
AUTHORIZED TRANSLATION



MINISTER OF TRADE OF THE REPUBLIC OF INDONESIA

REGULATION OF THE MINISTER OF TRADE OF

THE REPUBLIC OF INDONESIA

NUMBER 45/M-DAG/PER/6/2015

CONCERNING

PROVISIONS FOR IMPORT OF TIRES

UPON GRACE OF THE ONLY GOD

THE MINISTER OF TRADE OF THE REPUBLIC OF INDONESIA,

- Considering :
- a. that in order to support the compliance with the availability of the domestic need of tires, to encourage the development of the national tire industry, and to create healthy business competition, it is necessary to regulate the import of tires;
 - b. that the Regulation of The Minister of Trade Number 40/M-DAG/PER/12/2011 concerning the Verification or Technical Tracing on the Import of Tires is no more suitable with the need to regulate the tire import trade system, so that it is necessary to make the improvement;
 - c. that based on the considerations, as meant in letter a and letter b, it is necessary to determine the Regulation of the Minister of Trade concerning the Provisions for Import of Tires.

- 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 3504);
2. Law Number 10 of 1995 concerning Customs (State Gazette of the Republic of Indonesia of 1996 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 8 of 1999 concerning Consumer Protection (State Gazette of the Republic of Indonesia of 1999 Number 42, Supplement to the State Gazette of the Republic of Indonesia Number 3821);
5. 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);
6. Law Number 3 of 2014 concerning Industry (State Gazette of the Republic of Indonesia of 2014 Number 4, Supplement to the State Gazette of the Republic of Indonesia Number 5492);
7. 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);

8. 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);
9. Presidential Decree Number 121/P of 2014 concerning Formation of Ministries and Appointment of Ministers of the Working Cabinet for the period of 2014 – 2019;
10. Presidential Regulation Number 7 of 2015 concerning Organization of the State Ministry;
11. Presidential Regulation Number 48 of 2015 concerning Ministry of Trade;
12. Regulation of the Minister of Trade Number 14/M-DAG/PER/3/2007 concerning Standardization of the Trade Sector Service and Compulsory Control of the Indonesian National Standard (SNI) on Goods and Service, as has been amended with the Regulation of the Minister of Trade Number 30/M-DAG/PER/7/2007;
13. Regulation of the Minister of Trade Number 20/M-DAG/PER/5/2009 concerning Provisions and Procedure of Control on Goods and/or Service;
14. Regulation of the Minister of Trade Number 54/M-DAG/PER/9/2009 concerning General Provisions in the Import Sector;
15. Regulation of the Minister of Trade Number 31/M-DAG/PER/7/2010 concerning 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;

16. Regulation of the Minister of Finances Number 213/PMK.011/2011 concerning Goods Classification System and Imposing of Import Duty Tariff, as has been amended with the Regulation of the Minister of Finances Number 133/PMK.011/2013;
17. Regulation of the Minister of Trade Number 27/M-DAG/PER/5/2012 concerning Provisions for 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;
18. Regulation of the Minister of Trade Number 67/M-DAG/PER/11/2013 concerning Obligation to Affix Label in the Indonesian Language on Goods, as has been amended with the Regulation of the Minister of Trade Number 10/M-DAG/PER/1/2014;
19. Regulation of the Minister of Trade Number 46/M-DAG/PER/8/2014 concerning General Provisions for the Verification of Technical Tracing in the Trade Sector;
20. Regulation of the Minister of Industry Number 68/M-IND/PER/8/2014 concerning Compulsory Enforcement of the Indonesian National Standard of Tire.

HAS DECREED:

To enact : **THE REGULATION OF THE MINISTER OF TRADE CONCERNING PROVISIONS FOR IMPORT OF TIRES.**

Article 1

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

1. Tire is an important part of the vehicle that is produced from the mixture of natural rubber and/or synthetic rubber, which is not

installed and/or installed on the rim, and is included in Tariff Post/HS 4011, 4013, and 8708.

