
AUTHORIZED TRANSLATION



MINISTER OF TRADE OF THE REPUBLIC OF INDONESIA

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

NUMBER 46/M-DAG/PER/8/2014

CONCERNING

**GENERAL PROVISIONS FOR THE VERIFICATION OR TECHNICAL TRACING IN
THE TRADE SECTOR**

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

- Considering :
- a. that the verification or technical tracing is one of the trade instruments that has an important role in order to ensure that certain goods to be exported, imported and interisland traded have complied with the provisions of the legislative regulations;
 - b. that in the framework of improving the effectiveness of conducting and controlling the implementation of the verification or technical tracing on certain goods to be exported, imported and interisland traded, the general norms, standards procedures and criteria are needed for the verification or technical tracing in the trade sector;
 - c. that based on the considerations, as meant in letter a and letter b, it is necessary to enact the Regulation of the Minister of Trade concerning the General Provisions for the Verification Or Technical Tracing in the Trade Sector.

In view of : 1. Law Number 7 of 1994 concerning 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 4661);
 3. Law Number 5 of 1999 concerning Prohibition of Monopoly Practice and Unhealthy Business Competition (State Gazette of the Republic of Indonesia of 1999 Number 33, Supplement to the State Gazette of the Republic of Indonesia Number 3817);
 4. 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);
 5. 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);
 6. Presidential Decree Number 84/P of 2009 concerning Formation of the United Indonesia Cabinet II, as has been amended with the Presidential Decree Number 8P of 2014;
 7. 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 (State Gazette of the Republic of Indonesia of 2014 Number 24);
 8. 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 14 of 2014;

9. Regulation of the Minister of Trade Number 54/M-DAG/PER/9/2009 concerning General Provisions in the Import Sector;
10. Regulation of the Minister of Trade Number 31/M-DAG/PER/7/2010 concerning the Organization and Work Procedure of the Ministry of Trade, as has been amended with the Regulation of the Minister of Trade Number 57/M-DAG/PER/8/2012;
11. Regulation of the Minister of Trade Number 13/M-DAG/PER/3/2012 concerning General Provisions in the Export Sector.

HAS DECIDED:

To Stipulate : **THE REGULATION OF THE MINISTER OF TRADE CONCERNING THE GENERAL PROVISIONS FOR THE VERIFICATION OR TECHNICAL TRACING IN THE TRADE SECTOR.**

Article 1

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

1. Export is the activity of taking out goods from the customs area,
2. Import is the activity of taking in goods into the customs area.
3. Interisland Trade is the activity of sales & purchase and/or distribution of goods from one island to another island or within one island, which transportation is carried out by sea.
4. Certain Goods are goods included in the group of goods, which export is limited, import is limited or goods that are limited to be traded interisland.

5. Verification or technical tracing is the investigation and checking on goods carried out by the surveyor.
6. Surveyor is the survey company that obtains the authority to carry out the verification or technical tracing on goods,
7. Minister is the minister who organizes the administration affairs in the trade sector.

Article 2

- (1) The verification or technical tracing should be carried on the Export, Import and/or Interisland Trade of Certain Goods.
- (2) The Certain Goods that should be verified or technically traced, as meant in paragraph (1), are determined by the Minister.

Article 3

The Minister determines the requirement for Verification or Technical Tracing on Certain Goods based on the following considerations:

- a. in order to ensure that the goods to be exported, imported and/or interisland traded have complied with the provisions of the legislative regulation.
- b. in order to support the government efforts in:
 1. protecting the health and safety of human beings, animals, fishes, plants and environment;
 2. protecting the excessive use of natural resources for production and consumption;
 3. ensuring the fulfillment of domestic need;
 4. ensuring the availability of standard materials needed by the domestic processing industry;
 5. maintaining the domestic price stability of certain commodities; and/or
 6. increasing the economic value added of raw materials and/or natural resources.

Article 4

- (1) The verification or technical tracing on Certain Goods, as meant in Article 2, is carried out by the Surveyor determined by the Minister.
- (2) The Minister may delegate the authority to determine the Surveyor, as meant in paragraph (1), to the Director General of Foreign Trade or to the Director General of Domestic Trade according to their respective duties and functions.
- (3) The determination of Surveyor, as meant in paragraph (1), is carried out transparently, accountably and objectively.

