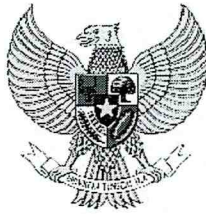


AUTHORIZED TRANSLATION



Minister of Trade of the Republic of Indonesia

**REGULATION OF THE MINISTER OF TRADE OF
THE REPUBLIC OF INDONESIA
NUMBER : 62/M-DAG/PER/12/2009**

**REGARDING
THE OBLIGATION OF GOODS LABELING**

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 guaranteeing the obtainment of consumers' rights for correct, clear and honest information on the condition and warranty of goods to use, apply, or make use of by consumers, it needs to regulate the obligation of goods labeling as referred to in Article 8 of Law Number 8 of 1999 regarding Consumers Protection;
 - b. that such regulation on the obligation of goods labeling is required for the effectiveness of nurturing and control on the implementation of consumers protection;
 - c. that based on such considerations as referred to in letter a and letter b, 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 2 of 1981 regarding Legal Metrology (State Gazette of the Republic of Indonesia of 1981 Number 11, Supplement to the State Gazette of the Republic of Indonesia number 3193);
 3. 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);
 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 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);
 6. Law Number 15 of 2001 regarding Brand (State Gazette of the Republic of Indonesia of 2001 Number 110, Supplement to the State Gazette of the Republic of Indonesia Number 4131);
 7. Law Number 32 of 2004 regarding Regional Governments (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 several times lastly by Law no. 12 of 2008 (State Gazette of the Republic of Indonesia of 2008 Number 59, Supplement to the State Gazette of the Republic of Indonesia Number 4844);
 8. Law Number 39 of 2008 regarding State Ministry (State



Gazette of the Republic of Indonesia of 2008 Number 166, Supplement to the State Gazette of the Republic of Indonesia number 4916);

9. Government Regulation Number 10 of 1987 regarding Derivative Unit, Additional Units, and Other Applicable Units (State Gazette of the Republic of Indonesia of 1987 Number 17, Supplement to the State Gazette of the Republic of Indonesia Number 3351);
10. Government Regulation Number 102 of 2000 regarding the National Standardization (State Gazette of the Republic of Indonesia of 2000 Number 199, Supplement to the State Gazette of the Republic of Indonesia Number 4020);
11. Government Regulation Number 58 of 2001 regarding Nurturing and Monitoring on the Implementation of Consumers Protection (State Gazette of the Republic of Indonesia of 2001 Number 103, Supplement to the State Gazette of the Republic of Indonesia Number 4126);
12. Government Regulation Number 38 of 2007 regarding the Division of Governmental Affairs Between the Government, Regional Government of Province, and Regional Government of Regency/Municipality (State Gazette of the Republic of Indonesia of 2007 Number 82, Supplement to the State Gazette of the Republic of Indonesia Number 4737);
13. 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;
14. 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;

15. Presidential Decree Number 84/P of 2009 regarding the Establishment and Appointment of the Cabinet of United Indonesia II;
16. Decree of the Industry and Trade the Minister Number 61/MPP/Kep/2/1998 regarding the Administration of Metrology Affairs as amended by Decree of the Industry and Trade Minister Number 251/MPP/Kep/6/1999;
17. Regulation of the Minister of Trade Number 01/M-DAG/PER/3/2005 regarding the Organization and Working Procedure of the Trade Ministry as lastly amended by the Regulation of the Minister of Trade of the republic of Indonesia Number 24/M-DAG/PER/6/2009;
18. Regulation of the Minister of Trade Number 19/M-IND/PER/5/2006 regarding the Standardization, Nurturing, and Control on the Indonesian National Standard in Industrial Sector;
19. Regulation of the Minister of Trade Number 14/M-DAG/PER/3/2007 regarding the Standardization of Services in Trade Sector and the Mandatory Indonesian National Standard (SNI) Control on Traded Goods and Services as amended by Regulation of the Minister of Trade Number 30/M-DAG/PER/7/2007;
20. Regulation of the Minister of Trade Number 36/M-DAG/PER/9/2007 regarding the Issuance of Trade Business License as amended by Regulation of the Minister of Trade Number 46/M-DAG/PER/9/2009;
21. Regulation of the Minister of Trade Number 19/M-DAG/PER/5/2009 regarding the Registration of Instruction Manual and Warranty Card/After Sales Guarantee in Indonesian Language for Telemetric and Electronic Products;
22. Regulation of the Minister of Trade Number 20/M-



