
AUTHORIZED TRANSLATION



Minister of Trade of the Republic of Indonesia

**REGULATION OF THE MINISTER OF TRADE OF
THE REPUBLIC OF INDONESIA
NUMBER : 11/M-DAG/PER/3/2010**

**REGARDING
PROVISIONS ON THE IMPORT OF MACHINE, MACHINE EQUIPMENT, RAW
MATERIALS, EMPTY OPTIC DISC, AND FILLED OPTIC DISC**

BY THE GRACE OF ALLAH THE ONE SUPREME GOD

THE MINISTER OF TRADE OF THE REPUBLIC OF INDONESIA,

- Considering** : a. that in the implementation of Article 11 paragraph (5) Government Regulation Number 29 of 2004 regarding Advanced Technology Production Facility for Optical Disc, and to support the effort of intellectual asset property, especially in the fields of copyright, it is necessary to stipulate provisions on the import of machine, machine equipment, raw materials, empty optical disc, and filled optical disc;
- b. that in order to manage administration system in the fields of import and machine import control, machine equipment, raw materials, empty optical disc, and filled optical disc;
- c. that based on the consideration as referred to in items a, and b, it is necessary to stipulate the Regulation of the Minister of Trade;



- In view of** : 1. *Bedrijfsreglementerings Ordonnantie* 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 State Gazette of the Republic of Indonesia Number 3274);
3. Law Number 7 of 1994 regarding the Ratification of Agreement Establishing The World Trade Organization (State Gazette of the Republic of Indonesia of 1994 Number 57, Supplement to State Gazette of the Republic of Indonesia Number 3564);
4. Law Number 10 of 1995 regarding Customs (State Gazette of the Republic of Indonesia of 1995 Number 75, Supplement to State Gazette of the Republic of Indonesia Number 3612) as already amended by virtue of Law Number 17 of 2006 (State Gazette of the Republic of Indonesia of 2006 Number 93, Supplement to State Gazette of the Republic of Indonesia Number 4661);
5. Law Number 5 of 1999 regarding Prohibition on Monopoly Practice and Unfair Competition (State Gazette of the Republic of Indonesia of 1999 Number 33, Supplement to State Gazette of the Republic of Indonesia Number 3806);
6. Law Number 8 of 1999 regarding Consumer's Protection (State Gazette of the Republic of Indonesia of 1999 Number 42, Supplement to State Gazette of the Republic of Indonesia Number 3821);
7. Law Number 19 of 2002 regarding Copyright (State Gazette of the Republic of Indonesia of 2002 Number 85, Supplement to State Gazette of the Republic of Indonesia Number 4220);



8. Law Number 39 of 2008 regarding State Ministry (State Gazette of the Republic of Indonesia of 2008 Number 166, Supplement to State Gazette of the Republic of Indonesia Number 4916);
9. Government Regulation Number 29 of 2004 regarding Advanced Technology Production Facility for Optical Disc (State Gazette of the Republic of Indonesia of 2004 Number 108, Supplement to State Gazette of the Republic of Indonesia Number 4220);
10. Presidential Decree Number 260 of 1967 regarding the Affirmation of Task and Responsibility of Minister of Trade for Foreign Trade;
11. Regulation of the Minister Number 10 of 2005 regarding the Organization Unit and Tasks of Echelon I State Minister of the Republic of Indonesia as already amended several times lastly by virtue of Presidential Regulation Number 50 of 2008;
12. Presidential Regulation Number 47 of 2009 regarding the Establishment and Organization of State Ministry;
13. Presidential Decree Number 84/P of 2009 regarding the Establishment of Kabinet Indonesia Bersatu II;
14. Decree of the Minister of Industry and Trade Number 230/MPP/Kep/7/1997 regarding the Goods regulated by the Import Commercial as already amended several times, lastly by virtue of Decree of Minister of Industry and Trade Number 406/MPP/Kep/6/2004;
15. Decree of the Minister of Industry and Trade Number 648/MPP/Kep/10/2004 regarding the Reporting and Supervision of Optical Disc Industry Company;
16. Regulation of the Minister of Trade Number 01/M-DAG/PER/3/2005 regarding the Organization and Work Method of the Ministry of Trade as already



amended several times, lastly by virtue of Regulation of the Minister of Trade Number 24/M-DAG/PER/6/2009;

17. Regulation of the Minister of Trade Number 45/M-DAG/PER/9/2009 regarding Importer Identification Number (API);
18. Regulation of the Minister of Trade Number 54/M-DAG/PER/10/2009 regarding General Provisions in the area of Import;

HAS DECIDED:

To stipulate : REGULATION OF THE MINISTER OF TRADE REGARDING THE PROVISIONS ON MACHINE IMPORT, EQUIPMENT, RAW MATERIALS, EMPTY AND FILLED OPTICAL DISC.

