

AUTHORIZED TRANSLATION



Minister of Trade of the Republic of Indonesia
REGULATION OF THE MINISTER OF TRADE OF THE REPUBLIC OF
INDONESIA

NUMBER : 28/M-DAG/PER/6/2009

REGARDING
REQUIREMENTS OF EXPORT AND IMPORT LICENSING SERVICE
BY ELECTRONIC SYSTEM THROUGH INATRADE IN THE CONTEXT OF
INDONESIAN NATIONAL SINGLE WINDOW

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 improving the license service which is effective, efficient, and transparent to entrepreneurs in order to support the smoothness and speed of flow of goods in the export and/or import activity, it needs to apply an electronic licensing service;
- b. that to implement the provisions in Article 16 of the Presidential Regulation Number 10 of 2008 regarding the Use of Electronic System In the Context of the Indonesian National Single Window;
- 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 1983 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. Presidential Decree Number 260 of 1967 regarding the Confirmation on the Duties and Responsibilities of the Minister of Trade in Foreign Trade Sector;
4. 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;
5. 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;
6. 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;
7. Presidential Regulation Number 10 of 2008 regarding the Use of Electronic System In the Context of the Indonesian National Single Window;
8. Decree of the Minister of Industry and Trade Number 229/MPP/Kep/7/1997 regarding General Requirements in Import Sector;
9. Decree of Minister of Industry and Trade Number 230/MPP/Kep/7/1997 regarding Goods with Arranged Import Procedure as several times amended lastly by Decree of Minister of Industry and Trade Number 406/MPP/Kep/6/2004;
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 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 several times amended lastly by Regulation of Minister of Trade Number 34/M-DAG/PER/8/2007;

HAS DECIDED:

To stipulate : **REGULATION OF THE MINISTER OF TRADE REGARDING REQUIREMENTS OF EXPORT AND IMPORT LICENSING SERVICE BY ELECTRONIC SYSTEM THROUGH INATRADE IN THE CONTEXT OF INDONESIAN NATIONAL SINGLE WINDOW.**

Article 1

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

1. Licensing is the granting of legalities to an applicant either in the form of recognition, appointment, stipulation, approval, or registration.
2. Electronic System is a system to collect, prepare, store, process, analyze, and disseminate electronic information.
3. Portal is a system to perform the integration of information which guarantees the security of data and information as well as combining the flow and process of information between internal systems automatically.
4. Indonesian National Single Window, hereinafter shall be referred to as INSW is the Indonesian National System which enables a single submission of data and information, a single and synchronous processing of data and information, and a single decision-making for customs release and clearance of cargoes.



5. INATRADE is the electronic export and/or import licensing service system at the Ministry of Trade which is performed on-line via internet.
6. Applicant is an individual person, enterprise, corporate, governmental instances or other state institutions using INATRADE to obtain licenses.
7. Electronic Document is any electronic information developed, forwarded, transmitted, received, or stored in analogue, digital, electromagnetic, optical form or the kind, which is visible, displayable and/or audible through computer or electronic system, including but not limited to writings, voices, images, maps, designs, photographs or the kind, letters, signs, numbers, access codes, symbols or perforations having a meaning or purpose or understandable by anyone who is able to comprehend them.
8. Access Right is the right granted to make an interaction with either a standalone electronic system or with the network.
9. Overseas Trade Service Unit, which hereinafter shall be referred to as UPP is a unit administering the receiving of applications for licenses, recommendations (supporting documents), and the submission of export and/or import licenses issued by the Directorate General of Overseas Trade at the Ministry of Trade either manually or electronically in the context of INATRADE implementation.
10. Standard Operating Procedure, which hereinafter shall be referred to as SOP is a written standard/guidance which contains procedure or phases to pass to complete a process of export and/or import licensing service activity in the context of INSW system implementation.
11. Service Level Agreement, which hereinafter shall be referred to as SLA is a level of service to be complied with



and Implemented by INATRADE Operator to perform the export and/or import licensing service activity in the context of INSW system implementation.

12. Director General is the Director General of Overseas Trade of the Ministry of Trade.
13. Minister is the Minister whose duties and responsibilities are in trade sector.

Article 2

- (1) The export and/or import licensing service shall be gradually performed by electronic system through INATRADE portal.
- (2) Such INATRADE portal as referred to in section (1) shall use the domain name of <http://inatrade.depdag.go.id>.
- (3) The types of such licenses as referred to in section (1) shall be stipulated further by Director General on behalf of the Minister.

Article 3

Such licensing service as referred to in article 2 section (1) can only be granted to an Applicant already having an Access Right.

Article 4

- (1) Such Access right as referred to in Article 3 can be obtained under the following requirements:
 - a. Applicant shall register through <http://inatrade.depdag.go.id> by filling-in the available form completely and correctly as well as submitting the print-out to INATRADE officers; and
 - b. Applicant shall submit the required documents in softcopy form by showing the original documents still in effect.
- (2) Such original documents as referred to in section (1) letter b are as follows:



- a. Company Registration Certificate (TDP); and
 - b. Tax-Payer Number (NPWP).
- (3) Such documents as referred to in section (2) shall be validated by INATRADE officers.
- (4) Upon the data in such form and documents as referred to in section (1) and section (2) can be made a field verification by a Team formed by the Director General, both before and after the issuance of an approval on Access Right.

