduced into another place within the customs area shall apply this Regulation of the





Minister.

- (2) On such Sheet Glass of import origin as referred to in section (1) must be conducted first the verification or import technical tracing by Surveyor in the area where the concerned goods is located.

#### **Article 8**

Such activity of verification or import technical tracing on Sheet Glass conducted by surveyor as referred to in article 3 shall not prejudice the authority of Directorate General of Customs of the Ministry of Finance to conduct a customs inspection.

#### **Article 9**

- (1) Those Sheet Glass importers violating such provisions as referred to in Article 2 shall be imposed a sanction of Importer Identification Number (API) revocation and/or other sanctions according to the provisions of statutory regulation.
- (2) A surveyor who fails to fulfill the obligation to submit such a report as referred to in Article 4 section (2) for 2 (two) times within a 6 (six) month period shall be imposed a sanction of the revocation on its stipulation as the implementer of Sheet Glass verification or import technical tracing

#### **Article 10**

Further provisions on the implementation of this Regulation of the Minister may be stipulated by the Director General.

#### **Article 11**

- (1) LS as customs supporting document in such settlement of customs affairs in import sector as referred to in Article 3 section (4) shall commence to be in effect 60 (sixty) days since the stipulation date of this Regulation of the Minister.
- (2) Such LS as referred to in section (1) shall be proved with



a customs document in the form of a manifest (BC 1.1).

**Article 12**

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 the Minister by posting it in the State Gazette of the Republic of Indonesia.

Stipulated in Jakarta

On : September 14, 2009

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

*signed*

**MARI ELKA PANGESTU**

Enacted in Jakarta

On September 29, 2009

**THE MINISTER OF LAWS AND HUMAN RIGHTS  
OF THE REPUBLIC OF INDONESIA**

*signed*

**ANDI MATTALATTA**

**STATE GAZETTE OF THE REPUBLIC OF INDONESIA OF 2009 NUMBER 320**

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

**FIKRI SAID OBED**

