
AUTHORIZED TRANSLATION



MINISTER OF TRADE OF THE REPUBLIC OF INDONESIA
REGULATION OF THE MINISTER OF TRADE OF THE REPUBLIC OF
INDONESIA
NUMBER 52/M-DAG/PER/9/2014
CONCERNING
PROCEDURE OF SELECTING THE WAREHOUSE RECEIPT SYSTEM
GUARANTEE EXECUTIVE INSTITUTION
BY THE GRACE OF ALLAH THE ONE SUPREME GOD
THE MINISTER OF TRADE OF THE REPUBLIC OF INDONESIA,

Considering : that in order to implement the provision of Article 4 paragraph (4) of the Government Regulation Number 10 of 2014 concerning Requirements and Procedure of Determining the Warehouse Receipt Guarantee Executive Institution, it is necessary to determine the Regulation of the Minister of Trade concerning the Procedure of Selecting the Warehouse Receipt System Guarantee Executive Institution;

In view of : 1. Law Number 32 of 1997 concerning Commodity Trade (State Gazette of the Republic of Indonesia of 1997 Number 93, Supplement to the State Gazette of the Republic of Indonesia Number 3720), as has been amended with Law Number 10 of 2011 (State Gazette of the Republic of Indonesia of 2011 Number 79, Supplement to the State Gazette of the Republic of Indonesia Number 5232);

2. Law Number 9 of 2005 concerning Warehouse Receipt System (State Gazette of the Republic of Indonesia of 2006

Number 59, Supplement to the State Gazette of the Republic of Indonesia Number 4630), as has been amended with Law Number 9 of 2011 concerning Amendment of Law Number 9 of 2006 concerning Warehouse Receipt System (State Gazette of Republic of Indonesia of 2011 Number 78, Supplement to the State Gazette of the Republic of Indonesia Number 5231);

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 5038);
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 10 of 2014 concerning Requirements and Procedure of Determining the Warehouse Receipt Guarantee Executive Institution (State Gazette of the Republic of Indonesia of 2014 Number 32, Supplement to the State Gazette of the Republic of Indonesia Number 5503);
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 8/P 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 Number 14 of 2014

(State Gazette of the Republic of Indonesia of 2014 Number 25);

9. Regulation of the Minister of Trade Number 31/M-DAG/PER/7/2010 concerning the Organization and Work System of the Ministry of Trade, as has been amended with the Regulation of the Minister of Trade Number 57/M-DAG/PER/8/2012;

HAS DECIDED:

To Stipulate : **THE REGULATION OF THE MINISTER OF TRADE CONCERNING THE PROCEDURE OF SELECTING THE WAREHOUSE RECEIPT SYSTEM GUARANTEE EXECUTIVE INSTITUTION.**

Article 1

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

1. Warehouse Receipt Guarantee Institution, hereinafter referred to as Guarantee Institution is the Indonesian legal entity that guarantees the right and interest of the Warehouse Receipt Holder or Guarantee Right Recipient toward the failure, negligence or inability of the Building Management in implementing its obligation to store and deliver goods.
2. Warehouse Receipt System Guarantee Executive Institution, hereinafter referred to as Executive Institution is the institution that implements the functions, duties, obligations and authority of the Guarantee Institution.
3. Selection of the Executive Institution, hereinafter referred to as Selection, is the process of selecting institution or business entity that will become the Executive Institution.
4. Executive Institution Selection Team, hereinafter referred to as Selection Team, is the team that implements the Executive Institution Selection process.

5. Executive Institution Selection Participant, hereinafter referred to as Selection Participant, is the institution or business entity that participates in the Selection.
6. Minister is the minister who organizes the administration affairs in the trade sector.

Article 2

- (1) The Selection is carried out through 2 (two) phases, namely:
 - a. Administrative assessment; and
 - b. Competence assessment.
- (2) The Selection is carried out by the Selection Team, which is determined through a separate Decree of the Minister.
- (3) The Selection, as meant in paragraph (1), is carried out efficiently, effectively, transparently and accountably in accordance with the legislative regulations.

