
AUTHORIZED TRANSLATION



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

NUMBER 23/M-DAG/PER/4/2014

CONCERNING

**PROVISION OF IMPOSING QUOTA IN THE FRAMEWORK OF TRADE
SECURITY ACTION ON IMPORT OF WHEAT FLOUR**

UPON GRACE OF THE ONLY GOD

THE MINISTER OF TRADE OF THE REPUBLIC OF INDONESIA,

- Considering : a. that based on the provision of Article 70 of the Government Regulation Number 34 of 2011 concerning Antidumping Action, Benefit Action and Trade Security Action on import goods that experience the surge of total import, may be imposed the Security Action Import Duty and/or Quota;
- b. that based on the provision of Article 84 paragraph (4) of Government Regulation Number 34 of 2011 concerning Antidumping Action, Benefit Action and Trade Security Action, the Trade Security Action in form of Quota is determined by the minister who implements the administration affairs in the trade sector;
- c. that the result of investigation, made by the Indonesian Trade Security Committee (KPPI), has proven the existence of serious losses experienced by the domestic industry due to the surge of total wheat flour import and recommended to

impose the Trade Security Action in form of Security Action Import Duty or Quota;

- d. that the result of discussion by the National Interest Deliberation Team has decided to impose the Trade Security Action in form of Quota on the surge of total wheat flour import;
- e. that based on the considerations as meant in letter a, letter b, letter c and letter d, it is necessary to enact the Regulation of the Minister of Trade concerning the Provision to Impose Quota in the Framework of Trade Security Action on Wheat Flour Import;

- In view of : 1. Law Number 7 of 1994 concerning the Ratification of the Agreement Establishing 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);
2. Law Number 10 of 1995 concerning Customs (State Gazette of the Republic of Indonesia of 1995 Number 75, Supplement to the State Gazette of the Republic of Indonesia Number 3612) as has been amended with 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 46610);
3. Law Number 39 of 2008 concerning 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);
4. Law Number 7 of 2014 concerning Trade (State Gazette of the Republic of Indonesia of 2014 Number 45, Supplement to the State Gazette of the Republic of Indonesia Number 5512);

5. Government Regulation Number 102 of 2000 concerning National Standardization (State Gazette of the Republic of Indonesia of 2000 Number 1999, Supplement to the State Gazette of the Republic of Indonesia Number 4020);
6. Government Regulation of the Republic of Indonesia Number 35 of 2011 concerning Antidumping Action, Benefit Action and Trade Security Action (State Gazette of the Republic of Indonesia of 2011 Number 66, Supplement to the State Gazette of the Republic of Indonesia Number 5225);
7. Presidential Decree Number 84/P of 2009 concerning Formation of the United Indonesia Cabinet II, as has been amended several times and latest with the Presidential Decree Number 8P of 2014;
8. Presidential Regulation Number 47 of 2009 concerning Formation and Organization of the State Ministry, as has been amended several times and latest with the Presidential Regulation Number 13 of 2014;
9. Presidential Regulation Number 24 of 2010 concerning the Position, Duties and Functions of the State Ministry and the Organization Structure, Duties and Functions of Echelon I of the State Ministry, as has been amended several times and latest with the Presidential Regulation Number 14 of 014;
10. Regulation of the Minister of Industry Number 35/M-IND/PER3/2011 concerning the enforcement of the Indonesian National Standard (SNI) of Flour as Compulsory Food;
11. Regulation of the Minister of Trade Number 54/M-DAG/PER/9/2009 concerning General Provisions at the Import Sector;

12. Regulation of the Minister of Trade Number 27/M-DAG/PER/8/2012 concerning the Provision of the Importer Identity Number (API) as has been amended several times and latest with the Regulation of the Minister of Trade Number 84/M-DAG/PER/12/2012;

HAS DECREED:

To enact : **THE REGULATION OF THE MINISTER OF TRADE CONCERNING PROVISION TO IMPOSE QUOTA IN THE FRAMEWORK OF THE TRADE SECURITY ACTION ON IMPORT OF WHEAT FLOUR.**

Article 1

The meaning of the following in this Regulation of the Minister is:

