
AUTHORIZED TRANSLATION



MINISTER OF TRADE OF THE REPUBLIC OF INDONESIA

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

NUMBER 20/M-DAG/PER/3/2016

CONCERNING

PROVISIONS FOR IMPORT OF CORN

UPON GRACE OF THE ONE ALMIGHTY GOD

THE MINISTER OF TRADE OF THE REPUBLIC OF INDONESIA,

- Considering: : a. that in order to maintain the availability of raw materials, encourage the national competitiveness, improve the income and welfare of farmers, and protect the consumer interest, it is necessary to regulate the import of corn;
- : b. that based on the consideration, as meant in letter a, it is necessary to determine the Regulation of the Minister of Trade concerning Provisions for Import of Corn.

- In view of:
1. Law Number 16 of 1992 concerning Quarantine of Animals, Fishes and Plants (State Gazette of the Republic of Indonesia of 1992 Number 56, Supplement to the State Gazette of the Republic of Indonesia Number 3482);
 2. 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);
 3. 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);
 4. Law Number 5 of 1999 concerning Prohibition of Monopoly Practices 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);
 5. 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);
6. 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);
 7. Law Number 18 of 2012 concerning Food (State Gazette of the Republic of Indonesia of 2012 Number 227, Supplement to the State Gazette of the Republic of Indonesia Number 5360);
 8. Law Number 19 of 2013 concerning Protection and Empowerment of Farmers (State Gazette of the Republic of Indonesia of 2013 Number 13, Supplement to the State Gazette of the Republic of Indonesia Number 5433);
 9. 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);
 10. 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;
 11. Presidential Regulation Number 7 of 2015 concerning State Ministry Organization;

12. Presidential Regulation Number 48 of 2015 concerning Ministry of Trade;
13. Presidential Regulation Number 71 of 2015 concerning Determination and Storage of Basic Need Goods and Important Goods;
14. Presidential Decree Number 79/P of 2015 concerning Replacement of Several State Ministers of the Working Cabinet for the period of 2014-2019;
15. Regulation of the Minister of Agriculture Number 88/Permentan/PP.340/12/2011 concerning Control on Food Security on the Importation and Exportation of Plant Originating Fresh Food;
16. Regulation of the Minister of Trade Number 53/M-DAG/PER/9/2014 concerning Trade Integrated Service
17. Regulation of the Minister of Trade Number 48/M-DAG/PER/6/2015 concerning General Provisions in the Import Sector;
18. Regulation of the Minister of Trade Number 70/M-DAG/PER/9/2015 concerning Importer Identity Number
19. Regulation of the Minister of Trade Number 08/M-DAG/PER/2/2016 concerning Organization and Work System of the Ministry of Trade.

HAS DECREED:

To determine : **THE REGULATION OF THE MINISTER OF TRADE CONCERNING PROVISIONS FOR IMPORT OF CORN.**

Article 1

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

1. Corn is the product of corn plant (*Zea mays* L) with Post Tariff/HS 1006.90.90.00.
2. Import is the activity of taking in goods into the customs area.
3. Corn Importer is the company that carries out the Import of Corn activities.
4. General Importer Identity Number, hereinafter referred to as API-U, is the identity as general importer.
5. Producer Importer Identity Number, hereinafter referred to as API-P, is the identity as producer importer.
6. Import Approval is the approval that is used as license to carry out the Import of Corn.
7. Recommendation is the letter issued by the minister or the appointed official, containing the technical clarification on Corn to be imported.
8. Minister is the minister who organizes the administration affairs in the trade sector.
9. Director General is the Director General of Foreign Trade, Ministry of Trade.

Article 2

- (1). Corn may be imported.

- (2). Corn, as meant in paragraph (1), may only be imported to fulfill the need of food, woof, and industrial raw material.

Article 3

The determination of amount and allocation of Corn that can be imported, as meant in Article 2, are determined and agreed upon in the coordination meeting of the economic sector at the ministerial level.

Article 4

- (1). The Import of Corn to fulfill the need of woof may only be carried out by Perum BULOG after obtaining the assignment from the government.
- (2). The Import of Corn to fulfill the need of food and industrial raw material may only be carried out by the company in possession of the API-U or API-P.
- (3). The assignment to Perum BULOG, as meant in paragraph (1), is provided by the Minister of BUMN (State Owned Company) based on the proposal of the Minister.

Article 5

- (1). The Import of Corn, as meant in Article 4, may only be carried out after obtaining the Import Approval from the Minister.
- (2). The Import Approval from the Minister for the Import of Corn to fulfill the need of woof by Perum BULOG, as

meant in paragraph (1), may only be carried out after obtaining the Recommendation from the minister who organizes the administration affairs in the agriculture sector.

- (3). The Minister provides the mandate to issue the Import Approval, as meant in paragraph (1), to the Director General.