Article 5

In order to be able to be determined as the verification or technical tracing executive on Certain Goods, the Surveyor, as meant in Article 4 paragraph (1), should comply with the following requirements:

- a. in possession of the Survey Service Business License (SIUJS or *Surat Izin Usaha Jasa Survey*);
- b. has been accredited as the inspection institution by the National Accreditation Committee (KAN) according to the relevant scope;
- c. has the experience in implementing the verification or technical tracing according to the need based on the provisions of the legislative regulations;
- d. has domestic and overseas branches or representatives or affiliating with overseas Surveyors that have been accredited as the inspection institution for effectiveness of the verification service;
- e. has the information technology system that is especially implemented in accordance with the scope of assignment;
- f. has at least 1 (one) testing laboratory, which is accredited by KAN in accordance with the relevant scope, in case such

- testing laboratory has no required scope;
- g. has good track records with regard to the management of the verification or technical tracing activity; and
 - h. other requirements according to the specification.

Article 6

- (1) In order to be determined as the Verification or technical tracing executive on Certain Goods, the Surveyor should submit a written request to the Director General of Foreign Trade or Director General of Domestic Trade by attaching the following documents:
- a. photocopy of the Survey Service Business License (SIUJS);
 - b. photocopy of the accreditation certificate from KAN according to the relevant scope for accredited surveyor;
 - c. statement from the applicant regarding competence on the relevant scope and statement that the accreditation is being processed by KAN and that the accreditation will be obtained not later than 2 (two) years after the determination, for the surveyor that is not yet accredited;
 - d. photocopy of the Company Registration Identity (TDP);
 - e. photocopy of the Taxpayer Identity Number (NPWP);
 - f. information on the company that contains at least the addresses of the head office, branch/representative office and location of the laboratory including list of complete laboratory equipments;
 - g. list of experts completed with the Curriculum Vitae; and
 - h. photocopy of other required documents according to the characteristics of Certain Goods to be exported, imported and/or interisland traded.

- (2) The determination as the Verification or technical tracing executive Surveyor is issued not later than 5 (five) working days effective as of the date the request is completely and correctly received, considered as complying with the requirements and considered as able and competent to carry out the Verification or technical tracing on Certain Goods.

Article 7

- (1) In case the surveyor, as meant in Article 5, is not yet accredited, then the determination may be provided as long as the applicant is able to prove that the concerned has already submitted the request for accreditation to KAN and will obtain the accreditation within the period of 2 (two) years as of the date of determination.
- (2) The Surveyor that has been determined by the Minister prior to the prevailing of this Regulation of the Minister, should obtain the accreditation from KAN according to the relevant scope within not later than 2 (two) years as of the date this Regulation of the Minister is enacted.

Article 8

- (1) The Verification or technical tracing, as meant in Article 2, covers at least the:
 - a. investigation and checking on the data or information concerning the administrative authenticity;
 - b. identification and specification of goods through the qualitative and quantitative analysis at the laboratory as well as the post tariff/HS code of goods based on the provision of goods classification;
 - c. amount;
 - d. time of shipment;
 - e. port of loading or country of origin of goods loading; and

- f. other data and/or information that are needed.
- (2) The result of Verification or technical tracing carried out by the Surveyor, as meant in paragraph (1), is contained in the Surveyor report form.

Article 9

- (1) In case the implementation of the Verification or technical tracing on Certain Goods is carried out overseas by the surveyor that is the affiliate, then the Surveyor that is determined, as meant in Article 4 paragraph (1), should submit the name of the surveyor, which is its affiliate, to the Minister, in this case the Director General of Foreign Trade..
- (2) The result of overseas verification or technical tracing on Certain Goods, which is carried out by the surveyor company that is the affiliate, as meant in paragraph (1), is contained in the Surveyor report issued by the determined Surveyor, as meant in Article 4 paragraph (1).

Article 10

Issuance of the Surveyor report:

- a. for Import is not later than 1 (one) day after the final shipping document is completely and correctly received by the Surveyor from the importer; and
- b. for Export and Interisland Trade is 1 (one) day after completing the inspection.

