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AUTHORIZED TRANSLATION  
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**MINISTER OF TRADE OF THE REPUBLIC OF INDONESIA**

**REGULATION OF THE MINISTER OF TRADE OF**

**THE REPUBLIC OF INDONESIA**

**NUMBER 77/M-DAG/PER/11/2016**

**CONCERNING**

**PROVISIONS ON TIRES IMPORT**

**BY THE GRACE OF THE ONE SUPREME GOD**

**THE MINISTER OF TRADE OF THE REPUBLIC OF INDONESIA,**

- Considering : a. that to support the availability and fulfillment of domestic demand for tires, encourage development of the national tire industry, create fair business competition, and improve the national competitiveness, it is necessary to re-regulate the provisions on the import of tires.
- b. that based on the consideration as referred to in item a, it is necessary to stipulate a Regulation of the Minister of Trade concerning Provisions on the Tires Import;

- In view of : 1. Law Number 7 of 1994 concerning Ratification of the Agreement Establishing The World Trade Organization

- (Official Gazette of the Republic of Indonesia of 1994 Number 57, Supplement to the Official Gazette of the Republic of Indonesia Number 3564);
2. Law Number 10 of 1995 concerning Customs (Official Gazette of the Republic of Indonesia of 1995 Number 75, Supplement to the Official Gazette of the Republic of Indonesia Number 3612) as already amended by Law Number 17 of 2006 concerning Amendment to Law Number 10 of 1995 concerning Customs (Official Gazette of the Republic of Indonesia of 2006 Number 93, Supplement to the Official Gazette of the Republic of Indonesia Number 4661);
  3. Law Number 5 of 1999 concerning the Prohibition of Monopolistic and Unfair Business Competition Practices (Official Gazette of the Republic of Indonesia of 1999 Number 33, Supplement to the Official Gazette of the Republic of Indonesia Number 3817);
  4. Law No. 8 of 1999 on Consumers Protection (Official Gazette of the Republic of Indonesia of 1999 Number 42, Supplement to the Official Gazette of the Republic of Indonesia Number 3821);
  5. Law Number 39 of 2008 concerning State Ministries (Official Gazette of the Republic of Indonesia of 2008 Number 166, Supplement to the Official Gazette of the Republic of Indonesia Number 4916);

6. Law Number 3 of 2014 concerning Industry (Official Gazette of the Republic of Indonesia of 2014 Number 4, Supplement to the Official Gazette of the Republic of Indonesia Number 5492);
7. Law Number 7 of 2014 concerning Trade (Official Gazette of the Republic of Indonesia of 2014 Number 45, Supplement to the Official Gazette of the Republic of Indonesia Number 5512);
8. Law Number 20 of 2014 concerning Standardization and Conformity Assessment (Official Gazette of the Republic of Indonesia of 2014 Number 216, Supplement to the Official Gazette of the Republic of Indonesia Number 5584);
9. Presidential Regulation Number 7 of 2015 concerning State Ministries Organization (Official Gazette of the Republic of Indonesia of 2015 Number 8);
10. Presidential Regulation Number 48 of 2015 concerning the Ministry of Trade (Official Gazette of the Republic of Indonesia of 2015 Number 90);
11. Presidential Decree Number 83/P of 2016 concerning the Replacement of Several State Ministers of the Working Cabinet for the Period of 2014-2019.
12. Regulation of the Minister of Trade Number 14/M-DAG/PER/3/2007 concerning Standardization of Trade Sector Services and Supervision to the Obligatory Indonesian National Standard (SNI) of Traded Goods and

Services as amended several times, recently by the Regulation of the Minister of Trade Number 72/M-DAG/PER/ 9/2015 concerning the Third Amendment to the Regulation of the Minister of Trade Number 14/M-DAG/PER/3/2007 concerning Standardization of Trade Sector Services and Supervision to the Obligatory Indonesian National Standard (SNI) of Traded Goods and Services (Official Gazette of the Republic of Indonesia of 2015 Number 1518);