Article 6

- (1). In order to obtain the Import Approval, as meant in Article 5 paragraph (1), Perum BULOG should electronically submit the request to the Minister, in this case the Director General, by attaching the API-U and Recommendation from the minister who organizes the administration affairs in the agriculture sector or the appointed official.
- (2). In order to obtain the Import Approval, as meant in Article 5 paragraph (1), the API-U or API-P owner company should electronically submit the request to the Minister, in this case the Director General, by attaching the following:
 - a. Establishment deed of the company, including its amendment(s);
 - b. API-U or API-P;
 - c. Notification of Goods Import (PIB), for the importer who has obtained the Import Approval before.

- d. Evidence on the ownership of the storage place in accordance with the characteristics of the product, for the API-U owner company;
 - e. Evidence on the control of the storage place in accordance with the characteristics of the product, for the API-P owner company; and
 - f. statement from the applicant, which contains the production capacity of the industry using corn raw material, for the API-P owner company.
- (3) In case the request, as meant in Paragraph (1) and paragraph (2) is complete and correct, then the Director General issues the Import Approval within not later than 3 (three) working days.
- (4) In case the requests, as meant in paragraph (1) and paragraph (2), are incomplete or incorrect, then the Director General rejects the issuance of the Import Approval

Article 7

- (1) The request for the Import Approval, as meant in Article 6 paragraph (2), is determined as follows:
- a. for the first quarter, namely the period of January-March, may only be submitted in December of the previous year;
 - b. for the second quarter, namely the period of April-June, may only be submitted in March;

- c. for the third quarter, namely the period of July-September, may only be submitted in June; and
 - d. for the fourth quarter, namely the period of October-December, may only be submitted in September.
- (2) The Import Approval is issued at each beginning of the quarter.

Article 8

- (1) The validity term of the Import Approval, as meant in Article 6 paragraph (3) for Perum BULOG, is in accordance with the validity term of the Recommendation, effective as of the date of issuance.
- (2) The validity term of the Import Approval, as meant in Article 6 paragraph (3) for the API-U or API-P owner company, is 3 (three) months effective as of the date of issuance.

Article 9

The Import Approval, as meant in Article 6 paragraph (3) contains minimum the data and/or information on:

- a. Number and date of the API-U or API-P issuance;
- b. Number and date of the Recommendation issuance;
- c. Name and address of importer;
- d. Volume of Corn per port of destination;
- e. Tariff Post/HS;
- f. Country of origin;
- g. Number and date of the Import Approval issuance; and

h. Validity term of the Import Approval.

Article 10

- (1) The validity term of the Import Approval, as meant in Article 8 paragraph (2), may be extended for the period of maximum 30 (thirty) calendar days.
- (2) The extension of the validity term of the Import Approval, as meant in paragraph (1), may only be provided as long as the date of the Bill of Lading of the country of origin does not exceed the validity term of the Import Approval.
- (3) The validity term of the Import Approval for the fourth quarter, namely the period of October-December, may not be extended.
- (4) The request for extension of the validity term of the Import Approval, as meant in paragraph (1), may only be submitted 1 (one) time for each importation period.

Article 11

- (1) In order to obtain the extension of the validity term of the Import Approval, as meant in Article 10, the company should electronically submit the request to the Minister, in this case the Director General, by attaching the following:
 - a. Import Approval that is still valid;
 - b. Bill of Lading; and
 - c. Statement upon sufficient revenue stamp from the

importer on the reason of submitting the request for extension of the validity term of the Import Approval.

- (2) The Director General issues on behalf of the Minister:
 - a. The extension of the validity term of the Import Approval within not later than 3 (three) working days as of the date the request is received completely and correctly; or
 - b. The rejection to issue the extension of the validity term of the Import Approval within not later than 3 (three) working days as of the date the request is received in case the request is incomplete and/or incorrect.
- (4) The extension of the validity term of the Import Approval, as meant in paragraph (2) letter a, is submitted to the company and the copy is submitted to the related agency.

Article 12

- (1) The submission of request to obtain:
 - a. The Import Approval, as meant in Article 6; and
 - b. The extension of the validity term of the Import Approval, as meant in Article 11,may only be served with the electronic system through <http://inatrade.kemendag.go.id>.
- (2) In case of force majeure, which causes that the

electronic system through <http://inatrade.kemendag.go.id> is not functioning, then the request, as meant in paragraph (1), is submitted manually.

Article 13

- (1) The Import Approval, as meant in Article 6, and the extension of the validity term of the Import Approval, as meant in Article 11, is passed on electronically from the INATRADE portal to the portal of the Indonesia National Single Window (INSW).
- (2) In case the Import of Corn is carried out through the port that is not connected to the Indonesia National Single Window (INSW), then the copy of the Import Approval is submitted manually to the related agency.

Article 14

Corn that is imported by the API-P owner company may only be used as raw material or auxiliary material for the need of own production process and is prohibited to be traded and/or transferred to another party.

