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AUTHORIZED TRANSLATION  
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**REGULATION OF MINISTER OF TRADE OF THE REPUBLIC OF INDONESIA  
NUMBER 39/M-DAG/PER/8/2013**

**CONCERNING**

**PROVISIONS ON SELF-CERTIFICATION IN THE FRAMEWORK OF THE  
SECOND PILOT PROJECT FOR THE IMPLEMENTATION OF SELF-  
CERTIFICATION SYSTEM**

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

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

- Considering :
- a. that in the framework of strengthening the trade relationship by improving the fluency of the flow of goods through the application of the Self Certification system among 3 (three) countries, the Government of the Republic of Indonesia, Government of the People's Democratic Republic of Laos and Government of the Republic of the Philippines have signed the *Memorandum of Understanding among the Governments of the Participating Member States of the Association of Southeast Asian Nations (ASEAN) on the Second Pilot Project for the Implementation of a Regional Self-Certification System* on 29 August 2012 in Siem Reap, Cambodia;
  - b. that in the framework of materializing the commitment as meant in letter a, the Government of the Republic of Indonesia has issued the Presidential Regulation Number 29 of 2013 concerning the Ratification of the *Memorandum of Understanding among the Governments of the Participating Member States of the Association of Southeast Asian Nations (ASEAN) on the Second Pilot Project for the Implementation of a Regional Self-*

*Certification System;*

- c. that in order to implement the Presidential Regulation Number 29 of 2013, as meant in letter b, it is necessary to regulate the Provisions of the Self Certification in the Framework of the Second Pilot Project for the Implementation of the Self Certification System;
- d. that based on the considerations as meant in letter a, letter b and letter c, it is necessary to enact the Regulation of the Minister of Trade concerning the Provisions of Self Certification in the Framework of the Second Pilot Project for the Implementation of the Self Certification System;

- In view of : 1. *Bedrijfsreglementerings Ordonnantie* 1934 (State Gazette of 1938 Number 86);
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 already amended by virtue of 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 36 of 2000 concerning Determination of Government Regulation as Replacement of Law Number 1 of 2000 concerning Free Trade Zone and Free Port into the Law (State Gazette of the Republic of Indonesia of 2002 Number 251, Supplement to the State Gazette of the Republic of Indonesia Number 4053) as has been amended with Law Number 44 of 2007 (State Gazette of

the Republic of Indonesia of 2007 Number 130, Supplement to the State Gazette of the Republic of Indonesia Number 4775);

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. Government Regulation Number 10 of 2012 concerning Treatment of Customs, Taxation and Excise as well as the Procedure of Bringing In and Taking Out Goods To and From and Located in the Zone That Has Been Determined as the Free Trade Zone and Free Port (State Gazette of the Republic of Indonesia of 2012 Number 17, Supplement to the State Gazette of the Republic of Indonesia Number 5277);
7. Presidential Decree Number 260 of 1967 concerning Affirmation on Duties and Responsibilities of the Minister of Trade in the sector of Foreign Trade;
8. Presidential Decree Number 85 of 1995 concerning Ratification of the *Protocol to Amend the Agreement on the Common Effective Preferential Tariff (CEPT) Scheme for the ASEAN Free Trade Area* (State Gazette of the Republic of Indonesia of 1995 Number 79);
9. Presidential Decree Number 84/P of 2009 concerning the Establishment of Indonesia Bersatu II Cabinet as already amended by virtue of Presidential Decree Number 59/P of 2011
10. Regulation of President Number 47 of 2009 concerning the Establishment and Organization of State Ministry as already amended lastly by virtue of Regulation of President Number 91 of 2011;
11. 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 92 of 2011;