DAG/PER/5/2009 regarding the Provisions and Procedure
of Goods and/or Services Control;

HAS DECIDED:

To stipulate : **REGULATION OF THE MINISTER OF TRADE REGARDING
THE OBLIGATION OF GOODS LABELING**

**CHAPTER I
GENERAL PROVISIONS**

Article 1

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

1. Label is any information on goods having the shape of picture, writing, combination of both, or other shapes which contain information on the goods and entrepreneur's description as well as other information according to the applicable statutory regulation attached to the goods, inserted into, adhered at, or constituting part of goods' package.
2. Goods is any objects either tangible or intangible ones, either movable or immovable, consumable or not consumable, which is tradable, usable, applicable, or made use of by consumers.
3. Import is the activity of introducing goods into the customs area.
4. Customs area is the territory of the Republic of Indonesia covering land, waters, and the air space above them, as well as certain places in the Exclusive Economic Zone and Continental Shelf in which it applies the provisions of statutory regulation on customs affairs.
5. Entrepreneur is any individual person or enterprise, either those having the form of corporate or non-corporate established and domiciled or conducting its activity within the jurisdiction of the Republic of Indonesia state, either



individually or collectively through an agreement to run a business activity in various economic sectors.

6. Consumer is anyone who uses goods and/or services available among the communities, either for his/her-own, family's, other people's, or other living creatures' interest and not for trading purpose.
7. Market is the meeting place of a seller and a buyer to perform a transaction where a sale and purchase process is formed.
8. International System of Unit (le System International d'Unites) is a unit of measurement the system of which originates from a measurement obtained on the basis of a basic unit which is legalized by the General Conference for Measurement and Scales.
9. Package is a container used to pack and/or wrap goods, either those directly in touch with goods or not.
10. Director of Circulating Goods and Services monitoring is the Director whose duties and responsibilities are in the field of monitoring goods and services circulating in the market.
11. Director General of Domestic of Trade who hereinafter shall be referred to as Director General PDN is the Director General whose duties and responsibilities are in the field of domestic trade.
12. Minister is the Minister whose duties and responsibilities are in trade sector

CHAPTER II

LABELING

Article 2

- (1) An entrepreneur who produces or imports goods to be traded in domestic market as contained in the Attachment to this Regulation of the Minister is obliged to put a label in Bahasa Indonesia.



- (2) Such Attachment to the Regulation of the Minister as referred to in section (1), consists of:
 - a. Attachment I, contains the list of household electronic appliances, telecommunication, and informatics type of goods;
 - b. Attachment II, contains the list of building material facilities type of goods;
 - c. Attachment III, contains the list of motored vehicles requirement (spare parts and others) type of goods;
 - d. Attachment IV, contains the list of other types of goods;
- (3) Imported goods as referred to in section (1), when entering the customs area of the Republic of Indonesia have already been labeled in Bahasa Indonesia.
- (4) Such labeling as referred to in section (1), shall at least use a clear and easy to understand Bahasa Indonesia.
- (5) The use of languages other than Bahasa Indonesia, Arabic numbers, Roman letters are permitted when there is no counterpart for.