13. Regulation of the Minister of Trade Number 46/M-DAG/PER/8/2014 concerning General Provisions on Technical Verification or Examination in the Sector Trade (Official Gazette of the Republic of Indonesia of 2014 Number 1104);
14. Regulation of the Minister of Trade Number 48/M-DAG/PER/7/2015 concerning General Provisions on Import (Official Gazette of the Republic of Indonesia Of 2015 Number 1006);
15. Regulation of the Minister of Trade Number 70/M-DAG/PER/9/2015 concerning Importer Identification Numbers (Official Gazette of the Republic of Indonesia of 2015 Number 1516);
16. Regulation of the Minister of Industry Number 76/M-IND/PER/9/2015 concerning the Compulsory Enforcement of the Indonesian National Standard for Tires (Official

Gazette of the Republic of Indonesia of 2015 Number 1448);

17. Regulation of the Minister of Trade Number 08/M-DAG/PER/2/2016 concerning the Organization and Work System of the Ministry of Trade (Official Gazette of the Republic of Indonesia of 2016 Number 202);

**HAS DECIDED:**

To Stipulate : **REGULATION OF THE MINISTER OF TRADE CONCERNING PROVISIONS ON TIRES IMPORT**

**Article 1**

In this Regulation of the Minister, the following capitalized terms shall have definition as follows :

1. Tires shall mean the essential part of a vehicle manufactured from a mixture of natural rubber and/or synthetic rubber, which are fixed and/or not to the rims included in HS Code 4011, 4013 and 8708.
2. Import shall mean the activity of entering goods into the customs area.
3. Import Approval shall mean an approval used as a permit to carry out the import of tires.
4. Recommendation shall mean a certificate issued by the authorized official of the relevant technical agency/unit and as a requirement for consideration material in the issue of Import Approval.

5. Technical verification or examination of import shall mean the examination and inspection of imported goods carried out by surveyors.
6. Surveyor shall mean a survey company that is authorized to perform technical verification or examination of the Imported goods.
7. Minister shall mean the minister of trade.
8. Director General shall mean the Director General of Foreign Trade, Ministry of Trade

### **Article 2**

- (1) The Import of Tires shall be subjected to a restriction.
- (2) Tires of which the import shall be subjected to a restriction shall be as those listed in the Appendix forming an integral part hereof.

### **Article 3**

- (1) Tires as referred to in Article 2 may only be imported by any companies being the holder of Manufacturer Importer Identification Numbers (API-P) or companies being the holder of General Importer Identification Number (API-U) that have obtained Import Approval from the Minister
- (2) The Minister shall delegates the issue of the Import Approval as referred to in paragraph (1) to the Director General.

#### **Article 4**

Any companies being the holder of API-P as referred to in Article 3 paragraph (1) shall constitute a company that imports Tires only used to support or complete the production process of the goods produced.

#### **Article 5**

No companies being the holder API-P as referred to in Article 4 shall be allowed to trade and/or transfer imported tires to any other parties.

#### **Article 6**

(1) Any Companies intending to obtain Import Approval as referred to in Article 3 shall submit an application via online to the Director General, by attaching the following documents:

- a. API-P or API-U;
- b. Certificate of Product Using Indonesian National Standard Mark (SPPT SNI) for Tires, for those required;
- c. Goods Registration Number (NPB) for Tires, for those required;
- d. Goods Import Plan, covering type of goods, classification of goods/ Tariff Code /HS 10 (ten) digits, quantity, country of origin and port of loading, and port of destination;

- e. a letter of appointment from the principal being the holder of the brand or factory in foreign countries which is legalized by a public notary and trade attache in the local country;
  - f. evidence of control of storage area according to product characteristics, for companies being the holder of API-U;
  - g. evidence of control of transportation means according to product characteristics, for any companies being the holder of API-U; and
  - h. Recommendation from the Director General of Chemical, Textile and Miscellaneous Industries, Ministry of Industry.
- (2) Goods Import Plan as referred to in paragraph (1) item d:
- a. for 12 (twelve) months, for companies being the holder of API-P; and
  - b. for 6 (six) months, for companies being the holder of API-U.
- (3) Upon the application as referred to in paragraph (1), the Director General shall issue the Import Approval within not later than 3 (three) business days as of the receipt of the complete and correct application.
- (4) In the event that the application as referred to in paragraph (1) is incomplete and in correct, the Director General shall submit a notification on denial to the application within not



later than 3 (three) business days as of the receipt of the application.