Article 5

- (1) Minister shall appoint the Director General to grant an approval or rejection on an application to obtain as well as revoking the Access Right.
- (2) Director General shall delegate the authority of granting such approval, rejection, or revocation as referred to in section (1) to the Director of Export and Import Facilitation or an appointed official.
- (3) The issuance of an approval on Access Right shall be made at the latest 10 (ten) business days starting from the receipt of such documents as referred to in Article 4 section (1) letter b completely and correctly.
- (4) The issuance of a rejection on Access Right shall be made at the latest 10 (ten) business days starting from the submission of such documents as referred to in Article 4 section (1) letter b and accompanied with the reason of rejection.
- (5) Such approval on Access Right as referred to in section (3) can be revoked in case the results of such verification as referred to in Article 4 section (4) proved as finding an incorrect data.

Article 6

An applicant who has received an Access Right is obliged to



comply with all of the provisions contained in the document of Access Right approval.

Article 7

- (1) Any applicants who have received an Access Right, shall submit an application for licenses by using the application form available on INATRADE portal and shall follow the designated procedure.
- (2) In the event that such licenses as referred to in section (1) shall require a recommendation and/or other documents from any related technical instances, then:
 - a. applicants shall have to submit electronically such recommendation and/or other documents required to the Ministry of Trade if those related technical instances have used an electronic system already integrated with INATRADE;
 - b. applicants shall have to submit manually the original recommendation and/or other documents required to the Ministry of Trade if those related technical instances are not integrated yet with INATRADE.

Article 8

- (1) The application of such licenses as referred to in Article 6 shall be processed further by the technical directorates according to the SOP and SLA based on the category of entrepreneurs and/or the respective type of license.
- (2) Such technical directorates as referred to in section (1) cover:
 - a. Directorate of Agricultural and Forestry Products Export;
 - b. Directorate of Industrial and Mining Products Export;
 - c. Directorate of Import; and
 - d. Directorate of Supervision and Control on Quality of Goods.



- (3) Further provisions on SOP and SLA for each type of license shall be stipulated by the Director General on behalf of the Minister.

Article 9

- (1) Such Technical Directorates as referred to in Article 8 section (2) shall issue a license according to SOP and SLA.
- (2) Such Technical Directorates as referred to in Article 8 section (2) may issue a rejection on an application for license, when:
 - a. the administrative requirements are not complete;
 - b. there is an information that the name, type, and allocation of goods are not consistent with those applied; and/or;
 - c. The INATRADE system rejects the entry of an invalid data.
- (3) The issuance of such license or rejection as referred to in section (1) and section (2) shall be in the forms of both electronic document and hardcopy.
- (4) The taking of license or rejection on application hardcopy shall be made at UPP.
- (5) A license already issued in the form of electronic document as referred to in section (3) and other export and/or import supporting documents shall be sent via INATRADE to INSW portal for the fulfillment of customs duty.

Article 10

- (1) In case the electronic system fails to function due to a force majeure, the service of export and/or import licensing shall be performed manually.
- (2) Such force majeure condition as referred to in section (1) may take the form of:



- a. natural disasters such as flood, earthquake, landslide, and other disasters occurring naturally;
- b. fire, electric blackout, and equipment stealing; and/or
- c. any damages and dis-functionalities of electronic system supporting facilities and infrastructures for more than 4 (four) hours.

Article 11

- (1) An Access Right to INATRADE service shall expire in the events of:
 - a. An Access Right holder does not use his/her Access Right for 6 (six) months consecutively;
 - b. An Access Right holder submits an application to INATRADE Operator to make a termination on his/her Access Right to INATRADE service;
 - c. An Access Right holder violates the provisions in Article 6;
 - d. INATRADE Operator deems that it has occurred a service abuse by an Access Right Holder;
 - e. INATRADE Operator receives a written request from the related technical instances in respect of a violation in export and/or import sector made by an Access Right Holder; or
 - f. INATRADE Operator performs an obligation to terminate an Access Right in the context of implementing the provisions of statutory regulation.
- (2) Such termination on Access Right as referred to in section (1) can be made manually and/or electronically.
- (3) Such termination on Access Right as referred to in section (1) letter e shall be made by firstly coordinating with the related technical instances.

Article 12

- (1) An applicant who has obtained an Access Right can still



submit an application for license manually up to 6 (six) months since the obtainment date of such Access Right.

- (2) After a period of 6 (six) months since the obtainment of such Access Right as referred to in section (1), the Applicant shall have to submit an application for license by electronic system.
- (3) A license issued on the basis of such manual application for a license as referred to in section (1) and any licenses already issued prior to the enactment of this Regulation of the Minister by INATRADE operator shall be transmitted through INATRADE to INSW portal for the fulfillment of customs duty.

Article 13

The implementation of INATRADE operation shall be carried out by an INATRADE Operating Team stipulated by the Minister.

Article 14

Any costs incurred in the implementation of INATRADE activity shall be charged on the State Revenue and Expenditures Budget (APBN) for the Ministry of Trade.

Article 15

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

Article 16

This Regulation of the Minister shall be in effect after 60 (sixty) days since its stipulation date.

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



Stipulated in Jakarta

On : June 30, 2009

MINISTER OF TRADE OF THE REPUBLIC OF INDONESIA

signed

MARI ELKA PANGESTU

Copy corresponds with the original

Secretariat General

Ministry of Trade

Head of Legal Bureau,

signed and sealed

WIDODO



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

FIKRI SAID OBED