Article 3

- (1) An entrepreneur who produces or is going to import goods to be traded in domestic market as referred to in Article 2, shall have to submit a sample of label in Bahasa Indonesia to Director General PDN in this matter the Director of Circulating Goods and Services Monitoring.
- (2) In the event that such label submitted by the entrepreneur as referred to in section (1) has met the requirement, the Director of Circulating Goods and Services Monitoring shall issue the certification of labeling in Bahasa Indonesia at latest 5 (five) business days since the sample of label was received.
- (3) Such certification of labeling in Bahasa Indonesia as referred to in section (2) constitutes:
 - a. a document explaining that the sample of label has met



- the requirement as provided for in this Regulation of the Minister for goods produced domestically; and
- b. customs supplementary document in the settlement of customs affairs in import sector for import originated goods.
- (4) The submission of such label sample as referred to in section (1) can be done through:
- a. email, at the address of: dir-pengawasan-pdn@depdag.co.id;
 - b. facsimile, at the number of (021) 3858189; or
 - c. other courier services or by hand delivery, with destination address at the Directorate of Circulating Goods and Services Monitoring, Directorate General of Domestic of Trade, Trade Ministry of the Republic of Indonesia, Jalan M.I. Ridwan Rais Number 5 Block II 3rd Floor, Central Jakarta 10110.
- (5) The issuance of such certification as referred to in section (2) shall be free of charge.

Article 4

Such entrepreneur as referred to in Article 2 section (1) who trades goods by way of measuring, dosing, or weighing, is obliged to put a label on by using the International System unit or a unit symbol of international system and based on decimal.

Article 5

- (1) Such labeling as referred to in Article 2 is done in such a way that it shall not easily be detached from the goods or package, not easily be faded or damaged, as well as easy to view and read.
- (2) Such labeling as referred to in section (1) which is not possible to be attached to a small-sized goods, must be affixed on the package or in the form of a separate instruction.



- (3) The label size shall be adjusted to the size of goods or goods' package used.

Article 6

- (1) Such label as referred to in Article 2 section (1), contains an information or description on the goods and entrepreneur's identity as contained in the attachment to this Ministerial Regulation.
- (2) Any information or description on goods' label that pertains to consumers' safety, security, and health as well the living environment, must contain:
 - a. method of use; and
 - b. A symbol of danger and/or a clear warning sign
- (3) Such entrepreneur's identity as referred to in section (1) for those goods as contained in Attachment I, attachment II, Attachment III, and Attachment IV to this Ministerial Regulation, contains at least:
 - a. name and address of producer for domestically produced goods; or
 - b. name and address of importer for imported goods
- (4) Such address as referred to in section (3) contains at least the company name and city where the concerned company is domiciled.

Article 7

In addition to such labeling as referred to in Article 6 section (1), the entrepreneur is obliged to affix an information or description which, according to the provisions of statutory regulation, shall have to be included.

Article 8

An entrepreneur is prohibited to include a label that:

- a. is made incompletely; or
- b. contains an incorrect information and/or misleads consumers



Article 9

- (1) Any entrepreneur who does not meet such requirements as referred to in article 5 and/or Article 8 letter a, is obliged to recall its goods from the market and is prohibited to trade the relevant goods.
- (2) Such recalling of goods from the market as referred to in section (1), shall be done under the instruction of Director General PDN or on behalf of the Minister.
- (3) The whole cost of such goods recalling from the market as referred to in section (2) is charged on the entrepreneur.

Article 10

Such goods already recalled from the market by the entrepreneur as referred to in Article 9 is re-tradable, when it has met the requirement of goods labeling according to this Ministerial Regulation.

Article 11

- (1) Such requirement of goods labeling in Bahasa Indonesia as provided for in this Regulation of the Minister shall not apply for:
 - a. goods sold in bulk form and packaged right in front of consumers; and
 - b. such goods as contained in Attachment III to this Regulation of the Minister which is imported by a motored vehicles producer or an authorized agent of motored vehicles as raw materials and/or other supporting materials that pertain to production.
- (2) Such requirement of in-applicable obligation for goods labeling in Bahasa Indonesia on imported goods as referred to in section (1) letter b, can be granted if the motored vehicles producer or authorized agent of motored vehicles submits an application to Director General PDN in this



matter the director of circulating goods and services monitoring, by enclosing:

- a. a copy of Industrial Business License (IUI) for motored vehicles producer; or
 - b. a copy of stipulation as an authorized agent of motored vehicles from authorized instances for authorized agent of motored vehicles.
- (3) Such submission of application as referred to in section (2) shall be made by showing the original documents.
- (4) Based on such application as referred to in section (2), Director General PDN shall forward the list of those motored vehicles producers or authorized agents of motored vehicles not imposed the obligation of goods labeling in Bahasa Indonesia to the Director General of Customs with a cc to the applicant.