2. Import is the activity of entering goods into the Customs Area.
3. Tire Producer Importer, hereinafter referred to as IP-Tire, is the company that imports Tires to be used in completing the production process of the produced goods.
4. Tire Registered Importer, hereinafter referred to as IT-Tire, is the company that imports Tires for the need of business activities by trading and/or transferring to another party.
5. Import Approval is the permit for Tire import.
6. Recommendation is the document issued by the authorized official of the related technical agency/unit and is the requirement for consideration of the issuance of the recognition as IP-Tire, Import Approval, and determination as Tire Importer Producer.
7. Verification or technical tracing is the investigation and inspection on imported goods, which is carried out by the Surveyor.
8. Surveyor is the survey company that obtains the authorization to carry out the verification or technical tracing on imported goods.
9. Minister is the minister who organizes the administration affairs in the trade sector.
10. Director General is the Director General of Foreign Trade of the Ministry of Trade.

Article 2

Tires, which import is limited, are as contained in the Appendix, which is an inseparable part of this Regulation of the Minister.

Article 3

- (1) Tires, as meant in Article 2, may only be imported by the company that has obtained the recognition as IP-Tire and the

company that has obtained the determination as IT-Tire from the Minister.

- (2) The Minister delegates the authority to issue the recognition as IP-Tire and determination as IT-Tire, as meant in paragraph (1), to the Director General.

Article 4

- (1) The company that is intended to obtain the recognition as IP-Tire, as meant in Article 3, should submit a written request to the Director General by attaching the following documents:
 - a. Photocopy of the company's establishment deed, including its amendment;
 - b. Photocopy of the Industrial Business License (IUI) or other similar types of business license from the authorized technical agency;
 - c. Photocopy of the Company Registration Identity (TDP);
 - d. Photocopy of the Taxpayer Registration Number (NPWP);
 - e. Photocopy of the Importer Producer Identity Number (API-P);
 - f. Photocopy of the Certificate on Affixing Label in the Indonesian Language (SKPLBI) for Tires, for those who are required;
 - g. Photocopy of the Certificate of Product Using the Indonesian National Standard Identity (SKPPT-SNI) for Tires, for those who are required;
 - h. Photocopy of the Tire Type Registration Letter, for those who are required;
 - i. Photocopy of the Goods Registration Number (NPB) for Tires, for those who are required;
 - j. Plan of Goods Import (RIB) during 1 (one) year, which covers the type of goods, classification of goods/Tariff Post/HS of 10 (ten) digits, amount, country of origin, port of loading and port of destination; and

- k. Recommendation for Import of Tires from the Director General of Chemicals, Textile and Diversities Industry, Ministry of Industry.
- (2) Based on the written request, as meant in paragraph (1), the Director General issues the recognition as IP-Tire within not later than 5 (five) working days as of the date the request is received completely and correctly.
 - (3) In case the written request, as meant in paragraph (1), is incomplete and incorrect, then the Director General submits the notification on the rejection of request within not later than 5 (five) working days as of the date the request is received.

Article 5

The recognition as IP-Tire, as meant in Article 4 paragraph (2), applies for 1 (one) year, effective as of the date of issuance.

Article 6

- (1) The company that is intended to obtain the determination as IT-Tire, as meant in Article 3, should submit a written request to the Director General by attaching the following documents:
 - a. Photocopy of company's establishment deed including its amendment;
 - b. Photocopy of the Trade Business License (SIUP) or other similar types of business license from the authorized technical agency;
 - c. Photocopy of the Company Registration Identity (TDP);
 - d. Photocopy of the Taxpayer Registration Number (NPWP);
 - e. Photocopy of the General Importer Identity Number (API-U), which indicates section VII and/or XVII;
 - f. Evidence of the warehouse/storage location ownership in accordance with the characteristics of the product; and

- g. Evidence of the transportation means ownership in accordance with the characteristics of the product.
- (2) Based on the written request, as meant in paragraph (1), the Director General issues the determination as IT-Tire within not later than 5 (five) working days as of the date the request is received completely and correctly.
- (3) In case the written request, as meant in paragraph (1), is incomplete and incorrect, then the Director General submits the notification on the rejection of request within not later than 5 (five) working days as of the date the request is received.