12. Presidential Regulation Number 2 of 2010 concerning Ratification of the *ASEAN Trade in Goods Agreement* (State Gazette of the Republic of Indonesia of 2010 Number 2);
13. Presidential Regulation Number 29 of 2013 concerning the Ratification of the *Memorandum of Understanding among the Governments of the Participating Member States of the Association of Southeast Asian Nations (ASEAN) on the Second Pilot Project for the Implementation of a Regional Self-Certification System* (State Gazette of the Republic of Indonesia of 2013 Number 69);
14. Regulation of Minister of Trade Number 28/M-DAG/PER/6/2006 concerning Provisions on Export and Import Permit Arrangement Service by Electronic System through INATRADE in the framework of Indonesia National Single Window;
15. Regulation of Minister of Trade Number 13/M-DAG/PER/3/2012 concerning General Provisions in the Area of Export;
16. Regulation of the Minister of Trade Number 31/M-DAG/PER/7/2010 concerning Organization and Work Method of 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 : **REGULATION OF MINISTER OF TRADE CONCERNING**

**PROVISIONS ON SELF-CERTIFICATION IN THE  
FRAMEWORK OF THE SECOND PILOT PROJECT FOR THE  
IMPLEMENTATION OF SELF-CERTIFICATION SYSTEM.**

Article 1

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

1. Export is the activity of taking out goods from the customs area.
2. Producer Exporter is the Business Entity carrying out the production in the state area of the Republic of Indonesia and exports itself the product goods.
3. Certified Exporter, hereinafter referred to as EB, is the Producer Exporter provided the authority by the Ministry of Trade to issue the Invoice Declaration concerning the origin of an imported commodity.
4. Self Certification is the declaration scheme on the origin of goods in form of Invoice Declaration prepared by EB who will export the goods.
5. Invoice Declaration is the declaration of EB on origin of goods in the invoice in accordance with the *Memorandum of Understanding among the Governments of the Participating Member States of the Association of Southeast Asian Nations (ASEAN) on the Second Pilot Project for the Implementation of a Regional Self-Certification System*.
6. Origin of Goods Verification, hereinafter referred to as VAB, is the verification carried out by the Surveyor on the Producer Exporter in order to find out the legality of the company and in the framework of the origin of goods criteria compliance.
7. Surveyor is the survey company appointed by the Ministry

of Trade to carry out the VAB.

8. The Self Certification e-SKA System, hereinafter referred to as e-SKA SM is the web based information system that functions for the EB registration and issuance/integration of the Invoice Declaration issued by EB.
9. *Web Form* is a page or web based form that enables the user to input the data by way of *online*.
10. *Web Service* is a communication method between two systems in the framework of the electronic data exchange.
11. Minister is the minister who organizes the administration affairs in the trade sector.
12. Director General is the Director General of Foreign Trade, Ministry of Trade.
13. Director is the Director of Export and Import Facilitation, Directorate General of Foreign Trade, Ministry of Trade.

#### Article 2

- (1) The Self Certification for Indonesian export goods in form of Invoice Declaration may only be issued by the Producer Exporter who has obtained the determination as EB.
- (2) The Invoice Declaration, as meant in paragraph (1), functions as the origin of goods declaration.
- (3) The Indonesian export goods, as meant in paragraph (1), are produced and exported by the EB itself.

#### Article 3

The EB should include the Invoice Declaration when exporting the goods.

#### Article 4

- (1) The Invoice Declaration, as meant in Article 2, may only be used to export Indonesian export goods to the country as

indicated in Appendix I, which is an inseparable part of this Regulation of the Minister.

- (2) The export of Indonesian goods, as meant in paragraph (1), may not use the Invoice declaration of the third party country.
- (3) The Invoice Declaration, as meant in Article 2, may not be used simultaneously with the Certificate of Origin for the same export of goods transaction activities.

#### Article 5

- (1) The determination as EB, as meant in Article 2, is issued by the Director General.
- (2) The Director General delegates the authority to issue the determination as EB, as meant in paragraph (1), to the Director for and on behalf of the Director General.

#### Article 6

- (1) The Producer Exporter who is intended to obtain the determination as EB, as meant in Article 2, should comply with the following requirements:
  - a. has the status as Producer;
  - b. is a routine SKA Form D user producer;
  - c. has Human Resources who understand the ASEAN *Trade in Goods Agreement Rules of Origin* (ATIGA ROO);
  - d. has the Information Technology system;
  - e. has good track records; and
  - f. has been implemented the VAB by the Surveyor who is already determined by the Procurement Service Unit of the Ministry of Trade.
- (2) In case it is needed, the Directorate General of Foreign Trade, in this case the Directorate of Export and Import Facilitation, may request the Producer Exporter who is

intended to obtain the determination as EB, as meant in paragraph (1), to provide the exposure or prospectus on its export goods.