Article 11

The Surveyor report is used as customs supplementary document that is required for the registration of the Goods Export Notification (PEB), Goods Import Notification (PIB), Free Trade Zone Customs Notification (PP FTZ) or as the supplementary document for the loading of goods activity and unloading of goods activity at the Interisland Trade.

Article 12

The Surveyor report, which is issued by the Surveyor, may only be used for 1 (one) shipment.

Article 13

- (1) The Surveyor is fully responsible for the result of the verification or technical tracing implementation on Certain Goods, as meant in Article 8 paragraph (2) and Article 9 paragraph (2).
- (2) The provision, as meant in paragraph (1), applies for the Surveyor that will be or has been determined by the Minister prior to the prevailing of this Regulation of the Minister.

Article 14

The verification or technical tracing activity carried out by the Surveyor does not diminish the authority of the Directorate General of Customs of the Ministry of Finances to carry out the customs inspection.

Article 15

- (1) The cost incurred for the implementation of the verification or technical tracing carried out by the Surveyor is charged to the National Budget.
- (2) In case the cost needed for the implementation of verification or technical tracing on Certain Goods, as meant in paragraph (1), is not yet available, then such cost is charged to the business actor.

Article 16

The Surveyor has the right to obtain the service reward for the implementation of the Verification or technical tracing on Certain Goods, which amount is determined by taking account of the benefit principle.

Article 17

The Surveyor is required to submit the:

- a. written report on the verification or technical tracing activity periodically to the Director General of Foreign Trade or Director General of Domestic Trade; and
- b. Surveyor report that has been issued through *http://inatrade.kemedag.go.id*.

Article 18

The determination as Surveyor is withdrawn in case:

- a. the Surveyor issues the Surveyor report that is not according to the scope as meant in Article 8 paragraph (1);
- b. the Surveyor issues the Surveyor report that is not according to the term as meant in Article 10;
- c. the Surveyor does not carry out its obligation to submit the written report as meant in Article 17 letter a;
- d. the Surveyor does not implement its obligation to submit the Surveyor report as meant in Article 17 letter b;
- e. the validity term of the accreditation certificate from KAN has expired; or
- f. The Surveyor does not obtain the accreditation from KAN according to the relevant scope within the period of 2 (two) years:
 1. as of the date of determination as Surveyor, for the Surveyor as meant in Article 6 paragraph (1) letter c.
 2. as of the date this Regulation of the Minister is enacted, for the Surveyor as meant in Article 7 paragraph (2).

Article 19

In addition to being imposed the sanction, as meant in Article 18, the Surveyor that violates the provision of Verification or technical tracing

may be imposed other sanctions according to the provisions of the legislative regulations.

Article 20

- (1) The withdrawal of the determination as the Verification or technical tracing executive Surveyor, as meant in Article 18, is carried out by the Minister.
- (2) The Minister may delegate the authority to withdraw the determination as the Verification or technical tracing executive Surveyor, as meant in paragraph (1), to the Director General of Foreign Trade or Director General of Domestic Trade according to their respective duties and functions.

Article 21

The Minister conducts the control and evaluation on the implementation of the Verification or technical tracing on Certain Goods carried out by the Surveyor.

Article 22

The determination as the verification or technical tracing executive Surveyor that has been issued before this Regulation of the Minister is applicable, should be adjusted to the provisions of this Regulation of the Minister within not later than 2 (two) days as of the date this Regulation of the Minister is applicable.

Article 23

Further provisions on the obligation of the verification or technical tracing on Certain Goods are regulated with the Regulation of the Minister.

Article 24

This Regulation of the Minister commences applicable on the date of enactment.

Stipulated in Jakarta

On dated 8 August 2014

MINISTER OF TRADE OF THE REPUBLIC OF INDONESIA,

Signed

MUHAMMAD LUTFI

Copy conforms to the original

Secretariat General

Ministry of Trade

Head of Legal Bureau,

signature and sealed

LASMININGSIH

Translated from Indonesian Language
Jakarta, August 21, 2015
Authorized and Sworn Translator,

FIKRI SAID OBED