Article 7

The Director General may assign the official of the Ministry of Trade to carry out the field inspection with regard to the suitability of the documents, as meant in Article 6 paragraph (1).

Article 8

The determination as IT-Tire, as meant in Article 6 paragraph (2), applies for 3 (three) years, effective as of the date of issuance.

Article 9

- (1) Each implementation of Tire import by the IT-tire should obtain the Import Approval from the Minister.
- (2) The Minister delegates the authority to issue the Import Approval, as meant in paragraph (1), to the Director General.

Article 10

- (1) The IT-Tire that is intended to obtain the Import Approval, as meant in Article 9, should submit a written request to the Director General, by attaching the following documents:
 - a. Photocopy of determination as IT-Tire;

- b. Photocopy of the Certificate on Affixing Label in the Indonesia Language (SKPLBI) for Tires, for those who are required;
 - c. Photocopy of the Certificate of Product Using the Indonesian National Standard SPPT-SNI) for Tires, for those who are required;
 - d. Photocopy of the Tire Type Registration Letter, for those who are required;
 - e. Photocopy of the Goods Registration Number (NPB) for Tires, for those who are required;
 - f. Plan of Goods Import (RIB) during 6 (six) months, which covers the type of goods, classification of goods/Tariff Post/HS of 10 (ten) digits, amount, country of origin, port of loading, and port of destination;
 - g. Appointment letter from the brand holder principal or factory abroad, which is legalized by the public notary and trade attaché at the local country; and
 - h. Recommendation for Tire Import from the Director General of Chemicals, Textile and Diversities Industry, Ministry of Industry.
- (2) Based on the written request, as meant in paragraph (1), the Director General issues the Import Approval within not later than 5 (five) working days as of the date the request is received completely and correctly.
- (3) In case the written request, as meant in paragraph (1), is incomplete and incorrect, then the Director General submits the notification on the rejection of request within not later than 5 (five) working days as of the date the request is received.

Article 11

The Import Approval, as meant in Article 10 paragraph (2), applies for 6 (six) months, effective as of the date of issuance.

Article 12

The company that has obtained the recognition as IP-Tire may only import Tires in order to be used to complete the production process of produced goods, and not to be traded and/or transferred to another party.

Article 13

- (1) In the framework of the expansion of business and its investment, the Tire industrial company may import Tires with the objective to test the market, after obtaining the determination as the Tire Importer Producer from the Minister.
- (2) The Minister delegates the authority to issue the determination as the Tire Importer Producer, as meant in paragraph (1), to the Director General.

Article 14

- (1) The Tire industrial company that is intended to obtain the determination as the Tire Importer Producer should submit a written request to the Director General, by attaching the following documents:
 - a. Photocopy of the Industrial Business License (IUI) which indicates the type of tire industry;
 - b. Photocopy of the Company registration Number (TDP);
 - c. Photocopy of the Taxpayer Registration Number (NPWP);
 - d. Photocopy of the Producer Importer Identity Number (API-P);
 - e. Photocopy of the Certificate on Affixing Label in the Indonesian Language (SKPLBI) for Tires, for those who are required;
 - f. Photocopy of the Certificate of Product Using the Indonesian National Standard (SPPT-SNI) for Tires, for those who are required;