Article 1

The terms of this Regulation of the Minister are:

1. Machine and Equipment mean all kinds of machine and equipment that may be used in the process of productions for Empty Optical Disc and/or Filled Optical Disc.
2. Raw Materials mean all types of materials that can be used in the process of production for Empty Optical Disc and/or Filled Optical Disc.
3. Optical Disc means all kinds of record media in the form of disc that may be filled or containing data and or information in terms of sound, music, film, or data and/or other eligible information by optical scanning technology using the source of ray of which the intense is high such as laser.
4. Empty Optical Disc means Optical Disc in the form of empty being the final result of production process without any and/or information.



5. Filled Optical Disc means Optical Disc being the final result of high technology production process containing data and/or information both in terms of sound, music, and film or data and/or other information.
6. Production Code means Source Identification Code (SID Code) consisting of stamper code and mould code that must be listed in Filled Optical Disc.
7. Optical Disc Registered Importer, hereinafter referred to as IT Cakram Optik (Optical Disc) means company determined by Director General to import Machine, Machine Equipment, Raw Materials, Empty Optical Disc and/or Filled Optical Disc.
8. Surveyor means any survey company obtaining the authorization to make verification or searching of technical import.
9. Recommendation means any letters issued by the competent agency to give technical explanation and not the permit or approval of import.
10. Director General means Director General of Foreign Trade, Ministry of Trade.
11. Minister means minister having the duties and responsibilities for trade.

Article 2

- (1) Machine, Machine Equipment, Raw Materials, Empty Optical Disc and Filled Optical Disc regulated in this Regulation of the Minister as provided in Attachment I being an integral part thereof.
- (2) Machine, Machine Equipment, Raw Materials, Empty Optical Disc and Filled Optical Disc as referred to in (1) shall meet technical requirements in accordance with the prevailing laws and regulation.
- (3) Filled Optical Disc as referred to in paragraph (1)



shall be listed in Production Code based on the prevailing international provisions.

Article 3

Machine, Machine Equipment, Raw Materials, Empty Optical Disc and Filled Optical Disc as referred to in Article 2 paragraph (1) may be imported only by the company as set forth as Optical Disc IT.

Article 4

- (1) Determination as Optical Disc IT as referred to in Article 3 shall be stipulated by Director General.
- (2) In order to be determined as Optical Disc IT as referred to in paragraph (1), the company shall file written application to Director General by attaching the following documents:
 - a. Photocopy of Business Permit given to the company to carry out business activities issued by the competent authority in accordance with the prevailing laws and regulation;
 - b. Photocopy of Importer Identification Number (API);
 - c. Photocopy of Company Registration (TDP);
 - d. Photocopy of Taxpayer Reference Number (NPWP);
 - e. Recommendation from the Director General of Metal, Machine, and Variety Industries of the Ministry of Industry for the importation of Machine and Machine Equipment;
 - f. Recommendation from the Director General of Agro and Chemical Industries of the Ministry of Industry for the importation of Raw Materials and Empty Optical Disc; and
 - g. Recommendation from the Director General of



Intellectual Assets Right of the Ministry of justice
and Human Rights for the importation of Filled
Optical Disc.

- (3) Director General issues the stipulation as Optical Disc IT at most 7 (seven) business days as of the receipt of application fully and properly.

Article 5

Determination as Optical Disc IT as referred to in Article 4 shall apply for a period of 4 (four) years and may be extended.

Article 6

In order to obtain the re-extension of stipulation as Optical Disc IT as referred to in Article 5, Optical Disc IT shall file application for extension to Director General at most 10 (ten) business days before the expiration of Optical Disc IT, by attaching the following items:

- a. Recommendation from the Director General of Metal, Machine, and Variety Industries of the Ministry of Industry for the importation of Machine and Machine Equipment;
- b. Recommendation from the Director General of Agro and Chemical Industries of the Ministry of Industry for the importation of Raw Materials and Empty Optical Disc;
- c. Recommendation from the Director General of Intellectual Assets Right of the Ministry of justice and Human Rights for the importation of Filled Optical Disc.
- d. Original determination as Optical Disc IT of which the validity will expire.



