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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: 40/M-DAG/PER/7/2014**

**CONCERNING**

**AMENDMENT ON THE REGULATION OF THE MINISTER OF TRADE  
NUMBER 03/M-DAG/PER/1/2012 CONCERNING PROVISION OF IMPORT  
OF OZONE LAYER DEPLETING SUBSTANCE (BPO)**

**UPON BLESSINGS OF THE ONLY GOD**

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

- Considering :
- a. that in order to more improve the effectiveness of the BPO import implementation, it is necessary to amend several provisions of the Regulation of the Minister of Trade Number 03/M-DAG/PER/1/2012 concerning Provision of Import of Ozone Layer Depleting Substance (BPO);
  - b. that based on the consideration, as meant in letter a, it is necessary to enact the Regulation of the Minister of Trade concerning the Amendment on the Regulation of the Minister of Trade Number 03/M-DAG/PER/1/2012 concerning Provision of Import of Ozone Layer Depleting Substance (BPO).

- 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 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);
  4. Law Number 32 of 2009 concerning Environmental Protection and Management (State Gazette of the Republic of Indonesia of 2009 Number 140, Supplement to the State Gazette of the Republic of Indonesia Number 5059).
  5. Law Number 36 of 2009 concerning Health (State Gazette of the Republic of Indonesia of 2009 Number 144, Supplement to the State Gazette of the Republic of Indonesia Number 5063);
  6. 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);

7. Presidential Decree Number 84/P of 2009 concerning Formation of the United Indonesia Cabinet II, as has been amended several times and latest with the Presidential Decree Number 8P of 2014;
8. 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;
9. 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;
10. Regulation of the Minister of Trade Number 54/M-DAG/PER/9/2009 concerning General Provisions in the Import Sector;
11. 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;
12. Regulation of the Minister of Trade Number 03/M-DAG/PER/1/2012 concerning Provision of Import of Ozone Layer Depleting Substance (BPO).
13. Regulation of the Minister of Trade Number 27/M-DAG/PER/5/2012 concerning Provision of 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.

**HAS DECREED:**

To enact : **THE REGULATION OF THE MINISTER OF TRADE CONCERNING AMENDMENT ON THE REGULATION OF THE MINISTER OF TRADE NUMBER 03M-DAG/PER/1/2012 CONCERNING THE PROVISION OF IMPORT OF OZONE LAYER DEPLETING SUBSTANCE (BPO).**

**Article 1**

Several provisions in the Regulation of the Minister of Trade Number 03/M-DAG/PER/1/2012 concerning Provision of Import of Ozone Layer Depleting Substance (BPO) are amended as follows:

1. The provision of Article 1 is amended and reads as follows:

**Article 1**

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

1. The Ozone Layer Depleting Substance, hereinafter abbreviated BPO, is the chemical compound that has the potential of being able to react with the ozone molecules in the stratosphere layer.
2. The Ozone Layer Depleting Substance Producing Importer, hereinafter abbreviated IP-BPO, is the industrial company or industrial service company that uses BPO as standard material or supporting material at its own production process.
3. The Registered Ozone Layer Depleting material Importer, hereinafter abbreviated IT-BPO is the trade company that has obtained the appointment from the government to import and distribute BPO.

4. Recommendation is the letter issued by the related authorized agency/unit, which contains technical clarification and is not an import license/approval.
  5. Verification or technical tracing is the technical inspection activity and is not an import license/approval.
  6. Surveyor is the survey company that has obtained the authorization to carry out the verification or technical tracing on import products.
  7. Minister is the minister who organizes the administration affairs in the trade sector.
  8. Director General is the Director General of Foreign Trade, Ministry of Trade.
  9. Director General of BIM is the Director General in the manufacture sector, Ministry of Industry.
  10. Deputy of the Environmental Damage and Climate Change Control Sector is the Deputy in the sector of ozone layer protection effort, Ministry of Environment.
3. The provision of Article 6 paragraph (1) is amended and reads as follows;

#### **Article 6**

- (1) In order to obtain the recognition as IP-BPO, as meant in Article 3 paragraph (1), the company should submit the written request to the Director General by attaching the following documents:
  - a. Photocopy of Industrial Business License/Industrial Registration or other business licenses from the Technical Industry.

- b. Photocopy of Producer Importer Identity Number (API-P);
- c. Photocopy of Company Registration (TDP);
- d. Photocopy of Taxpayer Registration Number (NPWP);
- e. Photocopy of Decree of the Minister of Agriculture on the Pesticide Registration, especially for the import of BPO of type Methyl Bromide;
- f. Recommendation from the Deputy of the Environmental Damage and Climate Change Control Sector, Ministry of Environment;
- g. Recommendation from the Director General of BIM; and
- h. Production Plan for 1 (one) year.

- (2) Based on the written request, as meant in paragraph (1), the Director General issues the recognition as IP-BPO for maximum 5 (five) days as of the date the request is completely and correctly received.
- (3) The recognition as IP-BPO, as meant in paragraph (2), is issued by taking account of the capacity and plan of production for 1 (one) year.
- (4) In case the written request, as meant in paragraph (1). Is not complete and correct, then the Director General submits the notification on the rejection of request within not longer than 5 (five) working days effective as of the date the request is received.
- (5) The recognition as IP-BPO, as meant in paragraph (2), contains at least the information on the port of destination, amount and type of BPO, and Post Tariff/HS that may be

imported by the IP-BPO as well as the import implementation technical provisions.

(6) The recognition as IP-BPO, as meant in paragraph (2), applies for maximum 1 (one) year.

3. 1 one) article is inserted between Article 19 and Article 20, namely Article 19 A, which reads as follows:

#### **Article 19 A**

Exceptions from the provisions regulated in this Regulation of the Minister are determined by the Minister by considering the proposals of the related agencies.

#### **Article II**

This Regulation of this 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 : July 15, 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  
**LASMININGSIH**

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Translated from Indonesian Language  
Jakarta, August 19, 2015  
Authorized and Sworn Translator,

**FIKRI SAID OBED**