Article 3

- (1) The Selection Team consists of representatives from the:
 - a. Ministry of Trade;
 - b. Ministry of State Secretary;
 - c. Ministry of Finances;
 - d. Ministry of Law and Human Rights; and
 - e. Ministry of State Owned Enterprises.
- (2) The Selection Team is chaired by the Head of the Commodity Time Trade Control Agency, Ministry of Trade.
- (3) The Selection Team is assisted by the Secretariat chaired by the Secretariat of the Commodity Time Trade Control Agency, Ministry of Trade.

Article 4

- (1) The Selection Team announces the opportunity of registration to follow the Selection as meant in Article 2 through the websites of the Ministry of Trade, Ministry of Finances and Ministry of State Owned Enterprises.

- (2) In case less than 2 (two) institutions or business entities submit the request for registration within the determined announcement period, then the Selection Team may invite institutions or business entities having the competence to follow the Selection.

Article 5

- (1) In order to follow the Selection, the institution or business entity submits the request for registration to the Head of the Commodity Trade Control Agency, Ministry of Trade, as Head of the Selection Team by using the letter A format, as contained in the Appendix, which is an inseparable part of this Regulation of the Minister.
- (2) The request for registration, as meant in paragraph (1), should be completed with the following requirement documents:
 - a. Photocopy of the establishment deed, including all its amendments, which has been legalized by the competent official;
 - b. Photocopy of the Taxpayer Identity Number;
 - c. Photocopy of the technical license from the authorized agency;
 - d. Photocopy of the Company Registration Identity; and
 - e. Profile of the institution or business entity, at least on the vision and mission, business description, legal base, capital structure (equity), addresses of head office and branch offices, list of names including the data of the members of the board of directors and board of commissioners, service provided, and amount of workers.
- (3) The Selection Team carries out the administrative assessment on the requirement documents as meant in paragraph (2).
- (4) The Selection Team prepares the minutes on the result of the administrative assessment as meant in paragraph (3), by using the letter B format contained in the Appendix, which is an

inseparable part of this Regulation of the Minister.

- (5) The Selection Team announces the result of the administrative assessment on the Selection Participants through the websites of the Ministry of Trade, Ministry of Finances and Ministry of State Owned Enterprises.

Article 6

- (1) The Selection Participants certified as complying with the administrative requirements, as meant in Article 5, submit the requirement documents to the Head of Selection Team in order to carry out the competence assessment.
- (2) The requirement documents, as ment in paragraph (1), are as follows:
 - a. proposal that contains the work plan for the implementation of guarantee in the Warehouse Receipt System;
 - b. Plan of a special and separate organization structure that handles the functions, duties, authority and obligations of the Warehouse Receipt Guarantee Institution;
 - c. Description of experience in the guarantee sector of the prospective Implementation Institution;
 - d. Narration and or clarification on the activities of the institution or Business Entity as the prospective Implementation Institution related to the Warehouse Receipt System activities;
 - e. Description on the preparedness of the work means and infrastructures that are needed in the operation of the Executive Institution;
 - f. Description on the system and means related to the guarantee or Warehouse receipt System; and
 - g. Last financial report that has been audited by the public accountant office as well as the capital information.
- (3) In case it is necessary for the competence assessment, then

the Selection Team may carry out the inspection on the means and infrastructure owned by the prospective Executive Institution.

- (4) The Selection Team prepares the minutes of the result of inspection on the means and infrastructures, as meant in paragraph (3), by using the letter C format contained in the Appendix, which is an inseparable part of this Regulation of the Minister.

Article 7

- (1) The final result of Selection is determined by the Selection Team in the minutes by using the letter D form contained in the Appendix, which is an inseparable part of this Regulation of the Minister.
- (2) The Selection Team submits the final result of Selection, as meant in paragraph (1), to the Minister.
- (3) The Minister submits the final result of Selection to the President in accordance with the legislative regulations in order to obtain the determination on the final result of Selection.

Article 8

The Selection Team announces the Executive Institution that has been determined through the websites of the Ministry of Trade, Ministry of Finances and Ministry of State Owned Enterprises.

Article 9

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

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.

Stipulated in Jakarta

On 2 September 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 seal

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