1. Wheat Flour is flour made from fortified wheat grain and other wheat flour.
2. Trade Security Action, hereinafter referred to as Security Action, is the action taken by the government to recover serious losses or serious loss threat suffered by the domestic industry due to the surge of total imported goods, either absolutely or relatively, on similar types of goods or direct competitive goods.
3. Quota is the amount of goods limited by the government that can be imported.
4. Import is the activity of entering goods into the customs area of Indonesia.
5. Importer is the individual or business entity in form of legal entity or non legal entity carrying out the import activity.
6. Verification or technical tracking is the technical inspection activity on import products carried out by the Surveyor.

7. Surveyor is the survey company that obtains the authorization to carry out the verification or technical tracking on import products.
8. Minister is the minister who implements the administration affairs in the trade sector.
9. Director General is the Director General of Foreign Trade of the Ministry of Trade.

Article 2

- (1) The Security Action in form of Quota is imposed on the Wheat Flour Import.
- (2) Wheat Flour, as meant in paragraph (1), is the Wheat Flour included in Tariff Post (HS):
 - a. 1101.00.10.10 : -- fortified Wheat Flour
 - b. 1101.00.10.90 : -- other Wheat Flour

Article 3

- (1) The Wheat Flour Import, as meant in Article 2 paragraph (2) letter a, may be carried out by the Importer that has the General Importer Identity Number (API-U) and Producer Importer Identity Number (API-P).
- (2) The Wheat Flour Import, as meant in Article 2 paragraph (2) letter b, may only be carried out by the Importer that has the Producer Importer Identity Number (API-P).

Article 4

- (1) The Quota in the framework of Security Action, as meant in Article 2 paragraph (1) is 441,141 Tons, with the following allocation:
 - a. Turkey with the Quota of 251,450 Tons;
 - b. Sri Lanka with the Quota of 136,754 Tons;
 - c. Ukraine with the Quota of 22,957 Tons;
 - d. Other countries with the Quota of 30,880 Tons.
- (2) The other countries, as meant in paragraph (1) letter d, cover all advanced countries that are members of countries with the export of Wheat Flour to Indonesia exceeding 3% (three percent) based on the Import segment of 2011, as indicated in Appendix I, which is an inseparable part of this Regulation of the Minister.

Article 5

- (1) The Security Action in form of Quota, as meant in Article (2) paragraph (1), is not applied on Wheat Flour Import produced by developed countries, which import segment is no exceeding 3% (three percent) or accumulatively is not exceeding 9% (nine percent) of the total Import based on the import segment of 2011.
- (2) The countries, as meant in paragraph (1), are as indicated in Appendix II, which is an inseparable part of this Regulation of the Minister.

Article 6

The Wheat Flour Import from countries, as meant in Article 4 paragraph (1), may only be carried out as long as the Quota is still available.

Article 7

The Quota for each Importer is applicable for each shipment.

Article 8

The Quota for each shipment, as meant in Article 7, is provided based on the principle of *"first come first served"*.

Article 9

- (1) The Importer that has obtained the Wheat Flour Quota should realize the Wheat Flour Import.
- (2) The realization of Wheat Flour Import by the Importer is effective as of the date of the Surveyor Report issuance.
- (3) The Importer may obtain the next Wheat Flour Quota after having realized the Wheat Flour Quota before.

Article 10

- (1) The Import verification or technical tracking should first be carried out at the country of goods origin for each import of Wheat Flour.
- (2) The Import verification or technical tracking, as meant in paragraph (1), is carried out by the Surveyor determined by the Minister.

Article 11

In order to be determined as executive of verification or technical tracking on the Wheat Flour Import, the Surveyor should comply with the following requirements:

- a. in possession of the Survey Service Business License (SIUJS);
- b. experienced as surveyor in the Import sector of minimum 5 (five) years;
- c. has branches or representatives or affiliations abroad; and

- d. in possession of track records in the sector of Import verification or technical tracking activity management.

