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AUTHORIZED TRANSLATION  
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**Minister of Trade of the Republic of Indonesia**

**REGULATION OF THE MINISTER OF TRADE OF  
THE REPUBLIC OF INDONESIA  
NUMBER: 29/M-DAG/PER/6/2009**

**REGARDING**

**AMENDMENTS ON THE REGULATION OF THE MINISTER OF TRADE NUMBER  
05/M-DAG/PER/4/2005 REGARDING THE REQUIREMENTS ON IMPORT OF  
MACHINERY, MACHINE EQUIPMENT, RAW MATERIALS AND OPTICAL DISCS**

**BY THE GRACE OF ALLAH THE ONE SUPREME GOD  
THE MINISTER OF TRADE OF THE REPUBLIC OF INDONESIA,**

- Considering :
- a. that the Regulation of the Minister of Trade Number 05/M-DAG/PER/4/2005 regarding the requirements on Import of Machinery, Machine Equipment, Raw Materials, and Optical Disc only regulates the importation for the requirement of optical disc industry;
  - b. that the Import of Machinery, Machine Equipment, Raw Materials, and Optical Disc is not only for the requirement of optical disc industry but also for the requirement of those other than optical disc industry;
  - c. that in the context of supporting the smoothness of Machinery, Machine Equipment, Raw Materials, and Optical Disc importation for requirement of those other than optical disc industry, by still paying attention to the



purpose of Copyright protection policy, it needs to amend the Regulation of the Minister of Trade Number 05/M-DAG/PER/4/2005;

- d. that based on such considerations as referred to in letter a, letter b, and letter c 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 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 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);
5. Law Number 5 of 1999 regarding Prohibition on Monopolistic 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. Law Number 19 of 2002 regarding Copyright (State Gazette of the Republic of Indonesia of 2002 Number 85, Supplement to the State Gazette of the Republic of Indonesia Number 4220);
8. Governmental Regulation Number 29 of 2004 regarding High Technological Production Facilities for Optical Disc (State Gazette of the Republic of Indonesia of 2004 Number 108, Supplement to the State Gazette of the Republic of Indonesia Number 4220);
9. Presidential Decree Number 260 of 1967 regarding the Confirmation on the Duties and Responsibilities of the Minister of Trade in Foreign Trade Sector;
10. 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;
11. 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;
12. 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 lastly by the Presidential Regulation Number 50 of 2008;
13. Decree of the Minister of Industry and Trade Number 229/MPP/Kep/7/1997 regarding the General Provisions in Import Sector;
14. Decree of the Minister of Industry and Trade Number 230/MPP/Kep/7/1997 regarding those Goods with Arranged Import Procedure, as amended lastly by the Decree of the Minister of Industry and Trade Number 406/MPP/Kep/6/2004;
15. Decree of the Ministry of Industry and Trade Number





- 648/MPP/Kep/10/2004 regarding the Reporting and Supervision on Optical Disc Industrial Companies;
- 16 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 34/M-DAG/PER/8/2007;
  17. Regulation of the Minister of Trade Number 05/M-DAG/PER/4/2005 regarding the Requirements on Import of Machinery, Machine Equipment, Raw Materials and Optical Disc;
  18. The Regulation of the Minister of Trade Number 31/M-DAG/PER/7/2007 regarding Importer Identity Number (API).

**HAS DECIDES:**

To stipulate

**: REGULATION OF THE MINISTER OF TRADE REGARDING AMENDMENTS ON REGULATION OF THE MINISTER OF TRADE NUMBER 05/M-DAG/PER/4/2005 REGARDING THE REQUIREMENTS ON IMPORT OF MACHINERY, MACHINE EQUIPMENT, RAW MATERIALS AND OPTICAL DISCS.**

**Article I**

Some of provisions in the Regulation of the Minister of Trade Number 05/M-DAG/PER/4/2005 regarding the Requirements on Import of Machinery, Machine Equipment, Raw Materials and Optical discs are amended as follows:

1. The provisions in Article 1 are amended, therefore Article 1 shall run as follows:

**Article 1**

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

1. Machinery and Machine Equipment are any kinds of machine and equipment used in the production



process of Blank Optical Disc and/or Loaded Optical Disc.