- (3) In order to obtain the determination as EB, as meant in Article 2, the Producer Exporter should submit the request through the e-SKA SM to the Director by attaching the following documents:
  - a. Trade Business License (SIUP) or similar type of business license from the authorized Agency;
  - b. Industrial Business License (IUI) or similar type of business license from the authorized Agency;
  - c. Company Registration (TDP);
  - d. Taxpayer Registration Number (NPWP);
  - e. Statement of willing to be audited; and
  - f. Name of signatories and samples of signatures of maximum 3 (three) persons who are authorized to sign the Invoice Declaration.

#### Article 7

- (1) Based on the request, as meant in Article 6 paragraph (3), the Director assigns the Surveyor who is already determined by the Procurement Service Unit (ULP) of the Ministry of Trade to carry out the VAB.
- (2) The results of VAB, as meant in paragraph (1), are entered into the VAB result report form.
- (3) The VAB result report, as meant in paragraph (2), contains at least the data on:
  - a. name of company;
  - b. address of company;
  - c. company Registration (TDP);
  - d. description of goods;
  - e. *Harmonized System* (HS) number based on information from the Producer Exporter;



- f. unit of goods type; and
  - g. origin of goods criteria compliance.
- (4) The form of the VAB result report, as meant in paragraph (2), is contained in Appendix II, which is an inseparable part of this Regulation of the Minister.
  - (5) The VAB result report, as meant in paragraph (2), is issued within not later than 3 (three) working days effective as of the date of the VAB process completion.
  - (6) The VAB result report, as meant in paragraph (2), is submitted to the Director as the basis of consideration to issue the determination as EB.
  - (7) The VAB result report, as meant in paragraph (2), and its supporting documents should be stored with the storage term of minimum 3 (three) years effective as of the issuance date of the VAB result report.
  - (8) The validity term of the VAB result report is 2 (two) years effective as of the date of issuance.

#### Article 8

- (1) The Director, on behalf of the Director General, issues the determination as EB within the period of not later than 5 (five) working days effective as of the date the request, as meant in Article 6 paragraph (3), is received completely and correctly.
- (2) The EB, as meant in paragraph (1) applies for the term of 2 (two) years effective as of the date of issuance and may be extended.

#### Article 9

- (1) The cost for the VAB, as meant in Article 7, is taken from the National Budget (APBN) of the running year.
- (2) In case the cost, as meant in paragraph (1), has been used

up, and there is still another Producer Exporter who submits the request to be determined as EB, then the VAB cost is charged to the Producer Exporter.

- (3) In case the budget of the running year has been used up, and the EB is intended to add other export goods to be carried out the VAB, then the VAB cost is charged to the EB owner Producer Exporter.
- (4) The VAB process for the Producer Exporter, as meant in paragraph (2) and paragraph (3), is carried out by the Surveyor, as meant in Article 7 paragraph (1) during the running year.
- (5) The VAB cost that is charged to the Producer Exporter, as meant in paragraph (2) and paragraph (3), is determined based on the agreement between the Producer Exporter and Surveyor by taking account of the benefit principle.

#### Article 10

The Exporter Producer who is intended to extend the EB, as meant in Article 8 paragraph (2), should undergo the re-VAB every 2 (two) years with the cost charged to the EB owner Producer Exporter.

#### Article 11

- (1) The issuance of the Invoice Declaration, as meant in Article 2, should use the e-SKA SM through the web address <http://sm.e-ska.kemendag.go.id>.
- (2) The e-SKA SM provides the Invoice Declaration data input method using the *web form* or *web service* that is integrated with the Invoice Declaration issuance system at the internal EB.
- (3) The EB has the right to choose the Invoice Declaration data input method, as meant in paragraph (2), for the issuance of its Invoice Declaration.