#### **Article 7**

The Import Approval as referred to in Article 6 paragraph (3) shall be valid for the period of:

- a. 1 (one) year as of the date of issue, for companies being the holder of API-P; and
- b. 6 (six) months as of the date of issue, for companies being the holder of API-U.

#### **Article 8**

- (1) The validity period of the Import Approval as referred to in Article 7 may be provided with extension for a maximum of 30 (thirty) days.
- (2) To obtain the extension of the Import Approval validity period as referred to in paragraph (1), the company shall submit an application via online to the Director General, by attaching the following documents:
  - a. original valid Import Approval;
  - b. original Import Realization Control Card;
  - c. Bill of Lading (B/L); and
  - d. Manifest document (BC 1.1).
- (3) Upon the application as referred to in paragraph (2), the Director General shall issue an extension of the validity period of the Import Approval within not later than 3 (three)

business days as of the receipt of the complete and correct application.

### **Article 9**

- (1) Any companies that import tires shall report any changes related to the documents as referred to in Article 6 paragraph (1) item a to item g, and submit the application for changes to the Import Approval.
- (2) Any companies that import tires may submit the application for changes to the Import Approval in the event that there are changes in Tariff Code/HS, type, quantity, country of origin and port of loading, and/or port of destination of Import.
- (3) To obtain the change to the Import Approval as referred to in paragraph (1), the company shall submit an application via online to the Director General, by attaching the following documents:
  - a. documents experiencing changes as referred to in paragraph (1); and
  - b. Import Approval.
- (4) To obtain the change to the Import Approval as referred to in paragraph (2), the company shall submit an application via online to the Director General, by attaching the following documents:
  - a. Import Approval; and

- b. Recommendation from the Director General of Chemical, Textile and Miscellaneous Industries, Ministry of Industry
- (5) Based on the application as referred to in paragraphs (3) and (4), the Director General shall issue the change to the Import Approval within not later than 3 (three) business days as of the receipt of the complete and correct application.

### **Article 10**

- (1) The application for:
- a. Import Approval as referred to in Article 6;
  - b. extension of Import Approval as referred to in Article 8;
- and
- c. changes to the Import Approval as referred to in Article 9,
- shall be submitted online via <http://intrade.kemendag.go.id>.
- (2) In the event of a force majeure that causes failure to the electronic system, the application as referred to in paragraph (1) shall be submitted manually.

### **Article 11**

- (1) Every implementation of Tires Import shall firstly be subjected to technical verification or examination at the loading port.

- (2) The technical verification or examination as referred to in paragraph (1) shall be carried out by a Surveyor appointed by the Minister.

### **Article 12**

Any Surveyors intending to be appointed as the executive of Technical Verification or Examination as referred to in Article 11 shall meet the following requirements:

- a. having a Survey Service Business License (SIUJS);
- b. already experienced as a surveyor for at least 5 (five) years;
- c. having branches or representatives and/or affiliates abroad and a network to support the effectiveness of technical Verification or examination services
- d. having good track records in the field of managing technical Verification or examination activities.