2. Raw Materials are any forms of material usable in the production process of Blank Optical Disc and/or Loaded Optical Disc.
3. Optical Disc is any kinds of recording media having the form of disc loadable with or having the load of data and or information in the form of voice, music, film, or other data and/or information readable by scanning technology mechanism in optical way by using sources of beam with high intensity such as laser.
4. Blank Optical Disc is Optical Discs in blank form which constitute the final results of a production process having no data and/or information in them.
5. Loaded Optical Disc is Optical Discs which constitute the final results of a production process with high technology having the load of data and/or information in the form of either voice, music, film or other data and/or information.
6. Production Code is Source Identification Code (SID code) consisting of stamper code and mould code that must be affixed on Loaded Optical Discs.
7. Registered Importer of Optical Disc, hereinafter shall be referred to as IT Optical Disc, is a company or Industry in optical disc sector owning an Importer Identity Number (API) approved by the Director General to Import Machinery, Machine Equipment, Raw Materials, Blank Optical Discs and/or Loaded Optical Discs.
8. Registered Importer of Non-optical Disc, hereinafter shall be referred to as IT Non-optical Disc, is a company or industry of other than optical



- disc sector owning an Importer Identity Number (API) approved by the Director General to Import Machinery, Machine Equipment, Raw Materials, Blank Optical Discs and/or Loaded Optical Discs.
9. Recommendation is a letter issued by the officials of instances / units authorized to deliver technical explanation and constituting no license or approval of import.
  10. Director General is the Director General of Overseas Trade, the Ministry of Trade.
  11. Minister is the Minister whose duties and responsibilities are in trade sector.
2. The provisions in Article 2 are amended, therefore Article 2 shall run as follows:

#### **Article 2**

- (1) Machinery, Machine Equipment, Raw Materials, Blank Optical Disc and Loaded Optical Disc regulated in this Regulation of the Minister as contained in Attachment I constitute an inseparable part of this Regulation of the Minister.
  - (2) Such Machinery, Machine Equipment, Raw Materials, Blank Optical Disc and Loaded Optical Disc as referred to in paragraph (1) shall have to meet the technical requirements according to the provisions in statutory regulation.
  - (3) Such Loaded Optical Disc as referred to in paragraph (1) must be affixed with a Production Code based on the requirements and custom applicable internationally.
3. Between Article 2 and Article 3 it is inserted 1 (one) article, i.e. Article 2A so it shall run as follows:





### **Article 2A**

Such Machinery, Machine Equipment, Raw Materials, Blank Optical Disc and Loaded Optical Disc as referred to in Article 2 paragraph (1) can only be imported by a Company or industry in optical disc sector having been appointed as an IT Optical Disc.

4. The provisions in Article 3 are amended, therefore Article 3 shall run as follows:

### **Article 3**

- (1) Such appointment as IT Optical Disc as referred to in Article 2A shall be stipulated by the Director General.
- (2) To be capable of being appointed as an IT Optical Disc as referred to in paragraph (1), a company or industry in optical disc sector shall have to submit a written application to the Director General by enclosing the documents of:
  - a. A copy of Industrial Business License, Industrial Registration Certificate or other equal Business Licenses From Technical Ministries / Non-Ministerial Governmental Institutions handling the optical disc sector;
  - b. A copy of Importer Identity Number (API);
  - c. A copy of Company Registration Certificate (TDP);
  - d. A copy of Tax-Payer Number (NPWP);
  - e. A copy of Customs Affairs Identity Number (NIK);
  - f. Recommendation from the Director General of Metal, Machinery, Textile and Varied Industries of Department of Industry for the importation of Machinery and Machine



Equipment;

- g. Recommendation from the Director General of Agro and Chemical Industry of the Department of Industry for the importation of raw Materials and Blank Optical Disc; and
  - h. Recommendation from the Director General of Intellectual Property Rights of Department of Law and Human Rights for the importation of Loaded Optical Disc.
5. Between Article 4 and Article 5 it is inserted 2 (two) articles, i.e. Articles 4A and 4B so they shall run as follows:

#### **Article 4A**

In the event that any companies or industries other than optical disc sector need such Machinery, Machine Equipment, Raw Materials, Blank Optical Discs and Loaded Optical Discs as referred to in Article 2 paragraph (1), those companies or industries may do the import upon having obtained a Registration Certificate as IT Non-Optical Disc.

#### **Article 4B**

- (1) Such Registration certificate as IT non-optical disc as referred to in article 4A shall be issued by the Director General.
- (2) To obtain such Registration Certificate as IT Non-Optical Disc as referred to in paragraph (1), any companies or industries other than optical disc sector shall have to submit a written application to the Director General by enclosing the documents of:
  - a. A copy of Importer Identity Number (API);
  - b. A copy of Company Registration Certificate





(TDP);

- c. A copy of Tax-Payer Number (NPWP); and
- d. A copy of Customs Affairs Identity Number (NIK).

6. The provisions in Article 5 are amended, therefore Article 5 shall run as follows:

#### **Article 5**

Such appointment as an IT Optical Disc as referred to in Article 3 and such Registration Certificate as referred to in Article 4A shall apply for a period of 3 (three) years and is expendable.