- (4) The form of the Invoice Declaration that is issued by using the web form data input method as meant in paragraph (2), is contained in Appendix III, which is an inseparable part of this Regulation of the Minister.
- (5) The data element in the Invoice Declaration, as meant in paragraph (4), uses the standard of the *World Customs Organization* (WCO) as contained in Appendix IV, which is an inseparable part of this Regulation of the Minister.
- (6) The Invoice Declaration, which is issued by using the web service data input method as meant in paragraph (2), uses the data element as meant in paragraph (5).

#### Article 12

- (1) The Invoice Declaration, as meant in Article 11, should be printed on the company letterhead of EB and signed by the official who is authorized to sign the Invoice Declaration and has been wet stamped.
- (2) The Invoice Declaration, as meant in Article 2, should at least contain the data and information on:
  - a. description of goods, Postal Tariff/Code HS 8 (eight) digits of the export destination country; and
  - b. the following sentence:

*“The exporter of the product (s) covered by this document (Certified Exporter Authorization Code....) declares, that, except where otherwise clearly indicated, the products (HS Code/s:.....) satisfy the Rules of Origin to be to be considered as ASEAN Originating Products under ATIGA (ASEAN country of origin: ..... ) with origin criteria: .....*

.....  
*Signature Over Printed Name of the  
Authorized Signatory”*

- c. The authentic code for identification of export goods determined by the Ministry of Trade in the e-SKA SM system.

#### Article 13

- (1) The Invoice Declaration, as meant in Article 2, applies for 1 (one) year effective as of the date of issuance.
- (2) The Invoice Declaration, as meant in paragraph (1), and its supporting documents should be stored with the minimum storage period of 3 (three) years effective as of the issuance date of the Invoice Declaration.

#### Article 14

The name of company, TDP number, company domicile, list of signatories and signature samples of maximum 3 (three) persons who are authorized to sign the Invoice Declaration, EB number including its validity term, and list of export goods should be submitted by the Director to the Secretariat of *The Association of Southeast Asian Nations* (ASEAN).

#### Article 15

- (1) The EB should submit the following reports:
  - a. amendment of company data, as meant in Article 6 paragraph (3), in case of any amendments;
  - b. amendment and/or revocation of the Invoice Declaration that has been issued, in case of an amendment or revocation;
  - c. change of the production process and origin of standard materials, in case of any changes; and/or
  - d. addition of export goods in the Invoice Declaration, in case of an addition.
- (2) The reports, as meant in paragraph (1), are submitted to the Ministry of Trade through the e-SKA SM immediately after the change, revocation and/or addition as meant in

paragraph (1).

#### Article 16

- (1) The determination as EB cannot be extended in case the EB owner Producer Exporter does not carry out the re-VAB every 2 (two) years as meant in Article 10.
- (2) The determination as EB is withdrawn in case the EB owner Producer Exporter:
  - a. does not submit the report as meant Article 15 paragraph (1);
  - b. conducts the violation on the origin of goods criteria compliance as contained in the Invoice Declaration based on the result of checking by the Ministry of Trade and/or customs of the export destination country;
  - c. conducts the violation in the export sector based on the legislative regulations; and/or
  - d. is declared guilty based on the court verdict that has a permanent legal power on the criminal act related to the misuse of export documents.

#### Article 17

The withdrawal as EB, as meant in Article 16 paragraph (2), is determined by the Director for and on behalf of the Director General.

#### Article 18

The Producer Exporter whose EB has been withdrawn, as meant in Article 16 paragraph (2), may resubmit the request to be determined as EB within minimum 1 (one) year effective as of the date of withdrawal.

#### Article 19

The Directorate of Export and Import Facilitation of the Ministry of Trade provide guidance to EB in the framework of the origin of goods compliance and verification of the export destination

country.

Article 20

The control on the export of goods by using the Invoice Declaration is carried out in accordance with provisions of the legislative regulations.

Article 21

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

Article 22

The implementation of this Regulation of the Minister is evaluated 1 (one) year after this Regulation of the Minister commences applicable.

Article 23

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

Dated August 13, 2013

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

*signed*  
**GITA IRAWAN WIRJAWAN**

Copy corresponds with the original  
Secretariat General of Ministry of Trade  
Head of Legal Bureau,  
*signed*  
**LASMININGSIH**