### **Article 13**

- (1) Technical Verification or Examination as referred to in Article 11 paragraph (1) shall be carried out to the Import of Tires, covering data or information at least on:
- a. country of origin and port of loading;
  - b. Tariff Code or HS number and description
  - c. type and amount;
  - d. type and size;
  - e. shipping time;

- f. destination port; and
  - g. conformity of the Certificate of Product Using the Indonesian National Standard Mark (SPPT SNI) for Tires with the document of origin of the goods.
- (2) The results of the Technical Verification or Examination as referred to in paragraph (1) shall be contained in the form of a Surveyor Report (SR) to be used as a complementary customs document in customs settlement in the Import sector.
- (3) The SR as referred to in paragraph (2) shall contain a statement on the truth of the Technical Verification or Examination results and become the full responsibility of the Surveyor.
- (4) For the implementation of Technical Verification or Examination as referred to in paragraph (1), the Surveyor shall impose services fee upon the importer, at the amount which is determined by taking into account the principle of benefit.

#### **Article 14**

- (1) Any Companies being the holder of API-P and companies being the holder API-U that have obtained Import Approval shall submit report on the implementation of Tire Imports, whether realized and not, via online by attaching:
- a. scanned Import Realization Control Card that has been

- initialed by the Customs officer, for types of tires that have not been subjected to the provisions on recording the realization of Imports online and/or ports that are not yet connected to the Indonesia National Single Window (INSW); or
- b. scanned Notification of Imported Goods (PIB), for types of tires that have not been subjected to the provisions on recording the realization of Imports online and/or ports that are already connected to the Indonesia National Single Window (INSW).
- (2) The report as referred to in paragraph (1) shall be submitted via <http://inatrade.kemendag.goM>, by quarterly within not later than the 15th (the fifteenth day) of the first month of the subsequent quarter, to the Director General with a carbon copy to the Director General of Chemical, Textile and Miscellaneous Industries, Ministry of Industry.
- (3) In the event of a force majeure that causes failure to the electronic system, the report as referred to in paragraph (1) shall be submitted manually.

### **Article 15**

The Surveyors shall submit a written report on the implementation of Technical Verification or Examination of Tires Import to the Director General, by monthly within not later than the 15th (fifteenth) day of the following month.

### **Article 16**

Any companies failing to perform the obligation to submit the report as referred to in Article 14 shall be subjected to sanction in terms of suspension of application for Import Approval for the subsequent period.

### **Article 17**

The Import Approval shall be subjected to revocation if the company:

- a. is proven of violating the prohibition provisions as referred to in Article 5, for companies being the holder of API-P
- b. changes, adds, and/or replaces the contents listed in the Import Approval;
- c. submits incorrect data and/or information in the application for Import Approval, after the Import Approval is issued;
- d. imports the Tires of not suitable type and/or the quantity exceeds that stated in the Import Approval; and/or
- e. is declared in guilty based on an absolute court's judgment for a crime related to the abuse of Import Approval

### **Article 18**

The suspension of the application for the Import Approval as referred to in Article 16 and the revocation of the Import Approval as referred to in Article 17 shall be determined by the Director General.

### **Article 19**

- (1) Determination as Surveyor of the Executive of Technical Verification or Examination of Tires Import shall be subjected to revocation if:
  - a. committing a violation in the implementation of technical Verification or examination activities of Tires Import; and/or
  - b. failing to fulfill the obligation to submit written reports as referred to in Article 15 2 (two) times.
- (2) The revocation of as Executive Surveyor as referred to in paragraph (1) shall be determined by the Minister.

### **Article 20**

- (1) Any companies that import tires not in accordance with the provisions herein shall be subjected to sanction in accordance with the provisions of legislation.
- (2) Any tires that are imported not in accordance with the provisions herein shall be re-exported at the expense of the importer.

### **Article 21**

- (1) The provisions herein shall be excluded to any tires originating outside the customs area that are entered into the Free Trade Zone and Free Port.
- (2) Any tires originating outside the customs area shall not be released from the Free Trade Zone and Free Port to other



places within the customs area.

### **Article 22**

- (1) The provisions herein shall be excluded to Tires originating outside the customs area that are entered into the Bonded Logistics Center.
- (2) The provisions herein shall apply to any tires originating from outside the customs area to be released from the Bonded Logistics Center to another place within the customs area.
- (3) Tires originating outside the customs area to be released from the Bonded Logistics Center to other places within the customs area shall be subjected to technical verification or examination at the Bonded Logistics Center.