7. The provisions in Article 6 are amended, therefore Article 6 shall run as follows:

#### **Article 6**

- (1) Such IT Optical Disc as referred to in Article 2A which is going to import Machinery, Machine Equipment, Raw Materials, Blank Optical Discs and Loaded Optical Discs is obliged to obtain an import approval from the Director General in this matter Director of Import.
- (2) To obtain such import approval as referred to in section (1), an IT Optical Disc has to submit a written application to the Director General in this matter director of import by enclosing:
  - a. Recommendation from the Director General of Metal, Machinery, Textile and Varied Industries of Department of Industry for the importation of Machinery and Machine Equipment;
  - b. Recommendation from the Director General of Agro and Chemical Industry of Department of Industry for the importation of Raw



Materials and Blank Optical Disc; or

- c. Recommendation from the Director General of Intellectual Property Rights of Department of Law and Human Rights for the importation of Loaded Optical Disc.
8. The provisions in Article 7 are amended, therefore Article 7 shall run as follows:

#### **Article 7**

- (1) An IT Optical Disc which has received such import approval as referred to in Article 6 is obliged to submit a written report of import realization and the realization of Machinery, Machine Equipment, Raw Materials, Blank Optical Discs and Loaded Optical Discs distribution to the Director General in this matter Director of Import once in every 3 (three) month period.
- (2) An IT Non-Optical Disc is obliged to submit a report of import realization once in every 3 (three) month period to the Director General in this matter Director of Import with a cc to:
  - a. Director General of Metal Industry, Machinery, Textile and Varied Industries in this matter the Director of Machinery Industry of the Department of Industry for Machinery and Machine Equipment importation;
  - b. Director General of Agro and Chemical Industry in this matter the Director of Downstream Chemical Industry of the Department of Industry for Raw Materials and Blank Optical Discs importation; and
  - c. Director General of Intellectual Property Rights in this matter the Director of Copyright, Industrial Design, Design of Integrated Circuit



Layout, and Trade Secrets of the Department  
of Law and Human Rights for Loaded Optical  
Discs importation.

- (3) Such report of import realization and distribution as referred to in paragraph (1), as well as such report of import realization as referred to in paragraph (2) must be submitted at the latest on the 15<sup>th</sup> of the next period's first month via <http://inatrade.depdag.co.id> in the form of report as contained in Attachment II and Attachment III which constitute an inseparable part of this Regulation of the Minister.
9. Between Article 9 and Article 10 it is inserted 1 (one) article, i.e. Article 9A so it shall run as follows:

#### **Article 9A**

- (1) The provisions in this Regulation of the Minister shall not apply on the import of Blank Optical Discs and Loaded Optical Discs conducted by:
- a. governmental instances and state institutions;
  - b. representatives of foreign countries along with their officers assigned in Indonesia;
  - c. international agencies along with their officers assigned in Indonesia;
  - d. individual as removal goods;
  - e. passengers and crew of transporting facilities, with the maximum number of 10 (ten) pieces; and
  - f. individual through a courier service, with the maximum number of 10 (ten) pieces.
- (2) On each of such imported Blank Optical Discs and loaded optical discs as referred to in paragraph (1) still apply the requirements of customs affairs administration.





- (3) On each of such imported Loaded Optical Discs as referred to in paragraph (1) must be affixed a Production Code.
10. Between Article 11 and Article 12 it is inserted 1 (one) article, i.e. Article 11A so it shall run as follows:

**Article 11A**

- (1) The Registration Certificate as an IT Non-Optical Disc shall be revoked when the concerned company:
- a. failed to perform its obligation to submit such report of import realization as referred to in Article 7 paragraph (2) and paragraph (3); and/or
  - b. amended, added, and/or replace any contents contained in the document of Registration Certificate as an IT Non-Optical Disc.
- (2) The revocation on such recognition as an IT Optical Disc as referred to in paragraph (1) shall be conducted by the Director General.
11. Attachment I, Attachment II, Attachment III, and Attachment IV to the Regulation of the Minister of Trade Number 05/M-DAG/PER/4/2005 are amended, to become the 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 announcement of this Regulation of the Minister by posting it in the State Gazette of the Republic of Indonesia.



Stipulated in Jakarta  
dated June 30, 2009

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

*signed*

**MARI ELKA PANGESTU**

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Secretary 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 : 29/M-DAG/PER/6/2009  
DATED : June 30, 2009

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**LIST OF ATTACHMENTS**

1. ATTACHMENT I : List of Machinery, Machine Equipment, Raw Materials, Blank Optical Discs and Loaded Optical Discs
2. ATTACHMENT II : Report of Import Realization and the Realization of Machinery, Machine Equipment, Raw Materials, Blank Optical Discs and Loaded Optical Discs Distribution
3. ATTACHMENT III : Report of Machinery, Machine Equipment, Raw Materials, Blank Optical Discs and Loaded Optical Discs Import Realization

**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**  
**MACHINERY, MACHINE EQUIPMENT, RAW MATERIALS, BLANK OPTICAL**  
**DISCS AND LOADED OPTICAL DISCS**