CHAPTER III

NURTURING AND MONITORING

Article 12

- (1) The nurturing and monitoring on such goods labeling as provided for in this Regulation of the Minister shall be conducted by the Minister.
- (2) Minister shall delegate the authority of such nurturing and monitoring as referred to in section (1) to Director General PDN.
- (3) The implementation of such nurturing and monitoring as referred to in section (2) can be conducted either by Director General PDN him/herself or together with the relevant technical instances either centrally or regionally.
- (4) Such nurturing as referred to in section (1) shall be conducted in the form of service and dispersion of information, education, and consultation, either directly or indirectly to the entrepreneurs and/or consumers.
- (5) Such monitoring as referred to in section (1) shall be



conducted under the provisions of statutory regulation on the requirement and procedure of goods and/or services monitoring.

CHAPTER IV

SANCTION

Article 13

- (1) Any entrepreneurs not recalling such goods from the market as referred to in Article 9, shall be imposed an administrative sanction in the form of:
 - a. The revocation of Trade Business License (SIUP) by the SIUP issuing official; or
 - b. The revocation of any other business licenses by the authorized officials.
- (2) Such revocation of SIUP as referred to in section (1) letter a shall be made:
 - a. in the event that those goods ordered to recall from the market is connected to consumers' safety, security, and health as well as living environment, the revocation of SIUP shall be executed upon a written warning of maximum 2 (two) times within a maximum period of 12 (twelve) business days; or
 - b. in the event of goods other than those referred to in letter a, the revocation of SIUP shall be executed upon a written warning of 3 (three) times each with an interval period of 7 (seven) calendar days.
- (3) In the event that an entrepreneur is imposed with such administrative sanction as referred to in section (1), Director General PDN shall forward a recommendation of business license revocation to the related instances/authorized officials.



Article 14

- (1) Any entrepreneurs violating such provisions as referred to in Article 2 section (1), Article 6, Article 7, or Article 8 letter b, shall be imposed a sanction as provided for in Law Number 8 of 1999 regarding Consumers Protection.
- (2) Any entrepreneurs violating such provisions as referred to in Article 4, shall be imposed a sanction as provided for in Law Number 2 of 1981 regarding Legal Metrology.

CHAPTER V

OTHER PROVISIONS

Article 15

Types of goods imposed the obligation of labeling as contained in the attachment to this Regulation of the Minister can be added according to the requirement stipulated by a Ministerial Regulation.

Article 16

The technical guidance of this Minister Regulation implementation, shall be arranged further by Director General PDN.

Article 17

Attachment I, Attachment II, Attachment III, and Attachment IV are an inseparable part of this Ministerial Regulation.

CHAPTER VI

TRANSITIONAL PROVISIONS

Article 18

At the time this Regulation of the Minister becomes in effect, in the event that/in the event of:

- a. goods as contained in the attachment to this Minister Regulation is already circulated in the market, such entrepreneurs producing or importing those goods are obliged to adjust the labeling within a period of 1 (one) year



- since this Regulation of the Minister was enacted; and
- b. goods not contained in the Attachment to this Ministerial Regulation, any entrepreneurs producing or importing those goods:
1. already labeled in Bahasa Indonesia may still put the label in Bahasa Indonesia according to the characteristics of goods; and
 2. not labeled in Bahasa Indonesia yet, may put a label in Bahasa Indonesia according to the characteristics of goods.

CHAPTER VII

CLOSING

Article 19

This Minister Regulation shall comment in effect 1 (one) year since 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 : December 21, 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

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

FIKRI SAID QBED