### **Article 23**

- (1) The provisions herein shall be excluded for the Import of Tires being:
  - a. goods for research and technology development purposes;
  - b. goods for exhibition purposes;
  - c. goods for automotive sports purposes;
  - d. sample goods not for trading;
  - e. goods with special specifications for government purposes;
  - f. export goods rejected by foreign buyers and then re-

imported at maximum quantity equal to the quantity at the time of export;

- g. Package goods; and
- h. luggage of passengers and crew of transportation means.

- (2) The import of tires for the purposes as referred to in paragraph (1) item g and item h shall obtain approval from the Director of Import.

#### **Article 24**

The implementation of the Import of Tires shall comply with the provisions herein and also those in other legislation on Tires.

#### **Article 25**

For the purpose of controlling the implementation hereof, the Director General together with the Director General of Chemical, Textile and Miscellaneous Industries of the Ministry of Industry may establish an Evaluation Team to the Implementation of the Tires Import

#### **Article 26**

The exception from the provisions stipulated herein shall be determined by the Minister by taking into account the suggestions from the relevant agencies.

#### **Article 27**

- (1) The provisions herein shall be excluded from the Tires

shipped before the effectiveness hereof.

- (2) Any tires shipped as referred to in paragraph (1) shall be proven by a Bill of Lading (B/L).
- (3) The tires that are shipped as referred to in paragraph (1) shall have arrived at the port of destination within not later than 45 (forty five) days as of the effectiveness hereof and shall be proven by customs documents in the form of Manifest (BC 1.1).

### **Article 28**

This Regulation of the Minister shall come into effect as of January 1, 2017.

For public cognizance, it is instructed to promulgate this Regulation of the Minister by inserting the same in the State Gazette of the Republic of Indonesia.

Stipulated in Jakarta

On : November 9, 2016

MINISTER OF TRADE OF THE REPUBLIC OF INDONESIA,

*signed*

ENGGARTIASTO LUKITA

Promulgated in Jakarta

On : November 11, 2016

DIRECTOR GENERAL OF LEGISLATION  
MINISTRY OF LAW AND HUMAN RIGHTS OF  
THE REPUBLIC OF INDONESIA,

*signed*

WIDODO EKATJAHJANA

STATE GAZETTE OF THE REPUBLIC OF INDONESIA OF 2016 NUMBER 1704

Copy conforms to the original

Secretariat General

Ministry of Trade

Act. Head of Legal Bureau,

*signed and sealed*

LASMININGSIH

**APPENDIX**

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

**NUMBER 77/M-DAG/PER/11/2016**

**CONCERNING**

**PROVISIONS FOR IMPORT OF TIRES**

**LIST OF TIRES WHICH IMPORT IS LIMITED**

<b>No.</b>	<b>Tariff Post/HS</b>	<b>Description of Goods</b>
	<b>40.11</b>	<b>Pressurized tire, new, from rubber.</b>
1.	4011.10.00.00	- From type used for motor vehicles (including station wagon and race car)
	4011.20	- From type used for bus and truck
2.	4011.20.10.00	- - With width not exceeding 450 mm
3.	4011.20.90.00	- - Others
4.	4011.40.00.00	- From type used for motorcycle
5.	4011.50.00.00	- From type used for two wheel bicycle
		- Others, has "herring bone" or similar type of soles:
	4011.611	- - From type used for vehicles and agriculture or forestry machines :
6.	4011.61.10.00	- - - From tractor type use for agriculture or forestry from post 87.01 or agriculture or forestry machines from post 84.29 or 84.30