Article 12

- (1) The import verification or technical tracking, as meant in Article 10, covers:
 - a. Description and specification of goods covering the Tariff Post (HS) Number;
 - b. Amount (volume) per type of goods;
 - c. Time of shipment;
 - d. Port of destination; and
 - e. Certificate of Origin.
- (2) The Surveyor provides the mark of inspection as result of the Import verification or technical tracking in form of seal on the packing of the *Full Container Load (FCL)* type of transportation or the Surveyor inspection mark in form of label on the goods or other types of transportation packing.
- (3) The result of the Import verification or technical tracking, as meant in paragraph (1), is made in form of the Survey Report in order to be used as the customs supplement document in the completion of customs affairs in the Import sector.
- (4) The Surveyor charges the cost for the implementation of the Import verification or technical tracking to the Importer, which amount is determined based on the benefit principle.

Article 13

The verification or technical tracking activity on Wheat Flour Import by the Surveyor does not reduce the authority of the Directorate General of Customs of the Ministry of Finances to carry out the customs inspection.

Article 14

Each import of Wheat Flour may only be carried out through the port of destination, namely Belawan in Medan, Boom Baru in Palembang, Panjang in Lampung, Tanjung Priok in Jakarta, Tanjung Emas in Semarang, Tanjung Perak in Surabaya and Soekarno Hatta in Makassar.

Article 15

- (1) The Surveyor, as meant in Article 10 paragraph (2), should monitor the Quota that has been used from the country as meant in Article 4 paragraph (1).
- (2) The Surveyor, as meant in paragraph (1), should periodically submit the written report on the verification or technical tracking activity on Wheat Flour Import 1 (one) time every month.
- (3) The Report, as meant in paragraph (2), is submitted monthly within not later than the 15th (fifteenth) day of the following month to the Director |General with copy to the Chairman of the Indonesian Trade Security Committee (KPPI).

Article 16

The Wheat Flour Importer who violates the provisions in this Regulation of the Minister is imposed sanction in accordance with the provisions of the legislative regulations.

Article 17

- (1) The determination as executive Surveyor of the verification or technical tracking on Wheat Flour Import is withdrawn in case the Surveyor:
 - a. Does not implement the obligation to monitor the Quota that has been used, as meant in Article 15 paragraph (1); and/or

- b. Does not implement the obligation to submit the report, as meant in Article 15 paragraph (2) for 2(two) times.
- (2) The withdrawal of the determination as the executive Surveyor of the verification and technical tracking on the Wheat Flour Import, as meant in paragraph (1), is carried out by the Minister.

Article 18

Further provisions of this Regulation of the Minister may be determined by the Director General.

Article 19

In addition to being subject to the provisions of this Regulation of the Minister, the implementation of the Wheat Flour Import in the framework of the Security Action in form of Quota, is also subject to the provisions of other legislative regulations on Wheat Flour.

Article 20

- (1) The provisions of this Regulation of the Minister are not applicable for Wheat Flour Import shipped from the country of origin prior to 4 May 2014.
- (2) The Wheat Flour Import, as meant in paragraph (1), is proven with the Bill of Lading and Invoice.

Article 21

In addition to the provisions on the determination as Surveyor by the Minister, which commences effective on the date of enactment, the other provisions in this Regulation of the Minister commences effective on 4 May 2014 and expire on 4 December 2014.

So that it is known by everyone, the enactment of this Regulation of the Minister is instructed with its placement in the State Gazette of the Republic of Indonesia.

Enacted in Jakarta

On 28 April 2014

MINISTER OF TRADE OF THE REPUBLIC OF INDONESIA

signed

MUHAMMAD LUTFI

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Secretariat General

Ministry of Trade

for Head of Legal Bureau,

signed and sealed

TULUS BUDHIANTO

APPENDIX I
REGULATION OF THE MINISTER OF TRADE OF THE REPUBLIC OF
INDONESIA
NUMBER 23/M-DAG/PER/4/2014
CONCERNING
PROVISION OF IMPOSING QUOTA IN THE FRAMEWORK OF THE TRADE
SECURITY ACTION ON WHEAT FLOUR IMPORT