Article 15

The Recommendation is one inseparable unit of the Import Approval.

Article 16

- (1) The Corn Importer is required to electronically submit the report on the implementation of the Import of Corn, either realized or not realized, through <http://inatrade.kemendag.go.id> to the Minister, in this case the Director General, with copies to
 - a. Deputy of Food and Agriculture Coordination Sector;
 - b. Deputy of Agro and Pharmacy Business Sector, Ministry of BUMN (State Owned Company);
 - c. Director General of Food Plants, Ministry of Agriculture; and
 - d. Director General of Agro Industry, Ministry of Industry.
- (2) The report, as meant in paragraph (1), is submitted monthly within not later than the 15th day of the following month.
- (3) The report, as meant in paragraph (1), should be completed with the Import realization control card, which is electronically submitted to the Director General within not later than 15 (fifteen) days effective as of the expiration date of the validity term of the Import Approval.
- (4) In case of force majeure, which causes that the electronic system through <http://inatrade.kemendag.go.id>

is not functioning, then the reports, as meant in paragraph (1) and paragraph (3), are submitted manually.

Article 17

The company that does not implement the obligation of submitting the reports, as meant in Article 16 for 2 (two) times, is imposed the sanction of postponement of the issuance of the Import Approval during 3 (three) months.

Article 18

The Import Approval is withdrawn in case the company:

- a. Is proven as violating the provision of prohibition to trade and/or transfer the imported Corn to another party, as meant in Article 14, for the API-P owner company;
- b. Is proven as amending, adding and/or replacing the contents of the Import Approval;
- c. Is proven as submitting incorrect data and/or information as requirement to obtain the Import Approval, after the Import Approval has been issued;
- d. Imports Corn which type and/or amount is not in accordance with the contents of the Import Approval;
- e. Conducts violation based on the assessment and recommendation of the related technical agency; and/or
- f. Is declared guilty based on the court sentence that has permanent legal power with regard to the criminal act

related to the misuse of the Import Approval and/or imported Corn.

Article 19

The postponement of issuance and withdrawal of the Import Approval, as meant in Article 17 and Article 18, is carried out by the Director General on behalf of the Minister.

Article 20

The company that has been imposed the sanction of withdrawal of the Import Approval, as meant in Article 18, may only resubmit the request for the Import Approval after 1 (one) year as of the date of withdrawal.

Article 21

- (1) The importer who imports Corn 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) Corn that is imported not in accordance with the Import Approval and/or not in accordance with the provisions of this Regulation of the Minister should be re-exported.
- (3) Costs for the implementation of re-export, as meant in paragraph (2) are the responsibility of the Importer.

Article 22

- (1) The Import of Corn that is the:
 - a. Personal goods of passenger and/or crew of the transportation means in accordance with the provisions of the legislative regulations in the customs sector;
 - b. Consignment in accordance with the provisions of the legislative regulations in the customs sector;
 - c. Goods that has been re-exported and then re-imported with the amount of maximum equal to the amount at the time of export, which is proven with the Notification of Goods Export;
 - d. Cross border goods in accordance with the provisions of the legislative regulations in the customs sector with the cross border trade bilateral agreement,

are excepted from the provisions in this Regulation of the Minister.

- (2) The Import of corn that is the:
 - a. Gift/grant consignment for the need of public religious worship, charity, social, or for the interest of handling natural disasters;
 - b. Goods for the need of international organizations including their officials who are assigned in Indonesia;

- c. Goods of the foreign country representatives including their officials who are assigned in Indonesia;
 - d. Goods for the need of research and science development; and/or
 - e. Sample that is not for trade, should obtain the approval from the Director of Import, Directorate General of Foreign Trade, Ministry of Trade.
- (3) In order to obtain the approval, as meant in paragraph (2), the applicant should submit the request in writing to the Director of Import, Directorate General of Foreign Trade, Ministry of Trade, by attaching the technical consideration from the ministry that organizes the administration affairs in the agriculture sector.

Article 23

In the framework of monitoring and evaluating the Import of Corn policy, the Directorate General of Foreign Trade, Ministry of Trade, carries out the control on the Import implemented by the Corn Importer.

Article 24

Technical instructions for the implementation of this Regulation of the Minister may be determined by the Director General.

Article 25

The exception from the provisions that are regulated in this Regulation of the Minister should be upon the approval of the Minister after obtaining inputs from the related agency.

Article 26

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.

Enacted in : Jakarta

On : 24 March 2016

MINISTER OF TRADE OF THE REPUBLIC OF INDONESIA

signed

THOMAS TRIKASIH LEMBONG

Copy conforms to the original

Secretariat General

Ministry of Trade

Head of Legal Bureau,

signed and sealed

LASMININGSIH

Translated from Indonesian Language
Jakarta, May 15, 2017
Authorized and Sworn Translator,

FIKRI SAID OBED