Article 7

- (1) Optical Disc IT as referred to in Article 4 that will import the Machine, Machine Equipment, Raw Materials, Empty Optical Disc, and Filled Optical Disc shall obtain the approval of import from Director General.
- (2) In order to obtain the approval of import as referred to in paragraph (1), Optical Disc IT shall file written application to Director General by attaching the following items:
 - a. Recommendation from the Director General of Metal, Machine, and Variety Industries of the Ministry of Industry for the importation of Machine and Machine Equipment;
 - b. Recommendation from the Director General of Agro and Chemical Industries of the Ministry of Industry for the importation of Raw Materials and Empty Optical Disc; or
 - c. Recommendation from the Director General of Intellectual Assets Right of the Ministry of Justice and Human Rights for the importation of Filled Optical Disc.

Article 8

- (1) Optical Disc IT, which has obtained the approval of import as referred to in Article 7 shall submit report on the realization of import and industrialization of Machine, Machine Equipment, Raw Materials, Empty Optical Disc, and Filled Optical Disc in writing to Director General every 3 (three) month.
- (2) Report on the realization of import and distribution as referred to in paragraph (1), shall be submitted at most on 15 (fifteen) in the subsequent first month quarterly through <http://inatrade.depdag.go.id> in the



type of report as provided in Attachment II being an integral part thereof.

Article 9

- (1) Any importation of Machine, Machine Equipment, Raw Materials, Empty Optical Disc, and Filled Optical Disc by Optical Disc IT, which has obtained the approval of import as referred to in Article 7 shall be first made the verification or the technical search of import in the port of loading.
- (2) The verification or technical search of import as referred to in paragraph (1) shall be made by Surveyor so stipulated by Minister.
- (3) Verification results or technical import research conducted by Surveyor as referred to in paragraph (2) as contained in the form of Surveyor Report (LS) used as the complementary document of duty in the settlement of customs in the sector of import.
- (4) At the implementation of verification or technical import search as referred to in paragraph (1), Surveyor may levy the recompense from importer.
- (5) In order to be nominated as the verifier or technical search of the Machine, Machine Equipment, Raw Materials, Empty Optic Disc, and Filled Optic Disc, Surveyor shall meet the following requirements:
 - a. having Survey Service Business Permit (SIUJS);
 - b. having experience as surveyor at least 5 (five) years; and
 - c. having branch or representative or affiliate overseas.
- (6) Surveyor stipulated as verifier or technical import search as referred to in paragraph (2) shall submit written report on the activity of verification or technical import search of the Machine, Machine



Equipment, Raw Materials, Empty Optical Disc, and Filled Optical Disc every 3 (three) month.

- (7) Written report as referred to in paragraph (6) shall be submitted to Director General in this case Director of Import at most on the first 15 (fifteen) months in the following quarterly.

Article 10

The activities of verification or technical importation search of the Machine, Machine Equipment, Raw Materials, Empty Optical Disc, and Filled Optical Disc as referred to in Article 9 shall not prejudice to the authority of Directorate General of Customs and Excises for the inspection of customs.

Article 11

- (1) Stipulation as Optical Disc IT shall be de-activated if the relevant company fails to perform the obligations to submit the written report as referred to in Article 8 once.
- (2) The de-activation of the stipulation as Optical Disc IT may be re-activated if the concerned has carried out the obligations to submit the report as referred to in Article 8 within 30 (thirty) days as of the de-activation.
- (3) The deactivation and re-activation is made by Director General.

Article 12

- (1) Stipulation as Optical Disc IT is revoked if the concerned:
 - a. changes, adds, and/or replace the content as provided in the document of stipulation as Optical Disc IT and/or import acceptance document;



- b. imports the Machine, Machine Equipment, Raw Materials, Empty Optical Disc, and Filled Optical Disc of which the kind and/or amount does not conform as provided in the import acceptance document;
 - c. de-activates Optical Disc IT for 2 (two) times;
 - d. fails to perform the obligation to submit the report as referred to in Article 8 within 30 (thirty) days as of the de-activation; and/or
 - e. is stated guilty by the court for the violation of criminal action relating to the misuse of Machine, Machine Equipment, Raw Materials, Empty Optical Disc, and Filled Optical Disc imported.
- (2) The revocation of stipulation as Optical Disc IT as referred to in paragraph (1) shall be conducted by Director General.