LIST OF OTHER COUNTRIES

No	Country	No	Country
1	Australia	18	Japan
2	Austria	19	Liechtenstein
3	Belgium	20	Luxembourg
4	Canada	21	Malta
5	Cyprus	22	Netherlands
6	Czech Republic	23	New Zealand
7	Denmark	24	Norway
8	Estonia	25	Poland
9	European Union (formerly European Communities)	26	Portugal
10	Finland	27	Russian Federation
11	France	28	Slovak Republic
12	Germany	29	Slovenia
13	Greece	30	Spain
14	Hungary	31	Sweden
15	Iceland	32	Switzerland
16	Ireland	33	United Kingdom
17	Italy	34	United States of America

MINISTER OF TRADE OF THE REPUBLIC OF INDONESIA

signed

MUHAMMAD LUTFI

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TULUS BUDHIANTO

APPENDIX II

REGULATION OF THE MINISTER OF TRADE OF THE REPUBLIC OF INDONESIA

NUMBER 23/M-DAG/PER/4/2014

CONCERNING

PROVISION FOR THE IMPOSING OF QUOTA IN THE FRAMEWORK OF THE TRADE SECURITY ACTION ON THE WHEAT FLOUR IMPORT

LIST OF COUNTRIES THAT ARE EXCLUDED FROM WHEAT FLOUR QUOTA IN THE FRAMEWORK OF THE TRADE SECURITY ACTION

No	Country	No	Country
1	Albania	21	Central African Republic
2	Angola	22	Chad
3	Antigua and Barbuda	23	Chile
4	Argentina	24	China
5	Armenia	25	Chinese Taipei
6	Bahrain, Kingdom of	26	Colombo
7	Bangladesh	27	Congo
8	Barbados	28	Costa Rica
9	Belize	29	Cote d'Ivoire
10	Benin	30	Croatia
11	Bolivia, Plurinational State of	31	Cuba
12	Botswana	32	Djibouti
1	Brazil	33	Dominica
14	Brunei Darussalam	34	Dominican Republic
15	Bulgaria	35	Ecuador
16	Burkina Faso	36	Egypt
17	Burundi	37	El Salvador
18	Cambodia	38	Fiji
19	Cameroon	39	Former Yugoslav Republic of Macedonia (FYROM)
20	Cape Verda	40	Gabon

No	Country	No	Country
41	Gambia	70	Mexico
42	Georgia	71	Moldova
43	Ghana	72	Mongolia
44	Grenada	73	Morocco
45	Guatemala	74	Mozambique
46	Guinea	75	Myanmar
47	Guinea Bissau	76	Namibia
48	Guyana	77	Nepal
49	Haiti	78	Nicaragua
50	Honduras	79	Niger
51	India	80	Nigeria
52	Israel	81	Oman
53	Jamaica	82	Pakistan
54	Jordan	83	Panama
55	Kenya	84	Papua New Guinea
56	Korea, Republic of	85	Paraguay
57	Kuwait	86	Peru
58	Kyrgyz Republic	87	Philippines
59	Latvia	88	Qatar
60	Lesotho	89	Romania
61	Lithuania	90	Rwanda
62	Macao, China	91	Saint Kitts and Nevis
63	Madagascar	92	Saint Lucia
64	Malawi	93	Saint Vincent & the Grenades
65	Malaysia	94	Saudi Arabia
66	Maldives	95	Senegal
67	Mali	96	Sierra Leone
68	Mauritania	97	Singapore
69	Mauritius	98	Solomon Islands

No	Country	No	Country
99	South Africa	107	Tunisia
100	Suriname	108	Uganda
101	Swaziland	109	United Arab Emirates
102	Tanzania	110	Uruguay
103	Thailand	111	Venezuela, Bolivarian Republic of
104	Togo	112	Vietnam
105	Tonga	113	Zambia
106	Trinidad and Tobago	114	Zimbabwe

MINISTER OF TRADE OF THE REPUBLIC OF INDONESIA

signed

MUHAMMAD LUTFI

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Secretariat General

Ministry of Trade

for Head of Legal Bureau,

signed and sealed

TULUS BUDHIANTO

Translated from Indonesian Language
 Jakarta, June 18, 2015
 Authorized and Sworn Translator,

FIKRI SAID OBED