- g. Photocopy of the Goods Registration Number (NPB) for Tires, for those who are required;
 - h. Photocopy of the Tire Type Registration Letter, for those who are required
 - i. Statement of willing to carry out the re-export in case the imported Tires are not in accordance with the determined goods, with regard to the determination as Tire Importer Producer, and the costs are borne by the concerned Importer; and
 - j. Recommendation for Tire import from the Director General of Chemicals, Textile and Diversities Industry, Ministry of Industry.
- (2) Based on the written request, as meant in paragraph (1), the Director General issues the determination as the Tire Importer Producer within not later than 5 (five) working days as of the date the request is received completely and correctly.
- (3) In case the written request, as meant in paragraph (1), is incomplete and incorrect, then the Director General submits the notification on the rejection of request within not later than 5 (five) working days as of the date the request is received.

Article 15

The determination as Tire Importer Producer, as meant in Article 14 paragraph (2), applies for 6 (six) months, which may only be extended 1 (one) time for 6 (six) months.

Article 16

Each import of Tires by the IP-Tire, IT-Tire and Tire Importer Producer may only be carried out through the following ports of destination:

- a. Seaport: Belawan in Medan, Tanjung Priuk in Jakarta, Tanjung Perak in Surabaya, Semayang in Balikpapan, Soekarno Hatta in Makassar, and Sorong in Papua; and/or

- b. Airport: all international airports in Indonesia.

Article 17

- (1) The import verification or technical tracing should first be carried out at the port of loading for each implementation of Tire import.
- (2) Implementation of the import verification or technical tracing, as meant in paragraph (1), is carried out by the Surveyor, which is appointed by the Minister.

Article 18

The Surveyor that is intended to obtain the determination as implementer of the import verification or technical tracing, as meant in Article 17, should comply with the following requirements:

- a. In possession of the Survey Service Business License (SIU-JS);
- b. Experienced as surveyor of minimum 5 (five) years;
- c. In possession of branches or representatives and/or affiliates abroad, and has a network to support the effectiveness of the verification or technical tracing service.
- d. In possession of good track records in the sector of the import verification or technical tracing activity management.

Article 19

- (1) The import verification or technical tracing, as meant in Article 17 paragraph (1), is carried out on the import of Tires, which covers the data or information of at least on the:
 - a. Country of origin and port of loading of goods;
 - b. Tariff Post or HS Number and description of goods;
 - c. Type and amount of goods;
 - d. Type and size of goods;
 - e. Time of shipment;
 - f. Port of destination;

- g. Conformity of the affixing of label to the Certificate of Affixing Label in the Indonesian Language (SKPLBI) for Tires, for those who are required;
 - h. Certificate of Product Using the Indonesian National Standard (SPPT-SNI), for those who are required; and
 - i. Tire Type Registration letter, for those who are required.
- (2) The result of the import verification or technical tracing, as meant in paragraph (1), is made in form of the Surveyor Report (LS) in order to be used as the customs supplementary document at the settlement of customs affairs in the import sector.
 - (3) The Surveyor collects the service fee from the importer for the implementation of the import verification or technical tracing, as meant in paragraph (1), which amount is determined by taking into account the benefit principle.

Article 20

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

Article 21

- (1) The IP-Tire, IT-Tire and Tire Importer Producer should submit the written report on the implementation of Tire import to the Director General once every 3 (three) months, not later than the 15th (fifteenth) day of the first month of the following quarter with copies submitted to the Director General of Chemicals, Textile and Diversities Industry of the Ministry of Industry, by attaching the photocopy of the Import Realization Control Card, which is initialed and sealed by the Customs Officer.
- (2) In addition to the submission of written report, as meant in paragraph (1), the Tire Importer Producer should also submit the report on the business expansion and investment related to

the Tire Import with the objective of market testing.

- (3) The reports, as meant in paragraph (1) and paragraph (2), are also submitted through <http://inatrade.kemendag.go.id>.

Article 22

The Surveyor is required to submit the written report on the implementation of the Tire import verification or technical tracing to the Director General every month within not later than the 15th (fifteenth) day of the following month.