Article 13

Imposition on the sanctions of de-activation or revocation as referred to in Articles 11 and 12 shall not prejudice to the imposition of criminal sanction based on the prevailing laws and regulation.

Article 14

Surveyor who fails to perform the obligations as referred to in Article 9 paragraph (6) shall be subject to the revocation sanction of stipulation as the Surveyor of verifier or technical import search of the Machine, Machine Equipment, Raw Materials, Empty Optical Disc, and Filled Optical Disc.

Article 15

- (1) Provisions in the Regulation of the Minister shall not



be valid to the import of Empty Optical Disc and Filled Optical Disc conducted by:

- a. Government agency and state institution;
 - b. foreign state representative together with the official assigned in Indonesia;
 - c. international board along with the official assigned in Indonesia;
 - d. individual as the goods of movement;
 - e. passenger and crew of the carrier transport, with total at most 10 (ten) discs; and
 - f. individual through courier service, with total at most 10 (ten) discs.
- (2) Each Empty Optical Disc and Filled Optical Disc imported as referred to in paragraph (1) shall remain valid the provisions of customs administration.
- (3) Each Filled Optical Disc imported as referred to in paragraph (1) shall be listed in Production Code.

Article 16

When the Regulation of the Minister becomes valid:

1. Regulation of the Minister of Trade Number 05/M-DAG/PER/4/2005 regarding Provisions on Machine Import, Machine Equipment, Raw Materials and Optical Disc as already amended by virtue of the Regulation of the Minister of Trade Number 29/M-DAG/PER/6/2009 shall be revoked and stated invalid;
2. Optical Disc IT and the approval of import already issued based on the Regulation of the Minister of Trade Number 05/M-DAG/PER/4/2005 regarding Provisions on Machine Import, Machine Equipment, Raw Material and Optical Disc as already amended by virtue of Regulation of the Minister of Trade



- Number 29/M-DAG/PER/6/2009 is stated valid through the expiration of validity;
3. Non-Optical Disc IT already issued based on the Regulation of the Minister of Trade Number 05/M-DAG/PER/4/2005 regarding Provisions on Machine Import, Machine Equipment, Raw Materials and Optical Disc as already amended by virtue of Regulation of the Minister of Trade Number 29/M-DAG/PER/6/2009 shall be revoked and stated invalid;
 4. Stipulation as Surveyor based on the Regulation of the Minister of Trade Number 09/M-DAG/PER/5/2005 regarding Surveyor as the Verifier or Technical Import Search of the Machine, Machine Equipment, Raw Materials and Optical Disc is stated valid.

Article 17

This Regulation of the Minister shall become valid after 90 (ninety) days as of the stipulation.

For public cognizance, it is ordered to promulgate the Regulation of the Minister by publicizing the same in the State Gazette of the Republic of Indonesia.

Stipulated in Jakarta

On : March 15, 2010

MINISTER OF TRADE OF THE REPUBLIC OF INDONESIA,
signed

MARI ELKA PANGESTU

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

NUMBER : 11/M-DAG/PER/3/2010

DATE : March 15, 2010

LISTS OF ATTACHMENT

1. Attachment I : Lists of machine, Machine Equipment, Raw Materials, Empty Optical Disc and Filled Optical Disc.
2. Attachment II : Report on Realized Import and Distribution of Machine, Machine Equipment, Raw Materials, Empty Optical Disc and Filled Optical Disc.