**MACHINERY AND MACHINE EQUIPMENT**

NO	TARIFF POST / HS	DESCRIPTION OF ITEM
1.	ex 9010.50.90.00	Devices used to make a master consisting of Laser Beam Recorder (LBR), signals processing for recording devices by using laser, and electroforming used exclusively in the production process of Optical Discs
2.	ex 8480.79.00.00	Stamper of metal material having the shape of half-circle with the diameter of 140 mm and thickness of 1.2 mm used in the production process of Optical Discs
3.	ex 8480.71.00.00	Moulds for plastic material used in the production process of Optical Discs
4.	ex 8477.10.39.00	Injection printing machine to print optical discs from Polycarbonate
5.	ex 8477.90.39.00	Machine for manufacturing metalizer in Optical Discs of Aluminum (Al) or Copper (Cu) materials so it will reflect the beam, which is part of the injection printing machine print Optical Discs from Polycarbonate
6.	ex 8477.90.39.00	Equipment to unite the layers of an Optical Disc (Bonding), which is part of the injection printing machine print Optical Discs from polycarbonate
7.	ex 8428.33.90.00	Loading and Unloading device of Optical Discs in the form of conveyor belt



8.	ex 8443.19.00.00	Equipment used to make patterns on an optical disc container through a coloring liquid by offset or screen method.
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#### RAW MATERIALS

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

#### BLANK OPTICAL DISCS AND LOADED OPTICAL DISCS

NO	TARIFF POST / HS	DESCRIPTION OF ITEM
	8523.40	Optical media: Disc for laser reading system:
1.	8523.40.11.00	Of a sort suitable for computer use, not recorded.
2.	8523.40.12.00	Of a sort used for reproducing those phenomena other than voices or images.
3.	8523.40.13.00	Of a sort used for reproducing voices only.
4.	8523.40.14.00	Of a sort used for reproducing shapes, data, voices and images, recorded in binary form which are read by machine, and capable of being manipulated or delivering interactivity with the user, by using an automatic data processing machine; storage media of proprietary format (recorded).
5.	8523.40.19.00	Disc for laser reading system other than HS 8523.40.11.00, HS 8523.40.12.00, HS 8523.40.13.00, and HS 8523.40.14.00. Disc for reading systems other than that of laser;
6.	8523.40.91.00	Of a sort suitable for computer use, not recorded.



7.	8523.40.92.00	Of a sort used for reproducing those phenomena other than voices or images.
8.	8523.40.93.00	Of a sort used for reproducing voices only.
9.	8523.40.94.00	Of a sort used for reproducing shapes, data, voices and images, recorded in binary form which are read by machine, and capable of being manipulated or delivering interactivity with the user, by using an automatic data processing machine; storage media of proprietary format (recorded).
	8523.40.99	Disc of Non-laser reading system 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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Secretary General of  
Ministry of Trade  
Head of Legal Bureau,

*signed*

**WIDODO**





**REPORT OF IMPORT REALIZATION AND THE DISTRIBUTION OF MACHINERY, MACHINE EQUIPMENT, RAW MATERIALS, BLANK OPTICAL DISCS, AND LOADED OPTICAL DISCS BY AN IT OPTICAL DISC**

Company Name :  
 Company Address :  
 Address of Factory/Warehouse :  
 No. of Appointment as an IT Optical Disc :  
 No. of Import Approval :

Dated :  
 Dated :

Import Realization							Distributing Realization *)			
Name and Address of Exporter	Number and Date of PIB	Unloading Harbor	Description of Goods	Tariff Post/HS 10 Digits	Volume	Value (US\$)	Name and Address of Receiver	Business Sector	Number and Date of Shipment	Volume

\*) filled-in for raw materials

City, .....Date/month/year  
 Signature  
 Stamp  
 (.....)  
 Title



# REPORT OF MACHINERY, MACHINE EQUIPMENT, RAW MATERIALS, BLANK OPTICAL DISCS, AND LOADED OPTICAL DISCS IMPORT REALIZATION BY AN IT NON-OPTICAL DISC

Company Name :  
 Company Address :  
 Address of Factory/Warehouse :  
 No. of Registration Certificate as an IT Non-Optical Disc :

Dated :

Import Realization						
Name and Address of Exporter	Number and Date of PIB	Unloading Harbor	Description of Goods	Tariff Post/HS 10 Digits	Volume (kg)	Value (US\$)

City, ..... Date/month/year

Signature

Stamp

(.....)

Title

Cc:

1. Director of Copyright, Industrial Design, Design of Integrated Circuit Layout, and Trade Secret of the Department of Law and Human Rights,
2. Director of Downstream Chemical Industry, Department of Industry;
3. Director of Machine Industry, Department of Industry;



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

**FIKRI SAID OBED**