7.	4011.61.90.00	- - Others
	4011.62	- - From type used for vehicles and construction or industrial machines and has the rim size not exceeding 61 cm:
8.	4011.62.10.00	- - From type used at tractor and machines of post 84.29 or 84.30, forklift or vehicles and other industrial machines
9.	4011.62.90.00	- - - Others
	4011.63	- - - From type used for vehicles and construction or industrial machines and has the rim size exceeding 61 cm:
10.	4011.63.10.00	- - - From type used for tractor, machines from post 84.29 or 84.30, forklift or vehicles and other industrial machines
11.	4011.63.90.00	- - - Others
12.	4011.89.00.00	- - - Others
		- - Others :
	4011.92	- - - From type used for vehicles and agriculture or forestry machines :
13.	4011.92.10.00	- - - From used at tractor, machine from post 84.29 or 84.30 or wheel barrows
14.	4011,92.90.00	- - - Others
	4011.93	- - From type used for vehicles and construction or industrial machines and has the rim size not exceeding 61 cm
15.	4011.93.10.00	- - - From type used for tractor, machine from post 84.29

		or 84.30, forklift, wheel barrows or other industrial vehicles or machines
16.	4011.93.90.00	- - - Others
	4011.94	- - From type used for vehicles and construction or industrial machines and has the rim size exceeding 61 cm
17.	4011.94.10.00	- - - From type used at machines from post 84.29 or 84.30
18.	4011.95.20.00	- - - From type used for tractor, forklift or other industrial vehicles and machines
19.	4011.94.90.00	- - - Others
	4011.99	- - - Others
20.	4011.99.10.00	- - - From type used for vehicles from Chapter 87
21.	4011.99.20.00	- - - From type used for at machines from post 84.29 or 84.30
22.	4011.99.30.00	- - Others, with width not exceeding 450 mm
23.	4911.99.90.00	- - - Others
	<b>40.13</b>	<b>Inner tube, from rubber</b>
	4013.10	- From type used for motor vehicles (including station wagon and race car), bus or truck
		- From type used for motor vehicles :
24.	4013.10.11.00	- - - Suitable to be installed at tire with width not exceeding 450 mm
25.	4013.10.19.00	- - - Suitable to be installed at tire with width exceeding

		450 mm
		- - From type used for bus or truck :
26.	4013.10.21.00	- - - Suitable to be installed at tire with width not exceeding 450 mm
27.	4013.10.29.00	- - - Suitable to be installed at tire exceeding 450 mm
28.	4013.20.00.00	- From type used for two wheel bicycle
	4013.90	- Others :
		- - From type used at machines from post 84.29 or 84.30
29.	2013.90.11.00	- - - Suitable to be installed at tire not exceeding 450 mm
30.	4013.90.19.00	- - Suitable to be installed at tire exceeding 450 mm
31.	4013.90.20.00	- - From type used for motorcycle
		- - From type used for other vehicles in Chapter 87 :
32.	4013.90.31.00	- - - Suitable to be installed at tire with width not exceeding 450 mm
33.	4013.90.39.00	- - - Suitable to be installed at tire with width exceeding 450 mm
		- - Others :
34.	4013.90.91.00	- - - Suitable to be installed at tire with width not exceeding 450 mm
35.	4013.90.99.00	- - - Suitable to be installed at tire with width exceeding 450 mm
	<b>87.08</b>	<b>Parts and accessories of motor vehicles from post 87.01 until 87.05</b>
	8708.70	- Wheel and parts and accessories



		- - Wheel with installed tire :
36.	8708.70.21.00	- - - For vehicles from post 87.01
37.	8708.70.22.00	- - - For vehicles from post 87.03
38.	8708.70.29.00	- - - Others

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

signed

**ENGGARTIASTO LUKITA**

Copy conforms to the original

Secretariat General

Ministry of Trade

Head of Legal Bureau,

*signed and sealed*

LASMININGSIH

I, **Anang Fahkcrudin**, a sworn and authorized translator, practicing in Jakarta, do solemnly and sincerely declare that the foregoing document is a true and faithful translation from **Indonesian into English** of the original version.

Jakarta, July 17, 2021