MINISTER OF TRADE OF THE REPUBLIC OF INDONESIA

signed

MARI ELKA PANGESTU

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**Secretariat General
Department of Trade
Legal of Bureau Head,**

signed and sealed

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**LIST OF MACHINES, MACHINE EQUIPMENTS, STANDARD MATERIALS,
EMPTY OPTIC DISK AND FILLED OPTIC DISK**

MACHINES AND MACHINE EQUIPMENTS

NO.	POST TARIFF/HS	DESCRIPTION OF GOODS
1.	9010.50.90.00	Equipment that is used to prepare the master consisting of Laser Beam Recorder (LBR), processing of signal for recording equipment by using laser, and electroforming that is particularly used in Optic Disk production process
2.	8480.79.00.00	Printing equipment (stamper) from steel in form of circle with the diameter of 140 mm and thickness of 1.2 mm that is used in the Optic Disk production process.
3.	8480.71.00.00	Moulds for plastic material that are used in the Optic Disk production process.
4.	8477.10.39.00	Injection printing machine for printing of optic disk from Polycarbonate.
5.	8477.90.39.00	Machine for making layer (metalizer) at the Optic Disk with Aluminum Material (Al) or Cuprum (Cu) so that it reflects light, and is part of the injection printing machine for printing of Optic Disk from polycarbonate.



6.	8477.90.39.00	Equipment to unite Optic Disk layers (Bonding) and is part of the injection printing machine for printing of Optic Disk from polycarbonate.
7.	8428.33.90.00	Optic Disk moving equipment (Loading and Un-Loading) in form of conveyor belt)
8.	8443.19.00.00	Equipment that is used to make the pattern on an optic disk container through the coloring liquid by way of offset or screen.

STANDARD MATERIAL

NO.	POST TARIFF/HS	DESCRIPTION OF GOODS
1.	3907.40.00.00	Polycarbonate.

EMPTY OPTIC DISK AND FILLED OPTIC DISK

NO.	POST TARIFF/HS	DESCRIPTION OF GOODS
	8523.40	Optic media: Disk for laser reading system.
1.	8523.40.11.00	Type that is suitable for the use of computer, not recorded.
2.	8523.40.12.00	Type that is used for the phenomenon production in addition to sound or picture.
3.	8523.40.13.00	Type that is used only for reproduction of sound.



4.	8523.40.14.00	Type that is used to reproduce the form, data, sound and picture, recorded in form of binary that is read by the machine and can be manipulated or provide interactivity to the user by using the automatic data processor; proprietary format storage media (recorded).
5.	8523.40.19.00	Disk for the laser reader system in addition to HS 8523.40.11.00, HS 8523.40.12.00, HS 8523.40.13.00, and HS 8523.40.14.00. Disk for reader system in addition to laser:
6.	8523.40.91.00	Type that is suitable for the use of computer, not recorded.
7.	8523.40.92.00	Type that is used for the production of phenomenon in addition to the sound or picture.
8.	8523.40.93.00	Type that is used only for the reproduction of sound.
9.	8523.40.94.00	Type that is used for the production of form, data, sound, and picture, recorded in form of binary that is read by the machine and can be manipulated or provide interactivity to the user by using the automatic data processing machine; proprietary format storage media (recorded).



Attachment I: Regulation of the Minister of Trade of The Republic of Indonesia
Number : 11/M-DAG/PER/3/2010
Date : March 15, 2010

	8523.40.99	Disk for reader system in addition to laser other than HS 8523.40.91.00, HS 8523.40.92.00, HS 8523.40.93.00, and HS 8523.40.94.00:
10.	8523.40.99.10	Not recorded.
11.	8523.40.99.90	Recorded.

MINISTER OF TRADE OF THE REPUBLIC OF INDONESIA

signed

MARI ELKA PANGESTU

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Secretariat General
Department of Trade
Legal of Bureau Head,
signed and sealed
WIDODO



REPORT ON REALIZATION OF IMPORT AND DISTRIBUTION OF MACHINES, MACHINE EQUIPMENTS, STANDARD MATERIALS, EMPTY OPTIC DISK, AND FILLED OPTIC DISK BY IT OPTIC DISK

Name of Company :
Address of Company :
Address of Factory/Warehouse :
Enactment No. as IT Optic Disk :
No. of Import Approval :
Date :
Date :

Realization of Import							Realization of Distribution*)			
Name and Address of Exporter	PIB Number and Date	Port of Unloading	Details of Goods	Post tariff/HS 10 Digits	Volume	Value (US\$)	Name and Address of Receiver	Business Sector	Number and Date of Shipment	Volume

*) filled in with standard materials

City, Day/Month/Year
Signature
Seal
(.....)
Position

Translated from Indonesian Language
Jakarta, November 26, 2010
Authorized and Sworn Translator,

FIKRI SAID OBEY