Article 23

- (1) The recognition as IP-Tire, determination as IT-Tire, Tire Import Approval, and determination as Tire Importer Producer are withdrawn in case the company.
- a. Is proven as violating the provisions as meant in Article 12 for IP-Tire;
 - b. Does not submit the report, as meant in Article 21, for 2 (two) times;
 - c. Amends, adds, and/or replaces the contents indicated in the documents. on the recognition as IP-Tire, determination as IT-Tire, Tire Import Approval, and/or determination as Tire Importer Producer;
 - d. Submits incorrect data and/or information in the request for recognition as IP-Tire, determination as IT-Tire, Tire Import Approval, and/or determination as Tire Importer Producer;
 - e. Imports Tire which type is not in accordance and/or which amount exceeds the amount indicated in the Tire import document; and/or
 - f. Is declared guilty based on the court sentence that has permanent legal power for the criminal act related to the misuse of the recognition as IP-Tire, determination as IT-Tire, Tire Import Approval, and/or determination as Tire Importer Producer.

- (2) The withdrawal of recognition as IP-Tire, determination as IT-Tire, Tire Import Approval, and determination as Tire Importer Producer, as meant in paragraph (1), is determined by the Director General.

Article 24

- (1) The determination as Surveyor for the implementation of the Tire import verification or technical tracing is withdrawn in case the Surveyor:
 - a. Conducts violations in the implementation of the Tire import verification or technical tracing activity; and/or
 - b. Does not comply with the provision on the obligation to submit the written report, as meant in Article 22, for 2 (two) times.
- (2) The withdrawal of determination as Surveyor, as meant in paragraph (1), is determined by the Minister.

Article 25

- (1) The company, which imports Tire not in accordance with the provisions in this Regulation of the Minister, is imposed the sanction in accordance with the provisions of the legislative regulations.
- (2) The Tire, which is imported not in accordance with the provisions in this Regulation of the Minister, should be re-exported by the importer.
- (3) The costs to carry out the re-export, as meant in paragraph (2), are borne by the importer.

Article 26

The provisions in this Regulation of the Minister do not apply for the import of Tires, which are:

- a. Goods for the need of research and technology development;
- b. Goods for the need of exhibition;
- c. Goods for the need of automotive sports;

- d. Samples that are not for trade;
- e. Goods with special specification for the need of the government; and
- f. Exported goods that are rejected by the buyer abroad, which are then re-imported in the amount of maximum equal to the amount at the time of export.

Article 27

In addition to being subject to the provisions of this Regulation of the Minister, the implementation of Tire import is also subject to the provisions of the legislative regulations concerning Tire.

Article 28

For the interest of control on the implementation of this Regulation of the Minister, the Director General, jointly with the Director General of Chemicals, Textile and Diversities Industry of the Ministry of Industry, may establish the Tire Import Implementation Evaluation Team.

Article 29

Exception from the provisions regulated in this Regulation of the Minister is determined by the Minister by taking into account the suggestions from the related agencies.

Article 30

The Surveyor Report (LS) that has been issued based on the Regulation of the Minister of Trade Number 40/M-DAG/PER/12/2011 concerning the Tire Import Verification and Technical Tracing is declared still applicable until the completion of the customs clearance on the implementation of Tire Import by the importer.

Article 31

At the time this Regulation of the Minister commences applicable, the Regulation of the Minister of Trade Number 40/M-DAG/PER/12/2011 concerning the Tire Import Verification or Technical Tracing is withdrawn and declared not applicable.

Article 32

This Regulation of the Minister commences applicable 3 (three) months as of the date of its 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.

Enacted in Jakarta

On 29 June 2015

MINISTER OF TRADE OF THE REPUBLIC OF INDONESIA,

signed

RACHMAT GOBEL

Copy conforms to the original

Secretariat General

Ministry of Trade

Head of Legal Bureau,

signed and sealed

LASMININGSIH